

FILE

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

# Lake Elmo City Council

## Tuesday

### February 7, 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:**

December 6, 2005 (Continued), January 17, 2006,  
January 24, 2006, January 27, 2006

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

**A. PUBLIC INQUIRIES:**

**B. PUBLIC INFORMATIONAL:**

- (1) Introduction of Chris Georgacas, Metropolitan Council Member
- (2) Reschedule March 7<sup>th</sup> City Council Meeting
- (3) Volunteer/ Employee Recognition Dinner

**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. Resol. No. 2006-010: Approving Claims**
- B. Resolution No. 2006-011: Partial Payment #4 for Water System Interconnect-Phase 1- \$10,427.20**
- C. (1) Resolution No. 2006-012: Partial Payment #2 for Water System Interconnect-Phase III-\$82,522.66**
- (2) Resolution No. 2006-013: Partial Payment #3 for Water System Interconnect-Phase III-\$10,709.71**
- D. Resolution No. 2006-014: Partial Payment #1 for the Water Tower - \$46,312.50**
- E. Parks Commission Appointments**

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.

<p><b>5. <u>FINANCE</u></b>  <b>A. Resolution No. 2006-015: Authorizing issuance, Award Sale for G. O. Equipment Cert.</b>  <b>6. <u>NEW BUSINESS</u></b></p>	<p>Tom Bouthilet &amp; Paul Donna</p>
<p><b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b>  <b>A. Maintenance Dept.:MAC Recommendation on GenSet (generator)</b>  <b>B. Fire Dept.-Update on Activities</b></p>	<p>M.Bouthilet</p>
<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b>  <b>A. Approve Plans for Water System Interconnect Phase IV and authorize ad for bids; Resolution No. 2006-016</b></p>	<p>Tom Prew</p>
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b>  <b>A. Shoreland Overlay Variance – 4473 Olson Lake Trail (Flanagan);Resolution No. 2006-017</b>  <b>B. Verbal Report on Comprehensive Plan</b></p>	<p>C. Dillerud</p>
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b>  <b>A. Lake Elmo vs. Sessing Mediation (City Attorney will have a handout at meeting)</b>  <b>B. J.P. Bush Homes vs. City (City Attorney will have a handout at meeting)</b></p>	<p>J. Filla</p>
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b>  <b>A. Proposed Joint Park with Oakdale for Youth Playfields</b>  <b>B. Comment Letter on Lake Elmo Park Reserve Amendment</b></p>	<p>M.Rafferty</p>
<p><b>12. <u>CITY COUNCIL REPORTS:</u></b>  <b>A. Mayor Johnston</b>  <b>B. Council Member Conlin</b>  <b>C. Council Member DeLapp</b>  <b>D. Council Member Johnson</b>  <b>E. Council Member Smith</b></p> <p><b>13. CLOSED SESSION:J.P. Bush Homes vs. City of Lake Elmo , Other Legal Issues</b></p>	
<p><b>Council Workshop: <u>February 14, 6:00 p.m.</u></b></p>	<p><b>BOARD OF REVIEW: <u>May 3, 4-6 p.m.</u></b>  <b>Employee and Volunteer Recognition Dinner, Friday, <u>March 10, 6 p.m.</u>, Tartan Park</b>  <b>CLEAN UP DAY: June 3, 2006</b></p>

**City of Lake Elmo  
City Council Meeting  
Minutes of January 17, 2006**

Acting Mayor Smith called to order the meeting of the Lake Elmo City Council at 7:00 p.m. with the Pledge of Allegiance. COUNCILMEMBERS PRESENT: Johnston, Johnson, DeLapp, and Conlin. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Finance Director T. Bouthilet, Building Official McNamara, Superintendent M. Bouthilet, Chief Malmquist, and Recording Secretary Schaffel. ALSO PRESENT: City Attorney Filla and City Engineer Prew.

**1. Agenda**

The Administrator asked to add 11E-Verbal Report on Oakdale Joint Park. Fire Chief asked to add 7C-Fire Department Updates. The City Attorney asked to speak about Systems Statement-9D. Councilmember DeLapp asked to talk about Chris Georgacas' comments at Boutwell's Landing last week under 9E and also for the Sprinkler Ordinance and about sprinkling the new Maintenance Shop as 7D-Sprinkler/Maintenance Shop. The Mayor asked to add the Presentation of the Plaque to Gloria Knoblach-3A.

M/S/P, Johnson/Conlin To approve the Agenda as amended. VOTE: 5:0.

**2. Minutes**

**a. *December 6, 2005***

M/S/P, Smith/Johnston, To postpone the Minutes of December 6, 2005 for two weeks because Councilmember Smith's is missing one sheet from an attached document and there are several inaccuracies.

The Mayor agreed more time was needed. VOTE: 5:0.

**b. *January 3, 2006***

Councilmember Conlin asked for a change to Page 2 under Public Inquiries Animal Control. Change to comment of "what she called untruths." Page 7 is confusing because she understood the wording in the center paragraph by Councilmember Smith regarding imposing fees, actually became part of the paragraph amended by the remedial measures document by the City Attorney. She would like that to be evident in the minutes. Councilmember DeLapp asked to Page 6, 3<sup>rd</sup> paragraph, add words from resident Sue Dunn where she addressed the need to modify the Village Master Plan and add "include sparing trees in our urban forest." Councilmember DeLapp said the next two pages are a series of one liners and then a resolution. Staff should work to incorporate the one liners into something meaningful, to work as a team.

M/S/P, Johnson/Conlin, To approve the Minutes of January 3, 2006 as amended. VOTE: 5:0.

**3. Public Informational**

**a. *Presentation to Gloria Knoblach***

M/S/P, Smith/DeLapp, To authorize the Mayor to sign the plaque and present it to Gloria Knoblach in recognition of spearheading the Friends of Lake Elmo Library resulting in the library returning to Lake Elmo. VOTE: 5:0.

**b. *Lake Elmo Jaycees Donation***

Administrator Rafferty introduced representatives of the Lake Elmo Jaycees who donated proceeds from fundraising. Jaycees' President Josh Ackerman and Michelle Carlson presented a donation in the amount of \$10,000.00. The Mayor thanked the Jaycees and said the City will use part of the funds for the Staff and Volunteer Recognition Dinner.

**4. Consent Agenda**

**a. *Approving Claims***

**b. *Trade-in 321 Case Loader for 580 Case Backhoe***

1. Resolution No. 2006-007

2. Resolution No. 2006-008

M/S/P, To adopt Resolution No. 2006-008 approving claim.

M/S/P, Johnson/Conlin, To approve 4A1 and 4C on the Consent Agenda.

Councilmember DeLapp said gas should be purchased downtown. The Finance Director said the Building Department fuels up at the other station, and they will be notified.

VOTE: 5:0.

M/S/P, Smith/Conlin, to Approve 4A2 on the Consent Agenda. Councilmember Johnson recused herself. VOTE: 4:0:1 Abstain: Johnson.

**c. *Pay Scale Adjustment***

M/S/P, Johnston/Smith, To adopt the 2006 Employee Pay Plan.

Councilmember DeLapp said City employees might be getting disproportionate increases. The City used to use the Stanton Survey of comparable cities to determine increases. The Mayor said he agrees but said we should approve this increase tonight, and later determine whether this is how we wish to continue the method of compensation for staff.

VOTE: 5:0.

**5. Finance**

None

**6. New Business**

**a. *Organizational: Planning Commission Appointments***

The Administrator explained the appointment process for commissioners. Council conducted interviews of commissioners with more than two terms along with new applicants at their workshop last week.

M/S/P, To reappoint Mark Deziel and Jennifer Pelletier to a second term on the Planning Commission for 3-year terms that will expire on January 16, 2009.

Motion, Councilmember DeLapp asked for an amendment to include reappointment of Commissioners Helwig and Sedro. FAILED FOR A SECOND.

VOTE: 5:0.



Councilmember DeLapp objected to the practice of one Planning Commissioner who argues strenuously during discussion and then abstains during the vote.

Motion, DeLapp, To reappoint Commissioners Helwig and Sedro to the Planning Commission for additional 3-year terms that will expire on January 16, 2009 because of their near perfect attendance, Bob Helwig's being elected chairman three times, and because Kathy Sedro brings well considered argument to the table. FAILED FOR A SECOND.

The Council cast ballots. Councilmember Conlin encouraged two applicants who will not be appointed tonight to reapply when an opening arises. Councilmember DeLapp asked for minutes or tapings of the Council Workshops in the future.

Administrator Rafferty tabulated the ballots and reported the vote:

Helwig-3 votes  
Sedro-3 votes  
Park-1 vote  
McGinnis-3 votes  
Nicole Park was eliminated for lack of votes.

A second ballot was taken to choose two of the three applicants who tied with three votes.

Helwig-4  
Sedro-3  
McGinnis-3  
Bob Helwig will be reappointed.

A third ballot was taken to choose one of the two applicants who tied with three votes.

McGinnis-3  
Sedro-2

M/S/P, Johnston/Conlin, To reappoint Bob Helwig to the Planning Commission for another 3-year term that will expire on January 16, 2009.

VOTE: 5:0.

**M/S/P, Johnston/ , To appoint Laurie McGinnis as Second Alternate to the Planning Commission. 4:1 Nay-DeLapp.**

The Mayor said Ms. McGinnis is in transportation planning, she is very well qualified, and we have problems with traffic in our City.

M/S/P, Johnson/Johnston, To appoint Julie Fliflet as Full Voting Member and Bob Van Zandt as First Alternate Member of the Planning Commission. VOTE: 5:0.

M/S/P, Conlin/Johnson, To grant Laurie McGinnis a requested leave of absence from the Planning Commission until she completes her Masters Degree in June 2006. M/S/P, DeLapp/Smith To amend to direct staff to ask Kathy Sedro to fill Laurie McGinnis' place on

the Planning Commission until Commissioner McGinnis comes onto the Planning Commission. VOTE to amend: 5:0. VOTE: 5:0.

**b. Organizational: Parks Commission Appointment**

M/S/P, Johnson/Smith, To reappoint David Steele to the Parks Commission for a 3-year term that will expire on January 16, 2009.

Councilmember DeLapp said David Steele does a good job, is active, he cares, and he participates. VOTE: 5:0.

**c. Mayor – Four Year Term**

Administrator Rafferty explained that the City has only received the opinions from eleven respondents to date. The Administrator recommended adding the question to a survey document in the February Newsletter in hopes of collecting more data.

M/S, Johnson/Johnston, To put the question of Mayoral Term in survey form in the February Newsletter in hopes of receiving more public input.

Councilmember Johnson said people wanted a more formal process. Councilmember Conlin said this has come before the Council several times, and we can keep asking until we get the desired outcome. The Mayor said he is in favor of not having a survey. MOTION AND SECOND WITHDRAWN.

M/S/P, DeLapp/Conlin, To continue the two-year term for Mayor in Lake Elmo.

The Mayor explained his reasons for wanting a change to four-year term including continuity of leadership, encouraging good candidates, and implementing the Comprehensive Plan and dealing with the Metropolitan Council. Councilmember Smith said 95% of residents do not support a four-year term and a good mayor will be reelected. Councilmember Conlin said two years gives voters the opportunity to affect change on the Council if they see something they don't like. Councilmember Johnson said she got a 50-50 response talking to voters. She supports four years for continuity and for the implementation of the Comprehensive Plan. The Mayor said he thinks the question is being asked in the wrong way. Councilmember DeLapp said the City remains politically polarized because there are big decisions to be made.

VOTE: 3:2 Nay- Johnson/Johnston.

**7. Maintenance/Park/Fire/Building**

**a. Maintenance Department – Gen Set (Generator)**

Superintendent Bouthilet explained the difference in voltage for the new building and the cost effectiveness of getting the permanently mounted generator at a discount of about \$10,000.00. He said the problem with renting is having a wired facility for it. Administrator Rafferty said the original plan included a rollup generator. We are looking at a change in design of the building that in the long-term would be better for the City. He said in a regional outage, we would have the new building operational for the crisis.

Councilmember Johnson asked why the MAC made no recommendation. Superintendent Bouthilet said they discussed it. MAC Chairman Talcott inquired about amperage and voltage for the new building.

M/S/P, Johnson/DeLapp, To send this request to MAC for a formal recommendation.

Councilmember DeLapp was concerned why we had to have 480. He asked if this were a potential emergency shelter space, what special safety precautions and other provisions for an emergency facility are in this building?

VOTE: 4:1 Nay-Smith

**b. *Update on Building Department Activities: Jim McNamara***

The Building Official presented the Summary Building Report for the Month of December and Year Ending 2005.

**c. *Fire Department Update: Greg Malmquist***

The Fire Chief said they had one applicant for safety officer, performed an interview with the District Chiefs, and Bernie Sachs was appointed unanimously.

M/S/P, Johnson/DeLapp, To approve Bernie Sachs as Safety Officer for Lake Elmo Fire Department. VOTE: 5:0.

The Chief reported the Fire Department collected \$745.53 in red kettles at Hagberg's for the Salvation Army. The Chief said they are looking at the process for hiring firefighters: they are recruiting for Lake Elmo residents and particularly for day firefighters at this time.

**d. *Sprinkler Ordinance//Maintenance Facility: Councilmember DeLapp***

Councilmember DeLapp said there is no reason to sacrifice lives when a sprinkler system in our new Maintenance Facility could protect our firefighters. He thought our new Maintenance Building had a sprinkler system, especially since it is so close to the new water tower.

M/S/P, Conlin/Smith, To direct staff to bring the topics of the Sprinkler Ordinance and sprinklers for the Maintenance Facility to the Council Workshop in February.

The Building Official said the type of building and its classification, its occupancy and what it is constructed of would not require this building to be sprinkled.

The Fire Chief said that working with City Code a couple of years ago, the state would not accept the wording of our Code and that is where it remains today.

VOTE: 5:0.

**8. City Engineer's Report**

**a. *Public Hearing: Water Systems Interconnection Phase IV Project: Resolution No. 2006-09 Ordering Plans and Specs***

The City Engineer explained Water Interconnect Phase IV. The total cost of this phase is \$490,000 which has already been bonded for. Hookup would include the 3M parcel, Prairie Ridge and Animal Inn. The appraiser was asked for the benefit to the seven properties in that area. City Engineer Prew said nobody petitioned for this project.

Administrator Rafferty said discussions with 3M resulted in the understanding they will pay their share of \$124,020. Engineer Prew said we are not forcing a hook up but residents will

have to pay for the increase in property value. If the project is approved tonight, we will begin construction in April 2006.

THE MAYOR OPENED THE PUBLIC HEARING AT 8:40 P.M.

**Jill Smith, 3M Real Estate Department**

Ms. Smith asked Administrator Rafferty who he spoke to at 3M about this project. She said she is interested in the process of determining benefit to property owners, and why the 3M parcel was different. She would like to see that assessment. She said their property is not zoned commercial at this time, and she would like to see how that worked. She asked if MUSA is planned for that parcel. She asked the process for hooking up in the future. She asked how interest is determined.

Engineer Prew said the assessment was per acre. The Mayor said MUSA is not planned for the next 25 years in that area. Engineer Prew said generally a second hearing is held for assessment, repayment term, and interest.

**Dennis Ostrander**

Dr. Ostrander is the veterinarian whose hospital sets back by Animal Inn. He said there is an assessment on an easement access. He asked if there is any legal recourse if he does not want the water.

The City Attorney explained this is not a special assessment hearing, this hearing is to determine whether to go ahead with this project. Anyone proposed to be assessed, will get a notice before that hearing. Generally if someone is not assessed and hooks up later they pay a connection charge equal to what the assessment would have been. If it is specially assessed it will be on the tax rolls accruing annually.

THE MAYOR CLOSED THE PUBLIC HEARING AT 8:47 P.M.

Councilmember DeLapp said we have to do this project for our water system but people should not have to pay for water they don't want or need.

M/S/P, Smith/Conlin, To adopt Resolution No. 2006-09, A Resolution Ordering Improvement and Preparation of Plans for the Water System Interconnection Phase IV Project.

Councilmember DeLapp said it is critical for people coming to a hearing to know what we plan to assess them. The City Attorney said the City should withhold the size of assessments until all the facts are gathered.

VOTE: 4:1 Nay-DeLapp.

THE MEETING RECESSED FOR FIVE MINUTES AT 8:51 AND RECONVENED AT 8:56 P.M.

**9. Planning, Land Use & Zoning**

**a. Austad/Pierre/Hurt – Wastewater Treatment**

The Planner explained that three properties have a history of septic system problems. The property owners engaged a septic designer to look at the DeMontreville Wildlife Area as well as a second area when the first did not come out as well as hoped. It would be constructed by

the property owners' construction firm and inspected and maintained by the City. The City Engineer would work with the owners' engineer with regard to some mechanical functions. Regardless of cost, it would be the responsibility of the property owners to pay the costs and then turn it over to the City.

Councilmember Conlin asked if there was an analysis done to charge the same as for the 201 Systems. She suggested taking a look at what the appropriate amount will be for maintaining this system after construction if it goes forward. The Planner said Superintendent Bouthilet can look at it.

M/S/P, Johnson/Johnston, To approve the plan for wastewater treatment to serve the Austad, Pierre, and Hurt properties per plans staff dated January 12, 2006 subject to the recommendations of the City Forester (landscape screening) and the City Engineer (system design). The property owners will pay the entire cost of the system and City construction inspection costs, and agree to pay City wastewater fees in an amount to be determined and in the same manner as properties connected to the City's 201 wastewater systems, conditional upon a written agreement with the property owners and the City prior to commencement with construction.

The Administrator said the owners will not have to pay for the use of the park land. Councilmember DeLapp said they should have to pay whatever the land is worth.

Councilmember Smith said she thinks these property owners were unsuspecting victims. Now we are trying to solve a problem in the best way possible without getting Oakdale sewer.

**Dave Austad**

Mr. Austad said they did not know the problem with the land when they bought it. The Council could have gotten the other land by eminent domain but they didn't do it. At some point he and his neighbors are going to run out of money. This plan is more costly than going to Oakdale for sewer.

Councilmember DeLapp said they should get rid of the mounds in the front yards to bring them back into the character of the neighborhood.

Mr. Austad said MN Rule 7080 says they have to follow rules for abandonment of a septic system. If it costs \$50,000 to change the yard, they may not be able to do it.

The Mayor asked the City Attorney whether they could include a land charge and forgive it in the future. Mr. Austad would not object.

Councilmember DeLapp said that part of the cost was land acquisition when we built 201's. We should incorporate the park land into the costs here. In the event the lawsuit is successful, the damages could be incorporated. Mr. Rooney, Mr. Austad's attorney, said they cannot contrive to add fees to this lawsuit. Provisional costs would complicate the situation.

Councilmember Conlin called the question. VOTE: 4:1 Nay-DeLapp.

The City Attorney will come back with the agreement for Council review and approval prior to construction.

**b. Appeal of Administrative Determination: Gorman's Restaurant**

The Board of Adjustment and Appeals reviewed the appeal by Ed Gorman to allow a drive up window at Gorman's Restaurant. The Planner explained the request for a minor addition for carryout orders. City Code prohibits drive through facilities when related to a restaurant in the GB District.

The Mayor opened the hearing of the Board of Adjustment and Appeals at 9:31 p.m.

Ed Gorman said he purchased the restaurant 26 years ago. He said he disagrees with the Planner's findings because he already has take out food. Adding 200 square feet will not make his restaurant fast food. He feels the Code is open to interpretation. He wants the change in order to facilitate the pick up business and perhaps sell more coffee. The Health Inspector approved the plans and their classification for his restaurant does not change. He spoke to all abutting property owners and received 100% support. He also supports that fast food should not be allowed. Language could be added to not allow fast food within a specific square footage of a school, park, or church. He said the coffee shop approved next door to him last year did not include a dishwasher. A drive through bank will not give you a loan at the window. All menu items will not be available at the window in his restaurant. He wants to take good care of his customers. In the old days, he said you could only buy gas at Lake Elmo Oil. Now you can buy food, groceries and sundry items. He would like the ability to grow his business in the same fashion.

Councilmember Conlin asked about outside menus. Mr. Gorman said he wants a small order station for coffee 4 X 4, lighted indirectly during open hours. Councilmember Conlin asked about traffic concerns.

The Mayor said the ordinance is written to prohibit drive-throughs but he thinks it was meant to prevent fast food restaurants. He would like to consider a change to the ordinance without opening the door to a fast food restaurant. Could we use Mr. Gorman's recommendation or some other tool without opening the door for fast food. The City Attorney said yes but not tonight. He said he thinks it is a legislative solution. He said Council can do it by definition of a restaurant and drive-up as opposed to drive through. He said there could be concerns for traffic on site and concerns for safety. The Code can clearly distinguish it from a fast food restaurant.

The Mayor closed the hearing at 9:44 p.m.

Councilmember Smith would like to be able drive to the pick up window. Councilmember DeLapp wrote the ordinance. He said now times have changed and it is reasonable to discuss today's intent. Councilmember Conlin said cafes and restaurants are limited to full service table operations but it does not say drive up not allowed. She recommended having the Planning Commission review it and Councilmember Smith agreed.

M/S/P, Smith/DeLapp, To support the administrative decision that no building permit be issued for the drive up modification not the restaurant per the terms of the GB zoning district that allows only "full service table operations."

Councilmembers DeLapp and Smith said they want the Planning Commission to find a sound method and process to allow a pick up window for full service restaurants while excluding fast



food.

VOTE: 4:1 Nay-Conlin she would have voted to approve the appeal and then ask the Planning Commission to review it.

The Planner will bring it to Planning Commission in February and return to Council with it by the end of February.

**c. *Appeal of Administrative Order – Rod Sessing***

The Planner said the Building Official ordered modifications requested by City Council to The Sessings. The Board of Adjustment and Appeals will review the appeal by Rod Sessing of an order to relocate a pet containment system, retaining wall, drainage system, and man-made berm to the 10 feet setback line and to restore natural drainage and landscape material with all run off to remain on the Sessing property.

The Mayor opened the hearing at 10:00 p.m.

Rod Sessing, 5699 Keats Avenue

He said he received the letter from James McNamara, and was astonished that all of these items are structures. He read the code definition for structures. He particularly disagreed that a pet containment system is a structure. He said the sloped berm was approved by the City when the pole building was constructed, and that slope offers insulation to frost footings. He said that Tom Prew told him that grading permits were never issued for residential properties. Two small spots of erosion on his property in the past, resulted in his putting in the drain tile. Neighbors allowed storage of the stone on their property for 30 days while work was completed. In 1998, the complaint was satisfied. In 1999, the fieldstone was alleged illegal and the Council created a resolution to allow it. Those items were not illegal then, yet now they are. He said a Grading Plan was submitted in 2004, yet the City never required one from a residential property before. 2.5 weeks later the Grading Plan was approved. The plan shows the 6X6s, the drain tile, and fieldstone. It was all approved. All of a sudden it has become a structure. He turned in a letter to the City with a statement from a certified civil engineer that there is less water moving off his property now than before the grading. He installed electrical fencing over the entire 11.5 acre parcel. There was never a problem with the location of the fencing during all the discussion of electronic fencing. He said the City allows The Ziertmans to have an electrified three feet fence, and there is a sign that says it is electrified. He said that is illegal. His wife moved their home occupation off site. He said the City shut down his business but allow The Ziertmans to have retail sales on their property. He asked how much money the City will waste on this. Now you want me to move dirt approved in two separate years. Now electric fences can't be there. Now the Code allows a solid stone fence on the property line but the City won't allow the six-by-six retaining wall that was approved in 1998. He pulled Building Permits as they were needed. Council wants him to move the dirt and not put the fieldstone back in, but the resolution of 1999 specifically allowed it. Culverts are greater structure than 4" pvc pipe that functions to keep water on his property. The City should not go back on their word. There is no statute of limitations for grading. If the Council sends it to court they let the residents pay more. Mr. Sessing distributed pictures of what he said were retaining walls within setback areas all over Lake Elmo.

Joan Ziertman

Mrs. Ziertman said this is fifth time she has spoken to Council on this issue. Council gave

correction order. She said it is not subject to appeal because it is not an administrative directive, so it is not subject to appeal. She said misinformation was given by Mr. Sessing. She said she came to the City over one year ago. Meetings and hours of testimony resulted in this directive. Mr. Sessing has never said he meets the Code. She asked the Council to ask Jerry Filla to add these to the complaint at Washington County. She said they did not move the business. There is still storage onsite. She said nobody wants 600 feet of PVC pipe down their property line. It is a structure that was constructed and it runs in and out of their property. She said the Code allows for retaining walls and landscaping of sod, seed, mulch and plantings. Everyone sees it is not a fence. It is not a fence based on Jerry Filla's definitions. She does not want to argue it again for a fifth time. With all the drainage issues, it has to be fixed. Mr. Sessing should not be allowed to do what nobody else is allowed to do. Fieldstone resolution was suspect because it was based on a Code that was going to be changed but never was. If he has to remove all of it to repair the grading, then Council has to give permission again. He should not be allowed to have permission a second time for something that never should have been allowed the first time.

The Mayor closed the hearing at 10:17 p.m.

Councilmember DeLapp asked if this is a viable hearing. Is the storage and business out of the house? Is the electric fence illegal or relevant? Is what we are doing permissible from a legal standpoint?

Councilmember Smith said the Council has gone through this over and over, and we have seen the pictures. We had no appeal for the drainage and gutters so she is not sure it is justified. She said the pictures submitted are illegal because there are no measurements.

M/S/P, Smith/Conlin, To deny the appeal and move forward and add the four items to our lawsuit.

Councilmember Conlin asked if this appeal is justified. Give the applicant the chance to appeal and make a decision.

Councilmember DeLapp asked if we learned something that we did not know before. He made the motion for that past resolution.

Councilmember Smith said a motion was made to use it as a landscaping material not for a retaining wall. There is no documentation for it.

Councilmember DeLapp asked if the motion he made then was for approval of fieldstone landscaping. The City Attorney said Mr. Sessing did not add any more after that. He does not recall photographs from that time and the minutes don't reflect it. There was also an issue of erosion that this landscaping was going to correct.

The Mayor called the question. VOTE: 4:1 Nay-DeLapp He said his was a throwaway vote, and he is not convinced we have thoroughly addressed all the issues. He thought he saw photographs of it seven years ago.

The City Attorney will make an amendment to the lawsuit for six additional issues.

**d. Systems Statement**

The Planner and City Attorney explained the City and Met Council met a few weeks ago with regard to our concerns expressed in our System Statement such as the Park and Ride specifics the City objects to and the classification of the City in map and text regarding non-sewered areas of the City.

*Councilmember DeLapp left the table at 10:32 p.m.*

*Councilmember DeLapp returned to the table at 10:33 p.m.*

The Planner said that what arrived late Friday was an example of what was done in the City of Shorewood. His reaction is a statement from Met Council Staff Attorney, it is more than we have right now and more than we might expect from the committee. If we accept this we would agree, and it would never come to the Met Council. We are not going to convince the Met Council Staff that the MOU has no significance. They want us to waive the rest of the hearing process in return for a directive from the staff attorney.

DeLapp/Johnson To work with the Administrator and City Planner to draft a document to accept the City Attorney's recommendation to stipulate by the Attorney for Met Council Staff

VOTE: 5:0.

**e. Boutwell's Landing Speech by Chris Georgacas**

Councilmember DeLapp said Mr. Georgacas refused to answer questions posed by Anne Smith. The point he made clearly was that cities have the obligation to maximize profits for developers and builders and if they don't, the Met Council is ready to step in and do it for them.

Mr. Georgacas will attend the Council meeting on February 7<sup>th</sup>. Councilmember DeLapp recommended adding it to the newsletter or taking out an advertisement in a newspaper. Staff and the Mayor will get together to determine how to get an interview for the newspaper.

**10. City Attorney's Report**

None

**11. City Administrator's Report****a. Appointment of Fire Chief to Full Time Status**

Administrator Rafferty said the City has reviewed the necessity to hire a fire chief to financially manage the fire operation more closely, to maintain equipment, and to manage the thirty member fire department. There has been significant reorganization of the depend planning for the future by the consultant. The CIP has the funding for it. It will save money over the next year.

M/S/P, Johnson/Conlin, To hire Gregory Malmquist as the full time Lake Elmo Fire Chief as of Wednesday, January 18, 2006.

Councilmember Smith said she holds the fire department and chief in high regard. She feels fiscally irresponsible at this time because we have not grown in the last two years. She would like to see the financial figures that support this appointment.

Councilmember DeLapp completely agrees, about 90% of all the calls are not for fires but for ambulance service. If given the choice, we would have an ambulance service here. We ought to have more information and a thorough workshop on it.

Councilmember Johnson said the previous council studied fire and didn't do anything. He said a few things this position will handle are the Fire Study, the Maintenance Facility, and daytime coverage. He said the Council has to move forward on recommendations from studies that we have known about for more than ten years.

Councilmember Conlin agreed and did not understand the request for more information. She said it should have been asked a long time ago. Planning is going to be crucial for a well thought out safety plan for the City.

Councilmember DeLapp said he would vote for half time but not full time.

Councilmember Johnson there was a Council Workshop and if more information is needed, it should be requested in a timely fashion.

VOTE: 3:2 Nay-Smith/DeLapp.

**b. *Begin Hiring Process on Assistant City Planner and City Engineer***

M/S/P, Johnson/Johnston, To direct staff to begin the hiring process for an Assistant City Planner and a City Engineer. VOTE: 5:0.

**c. *Set date for Council/Parks/Washington County Technical Committee Meeting***

The Councilmembers will e-mail availability.

**d. *Fire Department Operational Policy Manual***

M/S/P, Conlin/DeLapp, To appoint Councilmember Johnson to work with the Administrator and the Fire Chief in the on-going development and modification of the LEFD Manual.

VOTE: 5:0.

**e. *Lake Elmo Oakdale Playfield***

Administrator Rafferty reported that at a work session last week, Lake Elmo staff met with Oakdale staff. Lake Elmo's vision of a jointly owned and operated park did not meet Oakdale's vision. Lake Elmo Staff expressed concerns with how a joint organization would function, maintenance questions, the composition of the organizational structure, and design of the field. A representative from Parks and the Council should be in on the initial design and then that would dissipate into administrative staff to manage this thing.

The Mayor suggested that Councilmembers Conlin and DeLapp would be good reps for that board.

Councilmember Conlin said she wants to go through the processes and steps properly, and she would not be able to sit on that board. Councilmember DeLapp said he has very serious reservations. Councilmember Smith volunteered to serve on that committee.

Motion, DeLapp To go forward with investigating this type of plan and appoint Councilmember Smith to participate in any discussions and to keep an eye on this project. FAILED FOR A SECOND.

Motion, Conlin To bring this concept to both Parks and Planning Commissions for their opinions prior to any discussions with Oakdale. FAILED FOR A SECOND.

Councilmember Smith asked if Oakdale could proceed without us. The Administrator said the City is in charge of the zoning and use for that parcel so Oakdale has to work with Lake Elmo.

M/S/P, Smith/Johnston To simultaneously have discussions with Oakdale while we send the proposal to the Parks Commission and Planning Commission for approval recommendations.

The Administrator said the City is looking for the foundations of an agreement, not an agreement yet because business questions need to be answered first.

VOTE: 3:2 Nay – DeLapp, We should collect some guidelines from the Parks Commission, neighbors around the proposed park, and the Planning Commission. Conlin – The proposal should be presented to the Parks and Planning Commissions first.

*Councilmember Johnson left the table at 11:48 p.m.*

## **12. City Council Reports**

### ***a. Mayor Johnston***

Mayor Johnston reported he was invited to serve on the Board of Directors for the Regional Mayors' Conference.

### ***b. Councilmember Conlin***

### ***c. Councilmember DeLapp***

### ***d. Councilmember Johnson***

### ***e. Councilmember Smith***

Councilmember Smith said she would like to get moving on Code Enforcement. She said it will become a very important issue soon.

Mayor Johnston adjourned the meeting at 11:50 p.m.

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary

**City of Lake Elmo  
City Council Emergency Meeting  
Minutes of January 24, 2006**

Mayor Johnston called to order the Emergency Meeting of the Lake Elmo City Council at 6:00 p.m. COUNCILMEMBERS PRESENT: Smith, Johnson, DeLapp, and Conlin (6:10 p.m.). STAFF PRESENT: Administrator Rafferty, Planner Dillerud, and Recording Secretary Schaffel. ALSO PRESENT: City Attorney Filla (6:06 p.m.) Planning Commissioners Van Zandt and Roth.

**Agenda**

Councilmember DeLapp expressed concern about the method of disseminating information regarding this Emergency Meeting. He said he did not receive meeting information in a timely manner.

The mayor said an e-mail was sent at 9:51 a.m. on January 23, 2006 with regard to the proposed Agenda for tonight's meeting.

Administrator Rafferty explained his communications with regard to the anticipated letter from Met Council. Staff was asked to post the notice on the web and to e-mail the Council. Arrangements were made to televise this meeting.

The mayor said he received a telephone message from Peter Bell and relayed the information to staff.

Councilmember Smith asked to begin discussion because Councilmember DeLapp has to leave for his meeting of the Washington County Planning Commission. Councilmember Conlin asked to go through the items in the letter and to discontinue other discussions because we have a deadline of February 1.

The Planner said we submitted a Comprehensive Plan to Metropolitan Council on September 6. We received a letter later in September where Metropolitan Council said our submission was incomplete. On November 18 administrative staff and Councilmember Smith and Mayor Johnston met with Metropolitan Council. They were advised at that time that there would be a review letter. After the meeting the Planner said we started submitting items from that September review letter. On January 6, 2006, eight copies of everything were submitted to the Metropolitan Council. We thought we were done except for a couple of items. We did not even receive confirmation it was received. Staff started phoning to find out what was going on. Blair Tremere called on Thursday and said we would have confirmation Friday. It did not come. The letter came on Monday.

The three page enclosure from the Metropolitan Council letter was discussed. The Aviation paragraphs relate to the Village Plan that Metropolitan Council still does not have. The Planner will resubmit items where the Met Council says they haven't received it yet.

The text has been changed to reflect the household and population discrepancies indicated in their letter. All four bullets on page E-2 have already been fixed within the Comp Plan text.

In the area of Land Use – Alternative Densities, the numbers are reflective of the remedial measures the Metropolitan Council has imposed on the City through their Resolution No. 2005-20.



Councilmember Smith said she was worried about population changes during that last Met Council meeting as a result of these remedial measures, and asked Peter Bell about it then.

On page E-3, Land Use-Village Plan, the Planner said we did not include a map for that plan because we do not have one yet.

The Planner said that Housing is not a Regional System. However, there is a legislative mandate that every community demonstrate how it is going to address its share of Affordable Housing. We currently have a good deal of affordable housing, more than some neighboring cities. The Metropolitan Council wants us to demonstrate how we can do more for the future with not less than 41-46 acres developable at 5-6 units per acre. Densities in some areas must also be demonstrated as sufficient for 100 rental units.

Administrator Rafferty said many of these are the same items in the September 26, 2005 letter from the Metropolitan Council, while some are not. The Planner said this is an issue of content not completeness.

Councilmembers Johnson, Conlin, and Smith would like to hear the potential solutions and options offered by staff. Councilmember DeLapp would like to table until tomorrow when he has to leave tonight. The Mayor said we could have another later meeting but we should give direction to staff tonight on how to proceed.

Councilmember Johnson would like to go through the letter item by item.

The Planner said he has developed a method for addressing the third remedial measure without overshooting our 2030 population target. The Planner distributed language that could be inserted. There are two land use districts guided for regional sewer, SRD 3.5 and the VR District. He said that rather than modify the map, this language could be inserted into the district descriptions with two provisions for population and no increased density within 1000 feet of an existing residence or 500 feet from an existing residence in the Village. He said if we do this, he thinks the map will not need to be changed.

Councilmember DeLapp said those neighborhoods could look like a PUD. The Planner said it would be the City's choice where we would place additional density. Councilmember DeLapp said we will have greater density on one parcel and open space on the next.

Councilmember Smith asked if the new text takes place of the sentence inserted at the last meeting. The Planner said this would be in addition to that sentence. Councilmember Smith wants to be sure we are not going over 24000 population and 6600 REC units. The Planner said we have never gotten a response from Metropolitan Council when asking for clarification on that issue.

Councilmember DeLapp said the Metropolitan Council is backpedaling on the MOU.

Councilmember Conlin said we have to give staff enough time and still get it back in time for Council review. We have to put in the good faith we have in support of and to protect the MOU.

Councilmember DeLapp left the table at 6:42 p.m.

The City Attorney said the Council can table this meeting to a time and day certain.

Councilmember Johnson asked if you could add, "provided no economic downturn." The Planner said it is within the Comprehensive Plan already. Councilmember Johnson said we should reemphasize it in this portion of the Comprehensive Plan.

The Planner said that Aviation, the Village Plan, and Housing can be addressed at once with the Village Land Use portion of the text. Metropolitan Council wants more detail and the Village Plan Map. The Planner suggested going to Mr. Engstrom's concept stage plan and converting it into a Village Plan Map as of today. He said that may not be the final end product. He suggests implementation devices be addressed in the Land Use Plan text. An overlay district in the Village that says the Comprehensive Plan is the zoning for that area of the City. That will be form-based zoning. The Plan will show a green belt and someone will suggest the City is taking but we will be doing Transfers of Development Rights, and those owners will be compensated for their development densities. The Planner asked the Village Consultants to do that map and calculate the numbers. That map is what we will insert, subject to implementation measures. That addresses the housing issues, aviation - because safety zones will be on that Land Use Plan as a green belt. The property owner has development rights to sell. We have discussed this Village Plan for three years. The concept by the planner representing the landowners is very similar to what we anticipate in our Village Plan. We have run out of time to trade plans, we must keep the option open for modifications later but we have to submit something to the Metropolitan Council by February 1, 2006.

The Mayor said how are we assured there will be no surprises on February 1? The last page of Peter Bell's letter invites the Mayor to call him or Blair Tremere. The Mayor will call either of them if the Planner does not get a response. The voice message received by the Mayor had the tone that this was important to the Metropolitan Council as well.

Councilmember Conlin said she hopes staff is thoroughly documenting our attempts to work with them, and staff should document phone calls too.

The Mayor said we have also been threatened with lawsuits. There are legal issues and sensitive issues that create the necessity for a closed session tonight.

Administrator Rafferty suggested the Council set a time certain for tabling the open meeting.

Councilmember Conlin asked if staff feels comfortable with direction offered thus far.

The City Attorney said that direction should be made on the record.

M/S/P, Conlin/Johnson, to implement our discussion as direction to staff to work with Met Council staff to be sure on February 1, 2006 that Metropolitan Council has everything they need.

VOTE: 4:0.

The Council set the continuation of this meeting for 5:30 p.m., Friday, January 27, 2006, and we might have solutions by then with regard to the Village Plan. Councilmember Johnson said that anything staff can accomplish by then should be brought to that meeting.

Mark Putman spoke on behalf of Mr. Lynskey and representing the allied owners. He asked if the actions proposed tonight were negotiable. He asked if the concept for the Village Plan

assuming 600 new units was cast in stone. He encouraged making 600 a minimum number for new housing in order to defend the City's options.

The Mayor said that 600 is the minimum Metropolitan Council requirement. The Planner yes, it is but we are not done with this plan yet. We just have to finalize something for the Comprehensive Plan now.

Susan Dunn, a Village resident, said the Council doubled the population in the Village on a quick vote, and she is affronted by being asked for more units tonight. She said it is a slam against us for greed and control and it is a slap in the face.

Adjourn. 7:04 p.m.

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary

**City of Lake Elmo  
Emergency Council Meeting  
Minutes of January 27, 2006**

Mayor Johnston called to order the meeting of the Lake Elmo City Council at 5:30 p.m. COUNCILMEMBERS PRESENT: Conlin, Smith, Johnson, and DeLapp. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, and Recording Secretary Schaffel. ALSO PRESENT: City Attorney Filla, Master Planner Bob Engstrom and Associate Consultants, Planning Commissioner Lyzenga and Community Improvement Commissioner Knoblach.

Mayor Johnston reviewed the first part of this emergency meeting from January 24, 2006.

Councilmember DeLapp asked if there would be a public hearing for the Comprehensive Plan Amendment because the changes in the Old Village have not yet been seen by the public.

The Mayor said if additional meetings or a public hearing is required, it will be done.

Administrator Rafferty said tonight we will see a brief overview of the concept for the Village Plan. He said it is his understanding the Met Council will accept that information on a preliminary basis.

Councilmember DeLapp asked the Planner to explain what the Metropolitan Council has a legitimate and/or legal basis of expecting from the City.

The Planner continued from where the meeting left off on Tuesday. In response to a letter from the Metropolitan Council, text was drafted to amend the plan. He took the recommendation, added the buffers as requested by City Council, submitted the changes to the Metropolitan Council, and heard from Blair Tremere the submission was fine.

He updated the Wastewater chapter of the Comp Plan. He also modified Chapter III relative to bullet points in the Metropolitan Council letter to change the numbers in response to their bulleted concerns. Those changes have not been submitted. An entirely new Chapter VI was modified and submitted to Metropolitan Council yesterday.

The Planner said that what remains are the following which all relate to the Village Plan:

- Airport Safety Zones
- Affordable Housing component
- The Land Use Plan for the Village Area

Village Area Consultants are here tonight and the Planner thinks their concept is a good approach. However, the format we have to submit for the Village Area is from a different, more detailed perspective. He said the consultants will explain the basis behind it, what we want to accomplish, and the concept. Then he would like to convert that concept into a broader concept suitable for submission to the Metropolitan Council.

The Planner said the Met Council expects us to address 7 items in the Village Plan:

1. Protection of Airport Safety Zones
2. Affordable Housing requirements 40+ acres X 5-6 units per acre = 250 dwelling units.

3. 100+ apartment units. (Councilmember DeLapp said that is a very large percentage of our new unit count.) 600- 350 Affordable = 250 new single family housing.
4. 440 Units + 160 units = 600 units.
5. Green Belt
6. Transfer of Development Rights
  - a. Green Belt
  - b. Ponds
  - c. Public Facilities
7. Schiltgen Horse Farm (108 acres not included in the Village Plan).

The Mayor said if the legislature says we have to have 250 units, it was not their intention to give Peter Bell the power to sign that away. He asked the City Attorney if the MOU negates legislative requirements.

City Attorney Filla said the MOU is criteria though we tend to think of it as a contract and policy statement. He believes the City has the right to choose housing.

Councilmember DeLapp said if that is the case we need to deal with number three.

The Mayor clarified that we have to review these items for submission but we have not yet reviewed it for policy.

The Planner read from the MOU for clarification of the audience where it indicated we had options to choose our housing below 10<sup>th</sup> Street but it is silent above 10<sup>th</sup> Street. He read from an e-mail received from Blair Tremere this morning. He said we must provide enough information regarding:

- Verify RECs to be used
- Provide adequate protections for continuing airport function
- How many sewered acres for new minimum and high density housing and submitting a new graphic labeled "Preliminary with refinements to follow as a Comp Plan Amendment."

The Planner introduced the Master Village Planner for him to explain the Village Concept and steps taken to get there with broad use and infrastructure considerations.

Bob Engstrom, Bruce Jacobsen Close Landscape Architects, and Jerry Mazzara

Mr. Engstrom said the consultants have worked to develop a vision for what they think can be accomplished in the Village. He said MPCA is planning on pumping 130,000,000 gallons per year of water to alleviate water concerns. He said this is merely a concept and has nothing to do with zoning and does not directly affect any individual's property. They will be ready for a complete presentation in three or four weeks.

Bruce Jacobsen said this is not a unit based plan nor does it zero in on technical aspects. The consultants reviewed Calthorpe and Thorbeck Plans created over the years. He said that at all costs, integrity and existing uses in the Old Village are the heart of the Village, and need to be protected. Signature anchors would include things like a YMCA-type of facility, city hall, etc. He said those anchors should be placed carefully, like the Village itself, intimate and close to the heart for walkability. There will be green connections into neighborhoods, neighborhood greens, and park spaces that will be connected by some sort of loop. Those are the basic ingredients for the plan. The core will be preserved and strengthened, a loop for circulation, and Highway 5

changed to a more urban section - walkable with sidewalks, traffic lights, and curbs. He said they are considering a number of viable sites for some of the signature anchors. There will be stormwater and amenity water management and life cycle housing. Not just large lot single family homes but small lot single family, apartments, condominiums, townhouses, senior housing, special needs housing, etc. Water amenities will take advantage of PCA water treatment. A four corner intersection would be recommended at Highway 5 and Lake Elmo Avenue. He said the goal is to encourage walkability and bicycling.

Mr. Engstrom said this would be an ideal plan, and there is no intent to wipe out any existing business. There are ponds on the airport property that made him suspect the orders not to have ponding in Lake Elmo around the airport.

Bruce Jacobsen said there is a buffer of open space related to the entire plan.

Councilmember DeLapp said they need to address the park and ride.

Bruce Jacobsen agreed it is an important aspect of this plan. They are contemplating shared parking in the daytime for commuters and at nighttime for visitors.

M/S/P, Johnson/Conlin to give staff direction to create a preliminary map.

Councilmember DeLapp said LEPR showing 6,000 houses is just conceptual in the Systems Plan. We do not have to ask for too much detail for the Village Plan portion of the Comprehensive Plan, just conceptual mapping.

The Mayor said we are just trying to meet minimum requirements. He said this map will not be creating policy.

VOTE: 5:0.

The Planner said we will meet the Metropolitan Council deadline requirements.

Councilmember DeLapp asked if we have capped the population number at 24,000 because that was a concern. The Planner said that was an accepted term by Metropolitan Council Staff this morning.

The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Kimberly Schaffel  
Recording Secretary



CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
JANUARY 3, 2006

1. AGENDA
2. MINUTES: December 20, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
    - (1) Lake Elmo Jaycees Proclamation
    - (2) 2006 Board of Appeal and Equalization Meeting
4. CONSENT AGENDA:
  - A. Resolution No. 2006-001: Authorizing Signature for Payments of Funds from the Lake Elmo Bank
  - B. Resolution No. 2006-002: Approving Claims
5. ORGANIZATIONAL MEETING:
  - A. Election of Acting Mayor
  - B. Designation of Legal Newspaper
  - C. Designation of Official Depositories for 2006
  - D. Appointment of City Engineer
  - E. Appointment of City Attorney (Civil and Criminal)
  - F. Appointment of Financial Advisor
  - G. Appointment of Auditing Firm
  - H. Cable Operator: Steven Press
  - I. IT: Next Genesis
  - J. Animal Control
  - K. Change Council Committees to Council Workshops: Resolution No. 2006-006
6. NEW BUSINESS:
  - A. Employee and Volunteer Recognition Party
  - B. Whiting letter received December 2, 2003 - lighting
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Update on Fire Dept.: Chief Malmquist
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
  - A. Comprehensive Plan Amendment-Trails Guide Plan: Resolution 2006-003
  - B. 2030 Comprehensive Plan Amendments: Resolution 2006-004
  - C. 2006-2010 Capital Improvements Program (CIP): Resolution 2006-005
  - D. Metropolitan Council System Statement - verbal
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL REPORTS:

Council recessed at 10:46 pm for a Closed Meeting.

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council Chambers. COUNCIL MEMBERS PRESENT: Conlin, DeLapp, Johnson, and Smith, STAFF PRESENT: Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, City Engineer Prew, Attorney Filla, Recording Secretary Freeman.

**Pledge of Allegiance**

1. **AGENDA:**

M/S/P Johnson/Conlin - to approve the January 3, 2006, agenda as amended.  
(Motion passed 5-0).

2. **MINUTES:**

M/S/P Johnson/Smith- to approve the December 20, 2005, City Council minutes, as amended.  
(Motion passed 5-0).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. **PUBLIC INQUIRIES:**

Robert Meyer, Director, Ramsey Center For Arts, announced the Grand Opening and invited residents to the Ribbon Cutting Ceremony on Saturday, January 7, at 1:00 p.m.

Kathy Pelnar, Lake Elmo Animal Control Officer, commented about what she called the untruths printed in the December 23, 2005, issue of the *Lake Elmo Leader*. She stated that she had talked with Mayor Johnston, Council Member Smith and City Administrator Rafferty. Ms. Pelnar stated that the *Leader* stands by its story.

In her 22 years of animal control, and of her four years with the City, Ms. Pelnar stated she has always responded to calls. She felt blind-sided, with the false allegations, written in the newspaper. Response time to calls is approximately 15 minutes, and 10 minutes to Cimarron. In 2005, Ms. Pelnar responded to 221 calls in Lake Elmo, of which five involved dog bites. If the City Council desired, documentation could be provided regarding her response times, actions taken and follow-up. Ms. Pelnar said no calls were received about the "...two dog bites" quoted in the article.

Ms. Pelnar stated, if allowed, she will continue to provide services for the City. She will also be submitting her contract proposals for 2006.

B. **PUBLIC INFORMATIONAL:**

(1) **Lake Elmo Jaycees Proclamation**

Josh Ackerman introduced himself as Jaycees President for 2006. Mayor Johnston proclaimed the Week of January 15-21, 2006, as Jaycees Week and urged all citizens to recognize the importance of community service to all of its citizens.

(2) 2006 Board of Appeal and Equalization Meeting

The Lake Elmo Board of Review will meet at City Hall on Wednesday, May 3, 2006, between the hours of 4:00 and 6:00 p.m., for the purpose of reviews and correcting the assessment of said Real Estate for the year 2006.

4. CONSENT AGENDA:

A. Resolution No. 2006-001: Authorizing Signature for Payments of Funds from the Lake Elmo Bank

M/S/P Johnson/Smith -- to adopt Resolution No. 2006-001 authorizing Signature for Payments of Funds from the Lake Elmo Bank. (Motion passed 5-0)

B. Resolution No. 2006-002: Approving Claims

M/S/P Johnson/Smith -- to adopt Resolution No. 2006-002 approving Claim Numbers 299, 300, DD594 through DD603, 28448 through 28463, which were used for staff payroll dated December 20, 2005; claims 301, 28464 through 28494, in the total amount of \$357,039.78. (Motion passed 5-0)

5. ORGANIZATIONAL MEETING:

A. Election of Acting Mayor

The Council must select an Acting Mayor to act on the City's behalf if Mayor Johnston is unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the Council is eligible for this position.

M/no Second DeLapp -- to nominate Steve DeLapp as Acting Mayor.

M/S/P Conlin/Johnston -- to nominate Anne Smith as Acting Mayor for 2006. (Motion passed 5-0)

B. Designation of Legal Newspaper

M/S Johnson/Conlin - to designate the Lake Elmo Leader as the City's legal newspaper for 2006.

M/S/F DeLapp/Johnston -- to amend the motion to designate the Oakdale-Lake Elmo Review as the City's legal newspaper for 2006. (Motion failed 4-1; DeLapp more research needed; Leader rates are high)

M/S/P Conlin/Johnson -- to designate the Lake Elmo Leader as the City's legal newspaper for 2006, subject to Affidavit of Circulation submitted from Lake Elmo Leader. (Motion 4-1; DeLapp)

C. Designation of Official Depositories for 2006

Staff recommended the designation of the following depositories for the City: Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities.

M/S/P Johnson/Smith – to designate Lake Elmo Bank, Wachovia Securities, Smith Barney Citigroup and Northland Securities. (Motion passed 4-1; DeLapp wanted the City to contact Bremer Bank since they are located in the City).

D. Appointment of City Engineer

M/S/P Smith/DeLapp - to appoint Tom Prew/TKDA as the City Engineer for 2006. (Motion 5-0.)

E. Appointment of City Attorney (Civil and Criminal)

M/S/P Smith/Johnson - to appoint Jerry Filla, Peterson, Fram & Bergman as the City Attorney, for both civil and criminal matters for 2006. (Motion passed 5-0.)

F. Appointment of Financial Advisor

M/S/P Johnson/Smith - to appoint Paul Donna, Northland Public Finance Group as the City's Financial Advisor for 2006. (Motion passed 5-0.)

G. Appointment of Auditing Firm

M/S/P Johnson/Conlin - to appoint Steven R. McDonald, CPA, Abdo, Eick & Meyers, LLP as the City's Auditing Firm for 2006. (Motion passed 5-0.)

H. Cable Operator: Steven Press

M/S/P DeLapp/Conlin – to approve the reappointment of Steven Press as the City's part-time Cable Operator at \$13.90/hour for taping and broadcasting City's meetings. (Motion passed 5-0.)

I. IT: Next Genesis

Council Member DeLapp wondered why the City chose this company, and requested an update on the City's new webpage. Finance Director Bouthilet stated the rates and services provided were 65% higher elsewhere. The new webpage should be ready in 30 days for Staff to be trained.

M/S/P Johnson/Conlin - to approve the reappointment of the computer service contract between the City and Next Genesis (Ryan Masanz). (Motion passed 5-0.)

J. Animal Control

M/S/P Johnson/Conlin – to request Proposals for Animal Control Services for 2006, and to extend contract with Kathi Pelnar as the City's Animal Control Officer through February 2006. (Motion 5-0.)

K. Change Council Committees to Council Workshops: Resolution No. 2006-006

Administrator Rafferty recommended this informal public setting as a more efficient way of learning and discussion of City items. Council Member Smith inquired who will be conducting the Council Committee meetings. Administrator Rafferty said the Mayor would be in charge and minutes kept. Council Member DeLapp requested a thorough Agenda. At the December 20, 2005, Council meeting, a Motion was made by Council

Member Conlin about televising the Workshop meetings. Motion failed. Council Member Conlin voted for the Motion because she felt it would be a learning experience for the community.

M/S/P Johnson/Conlin – Resolution 2006-006, approving the change from Council Committee structure to a Council Workshop, with meetings to be held on the second Tuesday of each month, beginning at 6 p.m. (Motion passed 4-1 DeLapp, too much goes on at the meetings, minutes not approved and meeting should be cabled.)

**6. NEW BUSINESS:**

**A. Employee and Volunteer Recognition Party**

Staff was directed to provide possible dates for The Employee and Volunteer Recognition Banquet for 2006. The City will extend invitations to all employees, community volunteers and their spouse/guest to attend.

M/S/P Conlin/Johnson – to pursue funding from the Lake Elmo Jaycees and to come back with recommendations on dates. (Motion passed 5-0.)

**B. Whiting letter received December 2, 2003**

Neighbors of 35<sup>th</sup> Street have requested something be done about the lighting being very bright at Animal Inn. City Planner Dillerud said the lighting met City codes when built, but he would contact Animal Inn about their concerns.

**7. MAINTENANCE/PARK/FIRE/BUILDING:**

**A. Update on Fire Dept.: Chief Malmquist-no report.**

**8. CITY ENGINEER'S REPORT-no report.**

**9. PLANNING, LAND USE & ZONING:**

**A. Comprehensive Plan Amendment-Trails Guide Plan: Resolution 2006-003 City Planner reported that the Planning Commission recommended adoption of the Trail Plan as an element of the Lake Elmo Comprehensive Plan. Glen VanWormer of SEH presented an overview of the Trail Guide Plan.**

M/S Johnson/Conlin – to adopt Resolution 2006-003 Comprehensive Plan Amendment - “Comprehensive Trail Guide Plan”.

Council Member DeLapp discussed 14 modifications/issues he has with the plan from a map provided to the Council. He asked that City Council adopt Resolution 2006-003. The City Planner said he would bring Council Member DeLapp's maps and concerns to the Parks Commission for further discussion, and possible future amendments to the Trails Guide Plan.

M/S/P DeLapp/Smith - to amend to review the 14 points of interest brought up by Council Member DeLapp with the process suggested by the Planner. (Motion 5-0)

M/S/P Johnson/Conlin – to adopt Resolution 2006-003 Comprehensive Plan Amendment-Trails Guide Plan as amended.  
(Motion 5-0)

B. 2030 Comprehensive Plan Amendments: Resolution 2006-004  
City Planner Dillerud provided the following: Draft Planning Commission minutes from December 19, 2006, Resolution by Tom Armstrong, and redraft with edits of Old Village with text. City Planner Dillerud noted that he had provided City Council with this information on December 20, 2005.

Resident Susan Dunn addressed the need to modify the Old Village Master Plan and the need to add verbiage for buffers to existing developments, to respect the environment of the Old Village, maintain the rural character, and spare the trees in our urban forest.

Council Member DeLapp said that he wants to see buffers between the existing Old Village homes/businesses and new developments.

M/S/P DeLapp/Smith – Approve edited document (9A-6) by adding language assuring reasonable buffers between new developments and existing Old Village, and to respect environmental conditions.  
(Motion 5-0.)

City Attorney Filla provided the City Council amended draft text for Chapter III of the 2030 Comprehensive Plan that addressed the remedial measures that appear as conditions to Metropolitan Council Resolution 2005-20. He recommended the draft text as a substitute for the text prepared by the City Planner.

Council Member DeLapp stated that the proposed text amendment is not in the best interests of the City and amounts to a punitive measure by the Metropolitan Council.

City Planner Dillerud said that the Lake Elmo City Council did not approve the remedial measures found in the December 29, 2005, Metropolitan Council Resolution 2005-20. He advised the City Council that the Metropolitan Council requires the remedial language from Resolution 2005-20 be in the Comprehensive Plan.

Resident Tom Armstrong said he opposed remedial measures as they are a penalty for being granted an extension. He explained the motivation behind the Planning Commission Motion. He asked why METC needs to put this language in the Comprehensive Plan regarding penalties for the City of Lake Elmo and no other city. It would be a contractual agreement that the City must then honor.

Resident Susan Dunn stated METC reminded the Council that they already rejected the WIF condition of Metropolitan Council Resolution #2005-20 on a 5-0 vote. She



noted that METC has never had a WIF fee before; it is extortion and the City should say no to a Comprehensive Plan with WIF.

Council Member Conlin asked about the consequences to the City if the remedial conditions were not in the 2030 Comprehensive Plan.

City Attorney Filla said Paragraph 3E of the Met Council Resolution states that if the Metropolitan Council would sue the City to attain compliance, the City would pay the costs of the litigation. He also noted that if we don't comply, the MOU becomes null and void. City Administrator Rafferty stated that he sees the WIF as a remedial action and not as a penalty. If the City fails to follow the staging plan, which is part of the City's budget, the City will pay more but the City will get that money back as credits for future connection charges.

Mayor Johnston said the Metropolitan Council staff is continuing to maintain that the 2030 Lake Elmo Plan is not complete, even though City staff maintains that it is complete per usual Met Council practice, and was submitted on September 6, 2005.

Council Member Smith asked City Attorney Filla about Section 3N of Metropolitan Council Resolution 2005-20. Council Member Smith suggested that wording be added to the City's Comprehensive Plan stating, "...provided that Wastewater Inefficiency Fee (WIF) would not be imposed if imposing such a fee would be in conflict with any portions of the MOU."

City Attorney Filla said that you cannot pick and choose. You have to take the whole thing.

Resident Ann Bucheck asked if the City was guaranteeing her no assessment; no guarantee could be provided.

Council Member DeLapp stated that METC hasn't rejected the Comprehensive Plan for reasons backed by law.

Council Member Conlin would like to see something added that will help the City out in the long run.

Council Member DeLapp asked how we could guarantee our residents there would not be penalties imposed by the Metropolitan Council.

Resident Tom Armstrong said conflicts would occur if the City's Plan is submitted with any of the Metropolitan Council Resolution #2005-20 conditions included.

M/S/P Johnston/Johnson – to adopt Resolution 2006-004 amending the 2030 Comprehensive Plan regarding the Village Area text as recommended by the Planning Commission, and regarding the City compliance with Metropolitan Council Resolution #2005-20. This Resolution was amended by Lake Elmo Remedial

Measures document drafted by City Attorney Filla and City Council to become part of the Comprehensive Plan Resolution. (Motion 5-0.)

C. 2006-2010 Capital Improvements Program (CIP): Resolution 2006-005  
The City Planner recommended adoption of the 2006-2010 CIP for Council consideration.

M/S/P Johnston/Smith – to adopt Resolution 2006-005, adding \$25,000 to the Carriage State Park. (Motion passed 5-0)

D. Metropolitan Council System Statement – verbal  
The City Planner reported that Met Council attorney stated at the December 20, 2005, System Statement Hearing that the issues at the Metropolitan Council with the System Statement deal with process, not substance.

10. **CITY ATTORNEY'S REPORT:**

The City was served Friday, December 30, 2005, by property owners north of 10<sup>th</sup> Street. The City and Met Council are being sued as the Comprehensive Plan should be following the original nine conditions. If not, the courts should be directed to develop the Comprehensive Plan for the City.

11. **CITY ADMINISTRATOR'S REPORT:** - no report

12. **CITY COUNCIL REPORTS:**

Mayor Dean Johnston mentioned the Ribbon Cutting Ceremony for the Grand Opening of Ramsey Center for the Arts on Saturday, January 7, 2006, at 1:00 p.m. Council Member DeLapp thanked City Planner and City Administrator for the good work.

The Council recessed the meeting at 10:46 p.m. for a Closed Meeting.

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Respectfully submitted by Carole Freeman, Recording Secretary  
Resolution No. 2006-001 Signatures for Payments of Funds from the LE Bank  
Resolution No. 2006-002 Claims  
Resolution No. 2006-003 Comprehensive Plan Amendment-Trail Guide Plan  
Resolution No. 2006-004 Comprehensive Plan Amendments  
Resolution No. 2006-005 2006-2010 Capital Improvements Program (CIP)  
Resolution No. 2006-006 Change Council Committees to Council Workshops



Lake Elmo  
City Council  
February 7,  
2006

Agenda Section: PUBLIC INFORMATIONAL

No. 3B(2)

Agenda Item: Reschedule March 7<sup>th</sup> City Council Meeting

**Background Information for February 7, 2006:**

On March 7<sup>th</sup> the Precinct caucuses will be taking place. State agencies, school boards, county boards, city councils, and all other political subdivisions cannot conduct meetings after 6:00 p.m. on caucus night. The Council will have to reschedule the Council meeting date to either Monday, March 6<sup>th</sup> or Wednesday, March 8<sup>th</sup> whichever date is convenient.

**Action Items:**

M/S to reschedule the Tuesday, March 7<sup>th</sup> Council meeting because of a conflict with the Precinct Caucus schedule for this night to Monday or Wednesday, 7 p.m.

**Person responsible:**

S. Lumby

**Attachments:**

**Time Allocated:**



<b>Lake Elmo City Council February 7, 2006</b>	<b>Agenda Section: PUBLIC INFORMATIONAL</b>	<u><b>No. 3B(3)</b></u>
<u><b>Agenda Item:</b></u> <b>Employee and Volunteer Recognition Dinner</b>		
<u><b>Background Information for February 7, 2006:</b></u>		
<p>The Employee and Volunteer Recognition Dinner will be held at Tartan Park Clubhouse on Friday, March 10, 2006. There will be a social/cash bar at 6:30 p.m. with dinner and program following. The City will extend invitations to all employees, community volunteers and their spouses/guest to attend the Dinner. This event was made possible through the generosity of the Lake Elmo Jaycees.</p>		
<u><b>Action Items:</b></u>	M/S                   to announce the Employee and Volunteer Recognition Dinner to be held at the Tartan Park Clubhouse, on Friday, March 10 <sup>th</sup> .	<u><b>Person responsible:</b></u>
		S. Lumby
<u><b>Attachments:</b></u>		<u><b>Time Allocated:</b></u>



4A.

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

**RESOLUTION NO. 2006-010  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 305, 306, DD614 through DD626, 28563 through 28598, were used for Staff Payroll dated January 19<sup>th</sup>, 2006; Claim Numbers 307, 308, DD627 through DD637, 28599 through 28605, were used for Staff Payroll dated February 2<sup>nd</sup>, 2006; claims 309, 28606 through 28669, in the total amount of \$578,099.89 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 7<sup>th</sup> day of February, 2006.

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

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty  
City Administrator

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 02/03/2006 - 9:54 AM

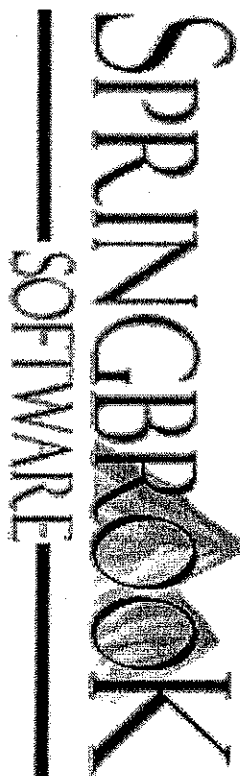


Invoice No                      Description                      Amount    Payment Date    Act Number                      Reference

Vendor: REVENUE	MN Department of Revenue				Check Sequence: 1	ACH Enabled: No
Jan 06 Sales Tx	Use Tax - Jan 2006	74.00	02/07/0206	101-410-1320-44300		
Jan 06 Sales Tx	Sales Tax - Jan 2006	4.00	02/07/0206	601-494-9400-44300		
	Check Total:	78.00				

Total for Check Run: 78.00  
Total Number of Checks: 1

# Accounts Payable Computer Check Proof List



User: administrator  
Printed: 02/03/2006 - 9:58 AM

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: 10000	10,000 Lakes Chapter	175.00	02/07/0206	Check Sequence: 1	ACH Enabled: No
March 2006	March 2006 Seminar - Jim McNamara	175.00		101-420-2400-44370	
	Check Total:				
Vendor: ADVGR	Advanced Graphix, Inc.	65.35	02/07/0206	Check Sequence: 2	ACH Enabled: No
11017	Decals - Public Works Door	65.35		101-430-3100-42230	
	Check Total:				
Vendor: AMFLAG	American Flagpole & Flag	103.31	02/07/0206	Check Sequence: 3	ACH Enabled: No
72082	US Flag - Fire Dept	34.92	02/07/0206	101-420-2220-44010	
72183	Repair Parts - Flag pole	138.23		101-410-1940-42230	
	Check Total:				
Vendor: ARAM	Aramark	65.94	02/07/0206	Check Sequence: 4	ACH Enabled: No
629-5891653	Linen, Mats - City Hall	65.94	02/07/0206	101-410-1940-44010	
629-5901565	Linen, Mats - City Hall	131.88		101-410-1940-44010	
	Check Total:				
Vendor: ARAMAU	ARAMARK	369.18	02/07/0206	Check Sequence: 5	ACH Enabled: No
59648214-1	Clothing - Public Works	35.89	02/07/0206	101-430-3100-44170	
59648214-2	Clothing - Public Works	405.07		101-430-3100-44170	
	Check Total:				
Vendor: ASPENMI	Aspen Mills, Inc.	45.73	02/07/0206	Check Sequence: 6	ACH Enabled: No
65353	Name Tags - Fire Dept	45.73		101-420-2220-44170	
	Check Total:				
Vendor: BATTERY	Batteries Plus - MPLD #31	57.63	02/07/0206	Check Sequence: 7	ACH Enabled: No
31-147305	Batteries - Fire Dept	57.63		101-420-2220-42400	



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	57.63			
Vendor: BATTERYPL 32-111692	Batteries Plus Woodbury Pager Batteries - Fire Dept Check Total:	83.84 83.84	02/07/0206	Check Sequence: 8 101-420-2220-43230	ACH Enabled: No
Vendor: BIFFS W281245	BIFF's Inc. Rental - Portable - Sunfish Lake Park Check Total:	94.26 94.26	02/07/0206	Check Sequence: 9 101-450-5200-44120	ACH Enabled: No
Vendor: CARMDIS 23229	Carm Distributing, Inc. Squeeges - Fire Dept Check Total:	42.39 42.39	02/07/0206	Check Sequence: 10 101-420-2220-42400	ACH Enabled: No
Vendor: CB & I 13253.000	CB & I Constructors, Inc. Water Tower No.2 - Pmt. 1 Check Total:	46,312.50 46,312.50	02/07/0206	Check Sequence: 11 601-494-9400-45200	ACH Enabled: No
Vendor: CHRISRII #2 Phase III #3 Phase III #4 Phase I 13186.000	Chris Riley Utilities, Inc. Water Sys Phase III Water Sys Phase III Water Sys Phase I Water Sys Phase III Check Total:	82,522.66 10,709.71 10,427.20 108,941.79 212,601.36	02/07/0206 02/07/0206 02/07/0206 02/07/0206	Check Sequence: 12 601-494-9400-46400 601-494-9400-46400 601-494-9400-46400 601-494-9400-46400	ACH Enabled: No
Vendor: DIVCON 10-0266	Diversified Contracting Spec. New Public Works Check Total:	70,989.70 70,989.70	02/07/0206	Check Sequence: 13 410-480-8000-45200	ACH Enabled: No
Vendor: DTI 105930 105930 105930 105930	DTI Telephone Service - Fire Dept Telephone Service - Public Works Telephone Service - Wall I Telephone Service - Lift Stations Check Total:	120.29 70.62 35.25 105.74 331.90	02/07/0206 02/07/0206 02/07/0206 02/07/0206	Check Sequence: 14 101-420-2220-43210 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210	ACH Enabled: No
Vendor: EARLANDE 0070094-IN	Earl F. Andersen, Inc. Axle Weight Road Signs	238.35	02/07/0206	Check Sequence: 15 101-430-3100-42260	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	238.35			
Vendor:ELMOLUM 03350-01	Elmo's Lumber & Plywood Particle Board - Fire Dept Check Total:	97.04 97.04	02/07/0206	Check Sequence: 16 101-420-2220-44370	ACH Enabled: No
Vendor:FORCE 01245336	Force America Filter - Public Works Check Total:	45.20 45.20	02/07/0206	Check Sequence: 17 101-430-3100-42210	ACH Enabled: No
Vendor:FOUR 23-041663	Four Seasons Service Supplies - City Hall Check Total:	89.57 89.57	02/07/0206	Check Sequence: 18 101-410-1940-44300	ACH Enabled: No
Vendor:FXL 2005 Year End February 2006	FXL, Inc. Assessing Services 2006 Assessing Services Feb 2006 Check Total:	16,752.00 2,000.00 18,752.00	02/07/0206 02/07/0206	Check Sequence: 19 101-410-1550-43100 101-410-1550-43100	ACH Enabled: No
Vendor:GENESIS IVC00959	Next Genesis Productions Monthly Software Support Check Total:	900.00 900.00	02/07/0206	Check Sequence: 20 101-410-1520-43180	ACH Enabled: No
Vendor:GUESTS 2006 Academy	Guest Service Meal Tickets - Bruce Cohen Check Total:	124.30 124.30	02/07/0206	Check Sequence: 21 101-420-2220-43310	ACH Enabled: No
Vendor:Guests 2006 Academy	Guest Services Meal Tickets - Gregory Malmquist Check Total:	124.30 124.30	02/07/0206	Check Sequence: 22 101-420-2220-43310	ACH Enabled: No
Vendor:GUESTSVC 2006 Academy	Guest Services Meal Tickets - Michael Tremain Check Total:	124.30 124.30	02/07/0206	Check Sequence: 23 101-420-2220-43310	ACH Enabled: No
Vendor:INTERSTA md3751	Interstate All Battery Ctr Battery - Fire Dept	11.87	02/07/0206	Check Sequence: 24 101-420-2220-42400	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	11.87			
Vendor: League12 21008	League of Minnesota Cities Insurance Trust Premium Paid Check Total:	769.00 769.00	02/07/0206	Check Sequence: 25 101-430-3100-43630	ACH Enabled: No
Vendor: LERELIEF Donation	Lake Elmo Fire Relief Assn. From 2005 Donation Check Total:	20,000.00 20,000.00	02/07/0206	Check Sequence: 26 101-410-1320-44300	ACH Enabled: No
Vendor: LITTLEFALLS 00035028	Little Falls Machine, Inc Straighten Push Bar - Plow Truck Check Total:	35.00 35.00	02/07/0206	Check Sequence: 27 101-430-3100-44040	ACH Enabled: No
Vendor: MALMQ Claim011606 Claim011806 Claim020106	Greg Mahnquist Toilet Paper - Fire Dept Burning Permits Water - Fire Dept Check Total:	22.24 100.00 33.92 156.16	02/07/0206 02/07/0206 02/07/0206	Check Sequence: 28 101-420-2220-44300 101-420-2220-44300 101-420-2220-44300	ACH Enabled: No
Vendor: MAMA 1370	Metropolitan Area Manager Association 2006 Membership Check Total:	40.00 40.00	02/07/0206	Check Sequence: 29 101-410-1320-44330	ACH Enabled: No
Vendor: MCLBOD 3791095	McLeod USA Telephone Service - Wall 2 Check Total:	43.27 43.27	02/07/0206	Check Sequence: 30 601-494-9400-43210	ACH Enabled: No
Vendor: MENARDSO 62006	Menards - Oakdale Toilet Tank Repair - Fire Dept Check Total:	38.28 38.28	02/07/0206	Check Sequence: 31 101-420-2220-42230	ACH Enabled: No
Vendor: MENARDST 25623 26769	Menards - Stillwater Brooms Toilet Tank Repair - Fire Dept Check Total:	17.85 2.97 20.82	02/07/0206 02/07/0206	Check Sequence: 32 101-410-1940-42110 101-420-2220-42230	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:MES 326379	Municipal Emergency Services EM Supplies - Fire Dept Check Total:	171.73 171.73	02/07/0206	Check Sequence: 33 101-420-2220-42400	ACH Enabled: No
Vendor:MESAB 67635	H&L Mesabi Blades - Public Works Check Total:	730.32 730.32	02/07/0206	Check Sequence: 34 101-430-3100-42210	ACH Enabled: No
Vendor:METCOU 0000815768	Metropolitan Council Waste water Charge Check Total:	942.77 942.77	02/07/0206	Check Sequence: 35 602-495-9450-43820	ACH Enabled: No
Vendor:METROCA P0318076A	Metrocall Pagets - Fire Dept Check Total:	85.46 85.46	02/07/0206	Check Sequence: 36 101-420-2220-43210	ACH Enabled: No
Vendor:METROFIR 22911	Metro Fire Rescue Wrenches Check Total:	77.52 77.52	02/07/0206	Check Sequence: 37 101-420-2220-42400	ACH Enabled: No
Vendor:METROFOA 2006 Dues	Metro Fire Officers Assn 2006 Dues Check Total:	100.00 100.00	02/07/0206	Check Sequence: 38 101-420-2220-44330	ACH Enabled: No
Vendor:MN DNR Permit 611031	MN DNR Waters DNR Water Permit Check Total:	530.86 530.86	02/07/0206	Check Sequence: 39 601-494-9400-44300	ACH Enabled: No
Vendor:MN FIRECH 2006 Dues	MN State Fire Chiefs Assn 2006 Dues Check Total:	270.00 270.00	02/07/0206	Check Sequence: 40 101-420-2220-44330	ACH Enabled: No
Vendor:NEXTEL 761950227-034	Nextel Communications Cellular Service - Admin	76.59	02/07/0206	Check Sequence: 41 101-410-1940-43210	ACH Enabled: No
761950227-034	Cellular Service - Fire Dept	116.56	02/07/0206	101-420-2220-43210	
761950227-034	Cellular Service - Bldg Dept	33.10	02/07/0206	101-420-2400-43210	
761950227-034	Cellular Service - Public Works	49.65	02/07/0206	101-430-3100-43210	
761950227-034	Cellular Service - Parks	16.55	02/07/0206	101-450-5200-43210	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	292.45			
Vendor:NOBIE 1965	Noble Seasonal Lighting, Inc. Set up, take down Christmas Lights Check Total:	3,510.00 3,510.00	02/07/0206	101-430-3100-44030	ACH Enabled: No
Vendor:NOSTPAUL 200601190435	City of North St Paul Salt/Sand Mix Check Total:	1,610.28 1,610.28	02/07/0206	101-430-3100-42290	ACH Enabled: No
Vendor:OFFICEMIX 004105	OfficeMax Paper Check Total:	138.40 138.40	02/07/0206	101-410-1320-42000	ACH Enabled: No
Vendor:PELNAR January 2006	KathPelnar Animal Control Jan 2006 Check Total:	509.65 509.65	02/07/0206	101-420-2700-43150	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11150M 11155M	Peterson Fram & Bergman Legal Services - Admin Legal Services - Criminal Pros Legal Services - Community Dev Legal Services - Civil Litigation Check Total:	2,781.67 3,796.77 726.00 2,002.17 9,306.61	02/07/0206 02/07/0206 02/07/0206 02/07/0206	101-410-1610-43040 101-410-1610-43045 803-490-9070-43040 101-410-1610-43040	ACH Enabled: No
Vendor:PRESS 01/17/06 01/22/06	StevenPress Cablecast/Copies - Council Mtg Cablecast/Copies - Planning Check Total:	111.20 55.60 166.80	02/07/0206 02/07/0206	101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor:REGIONSH 763471	Regions Hospital First Respd. Trng - Fire Dept Check Total:	2,320.00 2,320.00	02/07/0206	101-420-2220-44370	ACH Enabled: No
Vendor:Rivertwn 50035963	RiverTown Newspaper Group Legal publications - Jan 2006 Check Total:	77.01 77.01	02/07/0206	101-410-1320-43510	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:RUD 01/16-02/1 01/16-02/1	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Check Total:	300.00 300.00 600.00	02/07/0206 02/07/0206	Check Sequence: 50 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:S&T 01KN4131 01KO7072 01KO7072	S&T Office Products, Inc. Boxes, Tapes, Files Binders, Shredder Fax Ribbon Check Total:	92.86 146.24 27.58 266.68	02/07/0206 02/07/0206 02/07/0206	Check Sequence: 51 101-410-1320-42000 101-410-1320-42000 101-420-2220-42000	ACH Enabled: No
Vendor:SAMSCLUB 2006 Due	Sarn's Club Annual Due Check Total:	35.00 35.00	02/07/0206	Check Sequence: 52 101-410-1320-44330	ACH Enabled: No
Vendor:SPRINT 0526076028-3	Sprint DataLink - Fire Dept Check Total:	51.18 51.18	02/07/0206	Check Sequence: 53 101-420-2220-43210	ACH Enabled: No
Vendor:STJOSEPH SM08872 SR14285	St Joseph Equipment, Inc. Case Loader Backhoe Rental Check Total:	6,355.92 213.00 6,568.92	02/07/0206 02/07/0206	Check Sequence: 54 410-480-8000-45400 101-430-3100-43150	ACH Enabled: No
Vendor:TENNISSA Refund	Tennis Sanitation LLC Overpaid on Permit Check Total:	100.00 100.00	02/07/0206	Check Sequence: 55 101-000-0000-32181	ACH Enabled: No
Vendor:TKDA 000200600297 000200600366 000200600369 000200600370 000200600371 000200600371 000200600371 000200600371 000200600371 000200600371 000200600371 000200600371	TKDA, Inc. Leak Location SW Mgmt Plan & MS4 Water System Water Tank Grading Reviews, Ut. Permits Public Works Bldg Water System NPPDES Permitting Farms, Deer Glen, Xing, Tapestry Comp Plan Council Meetings	269.40 113.44 14,124.09 5,125.29 3,415.58 53.96 454.06 113.44 14,036.05 506.52 200.00	02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206 02/07/0206	Check Sequence: 56 601-494-9400-43030 603-496-9500-43030 601-494-9400-43030 601-494-9400-43030 101-410-1930-43030 410-480-8000-43030 601-494-9400-43030 603-496-9500-43030 803-490-9070-43030 101-410-1910-43020 101-410-1930-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
000200600394	Public Works Bldg	10,344.19	02/07/0206	410-480-8000-43030	
000200600395	2005 Hilltop Ave Repairs	153.51	02/07/0206	409-480-8000-43030	
000200600396	Tablyn Park/LB Heights Main	28,219.30	02/07/0206	601-494-9400-43030	
000200600397	Northern Main Ext.	215.77	02/07/0206	601-494-9400-43030	
	Check Total:	77,344.60			
Vendor:TRKUTTI	Truck Utilities			Check Sequence: 57	ACH Enabled: No
0152365	Parts - Public Works	138.36	02/07/0206	101-430-3100-42210	
	Check Total:	138.36			
Vendor:TWINCIT	Twin City Water Clinic, Inc.			Check Sequence: 58	ACH Enabled: No
2290	Bacteria Analysis - Jan 2006	20.00	02/07/0206	601-494-9400-43030	
	Check Total:	20.00			
Vendor:United	United Properties Investments			Check Sequence: 59	ACH Enabled: No
07/01-12/31	Eagle Point OEA Dues	236.00	02/07/0206	601-494-9400-44030	
	Check Total:	236.00			
Vendor:Universi	University of Minnesota			Check Sequence: 60	ACH Enabled: No
McNamara	Advanced Design Course - JM	175.00	02/07/0206	101-420-2400-44370	
	Check Total:	175.00			
Vendor:WAS-TRAN	Washington County			Check Sequence: 61	ACH Enabled: No
47761	Trails Grooming	462.79	02/07/0206	101-450-5200-44030	
	Check Total:	462.79			
Vendor:WASHLIC	Washington County License Ctr			Check Sequence: 62	ACH Enabled: No
Sterling	Registration - Sterling truck	3,726.10	02/07/0206	410-480-8000-45400	
	Check Total:	3,726.10			
Vendor:XCEL	Xcel Energy			Check Sequence: 63	ACH Enabled: No
51-4572945-7	3014 Jamney Ave	26.83	02/07/0206	101-430-3100-43810	
51-4576456-3	4259 Jamnaca Ave - Public Works	1,177.75	02/07/0206	101-430-3100-43810	
51-4580376-5	City Hall	727.92	02/07/0206	101-410-1940-43810	
51-4733556-8	Tennis Courts	7.92	02/07/0206	101-450-5200-43810	
51-5044219-0	11194 Upper 33rd St	437.27	02/07/0206	101-450-5200-43810	
51-5044219-0	11194w Upper 33rd St	332.17	02/07/0206	101-450-5200-43810	
51-5356323-8	Wells at 3303 Langley/11975 55th	1,494.92	02/07/0206	601-494-9400-43810	
51-5522332-2	Traffic at 998 Inwood	34.33	02/07/0206	101-430-3160-43810	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
51-5747685-4	3585 Laverne Ave	277.24	02/07/0206	101-450-5200-43810	
51-5916043-7	11062 34th St	16.47	02/07/0206	602-495-9450-43810	
51-6429583-8	2759 Legion Ave	13.43	02/07/0206	101-430-3100-43810	
51-6433976-2	3510 Laverne - Fire Hall 1	756.25	02/07/0206	101-420-2220-43810	
51-6625457-1	3511 Laverne - Fire Hall 2	222.29	02/07/0206	101-420-2220-43810	
51-6928283-3	Traffic at 11915 Stillwater Blvd	25.43	02/07/0206	101-430-3160-43810	
51-6956201-4	3675 Layton Ave	7.92	02/07/0206	101-450-5200-43810	
	Check Total:	5,558.14			
Vendor: ZEPPEP 06-004	Allen O Zepper Public Works Bldg Inspections	225.00	02/07/0206	Check Sequence: 64 101-420-2400-43150	ACH Enabled: No
	Check Total:	225.00			
	Total for Check Run:	489,431.93			
	Total Number of Checks:	64			

CITY OF LAKE ELMO

RECEIVED  
JAN 18 2006

2005 BILLING SUMMARY

MONTH	11135 Administration	11140 Criminal Pros	11145 Public Imp. Proj	11150 Community Dev	11155 Civil Litigation	11161 Auto Forfeiture	TOTAL
Jan	\$4,443.11	\$3,456.17	\$66.00	\$673.71	\$210.00	\$464.00	\$9,312.99
Feb	\$2,439.99	\$2,868.68	\$544.36	\$198.00		\$94.50	\$6,145.53
March	\$3,375.41	\$3,562.62		\$1,956.61	\$99.00	\$318.50	\$9,312.14
April	\$1,979.81	\$3,328.76	\$77.00	\$2,753.61	\$954.77	\$307.00	\$9,400.95
May	\$3,779.92	\$3,329.95	\$297.00	\$390.50	\$354.32	\$518.00	\$8,669.69
June	\$3,795.88	\$3,777.44	\$165.86	\$363.00	\$1,261.00	\$40.50	\$9,403.68
July	\$3,690.32	\$3,349.44		\$333.50	\$132.54	\$40.50	\$7,546.30
Aug	\$2,602.10	\$4,550.31		\$352.00	\$865.07	\$590.61	\$8,960.09
Sept	\$1,178.61	\$3,745.10	\$121.00	\$929.61	\$723.46	\$1,508.50	\$8,206.28
Oct	\$2,193.21	\$3,433.08	\$154.00	\$665.03	\$203.78	\$94.50	\$6,743.60
Nov	\$3,027.11	\$3,469.90	\$132.00	\$712.53	\$279.54	\$207.00	\$7,828.08
Dec	\$2,781.67	\$3,796.77		\$726.00	\$2,002.17		\$9,306.61
Totals	\$35,287.14	\$42,668.22	\$1,557.22	\$10,054.10	\$7,085.65	\$4,183.61	\$100,835.94



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

PETERSON  
FRAMBERGMAN  
ATTORNEYS AT LAW  
P.O. BOX 550, LAKE ELMO, MN 55042

(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  
12/31/2005  
ACCOUNT NO. 11135M

	FEE'S	EXPENSES	ADVANCES	BALANCE
11135-000008 Comp. Plan Update 2000-2020	1,243.00	6.63	0.00	\$1,249.63
11135-030004 SNOWMOBILE - ATV REGULATION	99.00	0.00	0.00	\$99.00
11135-040010 VACATION OF 55TH STREET	0.00	0.43	133.65	\$134.08
11135-920001 Administration	1,298.00	0.96	0.00	\$1,298.96
11135-920002 Oakdale-Lake Elmo Water Connection	0.00	0.00	0.00	\$0.00
	<u>2,640.00</u>	<u>8.02</u>	<u>133.65</u>	<u>\$2,781.67</u>

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.  
PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.  
**PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.**

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

PETERSON,  
FRAM & BERGMAN  
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  
12/31/2005  
ACCOUNT NO. 11140M

	FEE'S	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	3,205.00	37.66	0.00	\$3,242.66
11140-040262 Bunting, Jack Douglas no insurance, no proof of insurance	22.50	0.00	0.00	\$22.50
11140-050075 St. Michael, Andrew Thomas GM-property damage, domestic assault	22.50	0.00	0.00	\$22.50
11140-050116 Baron, Richard John DAS	5.00	0.00	0.00	\$5.00
11140-050181 Remmen, Howard Lester 2nd degree DUI, DAS	5.00	0.00	0.00	\$5.00
11140-050192 Taylor, William David GM-DAC-IPS	5.00	1.61	0.00	\$6.61
11140-050209 Salzman, Sandra Ann careless driving	5.00	0.00	0.00	\$5.00
11140-050233 Goldberg, Scott disorderly conduct	5.00	0.00	0.00	\$5.00

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St. Paul, MN 55101-1197



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

CITY OF LAKE ELMO

Page: 2  
12/31/2005  
11140M

ACCOUNT NO.

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-050244 Jacobson, Richard careless driving, no insurance	5.00	0.00	0.00	\$5.00
11140-050249 Meissner, Chad E. GM-no insurance, DAS	5.00	0.00	0.00	\$5.00
11140-050254 Swanson, Thomas D. 4th degree DUI, no insurance, drive without headlights	5.00	0.00	0.00	\$5.00
11140-050256 Perez, Steven Samuel DAC-IPS	10.00	0.00	0.00	\$10.00
11140-050258 Casanova, Margaret Lynn GM-no insurance, DAR	10.00	0.00	0.00	\$10.00
11140-050259 Davis, Vicki Lynn DAS	70.00	0.00	0.00	\$70.00
11140-050261 Roth, Tanessa Lynn Violate restraining order	5.00	0.00	0.00	\$5.00
11140-050264 McIarnon, Christopher careless, no dl	5.00	0.00	0.00	\$5.00
11140-050268 Olivarez, Tia Marie DAR, no proof of insurance	10.00	0.00	0.00	\$10.00

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Sulte 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

Page: 3  
12/31/2005  
11140M

ACCOUNT NO.

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-050271 Gleason, Jean Louise pass on shoulder	5.00	0.00	0.00	\$5.00
11140-050273 Takemoto, Eric James 3rd degree DUI, DAR	62.50	0.00	0.00	\$62.50
11140-050274 McAninch, Andrea J. 2nd degree DUI	62.50	0.00	0.00	\$62.50
11140-050276 Minich, Robyn Lynn Siedow trespass, DOC	5.00	0.00	0.00	\$5.00
11140-050277 Wilson, Allen domestic assault	5.00	0.00	0.00	\$5.00
11140-050281 Sandberg, Erick DAS	5.00	0.00	0.00	\$5.00
11140-050282 Kincaid, Jesse Kole 4th degree DUI, pass on shoulder, speed	10.00	0.00	0.00	\$10.00
11140-050283 Fletch, Jay William 3rd degree DUI	62.50	0.00	0.00	\$62.50
11140-050284 Sorenson, Steven C. 3rd degree DUI	62.50	0.00	0.00	\$62.50

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St. Paul, MN 55101-1197

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Federal Tax ID #41-0991098

CITY OF LAKE ELMO

Page: 4  
12/31/2005  
ACCOUNT NO. 11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-050291 Jones, William Harold Sr. Gm-no insurance,	10.00	0.00	0.00	\$10.00
11140-050293 Pita, Andrew 4th degree DUI, not a drop violation, open bottle	5.00	0.00	0.00	\$5.00
11140-050297 Petrick, David assault, domestic assault	5.00	0.00	0.00	\$5.00
11140-050298 Jones, Arthur violate limited DL	57.50	0.00	0.00	\$57.50
	<u>3,757.50</u>	<u>39.27</u>	<u>0.00</u>	<u>\$3,796.77</u>

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

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

ACCOUNT NO.

Page: 1  
12/31/2005  
11150M

	FEES	EXPENSES	ADVANCES	BALANCE
11150-050004 FARMS OF LAKE ELMO O.P. DEVELOPMENT	99.00	0.00	0.00	\$99.00
11150-050007 LAKE ELMO DEVELOPMENT CORPORATION - OP	506.00	0.00	0.00	\$506.00
11150-050009 PLAT, REZONING AND COMP PLAN - PARK MEADOWS	121.00	0.00	0.00	\$121.00
	<u>726.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$726.00</u>

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

PETERSON  
FRAMBERGMAN  
PETERSON, SORVALL & SORVALL LLP

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

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

ACCOUNT NO.

Page: 1  
12/31/2005  
11155M

	FEEES	EXPENSES	ADVANCES	BALANCE
11155-040002 ZIERTMAN/SESSING PROPERTY	1,633.50	8.67	360.00	<u>\$2,002.17</u>

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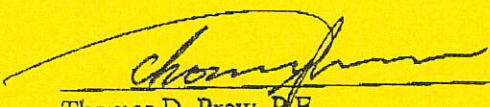


4B



444 Cedar Street  
Saint Paul, MN 55101-2140

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

Project No. 13186.000.002 Cert. No. 4 St. Paul, MN, January 25, 2006  
 To City of Lake Elmo, Minnesota Owner  
 This Certifies that Chris Riley Utilities, Inc. Contractor  
 For Water System Interconnect - Phase I  
 Is entitled to Ten Thousand Four Hundred Twenty-Seven Dollars and 20/100 (\$ 10,427.20)  
 being 4th estimate for partial payment on contract with you dated April 5, 2005  
 Received payment in full of above Certificate. **TKDA**  
Chris Riley Utilities, Inc.  
20  
  
 Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 348,626.18		
All previous payments		\$ 309,694.06	
All previous credits			
Extra No.			
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 10,427.20	
Totals	\$ 348,626.18	\$ 320,121.26	\$ -
There will remain unpaid on contract after payment of this Certificate		\$ 28,504.92	
	\$ 348,626.18	\$ 348,626.18	\$ -



TKDA  
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 4 Period Ending January 23, 2006 Page 1 of 1 Project No. 13186.000.002  
Contractor Chris Riley Utilities, Inc. Original Contract Amount \$348,626.18  
Project Water System Interconnect Phase I  
Location City of Lake Elmo, Minnesota

Total Contract Work Completed \$ 336,969.75  
Total Approved Credits \$ 0.00  
Total Approved Extra Work Completed \$ 0.00  
Approved Extra Orders Amount Completed \$ 0.00  
Total Amount Earned This Estimate \$ 336,969.75

Less Approved Credits \$ 0.00  
Less 5 % Retained \$ 16,848.49  
Less Previous Payments \$ 309,694.06  
Total Deductions \$ 326,542.55  
Amount Due This Estimate \$ 10,427.20

Contractor Chris Riley Utilities, Inc.  
Engineer Thomas D. Prew  
Thomas D. Prew, P.E.

Date \_\_\_\_\_  
Date January 25, 2006

ESTIMATE NO. 4

PERIOD ENDING: January 23, 2006

WATER SYSTEM INTERCONNECT - PHASE I  
 CITY OF LAKE ELMO, MINNESOTA  
 TKDA PROJECT NO. 13186.000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>BASE BID</b>						
1	MOBILIZATION	LS	1.0	1.0	\$ 15,000.00	\$ 15,000.00
2	REMOVE & DISPOSE OF BIT. PAVEMENT	SY	210.0	68.0	\$ 5.00	\$ 330.00
3	SAW CUT BIT. PAVEMENT	LF	75.0	71.0	\$ 1.00	\$ 71.00
4	PATCH BIT. PAVEMENT 4" THICK	SY	210.0	66.0	\$ 18.00	\$ 1,188.00
5	REMOVE & REPLACE CMP CULVERT	LF	70.0	30.0	\$ 12.00	\$ 360.00
6	SEEDING, INCL. SEED, FERTILIZER & WOOD FIBER BLANKET	SY	900.0	600.0	\$ 1.50	\$ 900.00
7	SODDING TYPE LAWN	SY	200.0	-	\$ 2.50	\$ -
8	CL-5	TN	30.0	119.0	\$ 9.00	\$ 1,071.00
9	BIT. PAVEMENT FOR DRIVEWAY 2" DEPTH	TN	154.0	181.12	\$ 50.00	\$ 9,058.00
10	CONNECT TO EXIST. WATERMAIN	EA	1.0	1.0	\$ 1,200.00	\$ 1,200.00
11	6" DIP CL-52 WATERMAIN	LF	42.0	24.0	\$ 33.82	\$ 811.68
12	8" DIP CL-50 WATERMAIN	LF	15.0	12.0	\$ 45.86	\$ 550.32
13	DIR. DRILL 16" (DIP) HDPE DR 17	LF	6,649.0	6,649.0	\$ 40.48	\$ 269,151.52
14	6" RES. SEAT GATE VALVE & BOX	EA	6.0	6.0	\$ 868.42	\$ 5,330.52
15	8" RES. SEAT GATE VALVE & BOX	EA	1.0	1.0	\$ 1,179.32	\$ 1,179.32
16	16" BUTTERFLY VALVE & BOX	EA	4.0	5.0	\$ 2,610.91	\$ 13,054.55
17	6" HYDRANT (7'-6" BURY)	EA	6.0	6.0	\$ 2,720.14	\$ 16,320.84
18	MJ DIP COMPACT FITTINGS	LB	4,109.0	485.0	\$ 3.00	\$ 1,395.00
19	TYPE LV-3 BIT. NON-WEAR COURSE MIXTURE	TN	-	-	\$ -	\$ -
20	TYPE LV-4 BIT. WEAR COURSE MIX	TN	-	181.0	\$ -	\$ -
21	BITUMINOUS MATERIAL FOR TACK COAT	GA	-	-	\$ -	\$ -
22	TOPSOIL BORROW	CY	-	130.0	\$ -	\$ -
23	SODDING	SY	-	-	\$ -	\$ -

TOTAL ESTIMATE NO. 4

\$ 336,969.75

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

**RESOLUTION NO. 2006-011**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 4  
TO CHRIS RILEY UTILITIES, INC.  
FOR WATER SYSTEM INTERCONNECT-PHASE I**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 4 to CHRIS RILEY UTILITIES INC. in the amount of \$10,427.20 for Water System Interconnect-Phase I.

ADOPTED by the Lake Elmo City Council the 7th day of February, 2006.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin Rafferty, City Administrator



4C  
(1)

# 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

Proj. No. 13186.000 Cert. No. 2 St. Paul, MN, January 18, 2006

To City of Lake Elmo, Minnesota Owner

This Certifies that Chris Riley Utilities, Inc., Contractor

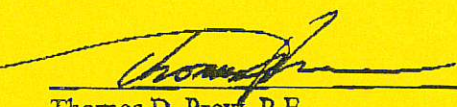
For Water System Interconnect - Phase III (Jamaca Avenue, Stillwater Boulevard, and 31st Streets)

Is entitled to Eighty-Two Thousand Five Hundred Twenty-Two Dollars and 66/100 (\$ 82,522.66 )

being 2nd estimate for partial payment on contract with you dated September 20, 2005

Received payment in full of above Certificate. TKDA

Chris Riley Utilities, Inc.  
 , 2006

  
Thomas D. Prew, P.E.

### RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 612,000.32		
All previous payments		\$ 108,941.79	
All previous credits			
Extra No.			
Change Order No. 1	\$ -		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 82,522.66	
Totals	\$ 612,000.32	\$ 191,464.45	\$ -
Credit Balance			
There will remain unpaid on contract after payment of this Certificate		\$ 420,535.87	
	\$ 612,000.32	\$ 612,000.32	\$ -




TKDA  
Engineers-Architects-Planners

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 2 Period Ending January 12, 2006 Page 1 of 1 Proj. No. 13186.000  
 Contractor Chris Riley Utilities, Inc. Original Contract Amount \$612,000.32  
 Project Water System Interconnect - Phase III (Jamaca Avenue, Stillwater Boulevard, and 31st Streets)  
 Location City of Lake Elmo, Minnesota

Total Contract Work Completed		\$	<u>201,573.10</u>
Total Approved Credits		\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>	
Approved Extra Orders Amount Completed		\$	<u>0.00</u>
Total Amount Earned This Estimate		\$	<u>201,573.10</u>

Less Approved Credits	\$	<u>0.00</u>	
Less <u>5</u> % Retained	\$	<u>10,078.66</u>	
Less Previous Payments	\$	<u>108,941.79</u>	
Total Deductions		\$	<u>119,020.45</u>
Amount Due This Estimate		\$	<u>82,552.66</u>

Contractor Chris Riley Utilities, Inc.  
 Engineer   
 Thomas D. Prew, P.E.

Date \_\_\_\_\_  
 Date January 18, 2006

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

**RESOLUTION NO. 2006-012**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 2  
TO CHRIS RILEY UTILITIES, INC.  
FOR WATER SYSTEM INTERCONNECT-PHASE III  
(Jamaca Avenue, Stillwater Boulevard, and 31<sup>st</sup> Street)**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 2 to CHRIS RILEY UTILITIES INC. in the amount of \$82,522.66 for Water System Interconnect-Phase III.

ADOPTED by the Lake Elmo City Council the 7th day of February, 2006.

---

Dean Johnston, Mayor

ATTEST:

---

Martin Rafferty, City Administrator







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

**RESOLUTION NO. 2006-013**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 3  
TO CHRIS RILEY UTILITIES, INC.  
FOR WATER SYSTEM INTERCONNECT-PHASE III  
(Jamaca Avenue, Stillwater Boulevard and 31<sup>st</sup> Street)**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 3 to CHRIS RILEY UTILITIES INC. in the amount of \$10,709.71 for Water System Interconnect-Phase III.

ADOPTED by the Lake Elmo City Council the 7th day of February, 2006.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin Rafferty, City Administrator



40

# 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

Proj. No. 13253.000 Cert. No. 1 St. Paul, MN, January 24, 2006

To City of Lake Elmo, Minnesota Owner

This Certifies that CB&I Constructors, Inc. Contractor

For Elevated Water Storage Tank No. 2

Is entitled to Forty Six Thousand Three Hundred Twelve Dollars and 50/100 (\$ 46,312.50)  
being 1st estimate for partial payment on contract with you dated October 18, 2005

Received payment in full of above Certificate.

TKDA

CB&I Constructors, Inc.  
\_\_\_\_\_, 20\_\_\_\_

Kurt B. Johnson  
Kurt B. Johnson, P.E.

### RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 1,169,000.00		
All previous payments		\$ -	
All previous credits			
Extra No.			
Change Order No. 1			
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
<b>AMOUNT OF THIS CERTIFICATE</b>		\$ 46,312.50	
Totals	\$ 1,169,000.00	\$ 46,312.50	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 1,122,687.50	
	\$ 1,169,000.00	\$ 1,169,000.00	\$ -





# CB&I Constructors, Inc.

9560 Hickman Road

Clive, IA 50325-5318

Correspondence Address

PROJECT MANAGER	BILLER	CONTRACT NUMBER	CUSTOMER NO	PAY APPLICATION	INVOICE DATE	DUE DATE	INVOICE NO
DAB	JMN	37150791	1249422	1	12/29/2005	1/28/2006	150791-01
CUSTOMER REFERENCE NUMBERS and/or PURCHASE NUMBERS Project #13253.000				JOB LOCATION		PAYMENT TERMS	
				Lake Elmo, MN		NET 30	
MAIL TO				SOLD TO			
TKDA 1500 Piper Jaffray Plaza 444 Cedar Street St. Paul, MN. 55101 Attn: Mr. Kurt Johnson				City of Lake Elmo 3800 Laverne Ave. North Lake Elmo, MN. 55042			

**750 MG CET / 114' TCL**

Original Contract Price

\$1,169,000.00

\$0.00

\$1,169,000.00

Total Contract Price

**DESCRIPTION**

**PRICE**

**% COMPLETE**

**AMOUNT DUE**

Engineering / Foundation Drawings to Approval, Bonds / Insurance	\$48,750.00	100%	48,750.00
Tank & Shaft Drawings to Approval/Bldg. Permit	\$43,500.00	0%	0.00
Tank Material Delivery	\$160,000.00	0%	0.00
Tank Foundation / Piping	\$160,000.00	0%	0.00
Derrick / Access Tube Fabrication & Erection	\$40,000.00	0%	0.00
Concrete Shaft	\$205,000.00	0%	0.00
Ring Beam Fabrication & Erection / Flat Slab	\$105,000.00	0%	0.00
Tank Fabrication	\$85,000.00	0%	0.00
Tank Erection / Structural 2nd Floor Erection	\$180,730.00	0%	0.00
Tank Painting	\$72,000.00	0%	0.00
Tank Disinfection	\$1,000.00	0%	0.00
Electrical / Telemetry / Heater	\$45,020.00	0%	0.00
Pour 1st & 2nd Floors / Control Bldg.	\$19,000.00	0%	0.00
Final Site Restoration / Access Road	\$4,000.00	0%	0.00
	<u>\$1,169,000.00</u>		<u>48,750.00</u>

Progress Completed To Date

\$48,750.00

Less: Retention 5%

\$2,437.50

Total Amount Billed To Date

\$46,312.50

Less: Amount Previously Invoiced

\$0.00

**CURRENT AMOUNT DUE**

\$46,312.50

**Payments - Regular Mail**  
CB&I Constructors, Inc.  
PO Box 406381  
Atlanta, GA 30384-6381

**Carrier Delivery and/or Overnight Mail**  
Bank of America Lockbox Services  
CB&I Constructors Inc. -Lockbox 406381  
6000 Feldwood Road  
College Park, GA 30349

**Wire Transfer Information**  
Bank of America  
ABA: 111 000 012  
Account Number: 375627266  
Account Name:  
CB&I Constructors, Inc.

**DIRECT QUESTIONS REGARDING:**  
INVOICE BILLING:  
INVOICE PAYMENT:

Joanne Nealon, A/R Administrator, Ph. 515-254-9505 email: jnealon@CBI.com  
Gayla Zenz, Credit Manager, Ph. 515-254-9502 email: gzenz@CBI.com

**CONTRACTOR'S CERTIFICATE FOR PAYMENT**

**AIA DOCUMENT G702**

PAGE ONE OF TWO PAGES

**TO: (OWNER)**  
City of Lake Elmo  
3800 Laveme Ave. North  
Lake Elmo, MN, 55042

**PROJECT:**  
Project #13253.000  
**CB&I NO.**

**PERIOD TO:** 12/20/2005  
**ENGINEER'S PROJECT NO.:** 19253.000  
**CONTRACT DATE:** 10/24/05

**FROM (CONTRACTOR):**  
CB&I Constructors, Inc.  
Clive, IA 50325

**CONTRACT FOR:** 750 MG CET / 114' TOL  
1500 Piper Jaffray Plaza  
444 Cedar Street

**Distribution to:**  
OWNER  
ENGINEER  
CONTRACTOR

Grid for distribution: 5 empty boxes

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner			
TOTAL			
Approved this Month			
Number	Date Approved		
TOTALS			
Net change by Change Orders			

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM
2. Net change by Change Orders
3. CONTRACT SUM TO DATE (Line 1+2)
4. TOTAL COMPLETED & STORED TO DATE (Col G on G703)
5. RETAINAGE:
  - a. 5% of Completed Work (Col D + E on G703)
  - b. % of Stored Material (Col F on G703)

\$1,169,000.00  
\$0.00  
\$1,169,000.00  
\$48,750.00

\$2,437.50

Total Retainage (Line 5a + 5b or (Total in Col I of G703)  
5. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)  
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)  
8. CURRENT PAYMENT DUE  
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)

\$2,437.50  
\$46,312.50  
\$1,122,687.50

**CONTRACTOR:** CB&I Constructors, Inc.

By: *Danuel Nelson*  
MR. Administrator  
Date: December 29, 2005

State of: IOWA  
County of: POLK  
Subscribed and sworn to before me this 29th day of December, 2005  
Notary Public  
My Commission expires: 12/31/2007

**GAYLA L. ZENZ**  
Commission Number 713888  
My Commission Expires Dec. 3, 2007

**ENGINEER'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED  
(Attach explanation if amount certified differs from the amount applied for.)  
By: \_\_\_\_\_ Date: \_\_\_\_\_

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

**CONTINUATION SHEET**

AIA Document G703, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column f on Contracts where variable retainage for line items may apply.

AIA DOCUMENT G703

APPLICATION NUMBER: 12/29/2005  
 PERIOD TO: 12/20/2005  
 CBI CONTRACT NO.: 37150791

PAGE 2 OF 2 PAGES

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D O R E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE 5%
			FROM PREVIOUS APPLICATION (D+E)	% (G div. C)					
1	Engineering / Foundation Drawings to Approval, Bonds / Insurance	48,750.00	0.00	0.00	48,750.00		48,750.00	0.00	2,437.50
2	Tank & Shaft Drawings to Approval/Bldg. Permit	43,500.00	0.00	0.00	0.00		0.00	43,500.00	0.00
3	Tank Material Delivery	160,000.00	0.00	0.00	0.00		0.00	160,000.00	0.00
4	Tank Foundation / Piping	160,000.00	0.00	0.00	0.00		0.00	160,000.00	0.00
5	Derrick / Access Tube Fabrication & Erection	40,000.00	0.00	0.00	0.00		0.00	40,000.00	0.00
6	Concrete Shaft	205,000.00	0.00	0.00	0.00		0.00	205,000.00	0.00
7	Ring Beam Fabrication & Erection / Flat Slab	105,000.00	0.00	0.00	0.00		0.00	105,000.00	0.00
8	Tank Fabrication	85,000.00	0.00	0.00	0.00		0.00	85,000.00	0.00
9	Tank Erection / Structural 2nd Floor Erection	180,730.00	0.00	0.00	0.00		0.00	180,730.00	0.00
10	Tank Painting	72,000.00	0.00	0.00	0.00		0.00	72,000.00	0.00
11	Tank Disinfection	1,000.00	0.00	0.00	0.00		0.00	1,000.00	0.00
12	Electrical / Telemetry / Heater	45,020.00	0.00	0.00	0.00		0.00	45,020.00	0.00
13	Pour 1st & 2nd Floors / Control Bldg.	19,000.00	0.00	0.00	0.00		0.00	19,000.00	0.00
14	Final Site Restoration / Access Road	4,000.00	0.00	0.00	0.00		0.00	4,000.00	0.00
		1,169,000.00	0.00	0.00	48,750.00	0.00	48,750.00	1,120,250.00	2,437.50

AIA DOCUMENT G703 - APPLICATION AND CERTIFICATE FOR PAYMENT - MAY 1983 - AIA®-1983  
 THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006

G703-1983



**CB&I Constructors, Inc.**  
9550 HICKMAN ROAD  
CLIVE, IOWA 50325-5316

**PARTIAL WAIVER OF LIEN**

To: **City of Lake Elmo**  
3800 Laverne Ave. North  
Lake Elmo, MN. 55042

CB&I Contract Number: **37150791**

We, having been engaged by you to perform work in the construction of

**750 MG CET / 114' TCL**

at job location site: **Lake Elmo, MN**

in accordance with the SIGNED AGREEMENT DATED **October 24, 2005**  
certify that we have fully paid for all work, labor, material, and equipment furnished to  
date by us, or by our subcontractors, or material men. In consideration of the payment  
to us of **\$46,312.50** for the following invoice(s).

<u>Date</u>	<u>Invoice Number</u>	<u>Amount</u>
Dec-29-05	150791-01	\$46,312.50

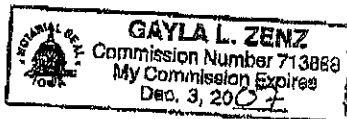
*We hereby release to the extent of payment for said invoice(s) any and all lien, or right of lien, on account of labor and/or material furnished in the performance of our work. This partial waiver of lien is limited to the work included in said invoice(s), and this waiver does not extend to any labor and/or material furnished by us on prior or subsequent invoice(s).*

Executed this 29th day of December, 2005.

By: Joanne Nealon  
Joanne Nealon A/R Administrator  
CB&I Constructors, Inc.

Subscribed and sworn to before me this 29th day of December, 2005.

By: Gayla L. Zenz



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

**RESOLUTION NO. 2006-014**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 1  
TO CB&I CONSTRUCTORS, INC.  
FOR THE ELEVATED WATER STORAGE TANK NO. 2**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 1 to CB&I CONSTRUCTORS, INC. in the amount of \$46,312.50 for work improvements to the Elevated Water Storage Tank No. 2.

ADOPTED by the Lake Elmo City Council the 7th day of February, 2006.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin Rafferty, City Administrator



<p><b><u>Mayor</u></b> Dean Johnston</p> <p><b><u>Councilmembers</u></b> Steve DeLapp Liz Johnson Anne Smith Rita Conlin</p>	<p>No. 4E .</p> <p><b>Agenda Section: Consent Agenda</b></p> <p><b>Agenda Item: Parks Commission Appointment</b></p> <p><b>Date: February 7, 2006</b></p>
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**Background Information for February 7, 2006**

Parks Commissioner Jenifer Watters term has expired. She has requested reappointment for a second term.

Parks Commissioner Chuck Nalipinski resigned his commission. 1<sup>st</sup> Alternate Commissioner Rolf Larson should be appointed to Full Voting Member status and 2<sup>nd</sup> Alternate Commissioner Judith Blackford should be appointed to 1<sup>st</sup> Alternate status.

<p><b><u>Action Items:</u></b> Motion _____, Second _____, to reappoint Jenifer Watters for a second term on the Parks Commission, to appoint Rolf Larson as Full Voting Member of the Parks Commission with terms expiring on February 6, 2009, and to appoint Judith Blackford 1<sup>st</sup> Alternate Member of the Parks Commission.</p>	<p><b><u>Person Responsible:</u></b> K. Schaffel</p>
<p><b><u>Attachments:</u></b></p>	<p><b><u>Time Allocated:</u></b></p>



<p>Lake Elmo City Council 02-07-2006</p>	<p>Agenda Section: FINANCE</p>	<p><u>No.</u> 5A</p>
<p><b><u>Agenda Item:</u> Finance for the New Pumper/Tanker</b></p>		
<p><b><u>Background Information for February 07, 2006:</u></b></p> <p>On December 20, 2005 the City Council approved financing the new fire pumper/tanker through issuance of G.O. Equipment Certificates.</p> <p>Attached, please find Resolution 2006-015, Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$443,000 General Obligation Equipment Certificates of Indebtedness, Series 2006A. Mr. Paul Donna will be in attendance at the City Council meeting to respond to questions.</p>		
<p><b><u>Action Items</u></b> Motion to approve Resolution 2006-015 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$443,000 G.O. Equipment Certificate of Indebtedness, Series 2006A</p>	<p><b><u>Persons Responsible:</u></b> Tom Bouthilet &amp; Paul Donna</p>	
<p><b><u>Attachments:</u></b> Resolution 2006-015</p>		



**CERTIFICATION OF MINUTES**

Municipality: The City of Lake Elmo, Minnesota

Governing Body: City Council

Meeting: A meeting of the City Council of the City of Lake Elmo was held on the 7th day of February, 2006, at 7:00 p.m. at the City offices, 3800 Laverne Ave. N., Lake Elmo, Minnesota.

Members present:

Members absent:

Documents: Resolution No. 06-\_\_ - Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$443,000 General Obligation Equipment Certificates of Indebtedness, Series 2006A

Certification:

I, MARTIN J. RAFFERTY City Administrator of the City of Lake Elmo, Minnesota, do hereby certify the following:

Attached hereto is a true and correct copy of a resolution on file and of record in the offices of the City of Lake Elmo, Minnesota, which resolution was adopted by the Lake Elmo City Council, at the meeting referred to above. Said meeting was a regular meeting of the Lake Elmo City Council, was open to the public, and was held at the time at which meetings of the City Council are regularly held. Member \_\_\_\_\_ moved the adoption of the attached resolution. The motion for adoption of the attached resolution was seconded by Member \_\_\_\_\_. A vote being taken on the motion, the following voted in favor of the resolution:

\_\_\_\_\_ and the following voted against the resolution:

Whereupon said resolution was declared duly passed and adopted by at least two-thirds of the members of the City Council. The attached resolution is in full force and effect and no action has been taken by the City Council of the City of Lake Elmo, Minnesota which would in any way alter or amend the attached resolution.

Witness my hand officially as the City Administrator of the City of Lake Elmo, Minnesota this 7th day of February, 2006.

By \_\_\_\_\_  
Its City Administrator

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-015  
AUTHORIZING ISSUANCE, AWARD SALE FOR G.O. EQUIPMENT CERTIFICATE

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$443,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2006A

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 hereby determines that it is in the best interests of the City to issue its \$443,000 General Obligation Equipment Certificates of Indebtedness, Series 2006A (the Obligations) to finance the costs of acquiring items of capital equipment (the Project). Said items of capital equipment have a useful life not less than the term of the Obligations. The principal amount of the Obligations does not exceed .25 percent of the market value of taxable property in the City.

1.02. 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 Obligations. A proposal for the purchase of the Obligations was received at or before the time specified for receipt of proposals. Northland Securities, Inc. (the Purchaser) has proposed to purchase the Obligations at a price of \$\_\_\_\_\_ plus accrued interest on all Obligations to the day of issuance and delivery, on the further terms and conditions hereinafter set forth.

1.03. Award. The sale of the Obligations is hereby awarded to the Purchaser and the Mayor and City Manager are hereby authorized and directed to execute a contract on behalf of the City for the sale of the Obligations in accordance with the terms of the proposal.

Section 2. Obligation Terms; Registration; Execution and Delivery.

2.01. Issuance of Obligations. 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 Obligations 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 Obligations, to provide security therefor and to issue the Obligations forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Obligations shall be originally dated March 8, 2006, shall mature on December 1 in the years and amounts stated below and shall bear interest from the 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>Interest Rate</u>
2008	\$119,000	%
2011	128,000	
2015	196,000	

The Obligations shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Obligation at the principal office of the Registrar described herein, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein. Upon the initial delivery of the Obligations 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 Obligation so delivered, exchanged or transferred.

2.03. Dates and Interest Payment Dates. Interest on the Obligations shall be payable on each June 1 and December 1, commencing December 1, 2006, to the owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve thirty-day months.

2.04. Redemption. Obligations maturing in 2015 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 on December 1, 2013, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Manager shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty (30) and not more than sixty (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 Obligations 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 Obligation not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Obligations or portions of Obligations 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 Obligations or portions of Obligations shall cease to bear interest. Upon partial redemption of any Obligation, a new Obligation or Obligations will be delivered to the owner without charge, representing the remaining principal amount outstanding.

Obligations maturing on December 1 in the years 2008, 2011 and 2015 (the Term Obligations) 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 December 1 in each of the following years the following stated principal amounts of such Obligations:

Term Obligations Maturing December 1, 2008

<u>Year</u>	<u>Principal Amount</u>
2006	\$40,000
2007	39,000

The remaining \$40,000 stated principal amount of such Obligations shall be paid at maturity on December 1, 2008.

Term Obligations Maturing December 1, 2011

<u>Year</u>	<u>Principal Amount</u>
2009	\$41,000
2010	43,000

The remaining \$44,000 stated principal amount of such Obligations shall be paid at maturity on December 1, 2011.

Term Obligations Maturing December 1, 2015

<u>Year</u>	<u>Principal Amount</u>
2012	\$46,000
2013	48,000
2014	50,000

The remaining \$52,000 stated principal amount of such Obligations shall be paid at maturity on December 1, 2015.

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

2.05. Appointment of Initial Registrar. The City hereby appoints the City Finance Director as the initial bond registrar, transfer agent and paying agent (the Registrar) for the Obligations. The City reserves the right to remove the Registrar, effective upon thirty days' notice and upon the appointment of and acceptance by a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Obligations 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 office a bond register in which the Registrar shall provide for the registration of ownership of Obligations and the registration of transfers and exchanges of Obligations entitled to be registered, transferred or exchanged.

(b) Transfer of Obligations. Upon surrender for transfer of any Obligation 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 Obligations 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 Obligations. Whenever any Obligations are surrendered by the registered owner for exchange the Registrar shall authenticate and deliver one or more new Obligations of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Obligations 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 Obligation is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Obligation 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 Obligation is at any time registered in the bond register as the absolute owner of the Obligation, whether the Obligation shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on the Obligation 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 Obligation to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Obligations (except for an exchange upon a partial redemption of an Obligation), 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 Obligations. In case any Obligation shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Obligation of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Obligation or in lieu of and in substitution for any Obligation destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of an Obligation destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Obligation 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 Obligations 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 Obligation has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Obligation prior to payment.

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

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

2.07. Execution, Authentication and Delivery. The Obligations shall be prepared under the direction of the City Manager and shall be executed on behalf of the City by the signatures of the Mayor and the City Manager, 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 Obligations shall cease to be such officer before the delivery of any Obligation, 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 Obligation 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 Obligation has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Obligations need not be signed by the same representative. The executed certificate of authentication on each Obligation shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Obligations have been prepared, executed and authenticated, the City Manager 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. Form of Obligations. The Obligations shall be prepared in substantially the following form:

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

GENERAL OBLIGATION EQUIPMENT CERTIFICATE OF INDEBTEDNESS,  
SERIES 2006A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
%	December 1, 20__	March 8, 2006

REGISTERED OWNER:

PRINCIPAL AMOUNT: THOUSAND DOLLARS

THE CITY OF LAKE ELMO, 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 sum specified above on the maturity date specified above, with 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 June 1 and December 1 in each year, commencing December 1, 2006 (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 Obligation before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Obligation 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, the principal hereof are payable in lawful money of the United States of America by check or draft or other agreed means of payment by the City Finance Director as Registrar and Paying Agent (the Registrar), or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith, credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Obligation is one of an issue in the aggregate principal amount of \$443,000 issued pursuant to a resolution adopted by the City Council on February 7, 2006 (the Resolution), to finance the costs of acquisition of capital equipment, and is issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Section 412.301 and Chapter 475. The Obligations are issuable only in fully registered form of single maturities.

Obligations maturing in 2015 are 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 on December 1, 2013, and on any date thereafter, at a price equal to the principal amount thereof plus interest accrued to the date of redemption. The City will cause notice of the call for redemption to be published if and as required by law and, at least thirty (30) days prior to the designated redemption date, will cause notice of the call thereof to be mailed by first class mail to the registered owner of any Obligation to be redeemed at the owner's address as it appears 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 Obligation not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Obligations or portions of Obligations 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 Obligations or portions of Obligations shall cease to bear interest. Upon partial redemption of any Obligation, a new Obligation or Obligations will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

Bonds maturing in the year 2008, 2011 and 2015 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 December 1 in each of the years shown below, in an amount equal to the following principal amounts:

Term Bonds Maturing in 2008

<u>Sinking Fund Payment Date</u>	<u>Aggregate Principal Amount</u>
12/1/06	\$40,000
12/1/07	39,000
12/1/08 (maturity)	40,000

Term Bonds Maturing in 2011

<u>Sinking Fund Payment Date</u>	<u>Aggregate Principal Amount</u>
12/1/09	\$41,000
12/1/10	43,000
12/1/11 (maturity)	44,000

Term Bonds Maturing in 2015

<u>Sinking Fund Payment Date</u>	<u>Aggregate Principal Amount</u>
12/1/12	\$46,000
12/1/13	48,000
12/1/14	50,000
12/1/15 (maturity)	52,000

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 Obligation 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 Obligations of other authorized denominations. Upon such transfer or exchange the City will cause a new Obligation or Obligations to be issued in the name of the 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 such transfer or exchange.

The Obligations 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 Obligation is registered as the absolute owner hereof, whether this Obligation 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 Obligation 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 levied ad valorem taxes on all taxable property in the City, which taxes are estimated to be receivable in the years and in amounts sufficient to produce sums not less than five percent in excess of the principal of and interest on the Obligations when due, and has appropriated such taxes to its General Obligation Equipment Certificates of Indebtedness, Series 2006A Sinking Fund for the payment of such principal and interest; that if necessary for payment of such principal and interest when due, 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 Obligation, 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 Obligation 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 Obligation to be executed on its behalf by the facsimile signatures of the Mayor and City Manager and has caused this Obligation to be dated as of the date set forth below.

Date of Authentication: \_\_\_\_\_

CITY OF LAKE ELMO, MINNESOTA

(facsimile signature - City Manager)

(facsimile signature - Mayor)

CERTIFICATE OF AUTHENTICATION

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

CITY FINANCE DIRECTOR, as Registrar

By \_\_\_\_\_  
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Obligation, 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 Obligation and all rights thereunder, and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the said Obligation on the books kept for registration of the within Obligation, 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 Obligation 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 Equipment Certificates of Indebtedness, Series 2006A Sinking Fund. So long as any of the Obligations are outstanding and any principal of or interest thereon unpaid, the City Finance Director shall maintain a separate debt service fund on the official books and records of the City to be known as the General Obligation Equipment Certificates of Indebtedness, Series 2006A Sinking Fund (the Sinking Fund), and the principal of and interest on the Obligations shall be payable from the Sinking Fund. The City irrevocably appropriates to the Sinking Fund (a) any amount in excess of \$ \_\_\_\_\_ received from the Purchaser (including amounts representing capitalized interest); (b) all taxes levied and collected in accordance with this Resolution; and (c) all other moneys as shall be appropriated by the City Council to the Sinking Fund from time to time. If the balance in the Sinking Fund is at any time insufficient to pay all interest and principal then due on all Obligations payable therefrom, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Sinking 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.

Section 4. Pledge of Taxing Powers. For the prompt and full payment of the principal of and interest on the Obligations 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 amount needed to meet when due the principal and interest payments on the Obligations, ad valorem taxes are hereby levied on all taxable property in the City. The taxes are to be levied and collected in the following years and amounts:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
-------------------	-------------------------	---------------

See attached Levy Computation

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

Section 5. Defeasance. When all of the Obligations have been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the registered owners of the Obligations shall cease. The City may discharge its obligations with respect to any Obligations 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 Obligation 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 Obligations, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law to act 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 or, if notice of redemption as herein required has been irrevocably provided for, to an earlier designated redemption date.

Section 6. Certification of Proceedings.

6.01. Registration of Obligations and Levy of Taxes. The City Manager 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 Obligations have been duly entered upon the Auditor's bond register and the tax required by law has been levied.

6.02. 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 Obligations and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Obligations, 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.



Section 7. Tax Covenants; Arbitrage Matters; Reimbursement and Continuing Disclosure.

7.01. General Tax Covenant. The City covenants and agrees with the registered owners from time to time of the Obligations that it will not take, or permit to be taken by any of its officers, employees or agents, any actions that would cause interest on the Obligations 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 covenants to take any and all actions within its powers to ensure that the interest on the Obligations will not become includable in gross income of the recipient under the Code and the Regulations. In particular, the City covenants and agrees that all proceeds of the Obligations will be expended solely for the payment of the costs of acquisition and installation of capital equipment to be owned and maintained by the City and used in the City's general governmental operations. The City shall not enter into any lease, use or other agreement with any non-governmental person relating to the use of the equipment or security for the payment of the Obligations which might cause the Obligations to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

7.02. Certification. The Mayor and City Manager being the officers of the City charged with the responsibility for issuing the Obligations 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 the facts, estimates and circumstances in existence on the date of issue and delivery of the Obligations which make it reasonable to expect that the proceeds of the Obligations will not be used in a manner that would cause the Obligations to be "arbitrage bonds" within the meaning of the Code and Regulations.

7.03. 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 2006 is not reasonably expected to exceed \$5,000,000. 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.

7.04. Reimbursement. The City certifies that the proceeds of the Obligations will not be used by the City to reimburse itself for any expenditure with respect to the equipment which the City paid or will have paid more than 60 days prior to the issuance of the Obligations 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 equipment meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the equipment as defined in Section 1.150-2(f)(2) of the Regulations which in the aggregate do not exceed 20% of the "issue price" of the Obligations.

7.05. Qualified Tax-Exempt Obligations. The City Council hereby designates the Obligations 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 hereby finds that the reasonably anticipated amount of tax-exempt obligations which are not private activity bonds (not treating qualified 501(c)(3) bonds under Section 145 of the Code as private activity bonds for the purpose of this representation) and are not excluded from this calculation by Section 265(b)(3)(C)(ii) of the Code which have been and will be issued by the City and all subordinate entities during calendar year 2006 does not exceed \$10,000,000.

7.06. Continuing Disclosure. Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the Rule) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for the Obligations, it has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the bondholders to provide certain disclosure information to prescribed information repositories on a continuing basis or unless and to the extent the offering is exempt from the requirements of the Rule. The principal amount of the Obligations is less than \$1,000,000. The City hereby represents that it has not issued within the six months before the date of issuance of the Obligations, and that it reasonably expects that it will not issue within six months after the date of issuance of the Obligations, other securities of the City of substantially the same security and providing financing for the same general purpose or purposes as the Obligations. Consequently, this City Council hereby finds that the Rule is inapplicable to the Obligations, because the aggregate principal amount of the Obligations and any other securities required to be integrated with the Obligations thereunder is less than \$1,000,000. Therefore, the City is not required to enter into any undertaking to provide continuing disclosure with respect to the Obligations.

7.07. This resolution shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 7th day of February, 2006.

THE CITY OF LAKE ELMO, MINNESOTA

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

PROJECTED LEVIES

Date

Levy

Total

£



Lake Elmo  
City Council  
February 7,  
2006

Agenda Section: Planning, Land Use and Zoning

No. 9A

Agenda Item: Shoreland Overlay Variance – 4473 Olson Lake Trail (Flanagan)

Background Information for February 7, 2006:

At its meeting January 23, 2006 the Planning Commission unanimously adopted a recommendation for approval of this application for the renovation and enlargement of this existing house on 8/10 acre fronting Olson Lake. Commissioner Ptacek abstained due to his absence at the prior Commission meeting at which the application was heard and first discussed. As now configured, the application is for a variance from the OHW setback to enable extending the building line of the house resulting in an increase in the area of the house that would encroach on the OHW, but not the horizontal extent of encroachment from the present (9.5 feet into the 100 foot OHW setback).

The application was the subject of a Public Hearing and the tabled at the request of the applicant on January 9 when it became apparent that the then-proposed deck encroachments beyond the present building line would not be recommended for approval by the Commission. The applicant requested tabling and waiver of the City's 60 day review period in writing, and the plan came back to the Commission on January 23 without the decks and with 250 square feet less living area. The Commission consensus on January 9 was that the addition of a second story to the house (some of which would be within the OHW setback) was not a concern.

The attached Resolution is for approval of the variance as now requested and as recommended for approval by the Commission, including the Commission's Findings.

Action items:

Motion to adopt Resolution #2006-<sup>017</sup> approving a variance to Shoreland OHW setback at 4773 Olson Lake Trail per plans staff dated February 3, 2006, and per the recommendation and findings of the Planning Commission.

Person responsible:

City Planner  


Attachments:

1. Draft Resolution #2006 – Approving Variance
2. Draft Planning Commission Minutes of January 23
3. Planning Staff memo of January 19
4. Planning Commission Minutes of January 9
5. Planning Staff report of January 5
6. Applicant's January 19 Graphics and Earlier Documentation

Time Allocated:



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-017

A RESOLUTION APPROVING A SHORELAND OVERLAY DISTRICT VARIANCE  
FOR PATRICK FLANNAGAN, 4773 OLSON LAKE TRAIL

WHEREAS, at its January 23, 2006 meeting, the Planning Commission recommended approval of the variance application to Shoreland OHW setback at 4473 Olson Lake Trail from Patrick Flanagan, per plans staff dated January 19, 2006, to remodel and add an addition to the house based on the following findings:

1. The lot was platted before current zoning and the Shoreland overlay district were established.
2. The proposal is deemed to be reasonable.
3. It will not alter the character of the neighborhood in any negative fashion.

WHEREAS, at the February 7, 2006 meeting, the Lake Elmo City Council reviewed the application of Patrick Flanagan for a shoreland overlay district variance to the OHW setback at 4773 Olson Lake Trail.

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council approves the Shoreland Overlay District Variance for a remodel and addition to the home for Patrick Flanagan, 4473 Olson Lake Trail, based on the plans staff dated February 3, 2006 and the findings and recommendation of the Planning Commission.

ADOPTED, by the Lake Elmo City Council on the 7<sup>th</sup> day of February, 2006.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin Rafferty, City Administrator



**City of Lake Elmo  
Planning Commission Meeting  
Minutes of January 23, 2006**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Lyzenga, Deziel, Armstrong, Van Zandt, Ptacek, Roth, Pelletier, and Schneider. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, and Recording Secretary Schaffel.

**Agenda**

M/S/P, VOTE: 9:0.

Eliminate 8-Home Occupations, replace with 8-Met Council Communication. 7B-Proposed Joint Community Playfield with Oakdale.

**Welcome New Commissioner**

The Planner related the City Council actions relative to the Planning Commission's composition. Laurie McGinnis was appointed 2<sup>nd</sup> Alternate Member and granted a Leave of Absence until she gets her Master Degree in June. Bob Van Zandt is now 1<sup>st</sup> Alternate Member and Julie Fliflet is now a Full Voting Member.

**Election of Officers**

Commissioners Ptacek and Armstrong nominated Commissioner Helwig for Chairman.

Commissioner Roth nominated Commissioner Armstrong for Chairman, and Commissioner Armstrong did not accept the nomination.

M/S/P, Ptacek/Armstrong to nominate Bob Helwig as Chairman. VOTE: 8:0:1 Abstain: Helwig~Modesty.

M/S/P, Helwig/Armstrong to nominate Commissioner Ptacek as Vice Chairman. VOTE: 8:0:1 Abstain: Ptacek~Modesty.

M/S/P, Roth/Ptacek to nominate Commissioner Pelletier as Secretary. VOTE: 8:0:1 Abstain: Pelletier~Modesty.

Commissioner Ptacek thanked Commissioner Sedro for her work and time served on the Planning Commission.

**Minutes of January 9, 2006**

M/S/P, Deziel/Lyzenga to accept the Minutes of January 9, 2006 as presented. VOTE: 6:0:3 Abstain: Armstrong, Ptacek, and Schneider~Absence.

**Variance: 4473 Olson Lake Trail (Continued)**

M/S/P, Deziel/Schneider to take from the table The Flanagan Variance. VOTE: 9:0.

Planner Dillerud explained that the applicant after tabling his application and waiving the 60 day review period, has revised his plans for the home remodel and expansion in order to reduce the horizontal encroachment into the Ordinary High Water Mark. The site is located on Lake

DeMontreville. The applicant proposes to remove the two decks and convert the sunroom into a covered deck. He has also removed the encroachment into the sideyard setback area.

Chairman Helwig said the two decks were the primary problem last time and asked if the applicant still requires a variance. The Planner said most of the home today is within the shoreland setback, and any work performed to the structure would require a variance and that the addition that squares off the building creates further encroachment.

Commissioner Schneider asked if the concrete patio is there today. The applicant said yes.

**Patrick Flanagan, Applicant**

Mr. Flanagan said they took off the decks and the sunroom will be converted to an open air covered deck. He said the area where the sunroom meets the house still has to be protected from the elements to prevent further deterioration.

Commissioner Roth asked about 6X8 opening by the area where the patio was previously planned. The applicant said there will be no deck there, just doors to the outside.

Commissioner Pelletier said she is concerned about the size of the home of the neighbors. The Planner said the conversion to the open air porch eliminates about 350 square feet of living area.

M/S/P, Deziel/Van Zandt to recommend approval of the variance application for a remodel and addition to a house at 4473 Olson Lake Trail based on the findings that the lot was platted before current zoning and the shoreland overlay district were established, the proposal is deemed to be reasonable, and it will not alter the character of the neighborhood in any negative fashion, pursuant to the condition that plans are modified to reflect the open air porch. VOTE: 8:0:1  
Abstain: Ptacek~Absent from last meeting.

**Zoning Code Text Amendment: Vineyard Wedding Business as AG Use**

The Planner explained there is an existing vineyard just north of Carriage Station on 55<sup>th</sup> Street. The Zoning District is AG. Uses conditional and permitted on AG lands today generally relate to the existing use. The Commission was asked if this proposed use would be in the best interest of the City, and if so, should staff publish a public hearing notice for a Zoning Text Amendment.

Commissioner Ptacek asked about consumption of alcohol and liquor licensing questions. Not knowing the answer, he would suggest it as a Conditional Use.

Commissioner Schneider asked about parking when there might be 300 or more guests on ten acres.

Commissioner Deziel asked if this would be more like a garage sale or a permanent store. Perhaps if the plan is for this use on an occasional basis then liquor licensing could be handled on an occasional basis as well. He asked about advertising and whether the applicants would be trying to attract more business.

Commissioner Armstrong mentioned a snowmobiling event request by Green Acres but the noise factor put the kibosh on it. Issues of concern for him are the noise factor (such as a band), parking, permanent or tent structures only, whether we would allow a permanent building, sufficient toilet facilities would be necessary. He said perhaps these events could be limited to summertime. Liquor licensing and frequency of events are other concerns. He said it would

**Variance: 4473 Olson Lake Trail (Continued)**

M/S/P, Deziel/Schneider to take from the table The Flanagan Variance. VOTE: 9:0.

Planner Dillerud explained that the applicant after tabling his application and waiving the 60 day review period, has revised his plans for the home remodel and expansion in order to reduce the horizontal encroachment into the Ordinary High Water Mark. The site is located on Lake DeMontreville. The applicant proposes to remove the two decks and convert the sunroom into a covered deck. He has also removed the encroachment into the sideyard setback area.

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M/S/P, Deziel/Van Zandt to recommend approval of the variance application for a remodel and addition to a house at 4473 Olson Lake Trail based on the findings that the lot was platted before current zoning and the shoreland overlay district were established, the proposal is deemed to be reasonable, and it will not alter the character of the neighborhood in any negative fashion, pursuant to the condition that plans are modified to reflect the open air porch. VOTE: 8:0:1  
Abstain: Ptacek~Absent from last meeting.

**DRAFT**

**DRAFT**

**DRAFT**

**MEMO**

(January 19, 2006 for the Meeting of January 23, 2006)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Shoreland Zoning Variance – 4473 Olson Lake Trail (Flanagan)

Mr. Flanagan has submitted a revised plan for the proposed home just prior to publication of the January 23 agenda. In the interest of expediency we are transmitting the new plan for inclusion on the January 23 agenda.

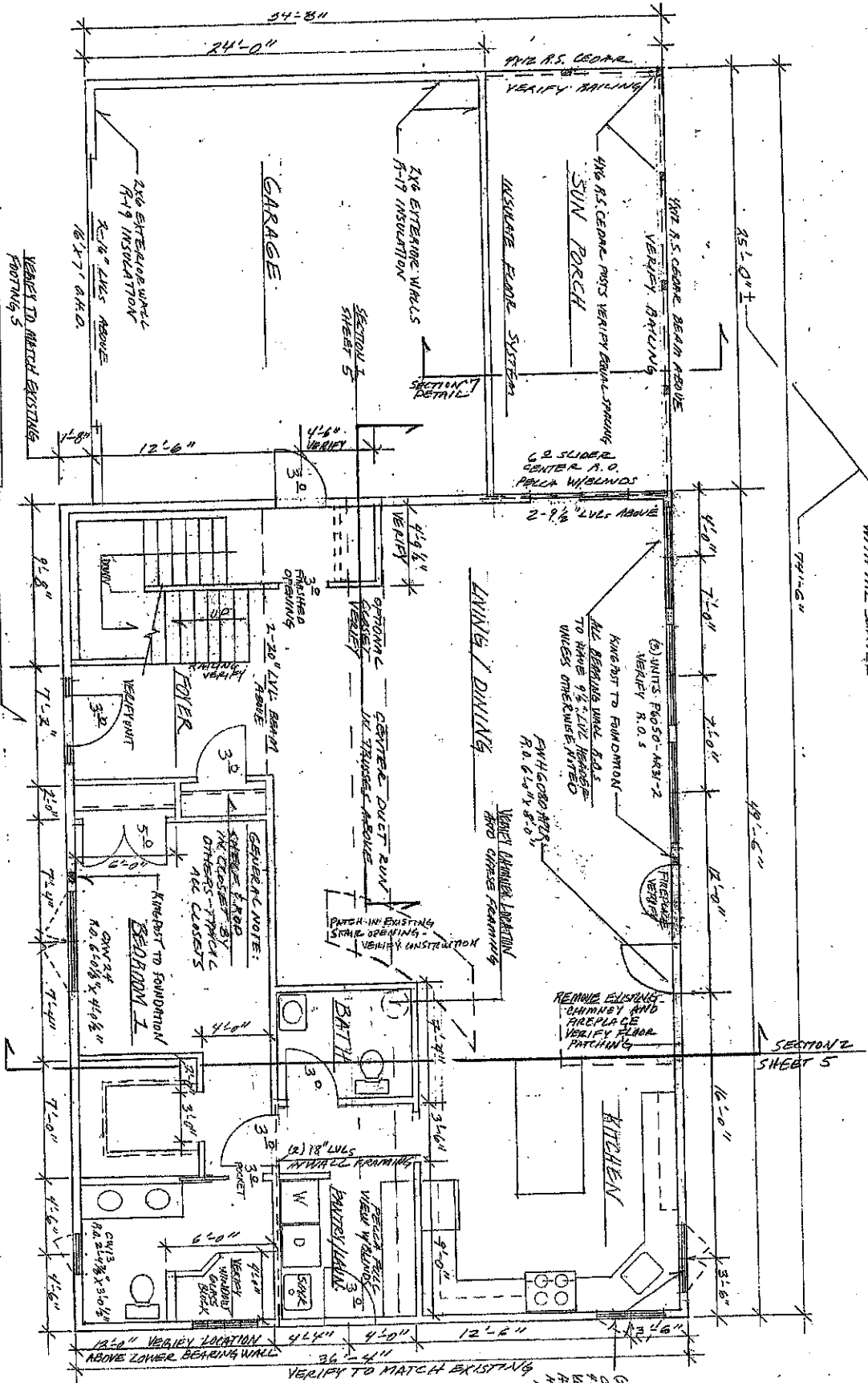
Staff has not had an opportunity to review the new plan in detail, but it appears that the previously-proposed two new decks have been removed from the plan, and the minor side yard setback issue on the garage has been mitigated. Staff is told that the "sun room" on the lake side of the garage is now proposed to be some other type of improvement, but has not been changed on the plan. Staff has no submitted plan of what that modification will be. Mr. Flanagan has advised that he will be available January 23 to review that proposal with the Commission.

Mr. Flanagan submitted a note to the City on January 9 requesting tabling of his variance application (which the Commission did), and also extending the City's 60 day review period for this application.

We have attached the complete January 9 Planning Staff Report and attachments. Be careful not to mix up the December 5 and January 9 plan sets. Should the Commission decide to recommend approval of this revised plan, the Findings of the prior Planning Staff Report will need to be modified accordingly.







**NOTE:**  
 SHOWN FROM DETAILS ON SHEET 6 - VERIFY BEAM PAYOUT AS NECESSARY

**MAIN LEVEL PLAN**

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

ADDITIONAL AND RENOVATION FOR PATRICK AND ANNE PARRISAN 4475 DEAN LAKE ROAD N. LAKE BURN, MN

I MAY 2005

WESCOT INC 651.483.9563

REVISED 6-8-05 7-20-05 2-1-06

26

2/13/05

VERIFY THIS DIMENSION WITH THE SURVEY

SECTION 2 SHEET 5

(3) UNIT-5 GYPS R.O. 4'-0" x 4'-0" x 4'-0" VERIFY WITH HOMEOWNER. HANGERS AND WINDOW ELEVATION AND ABOVE FINISHED CONCRETE

GENERAL NOTE: SCREENS FOR ALL DOORS-TYPICAL AND CLOSETS

PATCH-IN EXISTING STAIR OPENING WITH PERMISSONS & ANCHORS

REMOVE EXISTING CHIMNEY AND FIREPLACE VERIFY FLOOR PATCHING

VERIFY HANGER LOCATION AND GIBBS PERMISSONS

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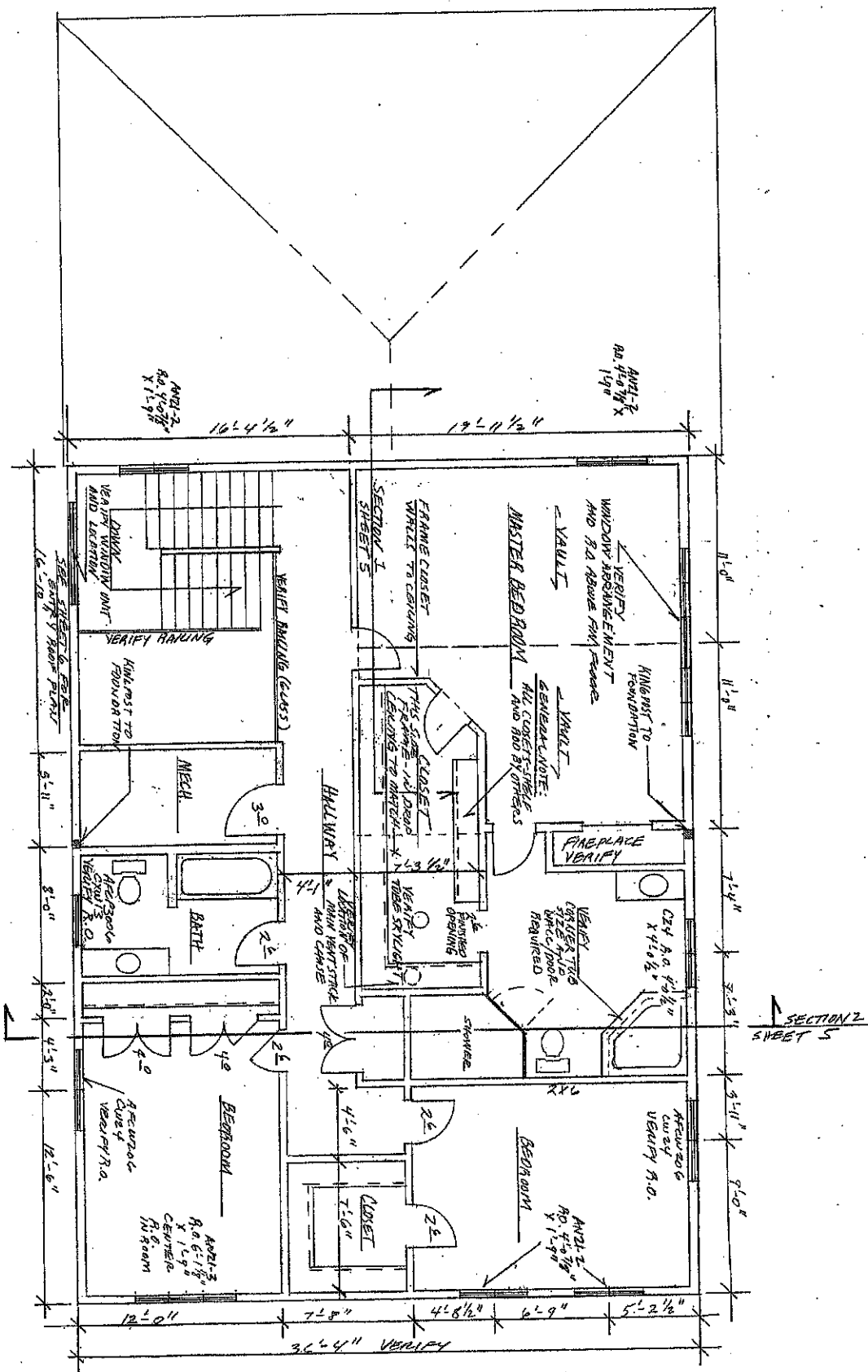
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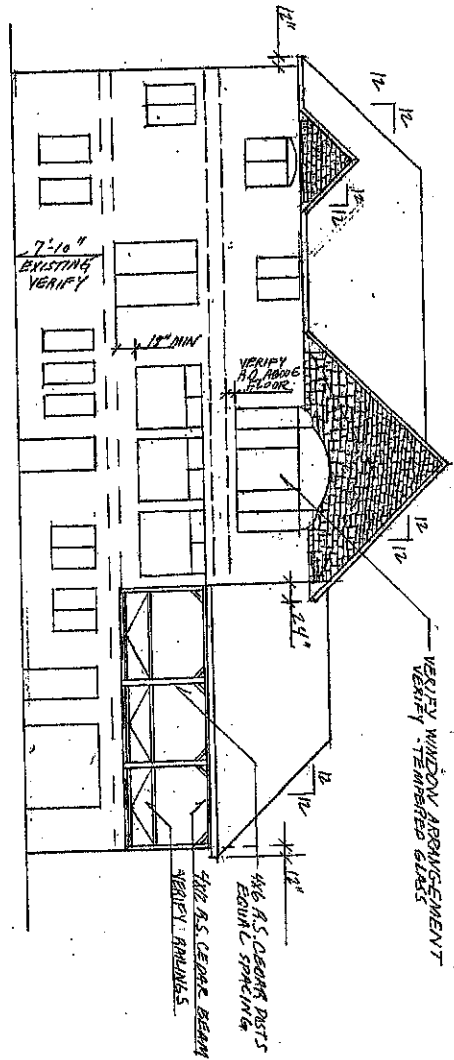


# SECOND LEVEL PLAN

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

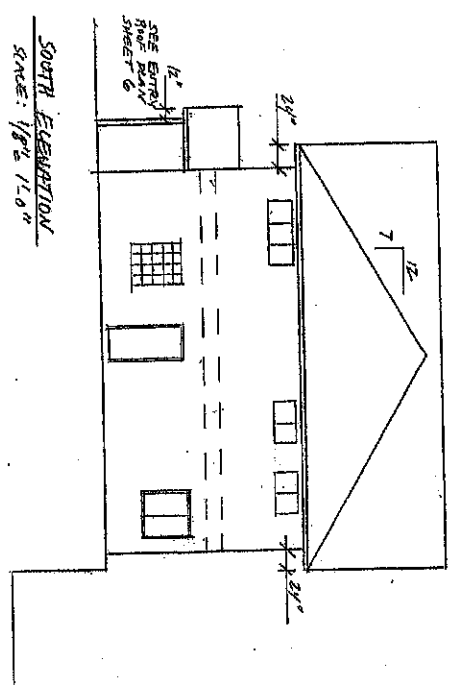
ADDITION AND RENOVATION FOR PATRICK AND ANNE REARWICK 4473 OLSON LAKE TRAIL N LAKE ELMO, MN 1 MAY 2005 GSN		REVISION 6-8-05 7-28-05 1-18-06 2-1-06
WESCOT INC. 651.483.9563		3 6

*Handwritten signature and date: 2/13/06*

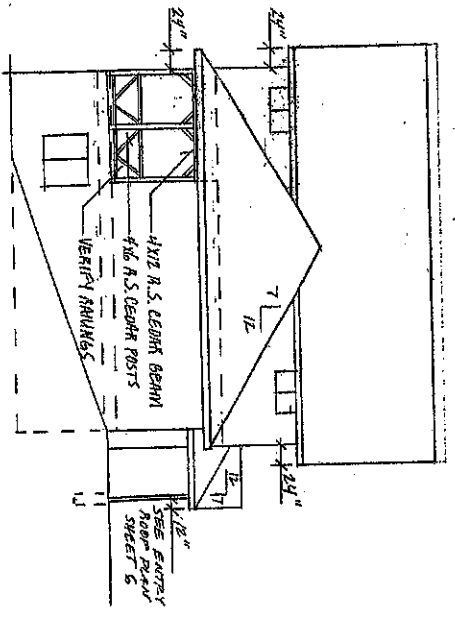


EAST ELEVATION  
SCALE: 1/8" = 1'-0"

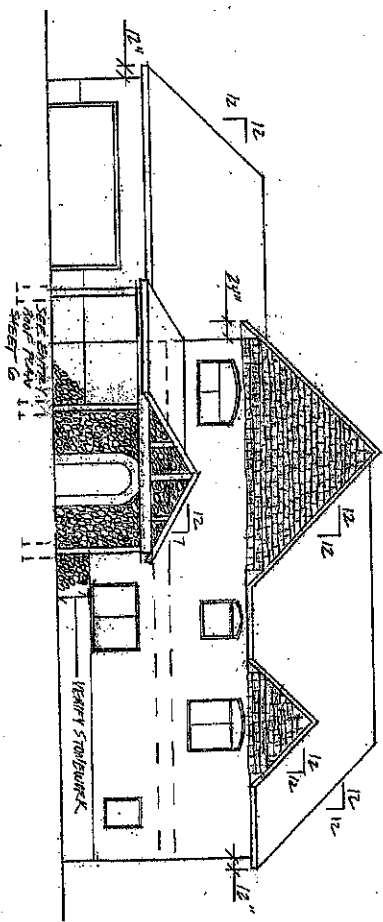
GENERAL NOTE:  
VERIFY AND EXTERIOR HANDS



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



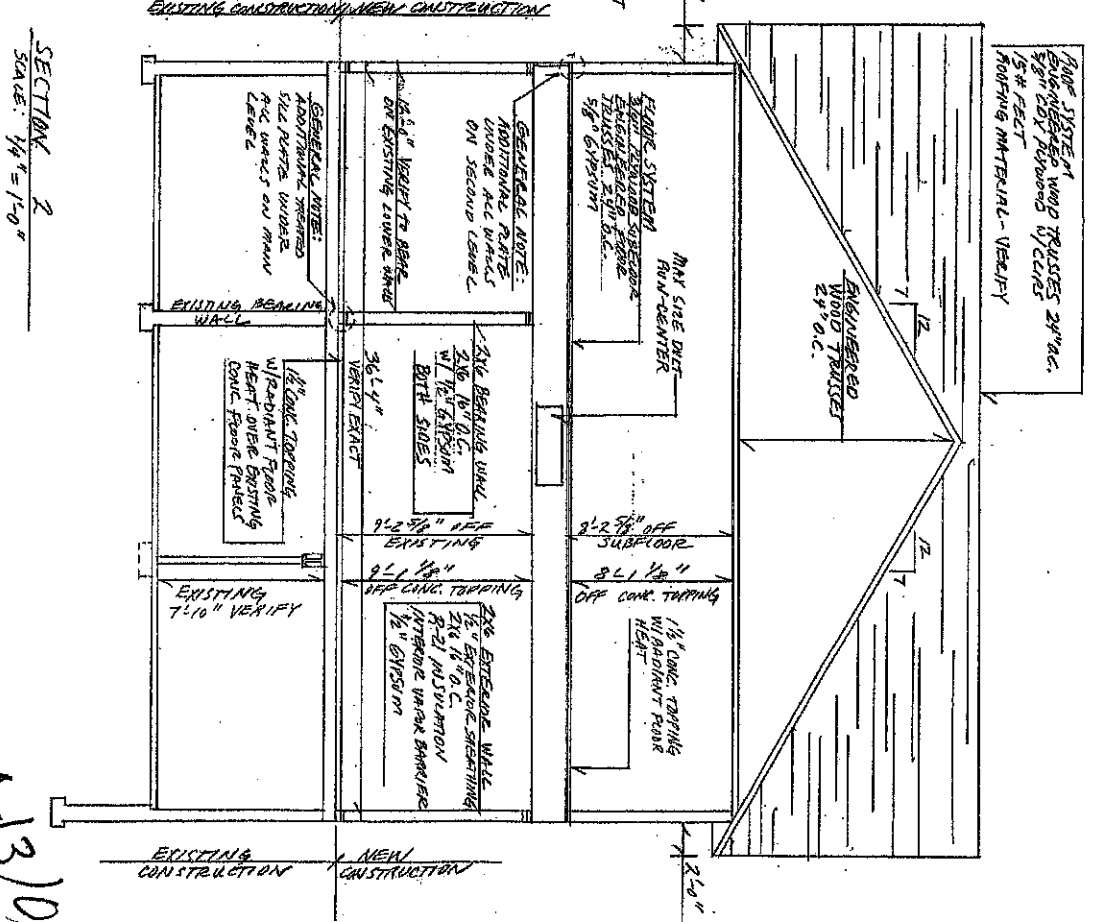
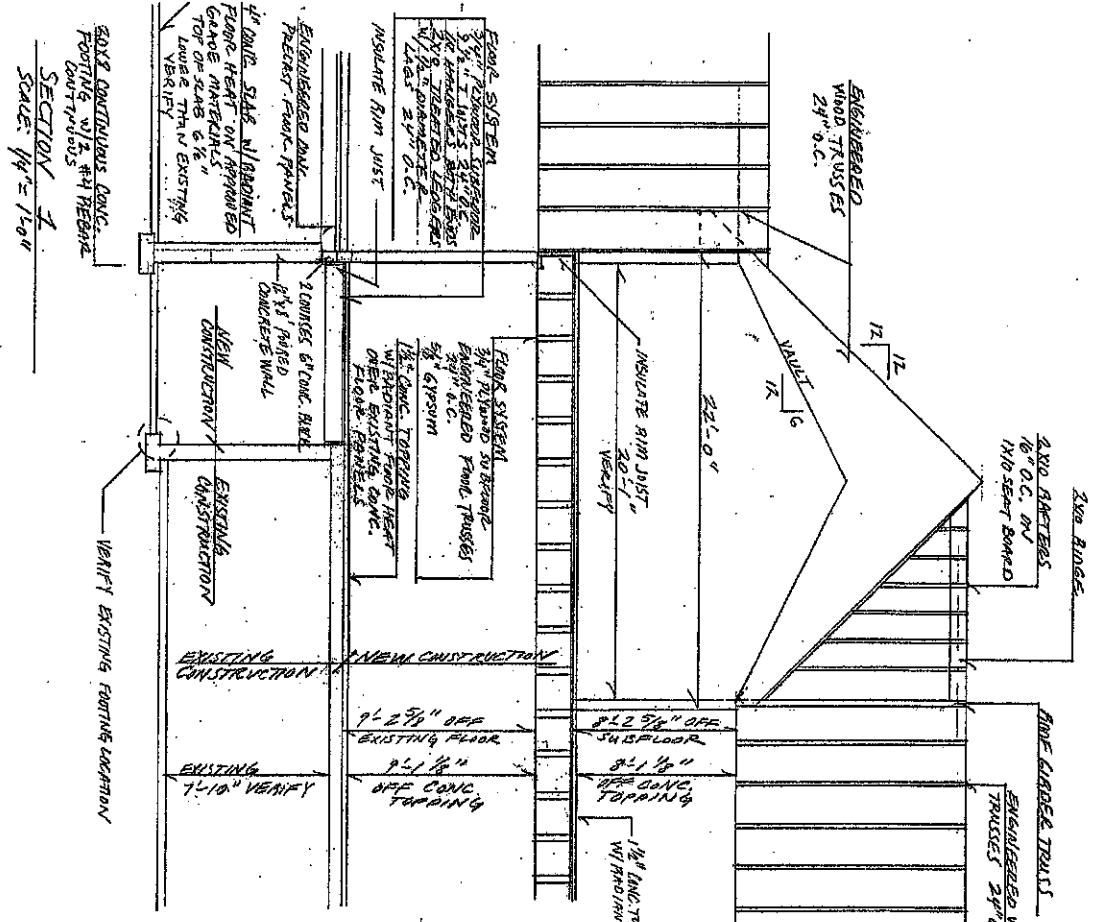
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



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

2/13/06  
[Signature]

ADDITION AND RENOVATION FOR PATRICK AND RAQUE HENNINGER 4473 OLSON LAKE TRAIL N. LAKE BLUMM MN I WANT BROS GSN WESCOT INC. 651.483.8563		REVISIONS 6-8-05 9-20-05 1-13-06 2-1-06
6	5	4



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

SECTION 2  
SCALE: 1/4" = 1'-0"

REVISION	DATE	DESCRIPTION
5	1-18-06	ADDITON AND REVISION FOR PATRICK AND HONE RAANMAN
6	2-1-06	LAKE ELEM, NY
		I. MATT 2005
		GSV
		WESCOT INC. 651.483.9263

8-13-06





January 9, 2006

I request that the Buiding Commission table my application and request waive of the City's 60 day review period

Thank you

Patricia J. Flanagan

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** January 5, 2006 for the Meeting of January 9, 2006

**Applicant:** Patrick & Anne Flanagan

**Location:** 4473 Olson Lake Trail

**Requested Action:** Zoning Variances

**Land Use Plan Guiding:** SRD

**Existing Zoning:** R-1 with Shoreland Overlay

**Site History and Existing Conditions:**

Records of the Washington County Assessor reveal that this one-story (walk-out) home and two car detached garage (with two additional lower level garage spaces) were constructed in 1962. The home is listed by the Assessor to have 1,440 square feet of living area and a 221 square foot three season porch. The lot area appears to be approximately 35,000 square feet (8/10<sup>th</sup> acre) net of road right-of-way. A portion of the existing house (but not the existing garage) is located within the 100 foot OHW setback to Olson Lake. The existing minimum OHW setback appears to be 90 feet. The existing septic system is sized for a four bedroom home.

The only significant City permitting activity for this site of record is a 1989 approval of a Shoreland OHW setback variance to allow the reconstruction of the septic system 65 feet from the OHW where 75 feet is the required setback. The existing (1989) septic system is sized for a four bedroom home, but the applicant proposes to construct a new septic system on the road side of the house – sized for four bedrooms, not for 5 bedrooms as the applicant's plans depict - but well outside the 75 foot OHW setback for septic systems.

**Discussion and Analysis:**

The applicant has proposed a substantial renovation and addition to the existing house/garage that will both further encroach on the OHW setback (both horizontally and vertically); and (as applied for) encroach to a minor degree on the north side yard setback. The applicant has advised staff that a slight adjustment can be made to the proposed plan that would eliminate the side yard setback variance (3/10 foot). Just how that can be accomplished utilizing the existing north wall of the garage is not apparent. This Report is drafted on the assumption that the suggested adjustment will be made, and no side yard setback is therefore proposed.

The house would continue to have a 2 car upper garage (25.5 X 24), but the lower garage could be considered an additional 3 cars (766 square feet) even though accessed by a single garage door facing the lake. The vertical dimension of the house would also increase by at least 8 feet likely more due to the roof pitch proposed compared to the existing roof pitch. Adjacent homes north and south of the subject are all single story (3 of 4 with walk-out to the lake) and range from 1,900 to 4,225 square in total area. (2678 and 1900 to the south; 2690 and 4225 to the north), and the finished area of the proposed house would appear to exceed 4500 square feet.

The OHW setback encroachment of the structure would increase as follows:

1. A proposed new 10 X 16 deck at the southeast corner of the house that would encroach the OHW above-grade a distance of 10 feet more than any point of the existing house.
2. An addition to the north end of the house filling the space between the existing house & garage, and extending toward the OHW 11.5 feet off the rear of the existing garage – approximately 350 square feet additional encroachment into the OHW.

### **Findings and Recommendations:**

The City has addressed several proposals for zoning variances of a similar type (OHW setback) and under similar circumstances (house renovation and enlargement) in recent years. Review and resultant Findings regarding those applications have generally centered on the following factors:

1. Degree of additional OHW encroachment proposed by the applicant. Will the proposed improvements encroach on the OHW more than any existing/historic encroachment?
2. Physical characteristics of the site (lot) that would preclude the degree of structure enlargement proposed without the additional OHW encroachment proposed – can they do what they propose for enlargement without additional OHW encroachment?
3. Relationship of the proposed OHW encroachment to that of structures on either side of the subject. Will the proposed encroachment be closer to the OHW than a line drawn between the lake side of the structures on either side?
4. Scale/mass of the resulting structure in relationship to those existing structures adjacent on the lake. Is the proposed resulting house in character with the neighborhood in scale/mass?

Those factors go to the “reasonable use of the property”, “unique circumstances of the property” and “maintenance of the essential character of the neighborhood” – all of which must be demonstrated to qualify the applicant’s proposal as a hardship sufficient to support a zoning variance.

While staff does not intend to suggest how the applicants’ plans could be modified to better respond to those required findings, we do note as follows:

1. The resulting house will be two story and substantially higher than immediately adjoining single story houses – most significant as viewed from the lake.
2. The resulting house will be nearly triple the living area of the existing house and be larger in living area than most homes in the immediate lakeside neighborhood – 2 properties south and north.
3. The existing house already extends toward the OHW closer than a line extended from the lakeward encroachment of the houses north and south.
4. Were it not for the proposed expansion of house livable area east of the existing garage, a lake-front deck could be accommodated with little or no additional OHW encroachment. The deck could also be located at the southeast end of the house – over the “concrete patio”.

The foregoing observations lead to a suggestion by staff that the following Findings can be made regarding the variance application for OHW setback:

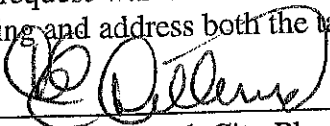
1. The property can be put to reasonable use without the granting of the variance requested; and the scale/mass of the structure enlargements proposed exceeds that which is considered reasonable for the lake-front location.
2. The extent of the requested variance does not result from circumstances unique to property even though the existing principal structures were constructed prior to adoption of Shoreland Regulations. While a variance of some degree may be required for enlargement and renovation of the existing structures – and could be supported on this basis - the specific circumstances of the requested variance were primarily created by the applicant to accommodate a significant increase in the scale/mass of the structures.
3. Granting of the requested variance will change the essential character of the neighborhood by the resulting structure appearing out of scale with those existing in the immediate neighborhood, and significantly changing the appearance of the site/neighborhood as viewed from Olson Lake by the introduction of a 2 story structure where single story structures now predominate.

While some degree of OHW setback variance may be required to accomplish some degree of enlargement and necessary renovation of the existing structure, staff suggests (as we have repeatedly in prior similar cases) that there should be a limit on the scale of such lake-side structure enlargements related to the visual impact as viewed from the lake. This variance request is not only an issue of additional horizontal encroachment to the OHW, but significant vertical encroachment as well.

**Planning Commission Actions Requested:**

Motion recommending to the City Council the disposition of this variance application. Should the Commission concur with the staff's observations and suggested Findings, the Motion should be to recommend denial and include those Findings as stated above or as modified by the Commission. Should the Commission not concur with the Staff in this matter, the Findings must be modified accordingly by the maker of the Motion to recommend approval.

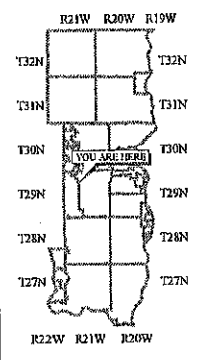
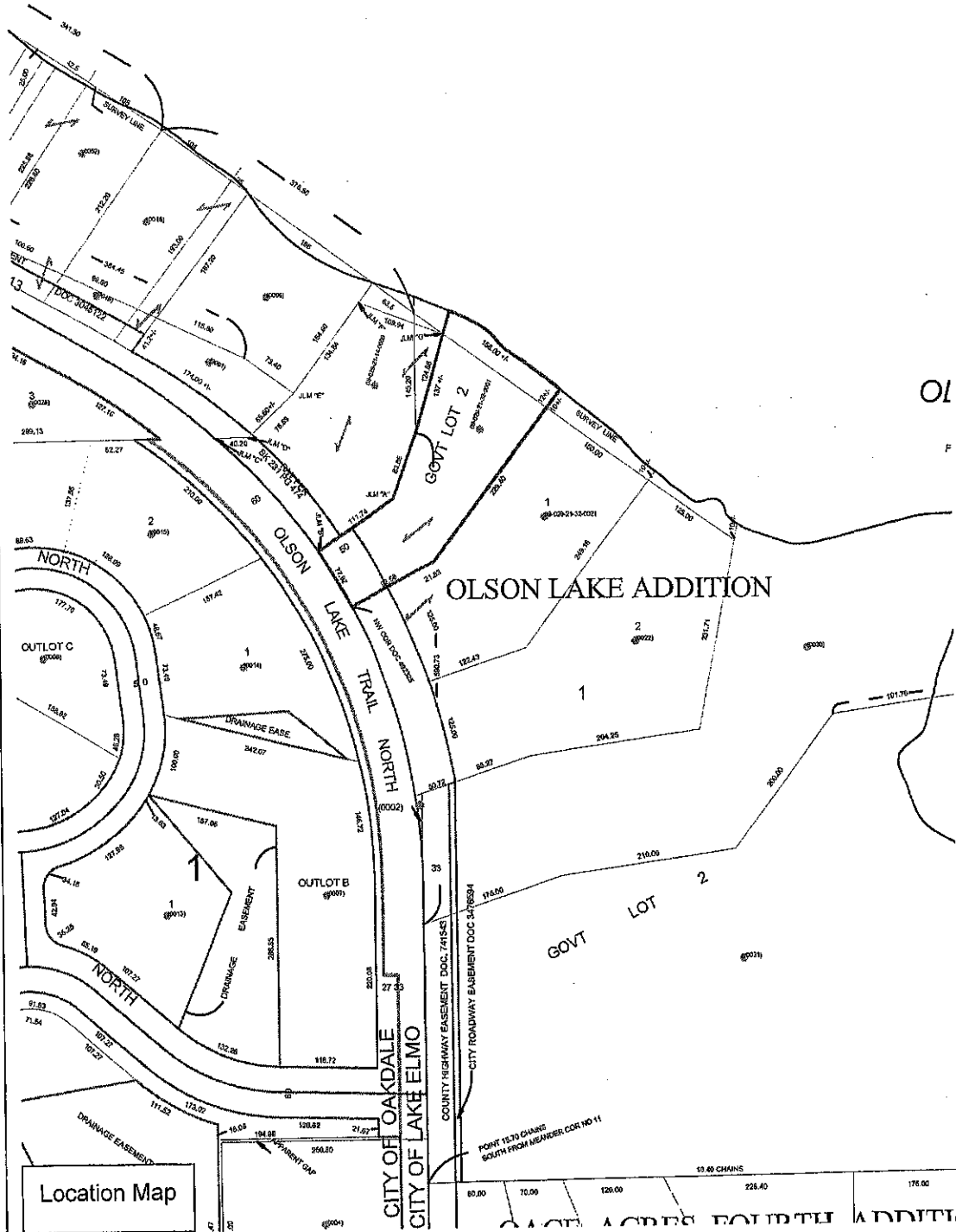
As always, the option remains for the applicant to request the Commission table the application and request waiver of the City's 60 day review period. That request by the applicant must be in writing and address both the tabling and the waiver of the 60 day review period.



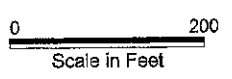
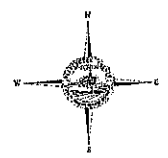
Charles E. Dillerud, City Planner

**Attachments:**

1. Location Map
2. Valley Branch Review Letter
3. DNR Review Comments (As Available)
4. Applicant's Documentation



Vicinity Map



Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office. Phone (651) 430-6876

Parcel data based on AS-600 information



## Kimberly Schaffel

---

**From:** Travis Germundson [travis.germundson@dnr.state.mn.us]  
**Sent:** Friday, December 23, 2005 9:24 AM  
**To:** Kimberly Schaffel  
**Subject:** Re: Flanagan

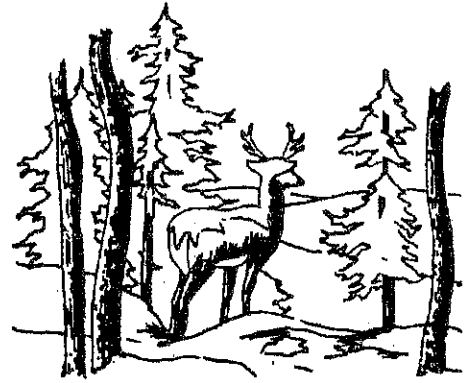
As we discussed:

I have no problem with maintaining the original footprint and allowing for an additional 457 square foot addition behind the existing garage. As long as the addition is in line with the existing one story house (not jutting out beyond). It would seem reasonable even though it does appear to encroach a few feet beyond the existing OHWL setback due to the topography of the lot. However, the placement of a 10x16 foot deck off the back of the structure would extend out beyond the existing footprint and could easily be relocated along the side of the structure over the concrete patio where it would not increase the nonconformity.

Travis Germundson  
Area Hydrologist  
DNR Waters  
1200 Warner Rd.  
St. Paul, MN 55106  
651-772-7914

December 21, 2005

Mr. Chuck Dillerud  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042



**Re: Flanagan Variance Request, 4473 Olson Lake Trail, Lake Elmo**

Dear Mr. Dillerud:

Thank you for submitting the request for a variance from the Ordinary High Water level setback from Lake Olson at 4473 Olson Lake Trail. The project appears to involve significant remodeling of an existing home.

Based on the information that was submitted, it appears that a Valley Branch Watershed District permit is not required for the work. It appears that less than 6,000 square feet of new impervious surfaces will be created and no work will occur below the 100-year flood level of Lake Olson (Elevation 931.5).

If the basement is lower than Elevation 933.5, it should be raised during the remodeling to protect the home from potential flooding. Erosion controls should be installed prior to any earthwork to prevent negative water quality impacts. As indicated in the submittal, the gutters and downspouts should be installed so that the runoff is not conveyed directly to the lake. Runoff should be conveyed to vegetated areas where it can seep into the ground.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.  
BARR ENGINEERING COMPANY  
Engineers for the District

c: David Buceck, VBWD President (via e-mail)  
Patrick and Anne Flanagan, property owners



DAVID BUCHECK    LINCOLN FETCHER    DONALD SCHEEL    DALE BORASH    DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT  
P.O. BOX 838

[www.vbwd.org](http://www.vbwd.org)  
LAKE ELMO, MINNESOTA 55042-0538

**Detailed Reason for Variance Request:**

The house was built in early 1960, using a product composed of panels of reinforced concrete. The product was manufactured in Oakdale, MN. and the manufacturer has since gone out of business. Replacement in kind is not an alternative. The exposed portions of the house, garage, walk area between garage and house, and main level of the house have deteriorated significantly. The deterioration, due to exposure, has caused regular water leakage, rusting of the rebar infrastructure, and created mold development in many areas of the house. The owners have made multiple good faith efforts to implement remedies, including re-roofing, reconstruction of the chimney and sealing the roof and chimney with a rubberized roofing product. Consultation with several contractors indicates that the exposed first level must be rebuilt to acceptable standards in order to eliminate the ongoing water damage and the resulting health problems that have occurred from the moisture.

The reconstruction and remodel will include relocation of the existing septic drain field from the lake side of the property to the road side of the property which will further ensure no environmental impact due to the septic drain field. Proper gutters and downspouts will be installed to further mitigate runoff toward the lake.

**Variance Request:** Shoreland setback – Flanagan – 4473 Olson Lake Trail N.

The application is for a variance from the shoreland of Lake Olson for the remodel of an existing residential structure and reconstruction of the garage.

This variance request results from circumstances unique to properties where principal structures were constructed prior to the adoption of Shoreland Regulations.

There is existing and potential hardship as follows:

1. The deterioration, due to exposure, has caused regular water leakage, rusting of the rebar infrastructure, crumbling of the concrete panels and created mold development in many areas of the house.
2. Mold build-up has adversely affected the health of one of the property owners and has damaged household goods.
3. The exposed areas of concrete allow water and moisture seepage, which requires the regular presence of buckets and the mopping up of water from various affected areas of the house.
4. The 45 year old existing foundation is solid and it's parameters would not be changed under new construction. The construction is designed to build up from the foundation leveling the front visage of the house, and changing the lakeside setback from the existing 92.7 feet to approximately 82 feet for a distance of 20 feet.

RECEIVED  
DEC 05 2005

# Gibbon Land Surveying

14 Tower Ct.  
 Woodbury, MN 55125  
 (612) 442-9823

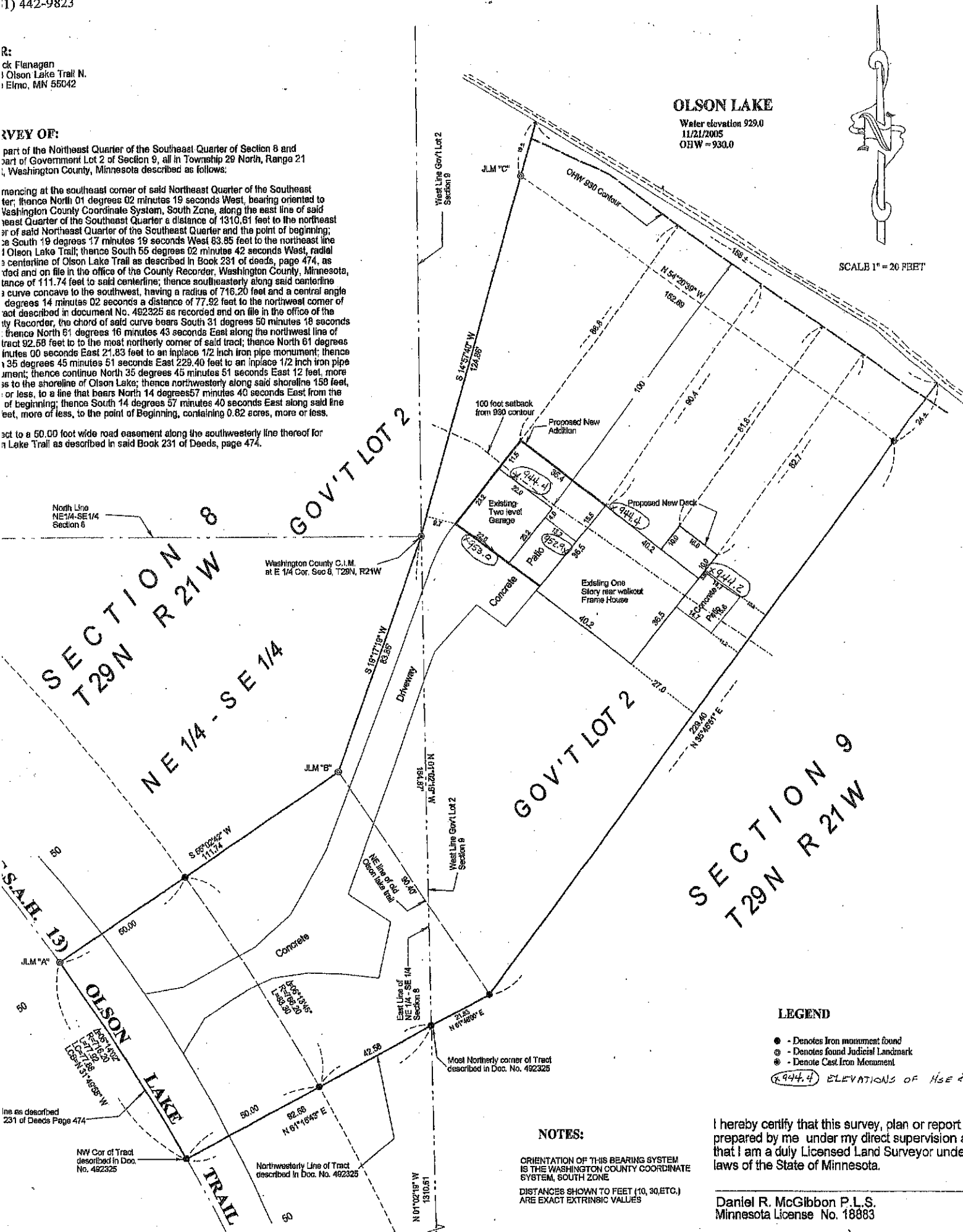
# Certificate of Survey

By:  
 Daniel R. McGibbon  
 Licensed Professional Land Surveyor  
 101 Olson Lake Trail N.  
 Elk River, MN 55042

**DESCRIPTION OF THE TRACT SURVEYED:**  
 That part of the Northeast Quarter of the Southeast Quarter of Section 8 and part of Government Lot 2 of Section 9, all in Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Beginning at the southeast corner of said Northeast Quarter of the Southeast Quarter of Section 8; thence North 01 degrees 02 minutes 19 seconds West, bearing oriented to Washington County Coordinate System, South Zone, along the east line of said Northeast Quarter of the Southeast Quarter a distance of 1310.61 feet to the northeast corner of said Northeast Quarter of the Southeast Quarter and the point of beginning; thence South 19 degrees 17 minutes 19 seconds West 63.85 feet to the northeast corner of Olson Lake Trail as described in Book 231 of deeds, page 474, as recorded and on file in the office of the County Recorder, Washington County, Minnesota; thence along a centerline of Olson Lake Trail a distance of 111.74 feet to said centerline; thence southeasterly along said centerline a curve concave to the southwest, having a radius of 716.20 feet and a central angle of 14 degrees 02 minutes 02 seconds a distance of 77.92 feet to the northwest corner of said tract; thence North 31 degrees 50 minutes 18 seconds East along the northwest line of tract 92.58 feet to the most northerly corner of said tract; thence North 61 degrees 00 minutes 00 seconds East 21.83 feet to an in-place 1/2 inch iron pipe monument; thence South 35 degrees 45 minutes 51 seconds East 229.40 feet to an in-place 1/2 inch iron pipe monument; thence continue North 35 degrees 45 minutes 51 seconds East 12 feet, more or less, to a line that bears North 14 degrees 57 minutes 40 seconds East from the point of beginning; thence South 14 degrees 57 minutes 40 seconds East along said line east, more or less, to the point of Beginning, containing 0.82 acres, more or less.

Subject to a 50.00 foot wide road easement along the southwesternly line thereof for Olson Lake Trail as described in said Book 231 of Deeds, page 474.



**OLSON LAKE**

Water elevation 929.0  
 11/21/2005  
 OHW = 930.0

SCALE 1" = 20 FEET

**LEGEND**

- - Denotes Iron monument found
- ⊙ - Denotes found Judicial Landmark
- ⊙ - Denote Cast Iron Monument

(944.4) ELEVATIONS OF HSE &

**NOTES:**

ORIENTATION OF THIS BEARING SYSTEM IS THE WASHINGTON COUNTY COORDINATE SYSTEM, SOUTH ZONE

DISTANCES SHOWN TO FEET (10,30,ETC.) ARE EXACT EXTRINSIC VALUES

I hereby certify that this survey, plan or report prepared by me under my direct supervision and that I am a duly Licensed Land Surveyor under laws of the State of Minnesota.

Daniel R. McGibbon P.L.S.  
 Minnesota License No. 18883



Lake Elmo  
City Council  
February 7,  
2006

Agenda Section: CITY ADMINISTRATOR'S REPORT:

No. 11A.

**Agenda Item: Proposed Joint Park with Oakdale for Youth Playfields.**

Approximately six months ago the City of Oakdale approached the City of Lake Elmo, by letter, suggesting the possibility of a Joint Park along Ideal Ave and south of Hwy 5 and the railroad tracks. At that time, the City of Oakdale indicated that 3M was proposing a donation of 26 acres that were located in lake Elmo, to Oakdale for parkland use. The City of Oakdale indicated to the City of Lake Elmo, at that time, that should the donation mature they would like to have further discussions.

Approximately six weeks ago, an arrangement was announced in the local papers prematurely that 3M had donated property to Oakdale for park purposes. The City of Oakdale Administrator and I had a discussion pertaining to that announcement and the Lake Elmo's planning authority over that piece of property. I was assured the intent was to follow through on the earlier letter and incorporate Lake Elmo into planning partnership discussions as earlier communicated.

The discussions commenced between the staff's as reported at subsequent Council meetings. Ideas/suggestions from the City Council were incorporated by the LE City Administrator into meetings and discussions with the Oakdale Administration. **Attached find a "Letter of understanding: A Framework for Joint Park Development – between Lake Elmo/Oakdale"**. This document with terms defined was shared with the LE Parks Commission and the Planning Commission. Both of Lake Elmo Commissions have recommended that the agreement should be approved and follow through with the next step. The agreement does not bind either city to building a joint powers park, but merely defines the terms and parameters to determine if a joint park could be a real possibility.

By authorizing the attached agreement and appointing the LE Team the city representatives will only have authority to further define the possibility of a joint powers park (design of park, and organization) and prepare a formal agreement for both cities to approve or decline.

**Action Items:** Motion to authorize the Mayor and Administrator to sign and agreement to explore the element of a Joint Powers Park with Oakdale and appoint the Council and Commission representatives.

**Person responsible:**

Martin Rafferty, City Administrator

**Attachments:** Proposed agreement with Oakdale to consider a Joint Powers Park  
Planning Commission Minutes for 2-23-06  
Parks Commission Minutes for 1-19-06



**LETTER OF UNDERSTANDING: FRAMEWORK FOR JOINT PARK  
DEVELOPMENT - LAKE ELMO/OAKDALE**

1. Park Dedication - 26 acres of 3M land in Lake Elmo will be dedicated as parkland to the Cities of Lake Elmo and Oakdale for a "**youth playfield athletic complex**". Oakdale will be credited back 10 acres dedication. The site would be jointly owned by both cities, pursuant to Item 2. A development plan could include baseball, softball, football and soccer, as well as the necessary parking, building support services and picnic area(s).
2. Cost Sharing Arrangements at a 50/50 split. The initial cost for improving the proposed park, currently estimated at one million dollars, will be shared equally by both cities. However, Lake Elmo's current share can be temporarily mitigated to the population ratio as measured by each city's population, beginning at no less than one-third (1/3) share today to a maximum of one-half (1/2) share into the future. The initial ownership percentage and usage allocation will be based on the upfront investment. Thus, the ownership and usage percentage will change, based on Lake Elmo's increased investment over time. The park will be maintained and costs split based on a population/use formula.
3. Both cities agree to the creation of an interim committee structure as a "Task Force" to develop a "Joint Powers Organizational Structure" for the purpose of operation and control (governance). The "Task Force" will also define and design the "Park Plan", which will also include the process for shared use and investment cost estimates. The proposed "Task Force" makeup is suggested to include: 2 Council members, 2 staff members, and 1 Park Board member from each city.
4. The recommendation from the Task Force will be articulated in the form of a Joint Powers Agreement and a Park Plan for approval by the City Councils of Oakdale and Lake Elmo. Both City Councils may approve or reject the proposed Agreement and Plan as prepared by the joint "Task Force".
5. Once created, the Joint Powers Board will formulate policy for the usage based on the aforementioned ownership percentage and remaining open times of the fields and develop appropriate scheduling i.e., field usage priorities, etc. The City of Oakdale, working with the City of Lake Elmo, shall implement the Plan as defined by the Task Force, etc.

6. Each City will bring the plan and agreement developed by the joint "Task Force" through their required City processes in preparation for each City's Council approval.
7. This agreement will become effective upon the final signing by the respective cities.

\_\_\_\_\_  
Dean Johnston, Mayor  
City of Lake Elmo

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

\_\_\_\_\_  
Carmen Sarrack, Mayor  
City of Oakdale

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

The Planner said the City Council wants to see this back in February so he will try to draft something to bring back soon.

### **Proposed Joint Community Playfield with Oakdale**

The Planner said the City Council has requested a recommendation for a joint playfield with Oakdale in Lake Elmo at northeast corner of Ideal and Stillwater Boulevard.

The Administrator explained the history of the donation request from 3M for a park for the City of Oakdale. 3M offered them land in Lake Elmo. After discussions and meetings, it has matured to a possibility of joint ownership of the land and in terms of capitalization, maintenance, and government and field scheduling. Staff held out for joint governance and joint input on design. Eventually our population will be close to theirs but meanwhile we are only 30% of their size. So there might have to be consideration of proportionate terms in the meantime until we grow.

The City Council asked if this is something we want to attempt, and do we want to take the next step to create a development agreement. The Parks Commission unanimously recommended doing that.

The Planner explained the City's need for ballfields today and into the future. He said the Park Plan is 15 years old. Oakdale is about where we will be at 2030 for population. They have a significant community playfield but it is not enough for their needs. An Old Village community playfield would still be needed in the future. He said it makes sense from a Planning standpoint.

Commissioner Deziel asked about new zoning with RAD2 on the parcel north of Highway 5. He said it would be the nearest Lake Elmo development to this. Commissioner Ptacek agreed with Commissioner Deziel and the Planner. He also said there are not enough dates and times and fields available in Lake Elmo and Oakdale.

Commissioner Armstrong would want this park for ages 18 and under and daylight facilities only, no lights on this field. He said it is probably better to create a park here near the railroad without displacing homes and REC units, and it would be a good partnership with Oakdale for the future.

The Planner clarified the proposal is for youth only.

Chairman Helwig used to be on the Parks Commission in Oakdale and he said the Oakdale Athletic Association and the Parks Commission there are two distinct entities. The Athletic Association does all the scheduling and they will get lights if they want them.

Commissioner Schneider said the City is sacrificing 26 acres for no houses and no taxes. We should get more than 50% use of this park.

The Administrator said the Cities are insured by the League of MN Cities so liability is not a problem.

M/S/P, Ptacek/Deziel to recommend taking the next step to continue the discussions. VOTE: 9:0.

**Sharon Lumby**

---

**From:** Kimberly Schaffel  
**Sent:** Monday, January 30, 2006 2:42 PM  
**To:** Sharon Lumby  
**Subject:** Parks Endorsement of 1-19-06

On January 19, 2006, Administrator Rafferty added this item to the Parks Commission Agenda.

**Oakdale/Lake Elmo Park**

Administrator Rafferty said Oakdale has only one community playfield and impact on neighborhood parks is intense. Oakdale appealed to 3M for a donation of land and 3M said they would donate land owned in Lake Elmo. They want to retain ownership of approximately 3 acres of this 26 acre parcel for potential water purification infrastructure. The City wants to retain 50% ownership and control of this park. The City Council asked for Parks to make a recommendation whether the City should pursue a Joint Powers Agreement with Oakdale for this park. In the event the conversations move forward, representatives from Lake Elmo would be appointed to a board that will then determine the organizational structure for that park and a design concept.

Superintendent Bouthilet reminded the Commission that Lake Elmo still envisions a community playfield eventually in the Old Village and that this park would be used for overflow.

M/S/P, Steele/Wagner, To endorse the engagement of discussions for the Oakdale/Lake Elmo park concept and to move forward with the process to include three elements: the appointment of representatives leading to the design of the organizational structure and the development of an agreement to be brought back to the City for review. Vote: 7:0.

:) *Kim*

Kimberly Schaffel  
City of Lake Elmo



<p>Lake Elmo City Council February 7, 2006</p>	<p>Agenda Section: CITY ADMINISTRATOR'S REPORT</p>	<p><u>No. 11B.</u></p>
<p><b><u>Agenda Item:</u> Comment Letter to Washington County on Lake Elmo Park Reserve Plan</b></p>		
<p>In late December management staff from the Regional Park Reserve presented a "Draft Plan" to the Lake Elmo City Council and informed the Council of the next steps to mature a final plan. The City Council received the Draft Plan for consideration and review. On January 31, the City Council met in workshop with the appointed Committee representatives to discuss the Draft Plan and develop comments for the Washington County Board's consideration.</p> <p>The attached "draft letter" reflects the comments captured from the attending representatives at the January 31<sup>st</sup> meeting; for submittal as official commentary from Lake Elmo to the Washington County Board.</p>		
<p><b><u>Action Items:</u></b> Motion to authorize the Administrator to sign Comment Letter to Washington County on Lake Elmo Park Reserve Plan.</p>	<p><b><u>Person responsible:</u></b> Martin Rafferty, City Administrator</p>	
<p><b><u>Attachments:</u></b> Proposed Draft Letter</p>		



# Draft

February, 1, 2006

Washington County Board  
Washington County Government Center  
14949 62<sup>nd</sup> Street .  
P.O. Box 6  
Stillwater, MN 55082-0006

Dear Chairman Pulkrabek:

The Lake Elmo City Council extends their appreciation to the Washington County Board for incorporating the representatives from Lake Elmo on the Lake Elmo Regional Park Reserve Technical Advisory Committee. The purpose of the committee was to guide the development of a revised plan for the Lake Elmo Regional Park Reserve. The Committee's work has matured into a "draft plan" for the Board's review, modification and adoption, which is subject to Metropolitan Council review and approval.

As you are aware, professional consultants from St. Paul were retained by Washington County to assist and guide the Committee in preparing the draft plan. The professionals retained provided specific expertise assuring the Committee and the County that the plan would be prepared in accordance with reviewing agencies' rules and regulations, as well as, provide the necessary background to develop an appropriate plan for a Park Reserve.

In late December, management staff from the Regional Park Reserve presented the draft plan to the Lake Elmo City Council. At that time they informed the Council of the next steps that would be taken to mature a final plan. The City Council received the draft plan for consideration and review. On January 31, the City Council met in workshop with the appointed Committee representatives to discuss the draft plan and develop the following comments for the Washington County Board's consideration.

The Lake Elmo City Council is generally pleased with the hard work of the committee and staff that has resulted in the draft plan developed. The City firmly endorses the plan to have the park remain as a "Reserve", and guided by the following words in Section 1.1; *"As a Reserve the focus of the park is to provide the public with nature oriented recreational opportunities such as viewing and studying wildlife and wildlife habitat, learning about conservation, swimming, picnicking, hiking, orienteering, boating, camping and trail uses"*.

The Metropolitan Council 2030 Regional Park System Plan clearly defines the distinction between a Regional Park and a Regional Park Reserve. The Regional System Plan specifies that a Regional Park Reserve shall "...establish and maintain an *uncompromised sense of nature* and protect high quality natural resources...", and "...at least 80 percent of each park reserve should be managed as wild lands that protect the ecological functions of the native landscape." The System Plan continues with, "This would permit up to 20 percent of the park reserve to be developed for *compatible* recreational activities.

The draft plan states that today 7% of the Lake Elmo Park Reserve is developed for compatible recreational activity; and proposes to increase that “developed” percentage to 9%. In this regard, three issues of concern have been identified by the Lake Elmo City Council:

- Maintaining the “Reserve” status of the park by evaluating the 80/20 standard to assure it has been appropriately applied. While the physical footprint of proposed additional park development may be an insignificant percentage of the park area, the resulting impact of that development may “compromise” the “sense of nature” to a far more significant degree.
- Proposed park expansion plans, in the context of resulting impacts, may not be consistent intended purpose and may in fact negatively impact the intended purpose of the park as defined by the Regional Park System Plan.
- The Lake Elmo Park Reserve is part of, and contained within, the boundaries of the City of Lake Elmo. No other political subdivision shares a border with the Park. The City of Lake Elmo performs primary service delivery in terms of roads and public safety fire/rescue response. In fact, the annual calls to the Park Reserve for service from the Lake Elmo Fire/Rescue are significant and are paid for solely by the tax payers of Lake Elmo. Therefore, expanding the facilities will have service demand increase which will mean more cost to the City. Discussions with Park Reserve staff earlier this year resulted in a non recognition of the issue.

At the meeting with the City Council on January 31<sup>st</sup>, specific improvements proposed by the draft plan were discussed in the context of the positive and negative implications. The draft plan proposed improvement items discussed are summarized as follows:

Lighted Cross Country Ski Trails – The City Council is not in favor of lighted trails in the park as it would contradict the purpose of the park “the nature mission”. It was found that the impact of the lighted trails (regardless of lighting style) would compromise the “sense of nature” to a far greater degree than the immediate footprint of the lighting feature.

Underpass/tunnel – A trail underpass at State Highway 5, connecting the Park Reserve to the Lake Elmo trail system and Gateway Trail was accepted by City Council as a good improvement for public safety reasons.

Bituminous trail expansion – specifically around Eagle Lake, was rejected by the City Council as an unnecessary expansion that would contradict the mission to maintain the natural experience of the park. Maintaining the trail as unpaved was believed a better plan.

Milfoil issue in lake – was an area that City Council believed needed more proactive plans to monitor, prevent and remove.

Identify designated natural zones – more clearly in the plan and incorporate concerns on excessive bituminous pathways. The expansion of mountain biking in the park needs to be contained in a designated zone for more active use.

The City Council requests you consider these changes to the proposed plan. Again the City Council compliments the County leadership, staff and volunteers for the tremendous work to complete the draft plan.

Respectfully submitted on behalf of the Lake Elmo City Council,

Martin Rafferty  
City Administrator



<b>Lake Elmo City Council</b> January 17, 2006	<b>Agenda Section: MAINTENANCE/PARK/FIRE/BUILDING</b>  <b>FEBRUARY 7, 2006</b>	<u>No. 7A.</u>
<b><u>Agenda Item:</u></b> Gen Set (generator)		
At the January 10, 2006 Council Workshop, the Public Works Supervisor informed the Council of the opportunity to purchase a Gen Set generator from the City of North St. Paul at a cost of \$10,000. He pointed out there is \$15,000 in the CIP.		
<b><u>BACKGROUND INFORMATION FOR FEBRUARY 7, 2006</u></b> Mike Bouthilet will have a verbal update. <b>RECOMMENDATIONS FROM THE MAC.</b>		
<b><u>Action items:</u></b>	<b><u>Person responsible:</u></b> M. Bouthilet	
<b><u>Attachments:</u></b> Excerpt from the January 10 <sup>th</sup> Council Workshop	<b><u>Time Allocated:</u></b>	

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**CITY of LAKE ELMO  
MAINTENANCE ADVISORY COMMITTEE**

Minutes of  
January 25, 2006

Present: Chuck Stanley, Dick Gustafson, Bud Talcott, Mike Bouthilet,  
Guests: Steve Gurney. Absent: George Dege

The meeting was called to order at 6:35pm at the City Hall by Bud Talcott.

The Minutes of January 11<sup>th</sup> were reviewed and there were no changes.

**A Motion** was made by Chuck S. and seconded by Bud T. to accept the minutes as written. The motion passed.

Mike Bouthilet presented information for the standby generator for the new maintenance building. This is a Genrac unit North St. Paul has had for 4 years and is looking to sell for \$10,000.00. It has never really been used but North St Paul starts it on a scheduled basis and maintains it well. It is a 155KW unit to operate 208V/120V, but our need is for 480v/120v. Mike said he was told it will cost approximately \$6,200.00 to have it modified. Mike said North St. Paul will be willing to store this unit until our building is ready.

The question of size was discussed as to what we actually require. Bud T. said he had talked to someone he knew at Cummins/Onan and the rule of thumb is to have the generator at approximately 50%-75% of the main incoming building power. Our new building will have a 400-amp service. This 155kw will give us about 320 amps which fits within the size we require. Bud said that while they were talking he asked if Onan had any used units of this size. He was told not right now but in about 30 days they would have one. It is a 175kw unit about 14 years old. When asked about price, they said it would be in the area of about \$25,000.00.

The building electrical specification drawings were reviewed to see where 480v is required and it became apparent most all motors will be operating at this voltage; the lighting will be 277v, which is the single phase voltage for any two of the three phase legs of the 480 volts. The 120v will most likely be from a transformer, and will be only requiring it for the wall outlets. Mike said he is having TKDA confirm the price to modify this Genrac unit and is also having the electrical contractor Mendota Electric check on it for price comparison.



It was the consensus of the committee that it appears the used unit with the modifications will be the best buy for us in the long run.

**A Motion** was made by Bud Talcott and seconded by Chuck Stanley to recommend the purchase of the used 155kw Genrac generator from North St. Paul at a cost of \$10,000.00 and have it modified to match our requirements at an estimated cost of \$6,200.00, with North St. Paul storing it until such time our building is ready for it. The Motion Passed

Hearing no objections the meeting was adjourned at 7:35 pm.

Respectfully submitted,

Bud Talcott  
Chairman/ Secretary



BA.

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-016

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE  
WATER SYSTEM INTERCONNECT PHASE IV PROJECT  
AND ORDERING ADVERTISEMENT FOR BIDS

WHEREAS, the City Engineer has prepared plans and specifications for the improvement of the Water System Interconnect Phase IV Project, and has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper an in the Construction Bulletin and advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for two weeks, shall specify the work to be done, shall state that bids will be opened and considered by the Council at 7 p.m. on \_\_\_\_\_ in the Council Chambers of the City Hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check bid bond, or certified check payable to the clerk for 5% of the amount of such bid.

ADOPTED BY THE COUNCIL this 7th day of February, 2006.

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Dean Johnston, Mayor

ATTEST:

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Martin Rafferty, City Administrator