

**FILE**

Mayor: Dean Johnston Council members: Rita Conlin Steve DeLapp Liz Johnson Anne Smith	<b>Lake Elmo City Council</b> <b>Tuesday,</b> <b>October 3, 2006</b>	3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)
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<b>Please read:</b>	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.
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<b>Agenda</b>
<b>City Council Meeting Convenes 7:00 PM</b>

<b>Pledge of Allegiance</b>		
<b>1. Agenda</b>		
<b>2. Minutes:</b>	September 19, 2006	
<b>3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u></b> <b>A. PUBLIC INFORMATIONAL:</b> <b>B. Public Inquiries</b>	<b>Public Inquiries/Informational</b> 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.	
<b>4. <u>CONSENT AGENDA</u></b> <b>A. Resolution No.2006-101:Approve Claims</b> <b>B. Partial Payment Park Construction:Resolution No. 2006-102</b> <b>C. Partial Payment CBI:Resolution No. 2006-103</b> <b>D. Final Payment GM Contracting for Water System Interconnect Phase II; Resolution No. 2006-104</b>	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.	
<b>5. <u>FINANCE:</u></b>		
<b>6. <u>NEW BUSINESS:</u></b>		
<b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b> <b>A. Building Department:</b> <b>(1) Movement of Building onto Hardy Property</b> <b>(2) September Building Activity Report</b>		

<p><b>8. <u>CITY ENGINEER'S REPORT:</u></b></p> <p>A. Public Hearing: Proposed Assessments for Phase IV Water Interconnect Project; Resolution No. 2006-105 Adopting Assessments</p> <p>B. Extend "No Parking" 15<sup>th</sup> Street to Ivy; Ordinance No. 97-182</p> <p>C. Approve Plans for SCADA (Supervisory Controls and Data Acquisition); Resolution No. 2006-</p> <p>D. Award Contract for Northern Water Main Extension; Resolution No. 2006-106</p> <p>E. Update on Riley Construction - verbal</p>	<p>Tom Prew</p>	
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b></p> <p>A. Ordinance No. 97-180; Zoning Ordinance Amendment - Accessory Buildings</p> <p>B. Septic Pumping/OR Inspection – Ordinance No. 97-181</p> <p>C. Update on Meeting – Xcel Fly Ash Landfill Siting</p> <p>D. Re-Establish/Modify OP Development – Amend AG, RR &amp; OP</p> <p>E. Development Moratorium - Village Area; Ordinance No. 97-186</p> <p>F. Village Area Planning - verbal</p>	<p>C. Dillerud</p>	
<p><b>10. <u>CITY ATTORNEY'S REPORT:</u></b></p>		
<p><b>11. <u>CITY ADMINISTRATOR'S REPORT:</u></b></p> <p>A. St. Croix Family Community Center (Consultant reports were provided previously.)</p>	<p>M. Rafferty</p>	
<p><b>12. <u>CITY COUNCIL REPORTS:</u></b></p> <p>A. Mayor Johnston</p> <p>B. Council Member Conlin</p> <p>C. Council Member DeLapp</p> <p>D. Council Member Johnson</p> <p>E. Council Member Smith</p>		
<p><b>CLOSED MEETING: Park Construction/EBI</b></p>		

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
SEPTEMBER 19, 2006

1. AGENDA
2. MINUTES: September 5, 2006
3. PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
4. CONSENT AGENDA:
  - A. (1) Resolution No. 2006-096: Approving Claims  
(2) Resolution No. 2006-097: Approving Claim
  - B. Monthly Operating Report
  - C. Written Report: Building Official, Jim McNamara
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Fire Dept.: Chief Malmquist
    - (1) Place Mark Yost as a Probationary Member
    - (2) Fire Dept. #2: Day Room Improvement Clarification
8. CITY ENGINEER'S REPORT:
  - A. Resolution No. 2006-098: Accept Feasibility Report on 28<sup>th</sup> Street (not adopted)
  - B. Update on Krueger Property (verbal)
  - C. Ordinance No. 97-179: Relating to Towing of Illegally Parked Vehicle & Trailers
  - D. Resolution No. 2006-098: Approve Plans and Specs for Plumbing Work - Tablyn Park (Contract A) and Resolution No. 2006-099: (Contract B) - verbal
  - E. CBI Status & Update on Water Tower Guarantee Document Agreement (addition)
9. PLANNING, LAND USE, & ZONING:
  - A. Resolution No. 2006-093, Ordinance No. 97-178: Apostolic Bible Church Site - Comprehensive Plan Amendment and Rezoning
  - B. Meeting with Oak Park Heights City Council - Buberl/Nass/Bidon Annexation
  - C. Metro Transit Park and Ride Proposal (removed)
  - D. Access to Sunfish Lake Park from Jamaca Blvd.(addition)
10. CITY ATTORNEY'S REPORT:
  - A. North Water Main Extension Easements: Resolution No. 2006-100 (verbal)
  - B. Legal Intricacies of Bergman Variance (addition)
11. CITY ADMINISTRATOR'S REPORT:
12. CITY COUNCIL BUSINESS AND REPORTS:
  - A. Mayor Johnston
  - B. Council Member Conlin
  - C. Council Member DeLapp
  - D. Council Member Johnson
  - E. Council Member Smith

REMINDER:

September 20, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning  
October 2, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning

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: City Administrator Rafferty, City Planner Dillerud, Finance Director Bouthilet, Fire Chief Malmquist, City Engineer Prew, City Attorney Filla and Recording Secretary Freeman.

**Pledge of Allegiance:**

**1. AGENDA:**

Additions: 8E: CBI status and Update on water tower guarantee document agreement; 9C: Access to Sunfish Lake Park from Jamaca Blvd; 10B: Legal Intricacies of Bergman Variance; 11A: Explanation of METC Park & Ride attending the Council Workshop about Park and Ride.

Changes: Move 7A (1) and (2) to 3A (1) and (2): Fire Dept.

Deletions: 9C: Park & Ride

M/S/P Johnson/Smith – to approve the September 19, 2006, City Council Agenda as amended. (Motion passed 5-0)

**2. MINUTES:**

M/S/P Johnson/Conlin – to approve the September 5, 2006, City Council Minutes. (Motion passed 5-0)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 9A: Resolution No. 2006-092: Zoning Variance – Richard and Eileen Bergman. (Motion passed 4-1: Johnston abstained – absent). Council Member Smith is concerned with the number and size of buildings on a 6.33 acre site and also has concerns with the question of hardship.

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes, Item 9D: Metropolitan Airport Commission-Lake Elmo Airport 2025 Plan (Motion passed 4-0:1: Johnston abstained-absent)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes, Item 4G: Pay Estimate for Water Tower: CB & I Constructors. (Motion passed 5-0)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 9A: Resolution No. 2006-092: Zoning Variance – Richard and Eileen Bergman. (Motion passed 5-0)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 7A (1): Parks Dept.: Carriage Station Basketball Court (Motion passed 5-0)

M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes Item 9E: Xcel Fly Ash Landfill Siting. (Motion passed 5-0)



M/S/P Conlin/Johnston – to amend the September 5, 2006, City Council Minutes  
Item 3A (1): CIC Presentation on Senior Housing. (Motion passed 5-0)

3. **PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:**

A. **Public Inquiries:** None

B. **Public Informational:**

Mayor Johnston informed the residents about the upcoming Ice Cream Social to be held on Sunday, September 24, 2006, from 2 – 4 pm., at the restored District 12 school house. Donations are welcome.

4. **CONSENT AGENDA:**

A. (1) **Resolution No. 2006-096: Approving Claims**

M/S/P Johnson/DeLapp – to approve Resolution No. 2006-096, approving Claim Numbers 348, 349, DD885 through DD909, 29655 through 29677, were used for Staff Payroll dated September 14, 2006; 29654, 29678 through 29731, in the total amount of \$889,574.74 are hereby approved. (Motion passed 5-0)

Council Member Smith requested clarification of the payment to the Sessings. Attorney Filla explained that per court order, the City would pay \$3,000.00 immediately and the building permit plus interest. The remaining \$1,000.00 would be paid after the building was down and the materials removed within seven days.

(2) **Resolution No. 2006-097: Approving Claim**

M/S/P DeLapp/Conlin – to approve Resolution No. 2006-097, approving Claim Number 29732, in the total amount of \$270.00, is hereby approved.  
(Motion passed 4-0-1: Council Member Johnson Recused herself)

B. **Monthly Operating Report:**

M/S/P Johnson/DeLapp – to approve the August 2006 Monthly Operating Report as presented. (Motion approved 5-0)

C. **Written July 2006 Contruction Activity Report:**

M/S/P Johnson/DeLapp – to accept the July Construction Activity Report as provided by the Building Official. (Motion passed 5-0)

5. **FINANCE:** None

6. **NEW BUSINESS:** None

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

A. **Fire Dept.: Chief Malmquist**

(1) **Place Mark Yost as a Probationary Member**

Fire Chief Malmquist requests Council approval to place Mark Yost as a Probationary Member of the Lake Elmo Volunteer Fire Dept.

M/S/P DeLapp/Johnston – to place Mark Yost as a Probationary Member of the Lake Elmo Volunteer Fire Dept. (Motion passed 5-0)

(2) Fire Dept. #2: Day Room Improvement Clarification

Fire Chief Malmquist reported that he received a bid for \$2,600.00 for construction materials. This bid does not include wiring, carpet or incidentals. The Fire Dept. will be accepting donations of mud, tape, doors, etc.

M/S/P Johnson/Conlin – to authorize the construction of the dayroom at Fire Station #2, with costs to not exceed an \$8,000.00 bid. (Motion passed 5-0)

**8. CITY ENGINEER'S REPORT:**

A. Resolution No. 2006-098: Accept Feasibility Report on 28<sup>th</sup> Street

The City Engineer handed out the Feasibility Report for the 28<sup>th</sup> Street Project. It would be a 22' wide road with no turn around. A bid for \$65,000 was received for the 22', and \$40,000 for the 18' wide road. The road would stop short of Raleigh Creek because of previous flooding. No permits would be required.

Financing would come partially from 3M (\$7,000), the residents affected, and the City. The two ways to receive funding are: 1) appraisal, with maximum benefit at \$2,500, or 2) residents pay the full cost of \$8,300. The City would pay approximately \$40,000. He recommended waiting to pave until spring 2007 when new bids could be taken. Reconstruction of the base and preparing it for paving would require the City investing \$32,000 now.

Resident Jim Palacek, 2798 Jamley Avenue North, stated that there were no easements on his property and he did not want his property assessed. The City only started snow plowing his road three years ago, and maintaining it for the last two years.

Resident Jim Petersen, 2751 Jamley Avenue North, stated there were no residents to the east of Jamley Avenue. The City could also save cost on paving by eliminating 200 feet west of 28<sup>th</sup> Street and Jamley Avenue. Currently, the construction equipment left up to eight inch imprints on the road, and it would be cost-effective to pave the road since work is currently being done on 28<sup>th</sup> Street.

The City Engineer informed Mr. Palacek and Mr. Petersen that the Feasibility Report did not have an assessment for their properties.

Council discussed the fact that since the project is not on the CIP, would it be removing or delaying another project, and would the owner's property value increase because of the paved road. Council questioned the cost savings of doing it now since the road is being torn up currently, and asked when the Kirkwood project was scheduled.

The Finance Director stated the City does have a reserve on backup projects, but it would involve dipping into the City's cash flow.

Council Member Johnson supports the project, but not to take money from the reserves to finance it as the budget is based on building permits.

M/S/P Conlin/Smith – to place the 28<sup>th</sup> Street Construction Project on the CIP and prioritized by Staff.  
(Motion passed 4-1: DeLapp-we have not addressed the petition to pave 28<sup>th</sup> Street)

Mayor Johnston supports the motion, stating there is money in the water project and the road would be in a better condition, but the City does not have money in the CIP.

Council Member Conlin supports the motion, stating it would be unfair to other projects waiting.

B. Verbal Update on Krueger Property

City Engineer Prew updated the Council on the progress to Krueger's homestead at 4452 Lake Elmo Avenue. The southwest corner of the property has been staked and two loads of gravel had been delivered. The property had been seeded this summer, but will need to be redone on either side of the driveway where the ditch flows. It is preferred to have dormant seed down in the fall of 2006, and not extended to 2007. He will be checking it again this week.

Ms. Krueger thanked the City for the gravel and the restaking of the property. She also requested that the City delay any work on the ditch and reseed until spring 2007, as she believes it is too late in the year. She expressed concern with the contractor completing the work as there have been problems with them in the past.

Council discussion determined that the work will be completed by the contractor, and that projects have been successful utilizing the dormant grass mats.

Council directed the City Engineer to meet with the Krueger's to clarify what the City will be completing this year.

C. Ordinance No. 97-179: Relating to Towing of Illegally Parked Vehicles & Trailers

The City Engineer and City Attorney recommend adoption of Sections 100.06, Subd. 1 and Subd. 2 and Section 1000.01, and Section 100.06, Subd. 5, Section 1005.01, Subd. 3 and 1005.045 and its subdivision relating to the Towing of Illegally Parked Vehicles and Trailers. City Council also repeals Section 1005.03, Subd. 1. City Attorney Filla stated it updates the definitions, and references the State Highway Code regarding the parking of trailers and vehicles.

Council requested clarification of where the trailers and cars would be parked, and the fine amount. Suggestions were a \$150.00 fine the first occurrence, then towing four hours later and a fine the second occurrence, safety issues, or tow all of the vehicles.

City Engineer Prew informed them the trailers would be kept one-half mile out, and towing would occur four hours later.

M/S/P Johnson/Johnston – to adopt Ordinance No. 97-179, amending Sections 100.06, Subd. 1 and Subd. 2 and Section 1000.01, and Section 100.06, Subd. 5, Section 1005.01, Subd. 3 and 1005.045 and its subdivision relating to Towing of Illegally Parked Vehicles & Trailers, and to include the attached maps. (Motion passed 5-0)

D. Resolution No. 2006-098: Approve Plans and Specs for Plumbing Work – Tablyn Park (Contract A); Resolution No. 2006-99 (Contract B)

City Engineer Prew presented plans and specifications to the Council for the two hundred homes. Two contracts are being requested as the work can be completed faster, and the bids competitive. The contracts include removal of the tank, installation of the water meter, disconnecting the well pipe, and adding the plumbing. All work will meet the City's code and inspected by the Building Inspectors.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-098 (Contract A) and Resolution No. 2006-99 (Contract B), approving Plans and Specifications and Ordering Advertisement for Bids Tablyn Park (Contract A). (Motion passed 5-0)

E. CB & I status & Update on Water Tower Guarantee Document Agreement (addition)

City Engineer Prew informed Council that CB & I is requesting authorization to paint the water tower on weekends. This would involve sandblasting and painting, which is temperature-oriented and weather controlled.

Change order being reviewed by City Engineer and City Attorney and will be brought back to the October 3, 2006, Council meeting.

M/S/P Conlin/Johnson – to direct the City Administrator to issue a Special Permit, reflecting City Code, to CB & I for weekend work for painting of the new water tower. The Permit will allow painting and sandblasting on Saturday and Sunday, from 8:00 a.m. to 5:00 p.m., weather permitting. (Motion passed 5-0)

## 9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2006-093, Ordinance No. 97-178: Comprehensive Plan Amendment and Rezoning – Apostolic Church Site (10<sup>th</sup> Street)

The City Planner reported that this City Council-initiated the proposal to reclassify the approximately 14 acre site from PF to RAD and rezone the site from PF to RR has been recommended for approval by the Planning Commission. The matter was on the Council's agenda September 5 and tabled to September 19 to be considered by a full five member Council.

M/S Conlin/DeLapp – to table further review three months from now with definite plans for a church on the site at the second meeting of December, 2006.

Council Member Conlin requested that the Findings be part of the approved motion.

M/S/P Johnson/Smith – to amend to 12 months. (Motion 3-2: DeLapp and Conlin)

M/S/P Johnson/Smith – to table further discussion and have the Apostolic Church return within twelve months, updating the Council as to where they are with their plans for use of the site for a church. (Motion passed 3-2: Conlin and DeLapp)  
Pastor Friend asked the City Council if it will be necessary for the church to have complete construction plans within twelve months.

City Attorney Filla advised Pastor Friend that his interpretation of the motion is that the church should have at least a schedule for the use of the site for new church purposes, but that construction plans were not necessarily required.

B. Meeting with Oak Park Heights City Council – Buberl/Nass/Bidon Annexation  
The City Planner informed Council that a letter from the Oak Park Heights City Administrator had been received regarding an annexation request from three residents owning land in Lake Elmo. The Oak Park Heights City Council has requested a joint work session with the Lake Elmo City Council to discuss the property owner's request. The City Planner reported that at this time, Lake Elmo has not received any letters from the owner's requesting the detachment/annexation. He noted that, as of August 1, 2006, both cities must now approve a concurrent detachment/annexation, rather than just the annexing city as had been the law previously. Lake Elmo needs to be directly involved.

City Administrator Rafferty said that he has talked with the Oak Park Heights City Administrator Johnson, informing him that he would bring the request for a joint meeting to the Lake Elmo Council's attention for any action.

The Council discussed the letter received from the property owners by Oak Park Heights and the Oak Park Heights invitation for a joint meeting regarding the detachment/annexation.

M/S/P Smith/DeLapp – to direct Staff to write a letter to the Oak Park Heights Council stating that the Lake Elmo City Council is not interested in a meeting with the Oak Park Heights City Council on the detachment/annexation matter and that the Lake Elmo Council desires to keep Lake Elmo intact with no land detachments to adjoining communities.

(Motion passed 4-1: Conlin – agreed with City Administrator's comments that it would be a neighborly gesture for the Lake Elmo City Council to agree to a meeting with Oak Park Heights City Council)

Mayor Johnston commented that someone could meet with Oak Park Heights on this detachment/annexation matter, just not a full City Council.

Council Member DeLapp commented he would not consider such a meeting.

Council Member Johnson commented that the City's response to Oak Park Heights should be courteous and respectful.

C. Metro Transit Park & Ride Proposal (deleted)

The City Planner reported that had been notified by Metro Transit that they were not ready to present the Park & Ride Proposal to the City Council, but will at a later date.

C. Access to Sunfish Lake Park from Jamaca Blvd.

Council Member DeLapp informed Council that a road in back of the Maintenance Building has a fence that was built to allow access from Jamaca without access to the Lake Jane Landfill polluted area, but there is also a sign stating that there is no access from Jamaca Blvd. to the park. He is requesting Staff to replace the sign with a new sign inviting access to the park from Jamaca.

The City Planner informed Council that Staff will take care of changing the sign, without any formal Council direction to do so.

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

A. Bergmann Easement

City Attorney Filla informed Council that no communication has been received back from the Bergmann's regarding the City's offer. It's been 11 days since the last response, and he is recommending the City start condemnation proceedings on the easement. It is critical the City acquire this property to complete the City's 2006 Water System Interconnect Project, which benefits the residents of Lake Elmo.

M/S/P Conlin/Johnson – to approve Resolution No. 2006-100, a Resolution Authorizing Condemnation of the Bergmann property. (Motion passed 5-0)

B. Legal Intricacies of Bergmann Variance (removed)

**11. CITY ADMINISTRATOR'S REPORT:**

A. Explanation of METC Park & Ride attending the Council Workshop about Park and Ride

Council Member DeLapp requested an explanation as to why the MET Park and Ride gave a presentation at the Council Workshop on September 13, 2006. He questioned why he was not informed they would be there.

City Administrator Rafferty informed Council that he had been given parameters to discuss further exploration with the MET on the Park and Ride issue. Ms. Arlene McCarthy and her staff met with him, the City Planner and Finance Director, and it was determined they should make a presentation at the Council Workshop.

Council Member Smith requested that if a guest from the METC is attending to please add their names to the Agenda.

**12. CITY COUNCIL BUSINESS AND REPORTS:**

Mayor Johnston: None

Council Member Conlin: None



Council Member DeLapp: None

Council Member Johnson expressed thanks to the Staff in Public Works, and said it was a marvelous Open House on Saturday.

Council Member Smith agreed with Council Member Johnson.

REMINDER:

September 20, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning  
October 2, 2006, at 6:30 p.m., Special Planning Commission Meeting on Zoning

Meeting adjourned at 10:20 p.m.

Resolution No. 2006-096: Approving Claims

Resolution No. 2006-097: Approved Claim

Resolution No. 2006-098: Approved Plans and Specs for Plumbing Work – Tablyn Park  
(Contract A)

Resolution No. 2006-099: Approved Plans and Specs for Plumbing Work – Tablyn Park  
(Contract B)

Resolution No. 2006-100: Authorized Condemnation of Bergman Property

Ordinance No. 97-179: Relating to Towing of Illegally Parked Vehicles and Trailers

CITY OF LAKE ELMO  
CITY COUNCIL MEETING  
SEPTEMBER 5, 2006

1. AGENDA
2. MINUTES: August 15, 2006
3. PUBLIC INQUIRIES/PUBLIC INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
    - (1) CIC Presentation on Senior Housing
    - (2) Resolution No. 2006-094: Lake Elmo Bank 95<sup>th</sup> Anniversary
4. CONSENT AGENDA:
  - A. Resolution No. 2006-087: Approve Claims
  - B. Escrow Reduction #3: Discover Crossing
  - C. Escrow Reduction: Farms of Lake Elmo
  - D. Escrow Reduction 2: Sanctuary
  - E. Pay Estimate for 2006 Crack Seal: L & M Services
  - F. Pay Estimate for 2006 Seal Coat: Allied Blacktop Company
  - G. Pay Estimate for Water Tower: CB & I Constructors
  - H. Pay Estimate for Park: Tablyn Park/Lake Elmo Heights
  - I. Resolution No. 2006-090: Ordering Assessment Hearing for Water System Interconnect Phase IV
  - J. Resolution No. 2006-091: Award Bid for 2006 MSA Resurfacing
5. FINANCE:
  - A. Resolution No. 2006-088: Budget Presentation: Adoption of Proposed Tax Levy and Proposed 2007 Budget
  - B. Resolution No. 2006-089: Set Truth in Taxation Hearing Dates
6. NEW BUSINESS: None
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept.: (verbal)
    - (1) Carriage Station Basketball Court
    - (2) Announce Public Works Open House
    - (3)
  - B. Fire Dept.: Update on Dept. Activities (verbal)
    - (1) Recognize Explorers
    - (2) Recognize Two Engineer Certified Firefighters
    - (3) Fire Station No. 2 Upgrades
8. CITY ENGINEER'S REPORT:
  - A. Water Tower Paint Color (verbal)
  - B. 28th Street Petition for Street Improvement (verbal)
  - C. Northern Water Main Extension Easement Update- moved to Closed Session
  - D. Tablyn Park/Lake Elmo Heights Water System Update (verbal)
9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2006-092: Zoning Variance-Richard and Eileen Bergman

B. Apostolic Church Site: (Tabled) Resolution No. 2006-093: Comp Plan Amendment; Ordinance No. 97-178: Rezoning

C. Status of Village Plan (verbal)

D. Metropolitan Airport Commission – Lake Elmo Airport 2025 Plan

E. Xcel Fly Ash Landfill Siting: Update

F. METC Update

10. CITY ATTORNEY'S REPORT:

A. Ziertman/Sessing Update – Moved to Closed Session

11. CITY ADMINISTRATOR'S REPORT:

12. CITY COUNCIL REPORTS:

REMINDERS:

September 12, 2006: Primary Election – Polls Open 7 AM – 8 PM

September 13, 2006: City Council Workshop – 6 PM -8:30 PM

September 14, 2006: Community Open House on Groundwater Contamination – OakLand Junior High School

September 16, 2006: Open House at New Public Works – 9 AM – Noon

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

### **Pledge of Allegiance**

#### **1. AGENDA:**

Additions: 7A (3) Park Use Preliminary Information; 9F METC meeting update, Changes: Moved 8C to Closed Session, moved 10A to Closed Session; Moved 7B (1) and 7B (2) to 3A (3).

M/S/P Conlin/DeLapp – to approve the September 5, 2006, City Council Agenda as amended. (Motion passed 4-0)

#### **2. MINUTES:**

M/S/P Smith/Conlin – to approve the August 15, 2006, City Council minutes as amended. (Motion passed 4-0)

#### **3. PUBLIC INFORMATIONAL/PUBLIC INQUIRIES:**

##### **A. Public Informational:**

##### **(1) CIC Presentation on Senior Housing:**

Brenda Anderson, from the Community Improvement Commission (CIC), presented the results from their Summer 2005 Senior Housing Survey. Approximately one hundred questionnaires were received, with 86% believing that a need exists for senior housing. The CIC recommends that further study, feedback and direction from the City Council are necessary to identify appropriate senior housing suitable for the City of Lake Elmo.

Council Members questioned the “definition of affordable housing,” and the probable cost of any senior oriented units/houses in the Old Village Area. It was determined that it would be best to have the Old Village Plan completed, and have any senior housing builders expressing interest work with the Engstrom group.

##### **(2) Lake Elmo Bank 95<sup>th</sup> Anniversary: Resolution 2006-094:**

The Mayor and City Council congratulated the owners and employees of the Lake Elmo Bank on their 95<sup>th</sup> Anniversary in the East Metro Area. They have been, and continue to be, an outstanding corporate citizen of Lake Elmo. There will be a Community Celebration on Friday, with Acting Mayor Smith presenting the City’s congratulations.

M/S/P Smith/Conlin – to approve Resolution No. 2006-094, congratulating Lake Elmo Bank on its 95<sup>th</sup> Anniversary. (Motion passed 4-0)

**B. Public Inquiries:**

Julie Bunn, 2986 Lake Elmo Avenue, introduced herself and announced her candidacy for State Representative 56A.

Deb Krueger, 4452 Lake Elmo Avenue, requested that action be taken regarding the 43<sup>rd</sup> Street water main construction, stating that the City needs to adopt a code or policy for completion of any City project in a timely manner. She stated that this was her third request for the repair of the ditch on their property. She requested that this repair be delayed until Spring 2007 since the plant growth in the ditch now precludes an accurate assessment of the repairs required. She also reported that a load of gravel was required for their driveway and a survey marker needed replacement. She demanded that those actions be completed by the end of September.

City Engineer Prew stated that the contractor needs to inspect the property and have the survey stakes correctly placed.

M/S/P DeLapp/Smith – to direct Staff to make every reasonable effort to comply with Ms. Krueger's request for gravel and survey stake by the end of September 2006. (Motion passed 4-0)

M/S/P DeLapp/Conlin – to direct Staff to complete the ditch work on 43<sup>rd</sup> Street parallel to the Krueger property by the Fall of 2006 or Spring 2007, being careful to avoid the months of November and December 2006 to avoid conflict with the Krueger's holiday tree sales. (Motion passed 4-0)

**4. CONSENT AGENDA:**

**A. Resolution No. 2006-087: Approving Claims**

M/S/P Smith/Johnston – to approve Resolution No. 2006-087, approving Claim Numbers 343, 344, DD848 through DD870, 29560 through 28587, were used for Staff Payroll dated August 17, 2006; Claim Numbers 345, 346, DD871 through DD874, 29588 through 29598, were used for Staff Payroll dated August 31, 2006, Claims 347, 29599 through 29563, in the total amount of \$991,968.60 are hereby approved. (Motion passed 4-0)

**B. Escrow Reduction #3: Discover Crossing**

M/S/P Smith/Johnston – to authorize an Escrow Reduction #3 for Discover Crossing, reducing the escrow amount required to \$153,750.00. (Motion passed 4-0)

**C. Escrow Reduction: Farms of Lake Elmo**

M/S/P Smith/Johnston – to authorize an Escrow Reduction for Farms of Lake Elmo, reducing the escrow amount required to \$133,750.00. (Motion passed 4-0)

**D. Escrow Reduction #2: Sanctuary**

M/S/P Smith/Johnston – to authorize an Escrow Reduction for Sanctuary, reducing the escrow amount required to \$1,038,750.00. (Motion passed 4-0)

E. Pay Estimate for 2006 Crack Seal: L & M Services

M/S/P Smith/Johnston – to authorize Final Payment to L & M Services, in the amount of \$27,300.00, for the 2006 Crack Seal Project. (Motion passed 4-0)

F. Pay Estimate for 2006 Seal Coat: Allied Blacktop Company

M/S/P Smith/Johnston – to authorize Final Payment to Allied Blacktop Company, in the amount of \$110,057.49, for the 2006 Sealcoat Project. (Motion passed 4-0)

G. Pay Estimate for Water Tower: CB & I Constructors

Council discussed if it was wise to pay CB & I Constructors due to the outstanding issues about documentation on the water tower construction issues. The payment is for services completed.

The City Attorney and Staff stated they are still clarifying the wording of the water tower guarantee document that the City has negotiated including the concerns addressed by the City Council. City Engineer Prew would report back to Council at a subsequent Council meeting.

M/S/P Smith/Johnston – to authorize payment of Certificate No. 6, to CB & I Constructors, in the amount of \$366,537.07, for the Elevated Water Storage Tank No. 2. (Motion passed 4-0)

H. Pay Estimate for Tablyn Park/Lake Elmo Heights

Council members discussed what a reasonable timeline was for the residents to expect the work to be completed, and whether payment should be made as the work was behind schedule. City Engineer Prew explained that he expected the middle of October for the work to be completed. A timeline schedule would be mailed to all residents this week.

M/S/P Johnston/DeLapp – to authorize the Partial Payment of Certificate No.2, to Park Construction Company, in the amount of \$537,058.69. (Motion passed 4-0)

I. Resolution No. 2006-090: Ordering Assessment Hearing for Water System Interconnect Phase IV

M/S/P Smith/Johnston – to authorize the City to accept the proposed assessment of the cost of the Water System Interconnect Phase IV Project. (Motion passed 4-0)

J. Resolution No. 2006-091: Awarding Bid for 2006 MSA Resurfacing

M/S/P Smith/Johnston – to award bid to Tower Asphalt, Inc., in the amount of \$236,501.45, for the 2006 MSA Resurfacing. (Motion passed 4-0)

**5. FINANCE:**

A. Resolution No. 2006-088: Budget Presentation: Adoption of Proposed Tax Levy and Proposed 2007 Budget

The Finance Director presented the 2007 Proposed Budget to the Council, stating that it has been reviewed with the Dept. Heads and City Administrator. The proposed Levy



Certification must be approved by September 15, 2006. The Levy can always be lowered. The final budget must be certified to the County by December 29, 2006. M/S/P Johnston/Conlin – to adopt Resolution No. 2006-088, for the Proposed 2006 Tax Levy, collectible in 2007 and the 2007 Proposed Budget. (Motion passed 3-1: DeLapp does not believe we can justify a 25% City tax revenue increase over 2 years)

B. Resolution No. 2006-089: Set Truth in Taxation Hearing Dates  
M/S/P DeLapp/Smith – to adopt Resolution No. 2006-089, setting the Truth in Taxation Public Hearing Dates for the 2006 Tax Levy and the 2007 Budget. (Motion passed 4-0)

6. NEW BUSINESS: None

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Parks Dept.:

(1) Carriage Station Basketball Court:

Public Works Superintendent reported that three quotes were received for the building/resurfacing of the new basketball court at Carriage Station. He reported that there are CIP funds set aside for this project and recommends awarding the bid to T.A. Schifsky, Inc.

The Council expressed a concern that the low bidder was adequately qualified to perform the work and formed a consensus that the proposed partial court be enlarged to 2 feet beyond the out of bounds stripes.

M/S/P Smith/DeLapp – to award the bid to T.A. Schifsky, Inc., in the amount of \$12,500.00 per quote dated August 23, 2006, for a new Carriage Station basketball court at the enlarged size, per the recommendation of the Public Works Supervisor. (Motion passed 4-0)

(2) Announce Public Works Open House:

City Administrator Rafferty announced that an Open House will be held for the new Public Works Building on Saturday, September 16, 2006, from 9:00 am to Noon. Ribbon cutting will be at 9:30 a.m. The Public is welcome and invited to attend.

B. Fire Dept. Update:

(1) Recognize Explorers:

Chief Malmquist recognized Lake Elmo Volunteer Explorers Fire Post 9351 for their successes at the Eighth Annual Governor's Fire Safety Day. Explorers Sarah Gilder, Noah Malmquist, Jack Winkels, Tom Gagnon, Jessica Elliott, Ben Salus and Adam Heinle participated in the event.

(2) Recognize Two Engineer Certified Firefighters:

Training Officers - District Chief Brad Winkels and Captain Mike Tremain introduced Brian Johnson and Richie Springborn. They are the first Lake Elmo Firefighters to have successfully completed the Fire Engineer training in Lake Elmo.

**(3) Fire Station No. 2 Upgrades:**

The Fire Chief informed Council that bids were received for upgrades to Fire Station #2, approaching it as a two-part project. The first stage will be the degreasing and painting of the walls. Also, the floors would be cleaned, striped and sealed.

The second stage will be the construction of a "day room" in the center stall, improvement of storage space and upgrading the existing office space. The Firefighters have agreed to provide the labor for this project to minimize the costs. There will be expenses for materials, HVAC and some electrical work.

Mayor Johnston questioned the need for the second stage improvements. City Administrator Rafferty advised that this building will be usable for another 8-10 years, which warrants at least these minimal improvements to function as a fire station over that time period. Council Member DeLapp said he supported the upgrades, and he appreciated the time and effort the Firefighters were going to provide to completing the improvements.

M/S/P DeLapp/Johnston – to award the bid to Volk Contracting in the amount of \$8,250.00 for the painting and floor upgrade at Fire Station No. 2. (Motion passed 4-0)

Following the motion and vote, the Fire Chief asked for clarification if that included authority for the Fire Department to buy the materials necessary to build the dayroom. It was suggested that it was included in the motion.

**8. CITY ENGINEER'S REPORT:****A. Water Tower Paint Color (verbal):**

City Engineer Prew requested confirmation from Council regarding the color of the new water tower, bowl, and the lettering. He recommended the bowl color be off-white, to match the pedestal, with maroon lettering to match the Public Works building.

Council discussed the various color options. Suggestions included trying to blend the tank into the landscape, the possibility of no lettering on the tower, and asking the community to propose what words/logos (if any) should be on the tank.

M/S/P Smith/Johnston – to paint the water tower base and bowl off-white, with burgundy lettering, per the City Engineer's recommendation.  
(Motion passed 3-1: DeLapp, too plain)

**B. 28<sup>th</sup> Street Petition for Street Improvement (verbal):**

The City received a petition, dated August 24, 2006, signed by the residents on 28<sup>th</sup> Street, requesting the street be upgraded from gravel to blacktop.

Resident Robert Schumacher, 9155 28<sup>th</sup> Street, spoke in favor of the upgrade as the streets are being dug up for the water main project.

Resident Jim Petersen, 2751 Jamley Avenue North, agreed that the upgrade should be done now. Delaying the road upgrade would not be cost effective.

Resident Jim Palecek, 2798 Jamley Avenue North, spoke against the road upgrade. He does not want to be assessed for it just because part of his property abuts 28<sup>th</sup> Street.

City Engineer Prew requested direction from Council regarding the upgrading of 28<sup>th</sup> Street, south of the end of Jamley Avenue.

M/S/P Conlin/Smith – to direct the City Engineer to prepare a Feasibility Report, and to include the cost of a City standard street and with an alternative of an 18' wide road with a 6" gravel base, and bring back to the September 19, 2006, Council meeting.  
(Motion passed 4-0)

C. Northern Water Main Extension Easement Update (Handout at Meeting):  
Moved to Closed Session

D. Tablyn Park/Lake Elmo Heights Water System Update (verbal):  
City Engineer Prew stated that two-thirds of the water main was in place. He reported that approximately 25 property owners have not as yet responded to letters regarding connection to their homes, and that extra crews had arrived to assist with this project as work is slightly behind schedule. The City Engineer provided a handout indicating the timeline being followed by TKDA and the Contractor, with a copy of the timeline and letter to be mailed to the residents this week.

Resident George Heller, 8644 27<sup>th</sup> Street North, requesting clarification of the decision regarding whether open trenching or directional drilling is used for the service lines from the main to the home. The City Engineer explained that individual site circumstances determined the type of service line installation used – such as service line length, in place landscaping and existing trees.

## 9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2006-092: Zoning Variance; Richard and Eileen Bergmann:  
The City Planner reported that the Planning Commission recommended approval of a zoning variance to allow a second accessory structure on an RR zoned parcel. Here a barn structure is on an adjoining tax parcel, but was a part of the original homestead parcel. The applicant requests a variance to permit the barn to be detached from the adjacent parcel and added to the homestead parcel where an accessory structure is already in place. A major condition would be legally combining the additional 1.33 acres including the barn to the property with the homesteaded property.

Council Member DeLapp observed that if both parcels are owned by the same party, and one is non-conforming by area (as is the homestead parcel), the Code requires the parcels be combined and divided such that both are conforming in area – 10 acres in this case. He said he believes that Richard and Eileen Bergmann own both parcels so a condition of the variance should be that the homestead parcel be enlarged to at least 10 acres.

The City Planner advised that while this is true, it has been his understanding that the homestead parcel was conveyed to a Bergmann son.

Richard Bergmann advised the Council that the homestead parcel was to be his son's, and that his son could not afford to purchase a full 10 acres – only the 1.33 acres needed to place the barn on the homestead parcel.

Council Member Smith is concerned with the number and size of buildings on a 6.33 acre site and also has concerns with the question of hardship.

M/S/P Johnston/DeLapp – to adopt Resolution No. 2006-092, approving a zoning variance for Richard and Eileen Bergmann located at 11459 60<sup>th</sup> Street North, based on the reasons expressed in the Resolution. (Motion passed 4-0)

B. Apostolic Church Site: Resolution No. 2006-093: Comp Plan Amendment; Ordinance No. 97-178: Rezoning

M/S/P Johnston/DeLapp – to table this item until the September 19, 2006, Council meeting when a full City Council will be in attendance. (Motion passed 4-0)

C. Status of Village Plan (verbal):

The City Planner reported that the Village Area Planning Team was under way with Phase 2 work following a lengthy contract preparation experience. He noted that meetings had already been held with the Allied Property Owners and City Staff, and that additional meetings are scheduled over the next several weeks with MPCA (treated TCE water discharge), MnDOT/Washington County (Highway 5 modifications) and the Allied Property Owners (clarification of the "Incentive Fund" components and, thereafter, specific unit count determination.) He also advised that the City Engineer has been requested to provide updated data regarding surface water (from that produced for the Thorbeck Plan), and to begin preliminary design of the sanitary sewer system.

D. Metropolitan Airport Commission – Lake Elmo Airport 2025 Plan:

The City Administrator, City Planner, Assistant Planner, and representatives from Baytown Township and West Lakeland Township attended at meeting with MAC staff and its consultants to discuss the Lake Elmo Airport Long Term (2025) Comprehensive Plan Update now underway.

MAC presented three draft alternative airport development concepts for inclusion of the 2025 updated plan, and has requested comments from the City on the draft alternative airport development options. He noted that the local government representatives at the meeting agreed that a fourth alternative be "no further development at the airport."

Council directed Staff to send a letter to MAC stating Lake Elmo City Council support of the fourth alternative – that being no further development at the Lake Elmo Airport (runways or hangers) and it conflicts with the Old Village Plan.

E. Xcel Fly Ash Landfill Siting:

The City Planner stated that Xcel is preparing a voluntary Environmental Impact Statement for a fly ash fill in West Lakeland Township. The first step in that process is the preparation of a Scoping Environmental Assessment Workshop (SEAW).

Mayor Johnston stated that as a result of the ground water contamination issues in Lake Elmo, which could also result from the fly ash fill, it is recommended that the City support any efforts with West Lakeland Township to defeat the Xcel efforts to place the land fill in their township, as they are in a leadership position.

Council Member DeLapp questioned what zoning authority the County and the Township have respectively regarding a use like this. The City Planner reported that West Lakeland Township has the authority, along with the County, to regulate land fills but Xcel's strategy is to process their fly ash project permitting as a mine reclamation CUP amendment through the County (which has authority regarding the mining CUP covering the proposed site) instead to avoid dealing with a township that is clearly opposed to the project. The County would have to amend its mining regulations to include a fly ash landfill as a permissible mine reclamation strategy. He stated that the SEAW pretty clearly spell out that Xcel strategy, in apparent belief that the County Board would support what the township would not.

The City Planner stated that Staff is requesting direction regarding if the City desires to comment to MPCA/ECO regarding the SEAW

City Council directed the City Planner to pursue a response to the SEAW and present alternatives or beneficial use of fly ash.

F. METC Update:

Council Member DeLapp requested clarification regarding the delay in meeting with the METC. He noted that the Council had agreed two months ago to set up a meeting once some issue had been resolved. He couldn't recall the issue. Council Member DeLapp said he has heard nothing about a meeting since then.

Mayor Johnston stated that the City would meet with METC only when a constructive agenda was developed. The City is still working on the zoning issues, and it is not yet ready.

Council Member DeLapp reminded Council that a vote was taken two months ago, that the City would meet with METC. It has not yet occurred and he asked what the delay was for.

Council Member Conlin reminded Council Member DeLapp that the City voted to meet with the METC, but would not go into the meeting without a set agenda. She also remembered that Mr. Georgecas would be setting the meeting.

M/S/P Johnston/Smith – to place the MET meeting on the September 13, 2006, Council Workshop and discuss the Agenda for the meeting. (Motion passed 4-0)

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

A. Ziertman/Sessing Update: (verbal)

Moved to Closed Session

**11. CITY ADMINISTRATOR'S REPORT:**

A. City Administrator Rafferty: None

**12. CITY COUNCIL REPORTS:**

A. Mayor Johnston reported that he attended the Rasmussen Business College Groundbreaking, and presented the ceremonial shovel to the City Administrator for use at the Public Works building.

Mayor Johnston also requested clarification of the Lights Out Policy regarding the VFW Field and policy of providing a port-a-potty at Carriage Station Park. He also provided an update from his AMM meeting regarding METC penalties imposed on Lake Elmo with the extension of the Comprehensive Plan submission.

Reminder that filing dates are open until September 12, 2006, at 5:00 p.m.

B. Council Member Conlin: None

C. Council Member DeLapp: The comments from the members of the AMM committee regarding the METC penalties to Lake Elmo gave him hope that other cities may finally be realizing how difficult METC can be on cities that do not abide by METC dictates.

D. Council Member Smith: None

**REMINDERS:**

September 12, 2006: Primary Election – Polls Open 7 AM – 8 PM

September 13, 2006: City Council Workshop – 6 PM - 8:30 PM

September 14, 2006: Community Open House on Groundwater Contamination –  
OakLand Junior High School

September 16, 2006: Open House at New Public Works – 9 AM – Noon

Meeting ended at 11:50 pm

CLOSED SESSION: Northern Water Main Extension Update



Resolution No. 2006-087: Approved Claims  
Resolution No. 2006-088: Proposed Tax 2006 Tax Levy, Collectible in 2007 and  
Proposed 2007 Budget  
Resolution No. 2006-089: Approved Setting the Truth In Taxation Public Hearing Dates  
for 2006 Tax Levy  
Resolution No. 2006-090: Ordered Assessment Hearing for Water System Interconnect  
Phase IV Project  
Resolution No. 2006-091: Awarded Bid for 2006 MSA Resurfacing to Tower Asphalt,  
Inc.  
Resolution No. 2006-092: Approved Zoning Variance for Richard & Eileen Bergman  
located at 11459 60<sup>th</sup> Street North  
Resolution No. 2006-094: Congratulating Lake Elmo Bank for its 95<sup>th</sup> Anniversary  
Resolution No. 2006-095: Approved Partial Payment No. 2 to Park Construction  
Company for Tablyn Park/Lake Elmo Heights Water Main

4A

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

**RESOLUTION NO. 2006-101  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 350, 351, DD910 through DD923, 29733 through 29745, were used for Staff Payroll dated September 28<sup>th</sup>, 2006; 352, 29746 through 29797, in the total amount of \$818,448.30 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 3<sup>rd</sup> day of October, 2006.

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

ATTEST:

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

# Accounts Payable Computer Check Proof List

User: administrator  
Printed: 09/29/2006 - 12:20 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
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Vendor:REVENUE	MN Department of Revenue				ACH Enabled: No
Sales Tax Q3	Use Tax Q3 2006	137.00	10/03/2006	101-410-1320-44300	
Sales Tax Q3	Sales Tax Q3 2006	1,655.00	10/03/2006	601-494-9400-44300	
	Check Total:	1,792.00			

Total for Check Run:	1,792.00
Total Number of Checks:	1

# Accounts Payable Computer Check Proof List

User: administrator

Printed: 09/29/2006 - 12:44 PM

# SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:10000 2007 Dues	10,000 Lakes Chapter Annual Membership Check Total:	50.00 50.00	10/03/2006	Check Sequence: 1 101-420-2400-44330	ACH Enabled: No
Vendor:10000CON Horning McNamara	10000 Lakes Chapter Registration - Karl Horning Registration - Jim McNamara Check Total:	175.00 175.00 350.00	10/03/2006 10/03/2006	Check Sequence: 2 101-420-2400-44370 101-420-2400-44370	ACH Enabled: No
Vendor:ACEHARD 31903	Ace Hardware Light Bulbs - Tennis Courts Check Total:	17.02 17.02	10/03/2006	Check Sequence: 3 101-450-5200-44030	ACH Enabled: No
Vendor:ACTION 163622	Action Rental Floor Cleaning Pads Check Total:	31.95 31.95	10/03/2006	Check Sequence: 4 101-430-3100-42150	ACH Enabled: No
Vendor:ALEXAIR 11200	Alex Air Apparatus, Inc Annual Inspection - Breathing Equipment Check Total:	605.00 605.00	10/03/2006	Check Sequence: 5 101-420-2220-44040	ACH Enabled: No
Vendor:ALLSAFE 74379	All Safe Fire & Security Fire Extinguishers Service Check Total:	47.49 47.49	10/03/2006	Check Sequence: 6 101-420-2220-44040	ACH Enabled: No
Vendor:ANCOM 0000070823	ANCOM COMMUNICATIONS, INC. Pager Repair - Fire Dept	104.00	10/03/2006	Check Sequence: 7 101-420-2220-43230	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	104.00			
Vendor: ARAM 629-6074018	Aramark Mats, Linen - City Hall Check Total:	69.94 69.94	10/03/2006	Check Sequence: 8 101-410-1940-44010	ACH Enabled: No
Vendor: BATTYPL 32-120528 32-120528	Batteries Plus Woodbury Cellular Battery - GT Battery - Cushman Truck Check Total:	35.13 58.05 93.18	10/03/2006 10/03/2006	Check Sequence: 9 101-430-3100-42210 101-450-5200-42210	ACH Enabled: No
Vendor: BERGMANN Agreement 09/25	Richard and Eileen Bergmann Easements - Water Main Check Total:	46,414.20 46,414.20	10/03/2006	Check Sequence: 10 601-494-9400-46400	ACH Enabled: No
Vendor: CB & I 150791-07	CB & I Constructors, Inc. Pnt. #7, Proj. 13253.000 - Water Tower Check Total:	109,346.43 109,346.43	10/03/2006	Check Sequence: 11 601-494-9400-45200	ACH Enabled: No
Vendor: CENTFEN 8376C01	Century Fence Company Fence - Public Works Check Total:	12,885.00 12,885.00	10/03/2006	Check Sequence: 12 410-480-8000-45200	ACH Enabled: No
Vendor: Davies S01048607.001	Northern Water Works Supply Water Meters Check Total:	465.42 465.42	10/03/2006	Check Sequence: 13 601-494-9400-42300	ACH Enabled: No
Vendor: ELMOLUM 035105-01	Elmo's Lumber & Plywood Shrink Wrap Check Total:	31.95 31.95	10/03/2006	Check Sequence: 14 101-430-3100-42150	ACH Enabled: No
Vendor: EMAUTO BC092506-2	Emergency Automotive Technology Inc. Truck Parts - Public Works Check Total:	83.27 83.27	10/03/2006	Check Sequence: 15 101-430-3100-42210	ACH Enabled: No
Vendor: FXL October 2006	FXL, Inc. Assessing Services - October 2006	2,000.00	10/03/2006	Check Sequence: 16 101-410-1550-43100	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,000.00			
Vendor:GMCONTR Proj. 13186.000	G.M. Contracting, Inc. Final Pmt., Water Sys Intercomm. Watermn Check Total:	18,448.33 18,448.33	10/03/2006	Check Sequence: 17 601-494-9400-46400	ACH Enabled: No
Vendor:HENNCOL 00117962 00118493	Hennepin Technical College Classes - Asplund Classes - Asplund Check Total:	678.80 263.52 942.32	10/03/2006 10/03/2006	Check Sequence: 18 101-420-2220-44370 101-420-2220-44370	ACH Enabled: No
Vendor:LANDINC Permit 5037	Landmark, Inc. Refund Dep. for 5711 Linden - 5037 Check Total:	1,000.00 1,000.00	10/03/2006	Check Sequence: 19 803-000-0000-22900	ACH Enabled: No
Vendor:LANGE Water Billing	Bob/Marcia Lange Refund - Overbilled Water Utility Check Total:	172.74 172.74	10/03/2006	Check Sequence: 20 601-494-9400-44300	ACH Enabled: No
Vendor:LEAGMN 1-000027043	League of MN Cities Land Use Conference Registration Check Total:	50.00 50.00	10/03/2006	Check Sequence: 21 101-410-1910-44370	ACH Enabled: No
Vendor:LERELIEF 2006 State Aid	Lake Elmo Fire Relief Assn. Fire State Aid Check Total:	55,405.00 55,405.00	10/03/2006	Check Sequence: 22 101-420-2220-44920	ACH Enabled: No
Vendor:LINNER 18380	Linner Electric Company, Inc. Electrical Repair - Fire Hall 1 Check Total:	665.00 665.00	10/03/2006	Check Sequence: 23 101-420-2220-44010	ACH Enabled: No
Vendor:LMCIT Claim 11054957	League of Minnesota Cities Insurance Trust Deductible Check Total:	500.00 500.00	10/03/2006	Check Sequence: 24 101-410-1320-44300	ACH Enabled: No
Vendor:MALMQ Tvl Claim	Greg Malmquist Meals, Parking - Inspection Trip	64.85	10/03/2006	Check Sequence: 25 101-420-2220-43310	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	64.85			
Vendor:MATCO 181150 181593	Matco Tools Tools - Sockets - Public Works Tools - Sockets - Public Works Check Total:	302.14 306.08 608.22	10/03/2006 10/03/2006	Check Sequence: 26 101-430-3100-42400 101-430-3100-42400	ACH Enabled: No
Vendor:MENARDST 82780	Menards - Stillwater Signs - Public Works Check Total:	8.43 8.43	10/03/2006	Check Sequence: 27 101-430-3100-42230	ACH Enabled: No
Vendor:METROCA P03180761	Metrocall Pager Service - Fire Dept Check Total:	81.02 81.02	10/03/2006	Check Sequence: 28 101-420-2220-43210	ACH Enabled: No
Vendor:METROFIR 25521	Metro Fire Helmet Fronts - Fire Dept Check Total:	388.08 388.08	10/03/2006	Check Sequence: 29 101-420-2220-45800	ACH Enabled: No
Vendor:MID-MN W INV0601182	MID-MINNESOTA WIRE & MFG Mobile Lockers, Hangers - Fire Dept Check Total:	2,644.40 2,644.40	10/03/2006	Check Sequence: 30 101-420-2220-45800	ACH Enabled: No
Vendor:MILLEREX 11987 11987 11988	Miller Excavating, Inc. Street Materials Roller - Roll Roads Grading - 50th St, Klondike Ave Check Total:	4,911.25 382.50 960.25 6,254.00	10/03/2006 10/03/2006 10/03/2006	Check Sequence: 31 101-430-3100-42240 101-430-3100-43150 101-430-3100-43150	ACH Enabled: No
Vendor:MNMULCH D-6224 D-6307	Minnesota Mulch & Soil Playground Mulch Playground Mulch Check Total:	745.50 1,491.00 2,236.50	10/03/2006 10/03/2006	Check Sequence: 32 404-480-8000-45300 404-480-8000-45300	ACH Enabled: No
Vendor:NEXTEL 761950227-042 761950227-042 761950227-042 761950227-042	Nextel Communications Cellular Service - Admin Cellular Service - Fire Dept Cellular Service - Bldg Dept Cellular Service - Public Works	74.30 116.62 36.62 92.20	10/03/2006 10/03/2006 10/03/2006 10/03/2006	Check Sequence: 33 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-430-3100-43210	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
761950227-042	Cellular Service - Parks Check Total:	59.07 378.81	10/03/2006	101-450-5200-43210	
Vendor:OAKDRC 10047785	Oakdale Rental Center Concrete - Swing Set Check Total:	137.39 137.39	10/03/2006	Check Sequence: 34 101-450-5200-42250	ACH Enabled: No
Vendor:OFFICEMX 162253 162253 186121 202262	OfficeMax Toner Cartridges - Planning Printer Cartridge - Fire Dept Toner Cartridge Printer - Office Check Total:	593.15 63.88 238.55 1,331.24 2,226.82	10/03/2006	Check Sequence: 35 101-410-1910-42000 101-420-2220-42000 101-410-1320-42000 410-480-8000-45700	ACH Enabled: No
Vendor:PARKCO Proj. 13524.000	Park Construction Co. Pmt. 3, Tablyn Pk/LE Hgts Watermain Check Total:	472,571.77 472,571.77	10/03/2006	Check Sequence: 36 202-494-9400-46400	ACH Enabled: No
Vendor:PETERSO 11135M 11140M 11145M 11145M 11145M 11150M 11155M 11161M	Peterson Fran & Bergman Legal Services - Admin Criminal Pros Legal Services - Capital Improvement Legal Services - Water System Legal Services - Tablyn Pk/LE Hgts Legal Services - Community Dev. Civil Litigation Auto Forfeiture Check Total:	3,621.77 4,269.11 1,468.50 585.50 2,616.56 352.00 5,060.48 138.68 18,112.60	10/03/2006	Check Sequence: 37 101-410-1610-43040 101-410-1610-43045 410-480-8000-43040 601-494-9400-44300 202-494-9400-43040 803-490-9070-43040 101-410-1610-43040 101-410-1610-43045	ACH Enabled: No
Vendor:PITNEY 2817997-SP06	Pitney Bowes Postage Equipment Maint. Check Total:	693.00 693.00	10/03/2006	Check Sequence: 38 101-410-1940-44010	ACH Enabled: No
Vendor:POMPS 570969	Pomp's Tire Service, Inc. Tires Repair - Public Works Check Total:	826.46 826.46	10/03/2006	Check Sequence: 39 101-430-3100-44040	ACH Enabled: No
Vendor:POSTOFF Account 19	POSTMASTER Postage - Newsletter Mailing	422.95	10/03/2006	Check Sequence: 40 101-410-1320-43220	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	422.95			
Vendor:PRESS 09/16/06 09/25/06	StevenPress Cablecast - City Council Cablecast - Planning Comm. Check Total:	83.40 55.60 139.00	10/03/2006 10/03/2006	Check Sequence: 41 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor:QUALAIR 9183	Quality Air Furnace Repair - 3585 Laverne Check Total:	442.00 442.00	10/03/2006	Check Sequence: 42 101-450-5200-44010	ACH Enabled: No
Vendor:ROGERS 30	Rogers Printing Services Business Cards - Mike Bouthilet Check Total:	35.15 35.15	10/03/2006	Check Sequence: 43 101-430-3100-42000	ACH Enabled: No
Vendor:RUD 09/18-09/27 09/18-09/27 09/18-09/27	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Clorox Check Total:	240.00 240.00 18.28 498.28	10/03/2006 10/03/2006 10/03/2006	Check Sequence: 44 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
Vendor:S&T 01LC7662 01LD5689 01LD5689 01LD5689	S&T Office Products, Inc. Cartridge, Toner - Fire Dept Envelopes Dust Cleaners Printer Cartridge Check Total:	223.54 89.31 12.57 36.77 362.19	10/03/2006 10/03/2006 10/03/2006 10/03/2006	Check Sequence: 45 101-420-2220-42000 101-410-1320-42000 101-410-1520-42000 101-430-3100-42000	ACH Enabled: No
Vendor:SATELLIT 24180639	Satellite Shelters, Inc. Bldg Dept Trailer Check Total:	319.50 319.50	10/03/2006	Check Sequence: 46 101-420-2400-44120	ACH Enabled: No
Vendor:SPRINT 0526076028-3	Sprint DataLink - Fire Dept Check Total:	51.10 51.10	10/03/2006	Check Sequence: 47 101-420-2220-43210	ACH Enabled: No
Vendor:STELLAR 060616-012	Stellar Energy Services Electrical - Public Works	971.79	10/03/2006	Check Sequence: 48 410-480-8000-45200	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	971.79			
Vendor: TREMM Tvl Claim	Michael/Tremain Mileage - Blaine Check Total:	23.14 23.14	10/03/2006	Check Sequence: 49 101-420-2220-43310	ACH Enabled: No
Vendor: VATA 1477	Vata Communications, Inc. Telephone System - Public Works Check Total:	5,193.04 5,193.04	10/03/2006	Check Sequence: 50 410-480-8000-45700	ACH Enabled: No
Vendor: WORKWELL 057919	Workwell Occupational Health Physicals - Fire Dept Check Total:	243.00 243.00	10/03/2006	Check Sequence: 51 101-420-2220-43050	ACH Enabled: No
Vendor: XCEL 51-4572945-7 51-6429583-8 51-7477205-3	Xcel Energy 3014 Jamley Ave 2759 Legion Ave 3400 Ideal Ave Check Total:	28.03 14.98 69.81 112.82	10/03/2006 10/03/2006 10/03/2006	Check Sequence: 52 101-430-3160-43810 101-430-3100-43810 101-430-3100-43810	ACH Enabled: No
	Total for Check Run:	765,824.55			
	Total Number of Checks:	52			

**CITY OF LAKE ELMO**

**2006 BILLING SUMMARY**

<b>MONTH</b>	<b>11135</b>	<b>11140</b>	<b>11145</b>	<b>11150</b>	<b>11155</b>	<b>11161</b>	<b>TOTAL</b>
	<b>Administration</b>	<b>Criminal Pros</b>	<b>Public Imp. Proj</b>	<b>Community Dev</b>	<b>Civil Litigation</b>	<b>Auto Forfeiture</b>	
Jan	\$2,381.27	\$3,516.24		\$363.00	\$1,821.52	\$135.00	\$8,217.03
Feb	\$1,364.70	\$4,574.62	\$572.96	\$616.00	\$1,997.00	\$5.00	\$9,130.28
March	\$1,160.50	\$3,682.65	\$3,301.50	\$381.50	\$280.75	\$243.00	\$9,049.90
April	\$1,921.11	\$3,948.44	\$1,887.50	\$331.61	\$486.00	\$121.50	\$8,696.16
May	\$2,186.56	\$3,406.51	\$586.00	\$228.65	\$1,768.38	\$148.50	\$8,324.60
June	\$1,638.59	\$4,415.02	\$1,089.03	\$429.00	\$2,933.28	\$780.00	\$11,284.92
July	\$1,983.96	\$4,043.37	\$1,616.00	\$275.64	\$2,549.50	\$262.50	\$10,730.97
Aug	\$3,621.77	\$4,269.11	\$4,670.56	\$352.00	\$5,060.48	\$138.68	\$18,112.60
Sept							\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
<b>Totals</b>	<b>\$16,258.46</b>	<b>\$31,855.96</b>	<b>\$13,723.55</b>	<b>\$2,977.40</b>	<b>\$16,896.91</b>	<b>\$1,834.18</b>	<b>\$83,546.46</b>

Suite 300  
50 East Fifth Street  
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

ACCOUNT NO.

Page: 1  
08/31/2006  
11135M

	FEEs	EXPENSES	ADVANCES	BALANCE
11135-030006 REVISION OF ZONING REGULATIONS	143.00	0.00	0.00	\$143.00
11135-050007 VILLAGE AREA CONSULTING AGREEMENT - ENGSTROM	165.00	0.00	0.00	\$165.00
11135-060003 BERGMANN TEMPORARY WATERMAIN EASEMENTS	759.00	0.00	0.00	\$759.00
11135-060004 HAMLET ON SUNFISH LK WASTEWATER TREATMENT SYS AGMT	253.00	0.00	0.00	\$253.00
11135-060005 CIMMERON-SUNRAY PLUMBING CONTRACT	121.00	0.00	0.00	\$121.00
11135-060006 HURT WATER WASTE TREATMENT SYSTEM	242.00	6.74	10.00	\$258.74
11135-920001 Administration	1,914.00	8.03	0.00	\$1,922.03
	<u>3,597.00</u>	<u>14.77</u>	<u>10.00</u>	<u>\$3,621.77</u>

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Page: 1  
08/31/2006  
ACCOUNT NO. 11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	3,865.00	24.61	0.00	\$3,889.61
11140-060004 Belz, David George DAR	27.00	0.00	0.00	\$27.00
11140-060069 Combs, Robert Wayne no proof of insurance	5.00	0.00	0.00	\$5.00
11140-060102 Favors, Aaron Rodney DAS, no proof of insurance	30.00	0.00	0.00	\$30.00
11140-060106 McKinley, Diane Lee Violate OFP	5.00	0.00	0.00	\$5.00
11140-060149 Morreale, Jay Benjamin 3rd degree DUI	10.00	0.00	0.00	\$10.00
11140-060154 Bush, Joseph Patrick Violate OFP	5.00	0.00	0.00	\$5.00
11140-060158 Zabel, Jason Matthew 4th degree DUI, 4th degree .08	30.00	0.00	0.00	\$30.00

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CITY OF LAKE ELMO

ACCOUNT NO.

Page: 2  
08/31/2006  
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-060173 McKinley, Diane Lee theft of services	5.00	0.00	0.00	\$5.00
11140-060174 Gausman, Keith A. 3rd degree DUI, over center line	10.00	0.00	0.00	\$10.00
11140-060175 Skarda, Bryant L. BWI	57.50	0.00	0.00	\$57.50
11140-060176 Velasquez, Jaime 3rd degree DUI, 3rd degree .08	92.50	0.00	0.00	\$92.50
11140-060177 Hanson, Michael Ross 2nd degree DUI, 2nd degree .08, no proof of insurance	92.50	0.00	0.00	\$92.50
11140-060178 Moua, Chong Bee Speed	10.00	0.00	0.00	\$10.00
	<u>4,244.50</u>	<u>24.61</u>	<u>0.00</u>	<u>\$4,269.11</u>

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

Page: 1  
08/31/2006  
ACCOUNT NO. 11145M

	FEES	EXPENSES	ADVANCES	BALANCE
11145-040003 WATER SYSTEMS CONNECTION				
	541.50	0.00	0.00	\$541.50
11145-050001 PUBLIC WORKS BUILDING				
	1,468.50	0.00	0.00	\$1,468.50
11145-050002 CENTRAL WATER TOWER				
	44.00	0.00	0.00	\$44.00
11145-060001 TABYLN PARK-LE HEIGHTS WATER CONNECTION				
	2,605.00	11.56	0.00	\$2,616.56
	<u>4,659.00</u>	<u>11.56</u>	<u>0.00</u>	<u>\$4,670.56</u>

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

Page: 1  
08/31/2006  
ACCOUNT NO. 11150M

	FEES	EXPENSES	ADVANCES	BALANCE
11150-050007 LAKE ELMO DEVELOPMENT CORPORATION - OP	33.00	0.00	0.00	\$33.00
11150-060010 BERGMANN LOT LINE ADJUSTMENT-VARIANCE	242.00	0.00	0.00	\$242.00
11150-060011 EAGLE POINT BUSINESS PARK 6TH ADDITION	77.00	0.00	0.00	\$77.00
	<u>352.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$352.00</u>

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CITY OF LAKE ELMO  
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Page: 1  
08/31/2006  
ACCOUNT NO. 11155M

	FEEs	EXPENSES	ADVANCES	BALANCE
11155-040002 Lake Elmo v. Sessing				
	4,926.00	29.53	104.95	\$5,060.48
11155-920001 Oakdale vs. Minn. DOT et al.				
	0.00	0.00	0.00	\$0.00
	<u>4,926.00</u>	<u>29.53</u>	<u>104.95</u>	<u>\$5,060.48</u>

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

Page: 1  
08/31/2006  
ACCOUNT NO. 11161M

	FEES	EXPENSES	ADVANCES	BALANCE
11161-060003 Olson, Michael John vehicle forfeiture	137.50	1.18	0.00	<u>\$138.68</u>

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# TKDA

ENGINEERS • ARCHITECTS • PLANNERS

4B  
1500 Piper Jaffray Plaza  
444 Cedar Street  
Saint Paul, MN 55101-2140

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

Proj. No. 13524.000 Cert. No. 3 St. Paul, MN, September 29, 20 06  
To City of Lake Elmo, Minnesota Owner  
This Certifies that Park Construction Co., Contractor  
For Tablyn Park/Lake Elmo Heights Watermain  
Is entitled to Four Hundred Seventy-Two Thousand Five Hundred Seventy-One Dollars and 77/100-(\$472,571.77)  
being 3rd estimate for partial payment on contract with you dated June 6, 2006

Received payment in full of above Certificate.

TKDA

Park Construction Co.

, 20 06

Thomas D. Prew, P.E.

## RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 3,143,640.78		
All previous payments		\$ 1,164,591.64	
All previous credits			
Extra No.			
" "			
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 472,571.77	
Totals	\$ 3,143,640.78	\$ 1,637,163.41	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 1,506,477.37	
	\$ 3,143,640.78	\$ 3,143,640.78	\$ -



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-102  
A RESOLUTION APPROVING PARTIAL PAYMENT NO. 3  
TO PARK CONSTRUCTION COMPANY  
FOR TABLYN PARK/LAKE ELMO HEIGHTS WATER MAIN

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 3 to Park Construction Company in the amount of \$472,571.77 for work improvements for the Tablyn Park/Lake Elmo Heights Water Main, verified by the City Engineer.

ADOPTED by the Lake Elmo City Council the 3<sup>rd</sup> day of October, 2006.

---

Dean A. Johnston, Mayor

ATTEST:

---

Martin J. Rafferty, City Administrator

TKDA  
Engineers-Architects-Planners

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS**

Estimate No. 3 Period Ending September 22, 20 06 Page 1 of 1 Proj. No. 13524.000  
Contractor Park Construction Co. Original Contract Amount 3,143,640.78  
Project Tablyn Park/Lake Elmo Heights Watermain  
Location Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>1,673,329.91</u>
Material Stored to Date	\$	<u>50,000.00</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>1,723,329.91</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>5</u> % Retained	\$	<u>86,166.50</u>
Less Previous Payments	\$	<u>1,164,591.64</u>
Total Deductions	\$	<u>1,250,758.14</u>
Amount Due This Estimate	\$	<u>472,571.77</u>

Contractor Park Construction Co.

Date \_\_\_\_\_

Engineer Thomas D. Prew, P.E.

Date September 29, 2006.

## ESTIMATE NO.3

PERIOD ENDING: September 22, 2006

TABLYN PARK/LAKE ELMO HEIGHTS WATERMAIN  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13524.000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>GENERAL</b>						
1	Mobilization	LS	1.0	0.50	\$ 169,276.00	\$ 84,638.00
2	Traffic Control	LS	1.0	0.50	\$ 4,550.98	\$ 2,275.49
3	Remove concrete Curb & Gutter	LF	20.0	\$ -	\$ 14.07	\$ -
4	Salvage RC Sewer Pipe	LF	80.0	\$ -	\$ 21.22	\$ -
5	Remove & Patch Bituminous Roadway 4" thick Include Gravel Base	SY	3666.0	\$ -	\$ 25.07	\$ -
6	Reclaim & Stockpile Bituminous & Base (6" depth) & Respread	SY	17979.0	\$ 17,979.00	\$ 3.74	\$ 67,241.46
7	Remove & Replace Bituminous Driveway 2" thick Gravel Base	SY	129.0	\$ -	\$ 46.86	\$ -
8	Saw Cut Concrete (full Depth) Driveway	LF	11.0	\$ -	\$ 10.99	\$ -
9	Saw Cut Bituminous (full depth) Patches and Driveways	LF	5369.0	\$ 52.00	\$ 1.45	\$ 75.40
10	Topsoil Borrow	CY	2341.0	\$ -	\$ 30.80	\$ -
11	Aggregate Surfacing, CL 5 (6" thick)	TN	1106.0	\$ -	\$ 11.71	\$ -
12	Remove & Replace Concrete Driveway 6" Thick Base	SY	4.0	\$ -	\$ 64.21	\$ -
13	Install Salvaged 12" RCP, Cl. 5 Storm Sewer	LF	40.0	\$ -	\$ 42.44	\$ -
14	Install Salvaged 18" RCP, Cl. 5 Storm Sewer	LF	20.0	\$ -	\$ 42.44	\$ -
15	Install Salvaged 24" RCP, Cl. 4 Storm Sewer	LF	20.0	\$ -	\$ 42.44	\$ -
16	Connect to Existing Watermain	EA	5.0	\$ 5.00	\$ 1,937.56	\$ 9,687.80
17	6" Gate Valve & Box	EA	47.0	\$ 44.00	\$ 1,081.76	\$ 47,597.44
18	8" Gate Valve & Box	EA	28.0	\$ 28.00	\$ 1,477.29	\$ 41,364.12
19	12" Butterfly Valve & Box	EA	5.0	\$ 3.00	\$ 1,850.36	\$ 5,551.08
20	16" Butterfly Valve & Box	EA	5.0	\$ 5.00	\$ 2,809.13	\$ 14,045.65
21	Hydrant	EA	47.0	\$ 44.00	\$ 3,315.91	\$ 145,900.04
22	Hydrant Extension (6")	EA	5.0	\$ -	\$ 587.34	\$ -
23	Hydrant Extension (12")	EA	5.0	\$ -	\$ 788.80	\$ -
24	Fusable Saddle w/1" Corporation Stop	EA	79.0	\$ -	\$ 1,835.49	\$ -
25	1" Corporation Stop	EA	84.0	\$ 12.00	\$ 413.05	\$ 4,956.60
26	Fusable Saddle w/1/5" Corporation Stop	EA	15.0	\$ -	\$ 1,933.36	\$ -
27	1.5" Corporation Stop	EA	4.0	\$ -	\$ 501.23	\$ -
28	1" Curb Stop & Box	EA	163.0	\$ 12.00	\$ 481.85	\$ 5,782.20
29	1.5" Curb Stop & Box	EA	19.0	\$ -	\$ 541.66	\$ -
30	6"DIP, cl.50 Watermain	LF	730.0	\$ 643.00	\$ 18.53	\$ 11,914.79
31	8"DIP, cl.50 Watermain	LF	7553.0	\$ 7225.00	\$ 21.88	\$ 158,083.00
32	8" HDPE Watermain-DR17 DIP Size (by directional drilling)	LF	10603.0	\$ 10773.00	\$ 31.16	\$ 335,686.68
33	12"DIP, cl.50 Watermain	LF	133.0	\$ 57.00	\$ 38.70	\$ 2,205.90
34	12" HDPE Watermain-DR17 DIP Size (by directional drilling)	LF	5117.0	\$ 4,933.00	\$ 48.86	\$ 241,026.38
35	12" MJDIP, cl.50 Watermain (through casing pipe)	LF	170.0	\$ -	\$ 40.58	\$ -
36	16"DIP, cl.50 Watermain	LF	68.0	\$ 258.00	\$ 52.68	\$ 13,591.44
37	16" HDPE Watermain-DR17 DIP Size (by directional drilling)	LF	5195.0	\$ 4808	\$ 70.09	\$ 336,992.72
38	1" Type HDPE DR11 Water Service (directional drilling)	LF	14391.0	\$ -	\$ 10.74	\$ -
39	1" Type "K" Copper Water Service (open cut)	LF	2438.0	\$ 862.00	\$ 24.74	\$ 21,325.88
40	1.5" Type HDPE DR11 Water Service (directional drilling)	LF	5983.0	\$ -	\$ 11.07	\$ -
41	1.5" Type "K" Copper Water Service (open cut)	LF	120.0	\$ -	\$ 26.71	\$ -
42	Jack/Auger 24" Steel Casing Pipe	LF	150.0	\$ -	\$ 175.70	\$ -
43	DIP Watermain Fittings (C 110 Standard)	LB	14354.0	\$ 14978.00	\$ 7.01	\$ 104,995.78
44	Remove & Replace Concrete Sidewalk 4" thick	SF	73.0	\$ -	\$ 6.87	\$ -
45	Concrete Curb & Gutter (match existing)	LF	20.0	\$ -	\$ 45.51	\$ -
46	Concrete Curb & Gutter D412	LF	300.0	\$ -	\$ 19.22	\$ -
47	Core Drill Basement Foundation Wall & Seal	EA	181.0	\$ 10.00	\$ 1,024.95	\$ 10,249.50
48	Shrub (potted) 24" (match existing)	EA	10.0	\$ -	\$ 85.96	\$ -
49	Salvage Shrub (transplant)	EA	10.0	\$ -	\$ 85.96	\$ -
50	Silt Fence	LF	600.0	\$ 892.00	\$ 2.78	\$ 2,479.76
51	Sodding, Type Lawn	SY	13706.0	\$ -	\$ 2.06	\$ -
52	Common Laborer (for misc. landscape work)	MAN HF	80.0	\$ -	\$ 72.98	\$ -
53	Seed & Wood Fiber Blanket	AC	1.0	\$ -	\$ 7,342.24	\$ -
54	Landscape Rock (match existing)	CY	50.0	\$ -	\$ 55.62	\$ -
55	Off Road Structure Marker	EA	12.0	\$ -	\$ 101.13	\$ -
<b>SUBTOTAL - GENERAL</b>						<b>\$ 1,667,667.11</b>



## ESTIMATE NO.3

PERIOD ENDING: September 22, 2006

TABLYN PARK/LAKE ELMO HEIGHTS WATERMAIN  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13524.000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>TABLYN PARK (STREET WORK)</b>						
1	Common Excavation	CY	1978.0	264.0	\$ 21.45	\$ 5,662.80
2	Aggregate Base cl. 5	TN	1198.0	-	\$ 11.39	\$ -
3	Type LV-4 Bituminous Non-Wear Course Mixture	TN	1862.0	-	\$ 52.44	\$ -
4	Type LV-4 Bituminous Wear Course Mixture	TN	1780.0	-	\$ 58.25	\$ -
5	Bituminous Material for Tack Coat	GA	899.0	-	\$ 2.68	\$ -
6	Adjust MH Casting & Replace Casting & Rings	EA	1.0	-	\$ 366.51	\$ -
7	Repair Catch Basin, Replace Casting & Rings	EA	6.0	-	\$ 640.36	\$ -
8	Bituminous Driveway Apron (2") (new)	SY	241.0	-	\$ 49.21	\$ -
9	Remove & Replace Bituminous Driveway 2" Thick & Gravel Base	SY	477.0	-	\$ 51.76	\$ -
10	Remove & Replace Concrete Driveway 6" Thick & Base	SY	249.0	-	\$ 70.97	\$ -
11	Saw Cut Bituminous (full depth) Driveways	LF	832.0	-	\$ 1.60	\$ -
12	Saw Cut Concrete (full depth) Driveways	LF	431.0	-	\$ 4.55	\$ -
13	Saw & Seal Street (40' intervals)	LF	3695.0	-	\$ 1.44	\$ -
SUBTOTAL - TABLYN PARK (STREET)						\$ 5,662.80
TOTAL ESTIMATE NO. 3						\$ 1,673,329.91
MATERIAL STORED TO DATE		LS	1.0	0.1400	\$ 300,000.00	\$ 50,000.00
						\$ 1,723,329.91



# 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

Project. No. 13253.000 Cert. No. 7 St. Paul, MN, September 28, 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 One Hundred Nine Thousand Three Hundred Forty Six Dollars and 43/100 -- (\$109,346.43)

being 7th 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\_\_\_\_

Chris Bryan  
Chris W. Bryan, P.E.

## RECAPITULATION OF ACCOUNT

	CONTRACT	PAYMENTS	
Contract price plus extras	1,169,000.00		
Total Contract Work Completed		1,035,180.00	
Change Order No. 1R	3,275.00		
" "			
" "			
Credit No.			
" "			
" "			
Stored Materials			
Total Amount Earned This Estimate		1,035,180.00	
Less <u>5</u> % Retained		(51,759.00)	
Escrow Deposits and Interest by Contractor			
Less Previous Payments		(874,074.57)	
Total Deductions		(925,833.57)	
<b>AMOUNT OF THIS CERTIFICATE</b>		<b>109,346.43</b>	
Totals	1,172,275.00	983,421.00	
There will remain unpaid on contract after payment of this Certificate		188,854.00	
	1,172,275.00	1,172,275.00	



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-103  
A RESOLUTION APPROVING PARTIAL PAYMENT NO. 7  
TO CB & I CONSTRUCTORS, INC.

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 7 to CB & I Constructors, Inc., in the amount of \$109,346.43 for work improvements for the Elevated Water Storage Tank No. 2, verified by the City Engineer.

ADOPTED by the Lake Elmo City Council the 3<sup>rd</sup> day of October, 2006.

---

Dean A. Johnston, Mayor

ATTEST:

---

Martin J. Rafferty, City Administrator



# CB&I Constructors, Inc.

# INVOICE

9550 Hickman Road  
Clive, IA 50325-5316

Correspondence Address

PROJECT MANAGER	BILLER	CONTRACT NUMBER	CUSTOMER NO	PAY APPLICATION	INVOICE DATE	DUE DATE	INVOICE NO
DAB	JMN	37150791	1249422	7	9/26/2006	10/26/2006	150791-07
CUSTOMER REFERENCE NUMBERS and/or PURCHASE NUMBERS Project #13253.000				JOB LOCATION Lake Elmo, MN		PAYMENT TERMS NET 30	
MAIL TO TKDA 1500 Piper Jaffray Plaza 444 Cedar Street St. Paul, MN. 55101 Attn: Chris Bryan				SOLD TO City of Lake Elmo 3800 Laverne Ave. North Lake Elmo, MN. 55042			

**750 MG CET / 114' TCL**

**Original Contract Price**

**\$1,169,000.00**

**Total Contract Price**

**\$0.00**

**\$1,169,000.00**

DESCRIPTION	PRICE	% COMPLETE	AMOUNT DUE
Engineering / Foundation Drawings to			
Approval, Bonds / Insurance	\$48,750.00	100%	48,750.00
Tank & Shaft Drwngs to Approval/Bldg. Permit	\$43,500.00	100%	43,500.00
Tank Material Delivery	\$160,000.00	100%	160,000.00
Tank Foundation / Piping	\$160,000.00	100%	160,000.00
Derrick / Access Tube Fabrication & Erection	\$40,000.00	100%	40,000.00
Concrete Shaft	\$205,000.00	100%	205,000.00
Ring Beam Fabrication & Erection / Flat Slab	\$105,000.00	100%	105,000.00
Tank Fabrication	\$85,000.00	100%	85,000.00
Tank Erection / Structural 2nd Floor Erection	\$180,730.00	100%	180,730.00
Tank Painting	\$72,000.00	10%	7,200.00
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
	<b>\$1,169,000.00</b>		<b>1,035,180.00</b>

Progress Completed To Date

**\$1,035,180.00**

Less: Retention 5%

**\$51,759.00**

Total Amount Billed To Date

**\$983,421.00**

Less: Amount Previously Invoiced

**\$874,074.57**

**CURRENT AMOUNT DUE**

**\$109,346.43**

**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: 111000012 (ACH only)  
026009593 (Wires only)  
Account Number: 3756272668  
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

# APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF TWO PAGES

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

PROJECT: Project #13253.000  
CB&I NO. 37150791

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

VIA (ENGINEER):  
TKDA  
1500 Piper Jaffray Plaza  
444 Cedar Street

CONTRACT FOR: 750 MG CET / 114' TCL

APPLICATION NO: 7

PERIOD TO: 9/20/2006

ENGINEER'S PROJECT NO: 13253.000

CONTRACT DATE: 10/24/05

Distribution to:  
OWNER  
ENGINEER  
CONTRACTOR

## CONTRACTOR'S APPLICATION FOR PAYMENT

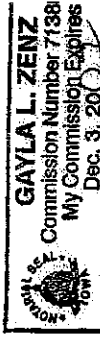
CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner			
TOTAL			
Approved this Month			
Number	Date Approved		
TOTALS			
Net change by Change Orders			

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief that the Work covered by this Application for Payment has been completed in accordance with Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: CB&I Constructors, Inc.

By: *Dawn Pearson*  
A/R Administrator Date: September 26, 2006

State of: IOWA County of: POLK  
Subscribed and sworn to before me this 26th day of September, 2006  
Notary Public *Gayla L. Zenz*  
My Commission expires: 12/31/2007



## 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.)

ENGINEER:

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.

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

1. ORIGINAL CONTRACT SUM \$1,169,000.00
2. Net change by Change Orders \$0.00
3. CONTRACT SUM TO DATE (Line 1+/- 2) \$1,169,000.00
4. TOTAL COMPLETED & STORED TO DATE (Col G on G703) \$1,035,180.00
5. RETAINAGE:
  - a. 5% of Completed Work (Col D + E on G703) \$51,759.00
  - b. % of Stored Material Col F on G703
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) \$51,759.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$983,421.00
8. CURRENT PAYMENT DUE \$874,074.57
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6) \$109,346.43

CONTRACTOR: CB&I Constructors, Inc.

(Line 3 less Line 6)

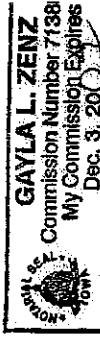
State of: IOWA

County of: POLK

Subscribed and sworn to before me this 26th day of September, 2006

Notary Public

*Gayla L. Zenz*  
My Commission expires: 12/31/2007



# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing

Contractor's signed Certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER:

9/26/2006

PERIOD TO:

9/29/2006

CBI CONTRACT NO.:

37150791

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		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)	THIS PERIOD				
1	Engineering / Foundation Drawings to							
2	Approval, Bonds / Insurance	48,750.00	48,750.00	0.00		48,750.00	0.00	2,437.50
3	Tank & Shaft Drawings to Approval/Bldg. Permit	43,500.00	43,500.00	0.00		43,500.00	0.00	2,175.00
4	Tank Material Delivery	160,000.00	160,000.00	0.00		160,000.00	0.00	8,000.00
5	Tank Foundation / Piping	160,000.00	160,000.00	0.00		160,000.00	0.00	8,000.00
6	Derrick / Access Tube Fabrication & Erection	40,000.00	40,000.00	0.00		40,000.00	0.00	2,000.00
7	Concrete Shaft	205,000.00	205,000.00	0.00		205,000.00	0.00	10,250.00
8	Ring Beam Fabrication & Erection / Flat Slab	105,000.00	105,000.00	0.00		105,000.00	0.00	5,250.00
9	Tank Fabrication	85,000.00	76,500.00	8,500.00		85,000.00	0.00	4,250.00
10	Tank Erection / Structural 2nd Floor Erection	180,730.00	81,328.50	99,401.50		180,730.00	0.00	9,036.50
11	Tank Painting	72,000.00	0.00	7,200.00		7,200.00	64,800.00	360.00
12	Tank Disinfection	1,000.00	0.00	0.00		0.00	1,000.00	0.00
13	Electrical / Telemetry / Heater	45,020.00	0.00	0.00		0.00	45,020.00	0.00
14	Pour 1st & 2nd Floors / Control Bldg.	19,000.00	0.00	0.00		0.00	19,000.00	0.00
	Final Site Restoration / Access Road	4,000.00	0.00	0.00		0.00	4,000.00	0.00
		1,169,000.00	920,078.50	115,101.50	0.00	1,035,180.00	133,820.00	51,759.00

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**

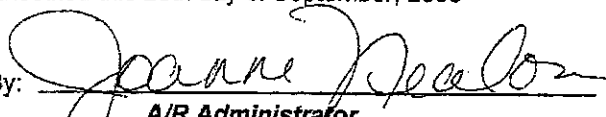
in accordance with the SIGNED AGREEMENT DATED **October 24, 2005**  
certify that we have fully paid for all work, labor, material, and equipment furnished to  
date by us, or by our subcontractors, or material men. In consideration of the payment  
to us of **\$109,346.43** for the following invoice(s).

<u>Date</u>	<u>Invoice Number</u>	<u>Amount</u>
Sep-26-06	150791-07	\$109,346.43

*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 26th day of September, 2006

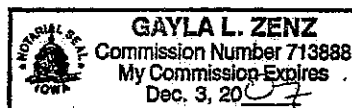
By:

  
A/R Administrator  
CB&I Constructors, Inc.

Subscribed and sworn to before me this 26th day of September, 2006

By:

  
Notary Public





Proj. No. 13186.000.003 Cert. No. 3 St. Paul, MN, September 28, 2006

To City of Lake Elmo, Minnesota Owner

This Certifies that G.M. Contracting, Inc, Contractor

For Water System Interconnect - Phase II

Is entitled to Eighteen Thousand Four Hundred Forty-Eight Dollars and 33/100 -----(\$ 18,448.33)

FINAL

being 3rd estimate for ~~partial~~ payment on contract with you dated June 7, 2005

Received payment in full of above Certificate.

**TKDA**

G.M. Contracting, Inc.

Thomas D. Prew, P.E.

## RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 359,049.86		
All previous payments		\$ 350,518.21	
All previous credits			
Extra No.			
" "			
" "			
" "			
" "			
Credit No.			\$ -
Compensating Change Order No. 1	\$ 9,916.68		
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 18,448.33	
Totals	\$ 368,966.54	\$ 368,966.54	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ -	
	\$ 368,966.54	\$ 368,966.54	\$ -



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

**RESOLUTION NO. 2006-104**

**A RESOLUTION APPROVING FINAL PAYMENT  
TO G.M. CONTRACTING, INC.  
FOR WATER SYSTEM INTERCONNECT – PHASE II PROJECT**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves the Final Payment to G. M. Contracting, Inc. in the amount of \$18,448.33 as recommended by the City Engineer in his letter dated, September 28, 2006.

ADOPTED by the Lake Elmo City Council the 3rd day of October, 2006.

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

ATTEST:

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

## CHANGE ORDER

TKDA  
Engineers-Architects-Planners

Compensating

Change Order No. 1

Saint Paul, MN September 29 20 06 Proj. No. 13186.000.003

To G.M. Contracting, Inc.

for Water System Interconnect - Phase II

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated June 7, 20 06. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (not change) the contract sum by Nine Thousand Nine Hundred Sixteen Dollars and 68/100 (\$ 9,916.68).

### COMPENSATING CHANGE ORDER

This change order shows the actual quantities installed at the unit price bid amounts (see attached itemization):

NET CHANGE =

Amount of Original Contract	\$ 359,049.86
Additions approved to date (Nos. )	\$ -
Deductions approved to date (Nos. )	\$ -
Contract amount to date	\$ 359,049.86
Amount of this Change Order (Add) (Deduct) (No Change)	\$ 9,916.68
Revised Contract Amount	\$ 368,966.54

Approved City of Lake Elmo, Minnesota  
Owner

TKDA

By \_\_\_\_\_

By Thomas D. Prew, P.E.

Approved G.M. Contracting  
Contractor

White - Owner  
Pink - Contractor  
Blue - TKDA

By \_\_\_\_\_

## ESTIMATE NO. 3

PERIOD ENDING: September 28, 2006

WATER SYSTEM INTERCONNECT - PHASE II  
CITY OF LAKE ELMO, MINNESOTA  
TKDA PROJECT NO. 13186.000.003

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>SANITARY SEWER</b>						
1	MOBILIZATION	LS	1.0	1.0	\$ 5,500.00	\$ 5,500.00
2	TRAFFIC CONTROL	LS	1.0	1.0	\$ 3,652.68	\$ 3,652.68
3	REMOVE & DISPOSE OF BIT. PAVEMENT	SY	700.0	847.0	\$ 3.75	\$ 3,176.25
4	SAW CUT BIT. PAVEMENT	LF	880.0	731.0	\$ 1.25	\$ 913.75
5	PATCH BIT. PAVEMENT 4" THICK INCL. GRAVEL BASE	SY	700.0	847.0	\$ 13.91	\$ 11,781.77
6	REMOVE AND REPLACE D412 CURB AND GUTTER	LF	200.0	30.0	\$ 11.64	\$ 349.20
7	SEEDING, INCL. SEED, FERTILIZER & WOOD FIBER BLANKET	SY	1,000.0	1,722.0	\$ 2.11	\$ 3,633.42
8	SODDING TYPE LAWN	SY	1,000.0	1,370.0	\$ 4.64	\$ 6,356.80
9	CONNECT TO EXIST. WATERMAIN	EA	2.0	2.0	\$ 3,116.04	\$ 6,232.08
10	6" DIP CL-52 WATERMAIN	LF	60.0	68.0	\$ 74.28	\$ 5,051.04
11	DIRECT DRILL 16" (DIP) HDPE SDR 17	LF	4,536.0	4,536.0	\$ 51.42	\$ 233,241.12
12	6" RES. SEAT GATE VALVE & BOX	EA	7.0	7.0	\$ 1,295.63	\$ 9,069.41
13	16" BUTTERFLY VALVE & BOX	EA	3.0	3.0	\$ 2,736.85	\$ 8,210.55
14	6" HYDRANT EXTENSION	EA	3.0	-	\$ 411.97	\$ -
15	12" HYDRANT EXTENSION	EA	3.0	-	\$ 451.82	\$ -
16	6" HYDRANT (9'-6" BURY)	EA	6.0	6.0	\$ 4,663.25	\$ 27,979.50
17	MJ DIP COMPACT FITTINGS	LB	2,000.0	2,384.0	\$ 3.65	\$ 8,701.60
18	1" TYPE "K" COPPER WATER SERVICE	LF	570.0	846.0	\$ 16.82	\$ 14,229.72
19	FUSABLE SADDLE W/1" CORPORATION STOP	EA	17.0	19.0	\$ 729.10	\$ 13,852.90
20	1" CURB STOP BOX	EA	17.0	19.0	\$ 370.25	\$ 7,034.75

TOTAL ESTIMATE NO. 3

\$ 368,966.54

TKDA  
Engineers-Architects-Planners

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS**

FINAL

Estimate No. 3 Period Ending September 28, 20 06 Page 1 of 1 Proj. No. 13186.000.003  
Contractor G.M. Contracting, Inc. Original Contract Amount \$359,049.86  
Project Water System Interconnect - Phase II  
Location City of Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>368,966.54</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>368,966.54</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>0</u> % Retained	\$	<u>0.00</u>
Less Previous Payments	\$	<u>350,518.21</u>
Total Deductions	\$	<u>350,518.21</u>
Amount Due This Estimate	\$	<u>18,448.33</u>

Contractor G.M. Contracting, Inc.  
Engineer Thomas D. Prew, P.E.

Date \_\_\_\_\_  
Date September 29, 2006



7A €13

<b>Lake Elmo City Council Oct. 3, 2006</b>	<b>Agenda Section: Building/Fire/Maintenance</b>	<b><u>No.</u> 7</b>

**AGENDA**

- 1) **Construction activity update for September**
- 2) **9224 - 31<sup>St</sup> (concerns of house moved onto property - Hardy)**

Background information:

Last November (2005) the City Council approved a request by Linda and David Hardy to move the old Fredrieck farm house from the south side of 31<sup>St</sup> St to their property on the north side of 31<sup>st</sup> St. A letter of credit was required and the Hardy's were given 12 months to complete all work.

At the present time work has not been completed and the structure is an eye sore to the area is the reason for and has been left in an unsafe condition. A citation has been issued.

Your determination as to the next step(s) to be taken is the reason for this being on the council agenda tonight.

<b><u>Action Items:</u></b> Informational. No action needed.	<b><u>Person responsible:</u></b> J. McNamara
<b><u>Attachments:</u></b> 1)Summary Building Report for Sept.  2)Hardy background info.	

September 26, 2006

Marty Rafferty  
City Administrator  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**RE: Movement of Building onto Hardy Property**  
**Our File No.: 11135/060010**

Dear Marty:

I have reviewed the following:

1. Jim McNamara's correspondence of 8/22/06 and 9/7/06;
1. Chuck Dillerud's Memo of 9/20/06;
1. Letter of Credit dated 10/10/05;
1. City Council Resolution 2005-118; and
1. City Code Chapter 1335.

Based upon our conversations and the content of the above documents, I would recommend the following actions:

1. The Building Inspector should issue a citation charging the property owner with a violation of Lake Elmo Code 1335.10, Subd. 1. The citation can be issued immediately.



1. This matter can be placed on the next City Council Agenda for a determination by the City Council that the condition of the property constitutes a public nuisance affecting safety (attractive danger and hazardous building). After the City Council makes this determination, a copy of the Resolution and an appropriate letter should be sent to the property owner. If the offending condition is not corrected within five days, the City should take whatever steps are necessary to make the property safe and commence a civil action against the property owner to recover the costs or, in the alternative, specially assess the costs against the property pursuant to Lake Elmo Code Section 1335.13.

1. Notify the Lake Elmo Bank that the unsafe condition exists and that the City will be submitting a draw request on November 2, 2006, if the terms of the City Council Resolution 2005-118 are not satisfied by November 1, 2006. If the City collects on the Letter of Credit, it can then let a construction contract to complete the required improvements and recover the costs from the proceeds of the Letter of Credit.

Please send me a copy of any Improvement Plans for the site. If you have any questions, please contact me.

Very truly yours,

Jerome P. Filla

JPF:bab

## Chapter 13 - Municipal Regulations

### Section 1335 - Public Nuisances

#### 1335.01 Public Nuisances Affecting Morals and Decency.

The following are declared public nuisances affecting public morals and decency:

##### Subd. 1 Gambling Devices.

All illegal gambling devices, slot machines and punch boards;

##### Subd. 2 Betting.

Betting, bookmaking, and all apparatuses used in such occupations;

##### Subd. 3 Illegal Liquor.

All places where intoxicating and non-intoxicating malt liquors are manufactured, sold, bartered or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating or non-intoxicating malt liquors as a beverage contrary to law, or where intoxicating or non-intoxicating malt liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;

##### Subd. 4 Illegal Consumption.

Unlawful consumption of intoxicating liquor and non-intoxicating malt liquor in any theater, recreation hall or center, dance hall, ball park or other place of public gathering used for purpose of entertainment, amusement or playing of games, or consumption of intoxicating liquor or non-intoxicating malt liquor on a public highway or in a motor vehicle;

##### Subd. 5 Illegal Vehicles.

Any vehicle used for the illegal transportation of intoxicating liquor, or non-intoxicating malt liquor.

##### Subd. 6 Window Peeping.

The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious method, or what is commonly known as "window peeping".

#### 1335.02 Public Nuisances Affecting Peace and Safety.

The following are declared to be nuisances affecting peace and safety:

##### Subd. 1. Altering Drainage.

Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or other public property or the surface or grade of public streets, or sidewalks without proper permit.

##### Subd. 2. Attractive Dangers.

All dangerous, unguarded machinery, equipment, or other property in any public place, or so situated or operated on private property as to attract the public.



1335.11 Violation a Nuisance.

A violation of the provisions of this section shall constitute a nuisance and the same may be abated as provided by subsections 1335.12 and 1335.13.

1335.12 Abatement.

If any nuisance occurs as defined in this section, the Council may by majority vote, order the owner, lessee or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing five days after the notice is served for the person to comply.

1335.13 Assessment of Costs.

If the nuisance is not abated within five days in compliance with the notice, the Council shall cause the nuisance to be abated. The Council shall recover the actual cost of the abatement by civil action against the person or persons served. Alternatively, if service has been made upon the record owner, as shown on the records, of the County Auditor collection may be made by ordering the Administrator to extend the sum, plus 25% of it as a special assessment against the property upon which the nuisance existed. This amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

8/23/06

David & Linda Hardy  
2742 Ivy Ave N  
Lake Elmo, MN 55042

Re: LOC for moved structures

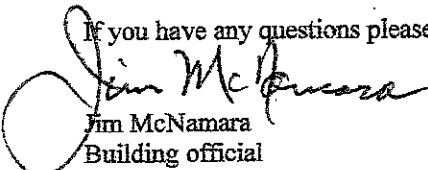
Mr. & Mrs. Hardy,

This letter is being sent to you as a reminder of your agreement and commitment to the city of Lake Elmo concerning the two structures you were given permission to relocate within the City last year. City approval required that the moving of the buildings and all necessary improvements be completed within 12 months. Also, that driveway access to the property be separate (no shared access) and meet the setback requirements of the Lake Elmo City Ordinance. Although both buildings have been moved onto the site at this time no improvements have been started.

It has also come to the City's attention that you have not properly protected the hole you excavated for the new basement. You must immediately and properly fence off the hole that was dug for the basement and secure the area so that no person can enter the property and fall in harms way because of no security provisions in place.

Again, this is a reminder that you have just over two months left before the expiration date on the letter of credit. At that time all improvements are required to be finished as per city council resolution # 2005-118 (enclosed).

If you have any questions please contact our city office.

  
Jim McNamara  
Building official  
City of Lake Elmo

enclosure



printed on recycled paper

Sept 7, 2006

David & Linda Hardy  
2742 Ivy Ave No.  
Lake Elmo, MN 55042

Mr. & Mrs. Hardy

This letter is to inform you that if the house you moved across 31<sup>st</sup> St. is not properly fenced for safety and security reasons by September 18<sup>th</sup>, 2006 the city will use your escrow money that we are holding, to have the work done. If you do not secure the property by the above required date the city may have the work completed anytime after the Sept 18<sup>th</sup> date.

If you have any questions concerning the above matter please contact our city office.

Sincerely,

Jim McNamara  
Building Official  
City of Lake Elmo



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

September 15, 2006

David and Linda Hardy  
2742 Ivy Ave N  
Lake Elmo, MN 55042

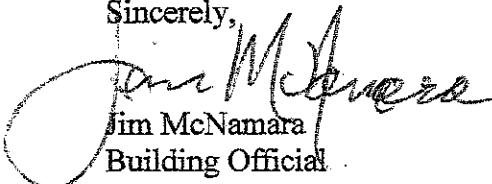
Linda,

I spoke with you this morning (Fri. 9/15/2006) about putting up the required safety fence around the house you have recently moved across 31<sup>st</sup> Street. It was my understanding that you will have a neighbor help you with the fence installation and it will be completed this weekend (9/15 – 9/17).

I thank you for your cooperation in this matter.

Your concern about wanting an extension on the Letter of Credit must be taken to the City Council.

Sincerely,

  
Jim McNamara  
Building Official  
City of Lake Elmo



printed on recycled paper





## Summary Building Report

September-2006

Year to Date

	Permits Issued	Valuation
New Residential	2	\$800,000.00
New Commercial	0	\$0.00
Other Residential	40	\$510,487.00
Other Commercial	13	\$634,500.00
Total	55	\$1,944,987.00

Total Building Fees Collected \$31,999.31

## Summary Plumbing Report

Plumbing	43	\$157,600.00
Total Plumbing Fees Collected		\$3,120.50

## Summary HVAC Report

HVAC	10	\$172,200.00
Total HVAC Fees Collected		\$1,762.00

Summary Grand Total Fees \$36,881.81

Surcharge Fee Paid to State \$990.68  
 SAC Fees Paid to Met Council  
 WAC Fees Paid to Oakdale  
 Misc. Expenses

Total Fees Retained \$35,891.13

Credit Fees to Bldg \$31,916.13  
 Credit Fees to Water \$3,900.00  
 Credit Fees to Sewer \$75.00

	Permits Issued	Valuation
New Residential	21	\$8,753,388.00
New Commercial	5	\$15,022,080.00
Other Residential	274	\$5,620,229.00
Other Commercial	40	\$6,160,116.00
Total	340	\$35,555,813.00

Total Building Fees Collected \$485,372.62

## Summary Plumbing Report

Plumbing	115	\$2,353,896.00
Total Plumbing Fees Collected		\$19,592.00

## Summary HVAC Report

HVAC	79	\$4,891,905.00
Total HVAC Fees Collected		\$48,391.26

Summary Grand Total Fees \$553,355.88

Surcharge Fee Paid to State \$18,377.94  
 SAC Fees Paid to Met Council \$31,000.00  
 WAC Fees Paid to Oakdale \$10,000.00  
 Misc. Expenses \$0.00

Total Fees Retained \$493,977.94

Credit Fees to Bldg \$387,452.02  
 Credit Fees to Water \$82,100.00  
 Credit Fees to Sewer \$24,428.00



September 29, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Assessment Hearing  
Water System Interconnect Phase IV  
City of Lake Elmo, Minnesota  
TKDA Project No. 13186.000

Dear Mayor and City Council;

As you may recall, this project is being assessed to the benefiting property owners based on the increase in property value. Our appraiser completed the determination of increased value last spring, prior to the Public Hearing on the project.

The proposed assessment amounts shown on the attached sheet are the same as presented at that time, with the exception of the Prairie Ridge Office Park. The office park complex requested that three water services be installed to provide drinking water. We provided them with one service at no charge, but the cost of the other two was included in the assessment. Also, two of the duplex office buildings were divided into 4-plex units. The assessments for those units have been adjusted accordingly.

***City Council Action Requested***

Conduct the Assessment Hearing and approve the enclosed assessment roll.

Sincerely;

Thomas D. Prew, P. E.  
City Engineer

TDP:cme  
Enclosure



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-105  
A RESOLUTION ADOPTING ASSESSMENT FOR THE  
WATER INTERCONNECTION PROJECT – PHASE IV

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the improvement of Water Interconnection Project – Phase IV Lake Elmo, Minnesota.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of seven (7) years, the first of the installments to be payable on or before the first Monday in January, 2007, and shall bear interest at the rate of 5.75 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2006. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City of Lake Elmo the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
4. The Finance Director shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.



Under Minnesota Statutes 435.193 to 435.195, the council may, in its discretion, defer the payment of this special assessment for any homestead property owner by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the policy adopted under it may, within 30 days of the confirmation of the assessment, apply to the city administrator for the prescribed form for such deferral of payment of this special assessment on his property.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The city will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the city has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the city's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the council as to the weight of items of evidence or testimony presented to the council.
5. The entire proceedings will be video-taped.
6. At the close of presentation of evidence, the objector may make a final presentation to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the mayor or city administrator within 30 days after the adoption of the assessment roll and filing such notice with the district court within ten days after service upon the mayor or city administrator.

Dated at Lake Elmo, Minnesota, this 15th day of September, 2006.

---

Sharon Lumby, City Clerk  
City of Lake Elmo



September 29, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: No Parking – 15<sup>th</sup> Street North  
City of Lake Elmo, Minnesota  
TKDA Project No. 13593.000

Dear Mayor and City Council;

The City staff has received complaints from residents along 15th Street North regarding parking along that street. The problem is that people will park at the east end of the street to access the Regional Park at that point. This is not an official entrance to the park.

This parking creates concerns for public safety from the neighboring residents.

The staff is recommending extending the No Parking on this street from Ivy Avenue to the east end of the street.

***City Council Action Requested***

Pass an Ordinance prohibiting parking on both sides of 15th Street North from Ivy Avenue to the east end of the street.

Sincerely;

Thomas D. Prew, P. E.  
City Engineer

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

**ORDINANCE NO. 97-182**

**AN ORDINANCE RELATING TO SECTION 1005.04 (I)  
(PARKING PROHIBITED)  
TO THE LAKE ELMO MUNICIPAL CODE**

**Section 1.** Amendments: Section 1005.04 (I). is hereby added to the Lake Elmo Municipal Code: to wit:

1. Restrictions on 15<sup>th</sup> Street North, on both sides, from Ivy Avenue North to the East end of the street.

**Section 2.** Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council on October 3, 2006.

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

ATTEST:

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

Published in the Lake Elmo Leader on the \_\_\_\_\_ day of October, 2006.

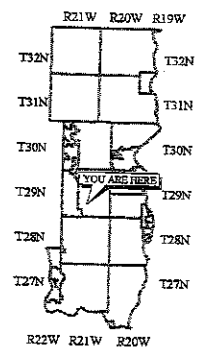
IVY AVENUE NORTH  
IVY AVENUE NORTH  
IVY AVENUE NORTH  
IVY AVENUE NORTH

LAKE ELMO REGIONAL PARK

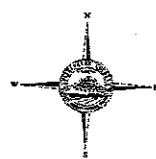
15TH STREET COURT NORTH

STREET NORTH 15TH STREET NORTH

"No Parking" Zone



Vicinity Map



0 478  
Scale in Feet

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 (551) 430-6875

Parcel data based on AS400 information



# 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

September 29, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Approve Plans SCADA  
City of Lake Elmo, Minnesota  
TKDA Project No. 13593.000

Dear Mayor and City Council;

Plans are complete for the SCADA system. SCADA is the control system which allows the well pumps and the water tower to communicate. It also allows the water operator to monitor and control the operation of the water system from the Public Works Building, or a remote location.

This bid package will include controls for the two well sites the Water Tower Number 2, the lift station on Hudson Boulevard, and dedicated computer hardware and software for the Public Works Building.

This SCADA system is expandable to allow for other future City facilities to be monitored as well.

***City Council Action Requested***

Approve Plans and Specifications for the SCADA system, and authorize the advertisement for bids.

Sincerely;

Thomas D. Prew, P. E.  
City Engineer

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

**RESOLUTION NO. 2006-107  
A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS  
SCADA  
(Supervisory Controls and Data Acquisition)**

WHEREAS, the City Engineer has prepared plans and specifications for the Supervisory Controls and Data Acquisition which allows the well pumps and the water tower to communicate 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. Th City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an 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 the November 8, 2006 Council meeting, 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 3rd day of October, 2006.

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Dean A. Johnston, Mayor

ATTEST:

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Martin J. Rafferty, City Administrator



September 29, 2006

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Northern Watermain Extension  
City of Lake Elmo, Minnesota  
TKDA Project No. 13552.000

Dear Mayor and City Council:

Bids for the referenced project were received on July 20, 2006. We held the bids until easements were obtained for the watermain route. An agreement for the easement acquisition has been reached.

As part of the easement negotiations, the route was changed, thus a change order will be executed to account for this revision to the work. Also we will adjust the completion dates for the project. It is not anticipated to commence construction until November.

***Recommendation***

Award the contract for the Northern watermain extension to GM Contracting for their bid amount of \$411,812.68.

Sincerely,

Thomas D. Prew, P.E.  
Project Manager

TDP:cme

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-106

A RESOLUTION AWARDING THE BID FOR THE  
NORTHERN WATER MAIN EXTENSION

WHEREAS, pursuant to an advertisement for bids for the NORTHERN WATER MAIN EXTENSION PROJECT were received, opened, and tabulated according to law, and the attached bids were received complying with the advertisement.

AND WHEREAS, G.M. CONTRACTING, INC. is the lowest responsible bidder.

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

1. The mayor and clerk are hereby authorized and directed to enter into a contract with Allied Blacktop Company in the amount of \$411,812.68, in the name of the City of Lake Elmo for the Northern Water Main Extension Project according to the plans and specifications therefore approved by the City Council and on file in the office of the city clerk.
2. The city clerk is hereby authorized and directed to return forthwith to all bidders the deposit made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall retained until a contract has been signed.

ADOPTED, by the Lake Elmo City Council this 3rd day of October, 2006.

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Dean A. Johnston, Mayor

ATTEST:

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Martin J. Rafferty, City Administrator



<b>Lake Elmo City Council October 3, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9A</b>
<b><u>Agenda Item:</u> Zoning Ordinance Amendment – Accessory Buildings</b>		
<p><b><u>Background Information for October 3, 2006:</u></b></p> <p>On the August 15 the Council approved an interpretation of some unclear terms regarding the allowable area of accessory in the Non-Conforming AG zoning district. The Council also directed the City Attorney (rather than Planning staff) to prepare amendments to the accessory structure standards to clearly state the allowable area interpretation agreed to by the Council.</p> <p>We have attached the City Attorney's draft of the proposed amendments. The City Council's concurrence with that draft language is requested prior to scheduling of a Public Hearing before the Planning Commission – which is required for any zoning text amendments.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to approve the text of a proposed zoning ordinance amendment and directing staff to publish Notice of Hearing on the proposed amendment.</p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>	
<p><b><u>Attachments:</u></b></p> <p>1. City Attorney Draft of Text Amendment 97-180</p>	<p><b><u>Time Allocated:</u></b></p>	



CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

ORDINANCE NO. 97-180

**AN ORDINANCE RELATING TO ACCESSORY BUILDINGS**

The Lake Elmo City Council hereby ordains that Section 300.13 Subd. 4 of the Lake Elmo City Code is amended to read as follows:

**Subd. 4 Number/Size of Accessory Buildings.** The maximum number and size of accessory buildings permitted in each zoning district shall be as follows, provided that no accessory buildings shall be constructed unless there is adequate room for any required secondary drain field site.

NUMBER/SIZE OF ACCESSORY BUILDINGS	
<b>Agricultural</b>	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal forty (40) acres or more, and buildings are agricultural business as defined in 300.13 Subd 3(A)(5)
<b>Agricultural (Non-conforming)</b>	
Up to ten (10) acres	Two (2) buildings with a combined area not to exceed <del>one thousand (1,000)</del> <u>two thousand (2,000)</u> square feet
Over ten (10) acres but less than forty (40) acres	Two (2) buildings with a combined area not to exceed <del>two thousand (2,000)</del> <u>four thousand (4,000)</u> square feet
<b>Rural Residential</b>	
Up to ten (10) acres	One (1) <u>two thousand (2,000)</u> square feet detached building; in addition to an attached garage
Over ten (10) acres but less than fifteen (15) acres	One (1) <u>two thousand five hundred (2,500)</u> square feet detached building; in addition to an attached garage
Over fifteen (15) acres <del>to 20 acres</del>	One (1) <u>three thousand (3,000)</u> square feet detached building; in addition to an attached garage
<b>Residential - R1, RED and OP</b>	
Over Five Thousand (5,000) square feet <del>to 1 acre</del> <u>but less than one (1) acre</u>	A combined area of one thousand two hundred (1,200) square feet for attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure
From One (1) acre to two (2) acres	One (1) <u>one thousand two hundred (1,200)</u> square feet detached residential garage or building in addition to an attached garage

Over two (2) acres	One (1) one thousand three hundred (1,300) square feet detached residential garage or building in addition to an attached garage
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**ADOPTION DATE:** Passed by the Lake Elmo City Council on the \_\_\_\_ day of \_\_\_\_\_, 2006.

**EFFECTIVE DATE:** This Ordinance shall be effective the day following its publication.

Dated: \_\_\_\_\_, 2006

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

**ATTEST:**

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

**PUBLICATION DATE:** Published on the \_\_\_\_ day of \_\_\_\_\_, 2006.

F:\users\Janice\Jerry\LE\Accessory Building Ordinance.doc



Lake Elmo City Council October 3, 2006	Agenda Section: Planning, Land Use and Zoning	No. 98
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**Agenda Item:** Septic Pumping/Inspection – Ordinance Amendment

**Background Information for October 3, 2006:**

Chapter 700 of the City Code prescribes that all private septic systems in the City (well over 2,000) are required to be pumped every 2 years. Washington County (and many other municipalities) have similar requirements – usually a 3 year interval. As (again) with most other governments with similar requirements Lake Elmo has not been as aggressive as intended toward enforcement of the 2 year pumping requirement. We have had an excellent dBase monitoring system to track performance, but less than effective follow-up when the monitoring system detects non-compliance with the 2 year rule – until recently.

With a more aggressive recent effort to attain the 2 year compliance (at least notice of non-compliance), staff has heard from several property owners stating that single person or 2 person households often generate so little septic volume to septic tanks that pumping every two years becomes serious “over kill”. While there appears to be logic to that contention, staff also contends that the 2 year strategy is not only intended to assure septic tanks are pumped but to also identify potential septic failures from the reports required of the septic pumper by the City. Even if a system is not actually pumped every 2 years, we believe it was one intent of the ordinance to have some manner of periodic third party septic system inspection.

It has been suggested that a simple inspection and report of findings every 2 years could be substituted for the actual pumping – if not pumping is found to be required. Perhaps such inspection could be carried out by one of the septic pumping firms licensed by the City, or a State-certified Septic Inspector. If the inspection revealed a need to pump, the pumping would still be required.

We have attached a simple ordinance amendment that would permit certified septic inspections or licensed septic pumper inspections to constitute compliance with the 2 year pumping law.

<b><u>Action items:</u></b> Motion to adopt Ordinance #97 – amending Chapter 700 of the City Code to permit substitution of licensed or certified septic inspections for septic pumping every 2 years where such inspections find no septic pumping is required.	<b><u>Person responsible:</u></b> City Planner
<b><u>Attachments:</u></b> 1. Draft Ordinance #97 - Amending 2 year septic pumping requirement.	<b><u>Time Allocated:</u></b>



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE 97-181

AN ORDINANCE AMENDING THE LAKE ELMO MUNICIPAL CODE  
RELATING TO MAINTENANCE OF SEWAGE TANKS

The City Council ordains that section 700.03, Subdivision 1, of the Lake Elmo Municipal Code is hereby amended as follows:

**E. 7080.0175 Maintenance**

Sewage tanks shall be pumped or inspected by a City-licensed septic pumper, or inspected by a State-certified septic inspector every two (2) years. A pumping and/or inspection report shall be submitted to the City by the pumper or inspector. The City will furnish report forms.

This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 3<sup>rd</sup> day of October, 2006.

---

Dean A. Johnston, Mayor


ATTEST:

---


Martin J. Rafferty, City Administrator

Published in the Lake Elmo Leader on



<b>Lake Elmo City Council October 3, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9C.</b>
<b><u>Agenda Item:</u> Fly Ash Land Fill Siting</b>		
<p><b><u>Background Information for October 3, 2006:</u></b></p> <p>As we previously advised the Council, MPCA conducted a Scoping Environmental Assessment Worksheet (SEAW) Public Meeting regarding the proposed Xcel Fly Ash land fill in West Lakeland Township at Oak Land school on September 21. The meeting was well attended (auditorium nearly full), including our local State legislators. As I expected, and as I am certain has happened at these EAW Scoping meetings in the past, the legal and intended purpose of the meeting was misunderstood by most attendees. This meeting was not to hear testimony regarding the West Lakeland site proposal, but merely to inform the Public of the Environmental Impact Study process and inform the Public that they are invited to submit <u>written</u> suggestions as to what additional subjects (beyond those already addressed in the draft SEAW) during the 45 day SEAW review &amp; comment period (ending October 12). MPCA staff would not respond to any comments regarding the <u>project</u> except to explain (repeatedly) that this was not the forum for those comments.</p> <p>The only matter raised by the Public that MPCA staff took note of and agreed to look into was a further extension of the SEAW comment period (to beyond 45 days – which was already a requested extension from the normal 30 days). Beyond that, the 2 hour meeting was of little value – to the attending Public or MPCA – and merely a procedural pro forma.</p> <p>Lake Elmo staff continues to review the draft SEAW and intends to submit comments by either the current October 12 deadline or whatever extended comment period that may be provided by MPCA.</p>		
<p><b><u>Action items:</u></b></p> <p>None Required</p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>	
<p><b><u>Attachments:</u></b></p> <p>None</p>	<p><b><u>Time Allocated:</u></b></p>	



<b>Lake Elmo City Council October 3, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9D</b>
<b><u>Agenda Item:</u> Re-Establish/Modify OP Development – Amend AG, RR &amp; OP</b>		
<p><b><u>Background Information for October 3, 2006:</u></b></p> <p>On September 11, 2006 the Planning Commission conducted a Public Hearing and thereafter unanimously adopted a recommendation to amend the AG, RR, and OP district text of the zoning ordinance to both re-establish OP development as a Conditional Use in AG and RR, and increase the allowable density for OP from 16 units per 40 acres (0.40 units per acre) to 18 units per 40 acres (0.45 units per acre). The AG &amp; RR districts were amended in 2005 to <u>remove</u> the OP option (as a CUP) pending completion of the Comprehensive Plan.</p> <p>With the land south of 10<sup>th</sup> now precluded from OP development by the FSD land use classification (and, soon, corresponding zoning), and the Village Area zoning to be held in abeyance by the development moratorium appearing as Item 9E on this agenda, there is no continuing need to withhold OP development within the remaining RAD guided areas of the City. In addition, the 2030 Comprehensive Plan increases the maximum allowable RAD development density using OP from .040 units per acre to .045 units per acre (16 units per 40 increased to 18 units per 40). The OP zoning standards must be increased accordingly at some point for Comprehensive Plan conformity.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Ordinance #97 – adopting amendments to the Section 300.07 (AG and RR district CUP), and Section 301 (OP Development), as recommended by the Planning Commission..</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner </p>	
<p><b><u>Attachments:</u></b></p> <p>1. Draft Ordinance #97- Amending Zoning Text 2. Draft Planning Commission Minutes of September 25</p>	<p><b><u>Time Allocated:</u></b></p>	



**DRAFT**

**DRAFT**

**Draft Planning Commission Minutes of 9/25/06**

**Public Hearing**

**Amend Zoning Ordinance-Open Space Preservation Ordinance**

The Planner explained that about one year ago the City Council amended the AG and RR Zoning Districts by repealing Conditional Use Permits for OP Developments because pending completion of the 2030 Comprehensive Plan and completion of the Village Area Plan. He suggested that with the 2030 Plan now completed and approved, and the ability to preserve status quo in the Village Area by development moratorium the OP process can now be re-established in the zoning ordinance. In addition, in order to meet population goals of the 2030 Comprehensive Plan, the Open Space Preservation was planned for an increase in density from 16 units per 40 acres to 18 units per 40 acres. By amending the OP ordinance to the increased allowable density, the OP Ordinance will be brought into compliance with the Comprehensive Plan.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:13 P.M.

Nobody came forward to speak.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 7:14 P.M.

M/S/P, Roth/Armstrong to recommend Section 300.07 and Section 301.06 zoning ordinance amendments as proposed by Planning Staff. Vote: 9:0.

**DRAFT**

**DRAFT**

**DRAFT**

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-183

AN ORDINANCE RELATING TO CONDITIONAL USES  
IN THE AGRICULTURAL ZONE

The Lake Elmo City Council ordains that Section 300.07, Subdivision 4, A.2(f) is hereby added to the City Code to read as follows:

300.07 **Subd. 4. A.2.(f)** Open Space Development as regulated by Section 301.

**THE LAKE ELMO CITY COUNCIL HEREBY ORDAINS THAT SECTION 300.07, SUBDIVISION 4, A.2(f) IS HEREBY ADDED.**

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 3<sup>rd</sup> day of October, 2006.

**EFFECTIVE DATE:** This Ordinance shall be effective the day following its publication.

Dated: \_\_\_\_\_, 2006

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

ATTEST:

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

**PUBLICATION DATE:** Published on the \_\_\_\_\_ day of October, 2006

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-184

AN ORDINANCE RELATING TO CONDITIONAL USES  
IN THE RURAL RESIDENTIAL ZONE

The Lake Elmo City Council ordains that Section 300.07, Subdivision 4, B.2(b) is hereby added to the City Code to read as follows:

300.07 Subd. 4. B.2.(b) Open Space Development as regulated by Section 301.

**THE LAKE ELMO CITY COUNCIL HEREBY ORDAINS THAT SECTION 300.07, SUBDIVISION 4, B.2(b) IS HEREBY ADDED.**

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 3<sup>rd</sup> day of October, 2006.

**EFFECTIVE DATE:** This Ordinance shall be effective the day following its publication.

Dated: \_\_\_\_\_, 2006

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

ATTEST:

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

**PUBLICATION DATE:** Published on the \_\_\_\_\_ day of October, 2006

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-185

AN ORDINANCE RELATING TO OPEN SPACE PRESERVATION  
RELATING TO DENSITIES

The Lake Elmo City Council ordains that Section 301.06 Subdivision 2.H. is hereby amended to the City Code to read as follows:

**301.06, Subd. 2H. Densities:**

The maximum dwelling unit density shall be eighteen (18) units per forty (40) gross acres of Buildable Land.

**THE LAKE ELMO CITY COUNCIL HEREBY ORDAINS THAT SECTION 301.06, SUBDIVISION 2.H. IS HEREBY AMENDED..**

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 3<sup>rd</sup> day of October, 2006.

**EFFECTIVE DATE:** This Ordinance shall be effective the day following its publication.

Dated: \_\_\_\_\_, 2006

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

ATTEST:

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

**PUBLICATION DATE:** Published on the \_\_\_\_\_ day of October, 2006



<b>Lake Elmo City Council October 3, 2006</b>	<b>Agenda Section: Planning, Land Use and Zoning</b>	<b><u>No.</u> 9E.</b>
<b><u>Agenda Item:</u></b> Development Moratorium – Village Area		
<p><b><u>Background Information for October 3, 2006:</u></b></p> <p>The Village Area remains an open issue as to detailed land use as of now. The City Attorney advises, however, that we may now adopt a new Development Moratorium for the Village Area pending completion of the detailed plan for that area that has now been contracted for. “Protection” of the Village Area from premature and inappropriate development can be assured even with the OP ordinance again operative. A Moratorium Ordinance covering the Village Area is attached for Council consideration.</p> <p>The length of the moratorium is not specified – and should be along with any motion to adopt the ordinance. Staff recommends a minimum of 6 months (180 days) through March, 2007. We expect Village Area planning to be completed by that time. Village Area property owners will need to be submitting applications responsive to the Village Area Plan by March if development is contemplated during 2007. Should projects <u>clearly</u> consistent with the spirit and intent of the planning require earlier action, the ordinance provides for early removal of those properties.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion to adopt Ordinance #97 – adopting a Development Moratorium for the Village Area now subject to contractual and land use planning and design by the City.</p>	<p><b><u>Person responsible:</u></b></p> <p>City Planner</p>	
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Draft Ordinance #97- Development Moratorium</li> <li>2. Moratorium Area Map</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	



CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-186

AN ORDINANCE RELATING TO THE ADOPTION OF A DEVELOPMENT  
MORATORIUM IN THE VILLAGE AREA

The Lake Elmo City Council ordains that Section 301.160 and its subdivision shall be added to the Lake Elmo Municipal Code to read as follows:

**301.160 Development Moratorium**

- A. The Village Area of the City of Lake Elmo (The "City") is designated on **EXHIBIT A** attached (The "Village Area").
- B. The City has commissioned various studies to determine development impacts and infrastructure requirements for future development of the Village Area.
- C. The City has received reports relating to street layouts, waste water treatment facilities, and the provision of City water to the Village Area.
- D. The City needs to complete its review of surface water drainage and sanitary sewer issues relating to the Village Area.
- E. Upon completion of the various contracted studies regarding the Village Area , including sanitary sewer and surface water drainage, the City will be in a position to amend its comprehensive plan and official controls to guide and facilitate orderly development in the Village Area.
- F. In order to protect the planning process and the health, safety and welfare of its citizens, a Development Moratorium is hereby adopted pursuant to the provisions of Minn. Stat. 462.355, Subd. 4, as amended, for all property in the Village Area subject to the following conditions which shall be applicable during the term of the Development Moratorium:
  - 1. Property may only be rezoned to an agricultural use.
  - 2. Property may not be further subdivided except in connection with an approved lot line adjustment.
  - 3. Vacant platted residential lots which have already been approved by the City may be developed consistent with the City's current zoning and building regulations and any conditional use permit which may apply to such property.

4. Additions to existing construction shall be allowed subject to the issuance of appropriate permits.
  5. Additions to existing structures or new construction which would require a variance shall not be permitted.
- G. This Development Moratorium shall remain in effect for up to \_\_\_\_\_ months from the date of publication of this Ordinance unless terminated or extended by action of the City Council.
- H. The City Council may, by amendment to this Ordinance following the adoption of specific findings, remove specific parcels from the area of this Development Moratorium; or repeal the Development Moratorium in its entirety.

**Effective Date:** This Ordinance shall be effective the day following its publication.

**Adoption Date:** Passed by the City Council of Lake Elmo the 3<sup>rd</sup> day of October, 2006.

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

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

**Publication Date:** This ordinance was published in the Lake Elmo Leader on



