FILE

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

### Lake Elmo City Council Tuesday, SEPTEMBER 5, 2006

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

### Please read:

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

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

### Agenda

### **City Council Meeting Convenes**

7:00 PM

### Pledge of Allegiance

- 1. Agenda
- 2. Minutes:

### 3. PUBLIC INQUIRIES/INFORMATIONAL:

- A. PUBLIC INFORMATIONAL:
  - (1) CIC Presentation on Senior Housing
- (2) Lake Elmo Bank 95<sup>th</sup> Anniversary; Resolution No. 2006-094
- B. Public Inquiries

### 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 Co.
- 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

August 15, 2006

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

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.

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	September 5, 20
J. Resolution No. 2006-091 Awarding Bid for 2006 MSA Resurfacing	Pag
5. FINANCE:	
A. Budget Presentation: Adoption of Proposed Tax Levy & Proposed 2007 Budget; Resolution No. 2006-088	
B. Set Truth n'Taxation Hearing Dates; Resolution No. 2006-089	
6. NEW BUSINESS:	
7. MAINTENANCE/PARK/FIRE/BUILDING:	
A. Parks Dept.:	
(1) Carriage Station Basketball Court	
(2) Announce Public Works Open House	
B. Fire Department: Update on Department Activities	
(1) Recognize Explorers	
(2) Recognize two Engineer Certified Firefighters	
(3) Fire Station No. 2 Upgrades	
8. <u>CITY ENGINEER'S REPORT:</u>	Tom Prew
A. Water Tower Paint Color (verbal)	
B. 28 <sup>th</sup> Street Petition for Street improvement (verbal)	
C. Northern Water Main Extension Easement Update (Handout at meeting)	
D. Tablyn Park/Lake Elmo Heights Water ystem Update (verbal)	
. PLANNING, LAND USE & ZONING:	C. Dillerud
A. Resolution 2006-092, Zoning Variance; ichard & Eileen Bergman	
B. Apostolic Church Site – Resolution No. 006-093 Comp Plan Amendment; Ordinance o. 97-178 Rezoning	
C. Status of Village Plan (verbal)	
D. Metropolitan Airport Commission – ake Elmo Airport 2025 Plan	
E. Update – Xcel Fly Ash Landfill Sitting	]
. CITY ATTORNEY'S REPORT:	
A. Update on Ziertman/Sessing (verbal)	
CITY ADMINISTRATOR'S DEPONT	M. Rafferty

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September 14, Community Open House on Groundwater Contamination, Oakland Jr. H.S.	September 16, 9 a.mNoon, Open House at Public Works
September 12, Primary Election, Polls Open 7 a.m8 p.m.	September 13, 6 p.m8:30 p.m., City Council Workshop
12. CITY COUNCIL REPORTS:  A. Mayor Johnston B. Council Member Conlin C. Council Member DeLapp D. Council Member Johnson E. Council Member Smith	Page

### CITY OF LAKE ELMO CITY COUNCIL MEETING AUGUST 15, 2006

- 1. AGENDA
- 2. MINUTES: August 2, 2006
- 3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INQUIRIES:
  - B. PUBLIC INFORMATIONAL:
- CONSENT AGENDA:
  - A. Resolution No. 2006-079: Approving Claims
  - B. Monthly Operating Budget
  - C. Resolution No. 2006-080: Partial Payment No. 5, Water Interconnect Project Phase III, Riley Brothers Construction
  - D. Resolution No. 2006-081: Partial Payment No. 1, Tablyn Park /Lake Elmo Heights Water Main, Park Construction
- E. Resolution No. 2006-082: Award Bid for 2006 Overlays
- 5. FINANCE:
- 6. NEW BUSINESS:
- 7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Building Dept. Update: Jim McNamara
  - B. Fire Dept. Update: Chief Malmquist
    - (1) Place new members on probation: Paul Jorgensen, Noah Malmquist, and Brad
- 8. CITY ENGINEER'S REPORT.
  - A. Island Cul-de-Sacs in Tablyn Park: verbal update
- 9. PLANNING, LAND USE & ZONING:
  - A. Resolution No. 2006-083. Variance for Septic Drainfield: 8320 Hidden Bay Trail,
  - B. Resolution No. 2006-084: CUP/Site Plan for Veterinary Clinic in GB Zone, 11051 Stillwater Blvd.-Dr. John Baillie and Gary T. Harty
  - C. Resolution No. 2006-085. Final Plat of Eagle Point Business Park 6th Addition; Resolution No. 2006-086. Shoreland Variance and Section 520 Site Plan for C & C North American
  - D. Apostolic Bible Church Site (tabled) Comprehensive Plan Amendment & Rezoning
  - E. Zoning Ordinance Interpretation Non-Conforming AG Accessory Building
  - F. Ordinance No. 97-176: Lateral Water Main Connection; Ordinance No. 97-177: Lateral Water Main Connection Charges for Phases I and II
- 10. CITY ATTORNEY'S REPORT: None
- 11. CITY ADMINISTRATOR'S REPORT:
  - A. Tank Industry Consultants, Inc. and Water Tower update
  - B. Old Village Plans update
- 12. CITY COUNCIL BUSINESS AND REPORTS:

Closed Session: Lake Elmo vs. Sessing

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, Building Official McNamara (left at 7:45 pm), Fire Chief Malmquist, (left at 7:30 p.m.) TKDA Engineer Stempski, City Attorney Filla, and Recording Secretary Freeman.

### Pledge of Allegiance

### 1. AGENDA:

Additions: 11A. Tank Industries and Water Tower – verbal update; 11B Old Village Plans – verbal update; move 7B to 3B (Fire Dept. Update)

M/S/P Johnson/Smith – to approve the August 15, 2006, City Council Agenda as amended. (Motion passed 5-0)

### 2. MINUTES:

M/S/P Johnson/Smith – to approve the August 2, 2006, City Council minutes as amended. (Motion passed 3-0:2 Abstained Johnson and Colin-did not attend meeting)

### 3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Informational: None

### B. Public Inquiries:

David Frosch, 2935 Jonquil Trail, said he is a Lake Elmo home builder and is requesting clarification of the Sign Ordinance regarding off-site real estate signs. He reported that he had been issued a permit for several Temporary off-site signs in the past, but was recently advised by City Staff that they would no longer issue any permits for off-site signage based on other sections of the Sign Ordinance. He said that he has seen many off-site real estate signs throughout the City. The Council directed Staff to review Mr. Frosch's concerns and report on off-site signage to the September 13, 2006, Council Workshop.

Nicole Park, 404 Lake Elmo Avenue, introduced herself and announced she would be running for City Council. Her goals for the City are to make Lake Elmo more of a destination, and to help establish a Family Center.

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street, reminded the audience about the Budget meeting; the Water Contamination Meeting at OakLand Junior High School on September 14, 2006, at 6:00 p.m.; an update is needed on the new water tower being out-of-round and long-term stability; requested information regarding the painting of the older water tower.

### 4. CONSENT AGENDA:

### A. Resolution No. 2006-079:

M/S/P Smith/Johnson – to adopt Resolution No. 2006-079 approving Claim Number 341, 342, DD385 through DD847, 29494 through 29504, were used for Staff Payroll dated August 3, 2006; 29505 through 29559, in the total amount of \$917,087.81 are hereby approved. (Motion passed 5-0)

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### B. Monthly Operating Report:

Mayor Johnston requested clarification of the Fiscal Disparities line item in the Report and the 2006 Comprehensive Plan Old Village design costs line item in the Report. Finance Director Bouthilet said Fiscal Disparities are a Metro commercial tax capacity redistribution law, where commercial tax capacity (and, therefore, ad valorem tax revenues) is by legislatively mandated formula moved into a Metro "Pool" from cities with large commercial tax capacity increases, and redistributed from the pool to other Metro cities with little or zero commercial tax capacity increase. Lake Elmo gains a little annual revenue from the Fiscal Disparities Pool annually, which is reflected in the line item noted by Mayor Johnston.

Finance Director Bouthilet advised that the Village Area Planner expenditures need to be recoded out of the Planning Department budget and into the Village Area Planning Fund.

M/S/P Johnson/Conlin—to accept the July 2006 Monthly Operating Report. (Motion passed 5-0)

C. Resolution No. 2006-080: Partial Payment No. 5, Water Interconnect Project Phase III, Riley Brothers Construction:

M/S/P Smith/Johnson— to adopt Resolution No. 2006-080, authorizing Partial Payment No. 5, Water Interconnect Project Phase III, to Riley Brothers Construction, in the amount of \$178, 642.75. (Motion passed 5-0)

D. Resolution No. 2006-081: Partial Payment No. 1, Tablyn Park/Lake Elmo Heights Water Main, Park Construction:

M/S/P Smith/Johnson – to adopt Resolution No. 2006-81, authorizing Partial Payment No. 1, Tablyn Park/Lake Elmo Heights Water Main, to Park Construction, in the amount of \$627,532.95. (Motion passed 5-0)

- E. Resolution No. 2006-082: Award Bid for 2006 Overlays: M/S/P Smith/Johnson to adopt Resolution No. 2006-082, awarding bid to Valley Paving, Inc., in the amount of \$208,318.00. (Motion passed 5-0)
- 5. **FINANCE:** None
- 6. NEW BUSINESS: None

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

A. Building Dept. Update: Jim McNamara

Building Official McNamara reported that new residential starts were slow. He reminded the audience that heating systems should be checked and repaired prior to winter. Wood burning fireplaces and chimneys should also be inspected and cleaned if necessary.

B. Fire Dept. Update: Chief Malmquist

Fire Chief Malmquist informed Council that the Dept. visited three neighborhoods on National Night Out. He also thanked everyone for supporting the Pancake Breakfast during Huff'n'Puff days. Please remember that new members are always welcome and needed

Fire Chief Malmquist introduced the three newest members: Paul Jorgensen, Noah Malmquist and Brad Asplund, and requested they be placed on probation.

M/S/P Smith/DeLapp – to approve Paul Jorgenson, Noah Malmquist and Brad Asplund as probationary members of the Lake Elmo Fire Dept. (Motion passed 5-0)

### 8. CITY ENGINEER'S REPORT:

### A. Island Cul-de-Sacs in Tablyn Park

TKDA Engineer Stempski informed Council that a survey was conducted with the residents on 27<sup>th</sup> Street North (three) and 27<sup>th</sup> Street Court North (two), requesting their input regarding landscaped center island cul-de-sacs. The three questions per the resident survey were: 1) Are they in favor of a landscaped center island cul-de-sac? 2) Would they help plant and maintain? 3) What is their opinion on the City posting the cul-de-sacs "No Parking"? The three residents on 27<sup>th</sup> Street Court North were in favor and would help plant and maintain the island cul-de-sac. One resident was in favor, one opposed the parking restriction, and one suggested posting "No Parking" on one side only. One lot on the 27<sup>th</sup> Street North cul-de-sac was currently vacant, and the second lot was not in favor of the landscaped center island.

Council and Staff discussed various options of low maintenance vegetation, the paving of curb and gutter, and the alternative of a rain garden application.

M/S/P Conlin/DeLapp – to direct Staff to prepare plans for the cul-de-sac at 27<sup>th</sup> Street North, and work with the three residents on curb and vegetation design. (Motion passed 5-0)

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

A. Resolution No. 2006 083: Variance for Septic Drainfield: 8320 Hidden Bay Trail, Swanson:

The City Planner reported that the Planning Commission recommended approval of the variance from drain field setback standards. The applicant seeks a variance from drainfield setback standards to the property line (3 feet where 10 feet is required) and an existing detached garage (3 feet where 20 feet is required). The variance relate to the applicants' failing septic systems needing a new drainfield in proximity of the existing drainfield. No reasonable alternative location was available for the new drainfield.

M/S/P Johnston/Johnson – to adopt Resolution No. 2006-083, approving the septic system setback variance at 8320 Hidden Bay Trail. (Motion passed 5-0)

B. Resolution No. 2006-084: CUP/Site Plan for Veterinary Clinic in GB Zone, 11051 Stillwater Blvd.-Dr. John Baillie and Gary T. Harty:

The City Planner reported that at the August 14, 2006, Planning Commission meeting, the applicant proposed relocation of the veterinary clinic from its present Lake Elmo Avenue location to the former Harty Insurance building on Stillwater Blvd. Applications for a Conditional Use Permit to locate the veterinary clinic in the GB zone and a Site Plan to modify the parking arrangement on the site have been presented to the City. A previously approved Site Plan (2005) to enlarge and remodel this site has been

abandoned those applicants. He reported that the Planning Commission recommends approval of the Conditional Use Permit and Site Plan subject to several conditions.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-084, granting a Conditional Use Permit for Veterinary Services and the Section 520 Site Plan for site modifications to Dr. John Baillie and Gary Harty at 11051 Stillwater Blvd. based on Findings and recommendation of the Planning Staff Report and plans Staff dated August 9, 2006, and with the nine Conditions in the Planning Staff Report. (Motion passed 5-0)

C. Resolution No. 2006-085: Final Plat of Eagle Point Business Park; Resolution No. 2006-086: Shoreland Variance and Section 520 Site Plan for C & C North American: The City Planner reported that the Planning Commission unanimously recommended approval of a Section 520 Site Plan and Shoreland variance for construction of a 25,000 square foot office/showroom building on a 2.04 acre parcel of the Eagle Point Business Park. The approval recommendation included eight design-related conditions involving parking and stream bank landscape mitigation.

He also reported that the Planning Commission recommended approval of the final platting of Eagle Point Business Park Outlot C as Lot 1, Block 1, Eagle Point Business 6<sup>th</sup> Addition.

M/S/P DeLapp/Smith – to adopt Resolution No. 2006-085, approving the Final Plat of Eagle Point Business Park 6<sup>th</sup> Addition. (Motion passed 5-0)

M/S/P DeLapp/Smith – to adopt Resolution No. 2006-086, approving the Section 520 Site Plan for C & C North America and Shoreland variance on Outlot C, Eagle Point Business Park, with the additional condition as follows: Comply with the Business Park District Performance Standards with respect to exterior surfaces. (Motion passed 5-0)

- D. Apostolic Bible Church Site Comprehensive Plan Amendment & Rezoning: M/S/P Smith/Conlin to table this item at the request of the property owner until the September 5, 2006, Council Meeting, at which time the Apostolic Bible Church will be prepared to make a statement.

  (Motion passed 5-0)
- E. Zoning Ordinance Interpretation Non-Conforming AG Accessory Building: The City Planner reviewed with the Council the current Zoning Ordinance language regarding the allowable accessory building square footage in the various zoning districts. He reported that there was disagreement as to exactly how to interpret the language of the Non-Conforming AG zoning portion the accessory building standards as to whether the total allowable accessory building area is a sum of two buildings or each of two buildings. The Planning Commission recommended an interpretation as each of two buildings.

M/S/P DeLapp/Johnson – to approve the interpretation of the terms "total area" contained within the "Agricultural – Non-conforming" paragraph of the table in Section 300.07 Subd. 4.B.2.b. of the City code to mean area of each of two buildings rather than an area as the sum of two buildings for both acreage levels. (Motion passed 5-0)

Staff agreed to pursue the necessary language changes in the Zoning Ordinance to clearly reflect the foregoing interpretation ordinance.

F. Ordinance No. 97-176: Lateral Water Main Connection; Ordinance No. 97-177: Lateral Water Main Connection Charges for Phases I and II:

The City Planner explained the differences between trunk water charges and lateral water charges. The City Planner that the existing Code is confusing and inaccurate. He said that the Staff recommends adoption of the two ordinances: one to re-word the Code regarding WAC/lateral water charges, and one to establish water lateral charges for the Interconnect Projects I and II. The Council directed that the ordinances clearly specify that any additional charges added to deferred connections reflect the City's costs to carry, such as interest on bonds sold.

M/S/P DeLapp/Johnson – to adopt Ordinance No. 97-176, amending Chapter 600 of the City Code regarding charges for connection to City water. (Motion passed 5-0)

M/S/P DeLapp/Johnson – to adopt Ordinance No. 97-177, establishing lateral charges for City Water Interconnect Projects I and II. (Motion passed 5-0)

### 10. CITY ATTORNEY'S REPORT: None

### 11. CITY ADMINISTRATOR'S REPORT:

A. Tank Industries and Water Tower - update

The City Administrator reported to Council the status of the proposed repair of the shaft and it being structurally sound. The City Administrator and Engineer confirmed that a special ring had been designed to correct the out-of-round issue, and the repair work has been approved by TKDA. The work will carry a total of a 10-year warranty, with 5 years maintenance after the tank is at full capacity. All inspections will be completed by an independent contractor.

### B. Old Village Plans - update:

The City Planner informed Council that a meeting with the Planning Team was scheduled for Friday, August 18, 2006. He will report to Council about the status of the Village Area Plans at the September 5, 2006, Council meeting.

### 12. CITY COUNCIL BUSINESS AND REPORTS:

A. Mayor Johnston continues to work on AMM committees and community development. St. Croix Regional Family Center survey conducted and the location will be announced September 13, 2006. There is no tax burden to the city selected, and a YMCA would be built a few years later.

Council discussed the question of which school districts were surveyed and if it would be impact the site selection process.

- B. Council Member Conlin: None
- C. Council Member DeLapp: Noted that an amendment to State Statutes regarding annexation passed the 2006 Legislature, requiring both cities' approval where

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detachment from one city and concurrent annexation to another city is petitioned. In the past a single city coveting the land/tax base of a neighbor could petition and have annexation approved without the consent of the city that would lose the lands. He observed that this legislation appeared to be a change of course for the Legislature by inserting more local autonomy in city/city annexation issues, and that, perhaps, is a signal that the Legislature may be more responsive to local autonomy issues involving the Met Council.

D. Council Member Johnson: None

E. Council Member Smith: None

Meeting adjourned at 9:12 p.m.

CLOSED SESSION: Lake Elmo vs. Sessing

Resolution No. 2006-079: Approved Claims

Resolution No. 2006-080: Partial Payment No. 5, Water Interconnect Project Phase III,

Riley Brothers Construction

Resolution No. 2006-081: Partial Payment No. 1, Tablyn Park/Lake Elmo Heights Water

Main, Park Construction

Resolution No. 2006-082: Awarded Bid for 2006 Overlays to Valley Paving, Inc.

Resolution No. 2006-083: Approved Septic Drain Field Setback Variances at 8320

Hidden Bay Trail (John and Diana Swanson/Jet Construction)

Resolution No. 2006-084: Granted a Conditional Use Permit/Site Plan at 11051

Stillwater Boulevard North to Locate a Veterinary Clinic

Resolution No. 2006-085: Approved Final Plat of Eagle Point Business Park 6th Addition

Resolution No. 2006-086: Approved Variance and Site Plan for C & C North America

Ordinance No. 97-176: Established Lateral Water Main Charges

Ordinance No. 97-177 Approved Trunk Water Facility and Lateral Water Main Charges

### CITY OF LAKE ELMO CITY COUNCIL MEETING AUGUST 2, 2006

- 1. AGENDA
- 2. MINUTES: July 18, 2006
- 3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. PUBLIC INFORMATIONAL:
  - B. PUBLIC INQUIRIES:
    - (1) EBI Drilling and Parks Construction Directional Boring Extra Costs
- 4. CONSENT AGENDA:
  - A. Approving Claims: Resolution No. 2006-073
  - B. Request from Meehan Family for an Extension of Time to Record Final Plat
  - C. Election Judges for Primary and General Election: Resolution No. 2006-074
  - D. Roadside Landscaping Partnership Program: Resolution No. 2006-075
  - E. 2006 MSA Resurfacing: Approve Plans and Specs and Authorize for Bids: Resolution No. 2006-78
- 5. FINANCE:
  - A. Budget Schedule
- 6. NEW BUSINESS: None
- 7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Parks Dept.:
    - (1) Parks Plan Consultant Selection: Resolution No. 2006-077
- 8. CITY ENGINEER'S REPORT:
  - A. Easement for Northern Watermain
- 9. PLANNING, LAND USE & ZONING:
  - A. Garage Forward of Principal Structure, 5487 Jamaca Avenue: Resolution No. 2006-076
  - B. C & C North American Site Plan: Resolution and Shoreland Variance: Resolution (Removed) and Replaced with Hovanian Homes discussion
- 10. CITY ATTORNEY'S REPORT:
- 11. CITY ADMINISTRATOR'S REPORT:
- 12. CITY COUNCIL REPORTS:
  - A. Acting Mayor Smith
  - B. Council Member DeLapp
  - C. Council Member Johnson

REMINDER: CIC Meeting on August 9, 2006, at 7:00 pm

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

### Pledge of Allegiance

1. AGENDA:

Additions: 3(C) Size of Accessory Building in AG Zone; Replace 9B with Hovanian Homes; Removals: Item 9B: return to the August 15, 2006, City Council meeting.

M/S/P DeLapp/Johnson - to approve the August 2, 2006, City Council Agenda. (Motion passed 3-0)

2. MINUTES:

M/S/P Johnson/Smith – to approve the July 18, 2006, City Council minutes. (Motion passed 2-0:1 DeLapp Abstained, did not attend meeting)

### 3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Public Informational:

Washington County Sheriff Candidate Pete Crum introduced himself to the Council.

Leslie Zell, 8920 27th Street, had the following questions regarding the water project: 1) Who is inspecting? 2) Why are they starting so quickly? 3) Communication? 4) Road closures to residents - road is impassable, causing damage to vehicles? 6) Will the road be fixed and maintained? 7) Are any new wells being drilled? 8) Will wells be capped? Why was equipment brought in so late at night? 9) How many times will the road be dug up? 10) Conflict of interest in the bidding procedure?

The City Engineer and City Administrator addressed his concerns.

David Dehmer and Barbara Lund, 8860 27th St. Ct. N., stated that communication to the residents regarding the Tablyn Park water and street projects was extremely poor. They expressed concern with notification to the residents, inability to drive to their homes, and equipment being utilized that is causing damage to their home.

Warren Buck, 8905 27th St., questioned the Minnesota Department of Health testing of his well. He reported that even though he believes his well was not tested, MDH sent him test results that showed contamination of the well. He asked the Council to have a water test made downstream from his personal carbon filter. He stated that if his water is found to be clean of chemicals, he desired to retain his well.

The City Administrator Rafferty stated that he would follow up regarding better communications to the residents, and clarification of the well tests results.

Kregg and Paula Hurt, 5751 Hytrail Ave., asked for a time frame regarding their septic permit approval. City Engineer Prew stated the remaining tests had been received and a meeting would be scheduled for next week.

### B. Public Inquiries:

(1) EBI Drilling & Parks Construction-Directional Boring Extra Costs:

Marc Allen, Project Manager for Park Construction addressed the Council apologizing for any inconvenience caused to Tablyn Park residents. He reminded the Council that this project entails about 30,000 feet of water pipe installation as well as roadway mill and overlay together with installing water services to about 80 homes in Tablyn Park.

Terry Anderson, Vice President of EBI Drilling, advised the Council that his firm is of the opinion that the Tablyn Park construction contract allowed the deposit of water line boring materials at the Heights Park stockpile area. He stated that the City's order to not use the Heights Park site for boring materials was in violation of the contract and that EBI Drilling would be filing a claim for additional payment reflecting the extra costs EBI was incurring for transport of the boring materials to another location for disposal.

Attorney Filla advised the Council that there is a process in the construction contract that addresses claims such as those made by EBI Drilling. It would be in the best interests of the City to address this matter using that process rather than direct City Council intervention as Mr. Anderson appears to request.

It was the consensus of the Council to direct Staff to pursue the claims of EBI Drilling through the contract dispute resolution process.

### (2) AG Interpretation:

George Dimmick, 8465 Demontreville Trail, requested the Council remove the Non-conforming AG zoning accessory building size interpretation from the table since he understood that the City Planner and City Attorney now do not think this matter relates to any ongoing litigation.

The City Attorney and City Planner indicated their concurrence with Mr. Dimmick's statement.

M/S/P Johnson/DeLapp – directed Staff to place the Non-Conforming AG accessory building interpretation on the August 15, 2006, Council Agenda. (Motion passed 3-0)

### 4. CONSENT AGENDA:

A. Resolution No. 2006-073: Approving Claims:

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-073 approving Claims Numbers 338, 339, DD822 through DD834, 29439 through 29454, were used for Staff Payroll dated July 20, 2006; claims 340, 29455 through 29493, in the total amount of \$406,796.16. (Motion passed 3-0)

B. Request from Meehan Family for an Extension of Time to Record Final Plat:

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**AUGUST 2, 2006** 

Staff reported that Torre Pines was given preliminary plat approval July 1998 and final plat approval for all but four lots in September 1998. The City was informed at that time that Mr. Meehan would continue to live in the existing home on the unplatted 10 acres and that the final plat for these four lots would not be done until some time in the future. The Meehan's are requesting another one-year extension. City Code allows for this extension, but requires Council approval on a yearly basis, as has been done every year since 1999.

M/S/P DeLapp/Johnson - to grant the Meehan's a one-year extension of the Final Plat of Torre Pines, specifically the parcel now shown as Lot 15. (Motion passed 3-0)

- C. Resolution No. 2006-074: Election Judges for Primary and General Election: M/S/P DeLapp/Johnson - to adopt Resolution No. 2006-074, appointing Election Judges for the September 12, 2006, Primary Election the November 7, 2006, General Election. (Motion passed 3-0)
- D. Resolution No. 2006-075: Roadside Landscape Partnership Program: M/S/P DeLapp/Johnson - to adopt Resolution No. 2006-075, authorizing Application and Primary Contact Person for MNDot Community Roadside Landscaping Partnership Program. (Motion passed 3-0)
- E. Resolution No. 2006-078: Approve Plans and Specifications and Ordering Advertisement for Bids - 2006 MSA Resurfacing (45th Street, Julep Avenue and 47th Street): M/S/P DeLapp/Johnson - to adopt Resolution No. 2006-078, approving Plans and

Specifications and Ordering Advertisement for Bids 2006 MSA Resurfacing - 45th Street, Julep Avenue and 47th Street. (Motion passed 3-0)

### 5. FINANCE:

A. Budget Schedule:

Finance Director Bouthilet provided Council with the 2007 Budget Calendar. Staff has been meeting weekly and the budget will be discussed at the August 8, 2006, Council Workshop.

6. NEW BUSINESS: None

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

A. Parks Dept.:

(1) Resolution No. 2006-077: Parks Plan Consultant Selection:

The City Planner reported that the Park Commission and Council interviewed three consulting firms at the July 17, 2006, Park Commission meeting. At a Special Parks Commission meeting on July 25, 2006, the Commission adopted a recommendation to the City Council that the firm TKDA be contracted to complete the update of the 1990 Park System Plan.

M/S/P Johnson/Smith – to adopt Resolution No. 2006-077, approving the selection of TKDA as consultant for the Park System Plan Update, and authorizing the Mayor and City Administrator to enter into a contract for services. (Motion passed 2-1: DeLapp believes the City has enough information on hand and people to evaluate this information to complete a Park Plan update without hiring a consultant. The City doesn't need to spend more money on the completion of the 1990 Park System Plan. Park usage/assets need to be clearly defined, and future needs anticipated which can be accomplished without consultant assistance and expense.)

### 8. CITY ENGINEER'S REPORT:

### A. Easement for Northern Watermain:

City Engineer Prew informed Council that 2 appraisals have been received for the two easements required from the Bergman's. He requested Council approval to schedule a meeting to present offers to the property owners based on the appraisals.

M/S/P Johnson/DeLapp – to direct Staff to negotiate for the Northern Watermain Easements with the Bergman's in accordance with the appraisal. (Motion passed 3-0)

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

### A. Resolution No. 2006-076: Garage Forward of Principal Structure, 5487 Jamaca Avenue (Landsem):

The City Planner reported that the property owner at 5487 Jamaca Blvd had applied for a building permit to convert an existing 2-car garage to living area, and construct a detached 3-garage nearer the front lot line than the principal structure.

M/S/P DeLapp/Johnson – to adopt Resolution No. 2006-076, approving location of a detached garage structure nearer the front lot line than the principal structure at 5487 Jamaca Avenue per plans Staff dated July 27, 2006. (Motion passed 3-0)

### B. C& C North America: Resolution No. 2006-077 - Site Plan;

Resolution No. 2006-078 - Shoreland Variance: (Removed)

The City Planner informed the Council that C & C North America had requested that the Section 520 Site Plan and Shoreland Variance requests be withdrawn until the August 15, 2006, Council meeting.

### B. Hovnanian Homes:

Council Member DeLapp stated that he believes that Hovnanian Homes received the wrong message following their presentation of a proposed project at a recent Council Workshop. Hovnanian apparently understood from that unofficial meeting that the Comp. Plan amendment to accelerate sewer staging to accommodate their project would be approved by the Council if certain plan modifications were made. He reported that Hovnanian has since met twice with neighbors to the site on which the Hovnanian proposes the project where more modifications were suggested. He stated that when Council Members and site neighbors suggest plan modifications, a developer assumes the project will be approved by the City and concurred in by neighbors if that modification is made. He observed that Hovnanian has not applied for any City approvals, and he

objects to the proposed project being addressed outside of any formal City review process.

The City Planner reported that Staff has not been contacted by the builder since the neighborhood meetings.

### 10. CITY ATTORNEY'S REPORT: None

### 11. CITY ADMINISTRATOR'S REPORT: None

### 12. CITY COUNCIL REPORTS:

- A. Acting Mayor Smith thanked the Fire Dept. and Washington County Sheriff's Office for participating in their Neighborhood Night Out last Saturday.
- B. Council Member DeLapp reminded everyone why they got placed on the agenda, be aware of events, meetings and decisions being made.
- C. Council Member Johnson stated she had attended the Green Acres National Night Out, and everyone received some great pointers and safety tips.

REMINDER: Council Workshop on August 8, 2006, at 6:00 pm CIC Meeting on August 9, 2006, at 7:00 pm

Meeting adjourned at 8:40 p.m.

Resolution No. 2006-073: Approved Claims

Resolution No. 2006-074: Approved Election Judges for Primary and General Elections

Resolution No. 2006-075: Approved Roadside Landscaping Partnership Program

Resolution No. 2006-076: Approved Garage Forward of Principal Structure - 5487

Jamaca Avenue (Landsem)

Resolution No. 2006-077: Approved Selection of TKDA as Parks Plan Consultant

Resolution No. 2006-078: 2006 MSA Resurfacing: Approve Plans and Specs and

Authorize for Bids

### CITY OF LAKE ELMO WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-094

### A RESOLUTION CONGRATULATING LAKE ELMO BANK ON ITS 95<sup>th</sup> ANNIVERSARY

WHEREAS, the Lake Elmo Bank has continuously served the business and resident financial needs in the East Metro Area since 1911; and,

WHEREAS, the Lake Elmo Bank has been, and continues to be, an outstanding corporate citizen of Lake Elmo.

NOW THEREFORE BE IT RESOLVED by the Lake Elmo City Council that it should and hereby does congratulate the owners and employees of the Lake Elmo Bank on 95 years of service to the community.

ADOPTED by the Lake Elmo City Council this 5<sup>th</sup> day of September, 2006.

	Dean A. Johnston, Mayor
ATTEST:	

Community Improvement Commission

Senior Housing Report

# Community Improvement Commission Goal

and recommendations on matters referred "The CIC investigates, makes findings by the City Council."

## Senior Survey

- Close to 100 surveys were turned in and tabulated
- 86% believe that the City of Lake Elmo has a need for senior housing
- Senior Housing development in Lake Elmo ■ 73% were positive to the idea of living in a
- A database was written to retrieve other pertinent information

# Recommendations

- Identify appropriate senior housing that would be suitable for the City of Lake Elmo
- Hire a professional consulting organization that would research, identify and plan for senior housing in Lake Elmo
- Recommend further study, feedback and direction from the City Council

### CITY OF LAKE ELMO WASHINGTON COUNTY, MINNESOTA

### RESOLUTION NO. 2006-087 RESOLUTION APPROVING CLAIMS

BE IT RESOLVED THAT Claim Numbers 343, 344, DD848 through DD870, 29560 through 28587, were used for Staff Payroll dated August 17<sup>th</sup>, 2006; Claim Numbers 345, 346, DD871 through DD874, 29588 through 29598, were used for Staff Payroll dated August 31<sup>st</sup>, 2006; claims 347, 29599 through 29653, in the total amount of \$991,968.60 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 5<sup>th</sup> day of August, 2006.

ATTEST:	Dean A. Johnston Mayor
Martin J. Rafferty City Administrator	

## Accounts Payable Computer Check Proof List

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Invoice No	Description	Amount Payment Date Acct Number	Acct Number	Reference
Vendor:REVENUE August 2006 August 2006	MN Department of Revenue Use Tax August 2006 Sales Tax August 2006 Check Total:	62.00 09/05/2006 8.00 09/05/2006 70.00	Cbeck Sequence: 1 101-410-1320-44300 601-494-9400-44300	ACH Enabled: No
	Total for Check Run: Total Number of Checks:	70.00		

### Page 1

## Accounts Payable Computer Check Proof List

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Invoice No	Description	Amount	Amount Payment Date	Acet Number	Reference
Vendor: ALEXAIR 11119	Alex Air Apparatus, Inc Repair Airpack Display Check Total:	338.00 338.00	09/05/2006	Check Sequence: 1 101-420-2220-44040	ACH Enabled: No
Vendor:AmeriMar 14589	AmeriMark Direct Recycling Supplies Check Total:	2,290.28	09/05/2006	Check Sequence: 2 101-430-3200-42100	ACH Enabled: No
Vendor:ANSI 1464	All Network Services, Inc. Relocate modem line Check Total:	75.00	09/05/2006	Check Sequence: 3 101-410-1940-44010	ACH Enabled: No
Vendor:ARAM 629-6043438 629-6053342	Aramark Mats, Linen - City Hall Mats, Linen - City Hall Check Total:	69.94 69.94 139.88	09/05/2006 09/05/2006	Check Sequence: 4 101-410-1940-44010 101-410-1940-44010	ACH Enabled: No
Vendor:ASPENMI 68805 68887	Aspen Mills, Inc. Name Tags, Bars - Fire Dept Leather Name Tags - Fire Dept Check Total:	40.41 (30.82 (71.23	09/05/2006	Check Sequence: 5 101-420-2220-44170 101-420-2220-44170	ACH Enabled: No
Vendor:BOUTHM Check Req.	MichaelBouthilet Circuit Breaker Check Total:	94.48 (	09/05/2006	Check Sequence: 6 410-480-8000-45200	ACH Enabled: No
Vendor:CB & I 150791-06	CB & I Constructors, Inc. Pmt # 6, Proj. 13253.000	366,537.07 0	09/05/2006	Check Sequence: 7 601-494-9400-45200	ACH Enabled: No

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Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	366,537.07			
Vendor: CEMSTONE 481168-IN	Cemstone Products Co. Concrete - Carriage Station Playground Check Total:	2,592.22	09/05/2006	Check Sequence: 8 404-480-8000-45300	ACH Enabled: No
Vendor:COPYIMAG 74890	Copy Images, Inc. Monthly Copier Maint. Check Total:	281.16 (281.16	09/05/2006	Check Sequence: 9 101-410-1940-44040	ACH Enabled: No
Vendor:Davies S01021880.001 S01039536.001 S01042284.001	Northern Water Works Supply Water Meters Water Meters and Parts Fittings Check Total:	8,818.20 (868.66 (466.47 (10,153.33	09/05/2006 09/05/2006 09/05/2006	Check Sequence: 10 601-494-9400-42300 601-494-9400-42300 601-494-9400-42300	ACH Enabled: No
Vendor.DTI 105930 105930 105930 105930	DTI Telephone Service - Fire Dept Telephone Service - Public Works Telephone Service - Well 1 Telephone Service - Lift Stations Check Total:	122.90 0 70.62 0 35.30 0 105.89 0	09/05/2006 09/05/2006 09/05/2006 09/05/2006	Check Sequence: 11 101-420-2220-43210 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210	ACH Enabled: No
Vendor:EMAUTO DL081606-01	EmergencyAutomotive Technology Inc. Siren Speaker - Fire Dept. Check Total:	137.01 0	09/02/2006	Check Sequence: 12 101-420-2220-44040	ACH Enabled: No
Vendor:EMERGAPP 26986	Emergency Apparatus Maint. New alternator - 3173 Check Total:	641.52 09	09/02/2006	Check Sequence: 13 101-420-2220-44040	ACH Enabled: No
Vendor:FOUR 23-043044	Four Seasons Service Supplies - City Hall Check Total:	98.52 09	09/05/2006	Check Sequence: 14 101-410-1940-44300	ACH Enabled: No
Vendor:FXL 09/2006	FXL, Inc. Assessing Services - Sept. 2006	2,000.00 09/05/2006		Check Sequence: 15 101-410-1550-43100	ACH Enabled: No

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NGK   Karillorning   Reinbursement - Work Boots   109.99   69/05/2006   101-420-2400-44170	LICK	Garelick Steel Co, Inc Steel for New PW Racks Check Total:	578.93 578.93		Check Sequence: 16 410-480-8000-45800	ACH Enabled: No
HOTSY EQUIPMENT OF MINNESOTA  Bulk Soap  Check Total:  316.31  99/05/2006  Check Sequence: 18  316.31  10.00.00  Butteries - Fire Dept Butteries - Fire De	JINGK	KarlHorning Reimbursement - Work Boots Check Total:	109.99		Check Sequence: 17 101-420-2400-44170	ACH Enabled: No
The content of the		HOTSY EQUIPMENT OF MINNESOTA Bulk Soap Check Total:	316.31	09/02/2006	Check Sequence: 18 101-430-3100-42150	ACH Enabled: No
vC         Landmark, Inc.         Check Sequence: 20         Check Sequence: 20           Return Dep. 4335 Lily Ave - Permit 4850         1,000.00         09/05/2006         803-000-0000-22900           Return Dep. 4335 Lily Ave - Permit 4850         1,000.00         09/05/2006         803-000-0000-22900           Lesco, Inc. Parks         43.13         09/05/2006         101-450-5200-42250           Lesco, Inc. Parks         43.13         09/05/2006         101-450-5200-42250           Metropolifan AreaManager Asociation Luncheon         18.00         09/05/2006         101-430-310-44370           Matco Tools         Tools - Public Works         46.27         09/05/2006         101-430-3100-42400           Tools - Public Works         73.80         09/05/2006         101-430-3100-42400           Hose Clamp, Tools - Public Works         73.80         09/05/2006         101-430-3100-42400           Hose Clamp, Tools - Public Works         125.56         09/05/2006         101-430-3100-42400	RSTA	Interstate All Battery Ctr Batteries - Fire Dept Batteries - Fire Dept Batteries - Fire Dept Battery Charger - Fire Dept Check Total:	32.49 37.79 13.08 13.00 96.36	09/05/2006 09/05/2006 09/05/2006 09/05/2006	Check Sequence: 19 101-420-2220-43230 101-420-2220-43230 101-420-2220-42400	ACH Enabled: No
Lesco, Inc.         Paint - Parks         Check Sequence: 21           Paint - Parks         43.13         09/05/2006         101-450-5200-42250           Check Total:         A3.13         09/05/2006         101-450-5200-42250           Metropolitan AreaManager Asociation         18.00         09/05/2006         101-410-1320-44370           Check Total:         18.00         09/05/2006         101-410-1320-44370           Matco Tools         Tools - Public Works         46.27         09/05/2006         101-430-3100-42400           Prost - Public Works         73.80         09/05/2006         101-430-3100-42400           Hose Clamp, Tools - Public Works         125.56         09/05/2006         101-430-3100-42400	N N	Landmark, Inc. Return Dep. 4330 Lily Ave - Permit 4635 Return Dep. 4335 Lily Ave - Permit 4850 Check Total:	1,000.00 1,000.00 2,000.00	09/05/2006 09/05/2006	Check Sequence: 20 803-000-0000-22900 803-000-0000-22900	ACH Enabled: No
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	0	Matco Tools Tools - Public Works Tools - Public Works Pliers, Tools - Public Works Hose Clamp, Tools - Public Works			Theck Sequence: 23 01-430-3100-42400 01-430-3100-42400 01-430-3100-42400	ACH Enabled: No

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Reference		ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No
Acct Number		Check Sequence: 24 101-450-5200-42150 410-480-8000-45700 101-430-3100-42230 101-430-3100-42150 410-480-8000-45800 410-480-8000-45800 101-430-3100-42400 101-430-3100-42210	Check Sequence: 25 101-420-2220-43210	Check Sequence: 26 101-410-1940-44010	Check Sequence: 27 601-494-9400-43820	Check Sequence: 28 101-420-2220-44370 101-420-2220-44370 101-420-2220-44370	Check Sequence: 29 101-410-1940-43210 101-420-2220-43210 101-420-2400-43210 101-450-5200-43210
Amount Payment Date	658.37	24.57 09/05/2006 135.90 09/05/2006 13.93 09/05/2006 104.00 09/05/2006 527.00 09/05/2006 101.00 09/05/2006 3.88 09/05/2006 23.22 09/05/2006 25.97 09/05/2006	74.00 09/05/2006	180.00 09/05/2006 180.00	1,065.00 09/05/2006	150.00 09/05/2006 150.00 09/05/2006 150.00 09/05/2006 450.00	74.30 09/05/2006 129.31 09/05/2006 40.38 09/05/2006 96.85 09/05/2006 126.13 09/05/2006
Description	Check Total:	Menards - Stillwater Paint - Parks Tool Towers, Shelf Units - New PW Bldg Ice Line, Valve Cleaning Supplies Microwave, Range - New PW Range Upgrade - New PW Drill Bit Drill Bits Cleaner, Range Cord Check Total:	Metrocall Pagers - Fire Dept. Check Total:	Meyer Sewer Service, Inc Sewer Tank Pumped - City Hall Check Total:	MN Department of Health Service Conn. Fee - MDH Check Total:	MN State Fire Chiefs Assn 2006 Chiefs Conference Registration 2006 Chiefs Conference Registration 2006 Chiefs Conference Registration Check Total:	Nextel Communications Cellular Service - Admin Cellular Service - Fire Dept Cellular Service - Bidg Dept Cellular Service - Public Works Cellular Service - Parks
Invoice No		Vendor:MENARDST 73556 74230 74697 75719 75719 75774 75774 75932	Vendor:METROCA P0318076H	Vendor:MEYERSEW 43748	Vendor:MNDOH 1820009 Lk Elmo	Vendor:MNFIRECH Malmquist Pepin Winkels	Vendor:NEXTEL 761950227-041 761950227-041 761950227-041 761950227-041

Reference		ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No	ACH Enabled: No
Acct Number		Check Sequence: 30 101-450-5200-42400	Check Sequence: 31 101-410-1610-43040 101-410-1610-43045 410-480-8006-43040 202-494-9400-43040 601-494-9400-43040 101-410-1610-43045	Check Sequence: 32 101-410-1320-42000	Check Sequence: 33 101-410-1320-44330	Check Sequence: 34 101-410-1320-43220	Cbeck Sequence: 35 101-410-1910-43620 101-410-1320-43620	Check Sequence: 36 101-410-1320-43510 101-410-1320-43510
Amount Payment Date	466.97	30.86 09/05/2006	1,983.96 09/05/2006 4,043.37 09/05/2006 44.00 09/05/2006 297.50 09/05/2006 1,274.50 09/05/2006 2,549.50 09/05/2006 262.50 09/05/2006	125.97 09/05/2006 125.97	39.99 09/05/2006	209.58 09/05/2006	111.20 09/05/2006 55.60 09/05/2006 166.80	171.72 09/05/2006 171.72 09/05/2006 343.44
Description	Check Total:	HSBC Business Solutions Axle Strap, Towing Kit Check Total:	Peterson Fram & Bergman Legal Services - Admin Criminal Pros Legal Services - Public Imp. Projects Legal Services - Tab Pk/LE Hgts Water Legal Services - Water Sys Legal Services - Developer Civil Litigation Auto Forfeiture Check Total:	Pitney Bowes Supplies Postage Supplies Check Total:	Purchase Power Postage Amual Fee Check Total:	POSTMASTER Postage - Septic Postcards Check Total:	StevenPress Cablecast - Planning Comm. Cablecast - City Council Check Total:	Reed Business Information Bid Publication Bid Publication Check Total:
Invoice No		Vendor:NORTHTOO 0561083918	Vendor:PETERSO 11135M 11140M 11145M 11145M 11145M 11150M 11155M	Vendor:PITNEYSU 776695	Vendor:PITPURCH 509377242206	Vendor:POSTOFFI 1000202218193	Vendor:press 8/14 - 8/28 8/15	Vendor:REED 3355030 3360016

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Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:RENNESC 11450 60th	Scott Renne Appraisal - 11450 60th St Check Total:	2,900.00	09/05/2006	Check Sequence: 37 601-494-9400-44300	ACH Enabled: No
Vendor:Reserve 20313037	Pitney BowesReserve Account Postage - Water Billing Check Total:	500.00 500.00	09/05/2006	Check Sequence: 38 601-494-9400-43220	ACH Enabled: No
Vendor:ROGERS 13978 14006	Rogers Printing Services Postcards Bldg Permit Forms Check Total:	462.21 116.09 578.30	09/05/2006 09/05/2006	Check Sequence: 39 101-410-1320-42030 101-420-2400-42030	ACH Enabled: No
Vendor:ROSENBAU 63598	Rosenbauer - General Division Fire Truck - Chassis Check Total:	173,390.00	09/05/2006	Check Sequence: 40 410-480-8000-45500	ACH Enabled: No
Vendor:RUD 8/14-8/30 8/14-8/30 8/14-8/30	DianePrince-Rud Cleaning - City Hall Cleaning - Fire Hall Mop Head, Refill, Bags, Cleaners Check Total:	360.00 360.00 41.71 761.71	09/05/2006 09/05/2006 09/05/2006	Check Sequence: 41 101-410-1940-44010 101-420-2220-44010 101-410-1940-42110	ACH Enabled: No
Vendor:S&T 01LB3061 01LC2215 01LC2215 01LC3065	S&T Office Products, Inc. Color Paper Copier/Printer/Fax - Fire Dept VCR Tapes, Binder Clips, Lead Office Chairs Check Total:	92.78 260.88 46.60 1,786.22 2,186.48	09/05/2006 09/05/2006 09/05/2006 09/05/2006	Check Sequence: 42 101-410-1320-42000 101-420-2220-45800 101-410-1320-42000 410-480-8000-45700	ACH Enabled: No
Vendor:SACHSJIM Tvl Claim	James Sachs Reimb Sewer Conference Check Total:	540.65 (	09/05/2006	Check Sequence: 43 602-495-9450-43310	ACH Enabled: No
Vendor:SATELLIT 24180638	Satellite Shelters, Inc. Bldg Dept Trailer Rental Check Total:	319.50 (319.50	09/05/2006 1	Check Sequence: 44 101-420-2400-44120	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:SPRINT 0526076028-3	Sprint Datalink - Fire Dept Check Total:	51.10	09/05/2006	Check Sequence: 45 101-420-2220-43210	ACH Enabled: No
Vendor:STEICHEN 211453	STEICHEN'S SPORTING GOODS Pitching Rubber - Balifield Check Total:	19.98	09/05/2006	Check Sequence: 46 101-450-5200-42250	ACH Enabled: No
Vendor:SUNRAY 19908	Sun Ray Plumbing & Heating Nat. Gas Lines - Cimarron Check Total:	6,100.00	09/05/2006	Check Sequence: 47 101-430-3300-43150	ACH Enabled: No
Vendor:TASCH 39776	T.A. Schifsky & Sons Street Patch at Laverne/Hwy 5 Check Total:	2,160.00	09/05/2006	Check Sequence: 48 101-430-3100-43150	ACH Enabled: No
Vendor:TIMEXT 5002	Timberland Exteriors Refund for Dupl. Charge Permit 5002 Check Total:	186.25	09/02/2006	Check Sequence: 49 101-420-2400-44300	ACH Enabled: No
Vendor:TKDA 000200603043 000200603044 000200603045 0002006033046 0002006033047 0002006033049 000200603051 000200603052 000200603052 000200603052 000200603052 000200603052 000200603053 000200603053 000200603055 000200603055	TKDA, Inc. Water Sys Study/Mapping Water Sys Interconnection Water Tank Card. View, Tapestry, Xing, Sanctuary GIS Mapping of Surface Water 2005 Hilltop Ave Street Repairs Tablyn Park/LE Heights Watermain Civil Defense Sirens Northern Watermain Surface Water Sys, Hamlet on SF Lk Septic Water System Street Maintenance Carr. Station/55th St Park Trails Grdg/Lt. Permits, Staff/Council Mtgs Hidden Meadows, Park Meadows Manning Ave Construction Eagle Pt Blvd So of Hudson 2006 MSA Repaving 2006 Street Overlays Groundwater Modeling/Well Site	64.26 17,525.31 6,359.82 2,057.46 1,347.26 55.94 49,536.26 167.78 2,957.71 4,755.87 1,094.95 4,811.75 2,141.52 1,476.42 1,476.42 2,739.88 918.72 10,562.84 1,105.79 6,4012.92 1,105.79	09/05/2006 09/05/2006	Check Sequence: 50 601-494-9400-43030 601-494-9400-43030 601-494-9400-43030 603-496-9500-43030 603-496-9500-43030 601-494-9400-43030 601-494-9400-43030 601-494-9400-43030 601-490-9070-43030 601-490-9070-43030 409-480-8000-43030 803-490-9070-43030 803-490-9070-43030 803-490-8000-43030 803-490-8000-43030	ACH Enabled: No

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Amount Payment Date	49.48	7.00 09/05/2006	149.10 09/05/2006 149.10	15.97 09/05/2006 15.97	224.00 09/05/2006 224.00	27.10 09/05/2006 141.48 09/05/2006 530.71 09/05/2006 7.77 09/05/2006 40.57 09/05/2006 66.10 09/05/2006 66.10 09/05/2006 12.57 09/05/2006 272.78 09/05/2006 36.87 09/05/2006 27.77 09/05/2006 27.78 09/05/2006 27.77 09/05/2006	
Am	113,949.48	по	14	178,945.97	22	2,1	0000
Description	Check Total:	Volunteer FirefighterBenefit Asscoiation Fire Dept Member Ins Check Total:	Washington County Surveyor Digital Ortho Check Total:	Washington County Law Enforcement Contract Jan-Jun 06 Check Total:	Workwell Occupational Health Physicals - Fire Dept Check Total:	Xcel Energy Light at 3014 Jamley 4259 Jamaca City Hall Tennis Courts 11194 Upper 33rd St Traffic Light at 998 Inwood 3585 Laverne 2759 Legion 3510 Laverne - Fire 1 3511 Laverne - Fire 2 Traffic Light at Manning/Stillwater Blvd 3675 Layton Check Total:	Total for Chack Dun.
Invoice No		Vendor:VFBA Dues 2006/07	Vendor: WAS-LAND 1007145	Vendor: WAS-SHER 50296	Vendor: WORK WELL 057919	Vendor:XCEL 51-4572945-7 51-4576456-3 51-4580376-5 51-4733556-8 51-5044219-0 51-5522332-2 51-5747685-4 51-6429583-8 51-6429583-8 51-6429583-3 51-6926201-4	-

### CITY OF LAKE ELMO

### 2006 BILLING SUMMARY

МОИТН	11135	11140	11145	11150	11155	11161	TOTAL
	Administration	Criminal Pros	Public Imp. Proj	Community Dev	Civil Litigation	Auto Forfelture	<u></u>
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							<b>\$0</b> ,00
Sept						18 11 11 11 11 11 11 11 11 11 11 11 11 1	\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
Totals	\$12,636.69	\$27,586.85	\$9,052.99	\$2,625.40	\$11,836.43	\$1,695.50	\$65,433.86

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



1,980.00

(651) 291-8955 (651) 228-1753 facsimile Fedéral Táx ID #41-0991098

\$1,983.96

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

11135-920001 Administration

Page: 1 07/31/2006 ACCOUNT NO. 11135M

FEES EXPENSES ADVANCES BALANCE

0.00

3.96



CITY OF LAKE ELMO 3800 Laverne Avenue North Lake Elmo MN 55042 Page: 1 07/31/2006 ACCOUNT NO. 11140M

		FEES	EXPENSES	ADVANCES	BALANCE
11140-030001	Misc Prosecutions 2,	,670.00	17.12	0.00	\$2,687.12
11140-030202	Emery, Michael P. DAS, possess drug pa	ıra			
•		48.75	0.00	0.00	\$48.75
11140-040015	Garibay, Marcella DAR				
		45.00	0.00	0.00	\$45.00
11140-050133	Rassmussen, Lana Mar DAS, no insurance				
		45.00	0.00	0.00	\$45.00
11140-050141	Lee, Dasvis terroristic threats				
		71.25	0.00	0.00	\$71.25
11140-050155	Friedrich, Donald P. no seat belt, no ins	urance			
:		45.00	0.00	0.00	\$45.00
11140-050243	Podgorski, Scott F. fail to maintain imp				•
		22.50	0.00	0.00	\$22.50
11140-060029	Zawieruszyski, Agnie DAS, no front licens	e plate			
	•	105.00	0.00	0.00	\$105.00

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.

PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.

PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.



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

CITY OF LAKE	E ELMO	ì		ACCOUNT NO.	Page: 2 07/31/2006 11140M
				•	
		FEES	EXPENSES	ADVANCES	BALANCE
11140-060040	Stevens, Michael L. 3rd degree DUI, DAC	48.75	0.00	0.00	\$48.75
11140-060042	Ohs, Phillip Clayton 3rd degree DUI				
		48.75	0.00	0.00	\$48.75
11140-060065	Martinez, William J. 4th degree DUI, 4th		.08	0.00	\$45.00
11140-060069	Combs, Robert Wayne no proof of insuranc	e 48.75	0.00	0.00	\$48.75
11140-060111	Kluck, Matthew John DAS	48.75	0.00	0.00	¢40 7°
			0.00	. 0.00	\$48.75
11140-060119	Hoggarth, Todd Richa GM-test refusal, 3rd		DUI 0.00	,0.00	\$22.50
11140-060122	Cuevas, Raul J. 4th degree DUI	48.75	0.00	2 00	
11140-060124	Nolan, Jölene Anne		0.00	0.00	\$48.75
	4th degree DUI, speed	d 48.75	0.00	0.00	\$48.75
	Kelly, Bryan Paul DAS, poss drug para,	mj in n 48.75	nv 0.00	0.00	\$48.75



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

CITY OF LAKE ELMO

Page: 3 07/31/2006 ACCOUNT NO. 11140M

				•	
		FEES	EXPENSES	ADVANCES	BALANCE
11140-060132	Miranda, Rudolph M. DAS, no insurance	45.00	0.00	0.00	\$45.00
11140-060133	Boss, Nicole Grace no insurance				·
		45.00	0.00	0.00	\$45.00
11140-060134	Carlson, Michael P. fail to apply for DO	OT # 45.00	0.00	0.00	\$45.00
11140-060135	Kammerer, David D.				,
	3rd degree DUI, 3rd	degree 60.00	.08	0.00	\$60.00
11140-060136	Thorsheim, Laurie no proof of insurance	ce 5.00	0.00	0.00	CE 00
			0.00	0.00	\$5.00
11140-060140	Degidio, Donald Nick assault	colas			
		5.00	0.00	0.00	\$5.00
11140-060141	Ardion, Ulyn 4th degree DUI				
		50.00	0.00	0.00	\$50.00
11140-060145	Flascher, Tracy Lynn 4th degree DUI, 4th		.08, expired 0.00	DL 0.00	\$35.00
11140-060146	Brine, Carla Ann	55.00	0,00	0.00	433 <b>.</b> 00
	4th degree DUI	42.50	0.00	0.00	\$42.50

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.

PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.

PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.



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

CITY OF LAKE	ELMO			ACCOUNT NO.	Page: 4 07/31/2006 11140M
		FEES	EXPENSES	ADVANCES	BALANCE
11140-060147	Olson, Robert Michael	<b>e</b> l			
	DAC, escape MV tax	10.00	0.00	0.00	\$10.00
11140-060149	Morreale, Jay Benjar	nin			
	3rd degree DUI	60.00	0.00	0.00	\$60.00
11140-060150					
•	911 interference	60.00	0.00	0.00	\$60.00
11140-060151	Olson, Jordan Scott				
	2nd degree test refu	97.50	degree DUI 0.00	0.00	\$97.50
11140-060155	Bentley, Clinton Joh				
•	4th degree DUI, 4th	degree .0	0.00	0.00	\$5.00
	4,	026.25	17.12	0.00	\$4,043.37

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



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

CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO MN 55042 Page: 1 07/31/2006 ACCOUNT NO. 11145M

	FEES	EXPENSES	ADVANCES	BALANCE
11145-040003	WATER SYSTEMS CONNECTION 884.00	0.00	0.00	\$884.00
11145-050001	PUBLIC WORKS BUILDING			
	44.00	0.00	0.00	\$44.00
11145-050002	CENTRAL WATER TOWER			
	390.50	0.00	0.00	\$390.50
11145-060001	TABYLN PARK-LE HEIGHTS WATER		•	
	297.50	0.00	0.00	\$297.50
	1,616.00	0.00	0.00	\$1,616.00





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CITY OF LAKE ELMO 3800 Laverne Avenue North Lake Elmo MN 55042 Page: 1 07/31/2006 ACCOUNT NO. 11150M

		FEES	EXPENSES	ADVANCES	BALANCE
11150-060003	HIDDEN MEADOWS	- PRELIMINARY 165.00	PLAT 0.00	0.00	\$165.00
11150-060006	R.J. RYAN CONST	RUCTION SITE 33.00	PLAN OFFICE- 0.00	SHOWROOM 0.00	\$33.00
11150-990006	Carriage Homes	77.00	0.64	0.00	\$77.64
·	,	275.00	0.64	0.00	\$275.64

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



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

CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO MN 55042 Page: 1 07/31/2006

ACCOUNT NO.

11155M

FEES EXPENSES ADVANCES BALANCE
11155-040002 Lake Elmo v. Sessing
2,149.50 0.00 400.00 \$2,549.50

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



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

CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO MN 55042 Page: 1 07/31/2006 ACCOUNT NO. 11161M

		FEES	EXPENSES	ADVANCES	BALANCE
11161-050007	Skoglund, Jon Michae vehicle forfeiture	<b>=</b> 1			
		40.50	0.00	0.00	\$40.50
11161-060003	Olson, Michael John vehicle forfeiture				
	-	119.50	0.00	10.00	\$129.50
11161-060006	Boggess, Mark Allen vehicle forfeiture				
		82.50	0.00	0.00	\$82.50
.11161-060007	Olson, Jordan Scott vehicle forfeiture				
		10.00	0.00	0.00	\$10.00
		252.50	0.00	10.00	\$262.50



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

#### **MEMORANDUM**

To:	Chuck Dillerud	Reference:	Escrow Reduction #3
Copies To:	Todd Erickson, P. E.		Discover Crossing
			City of Lake Elmo, Minnesota
	Comme	Project No.	13267.000
From:	Thomas D. Prew, P.E.	Routing:	
Date:	August 29, 2006		

The developer is nearing completion of this project. Remaining work is the landscaping, final lift of paving, and some clean-up.

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

ltem	Original Amount	Work Remaining
Site Grading/ Turf Establishment	\$0.00	\$0.00
Storm Sewer	\$310,000.00	\$10,000.00
Sanitary Sewer	\$96,200.00	\$5,000.00
Drainfield	\$250,000.00	\$20,000.00
Watermain	\$318,000.00	\$5,000.00
Streets	\$165,860.00	\$32,000.00
Street Signs	\$1,000.00	\$1,000.00
Landscaping	\$308,000.00	\$50,000.00
Subtotal	\$1,449,060.00	\$123,000.00
125% Security	\$1,811,325.00	\$153,750.00





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

#### **MEMORANDUM**

To:	Chuck Dillerud	Reference:	Escrow Reduction
Copies To:	Tim Freeman		Farms of Lake Elmo
			City of Lake Elmo, Minnesota
		Comm. No.	13267.000
From:	Thomas D. Prew, P.E.	Routing:	
Date:	August 29, 2006		

The street all have the first lift of bituminous on them. The sewer and watermain have been installed and tested. The site has been seeded, the trails are complete, and the septic system is installed.

I would recommend that escrow be required as listed below:

Item	Remaining Cost
Site Grading/ Turf Establishment	\$0.00
Sanitary Sewer	\$5,000.00
Septic System	\$20,000.00
Watermain	\$5,000.00
Storm Sewer	\$5,000.00
Streets	\$65,000.00
Trails	\$2,000.00
Landscaping	\$5,000.00
Street Signs	\$0.00
Subtotal	\$107,000.00
125% Security	\$133,750.00





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

#### **MEMORANDUM**

To:	Chuck Dillerud	Reference:	Escrow Reduction #2
Copies To:	Todd Erickson, P. E.		Sanctuary
			City of Lake Elmo, Minnesota
		Project No.	13267.000
From:	Thomas D. Prew, P.E.	Routing:	
Date:	August 29, 2006		

Most of the paving, utilities, and site restoration is complete. The drainfield has not yet been started.

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

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

Item	Original Amount	Work Remaining
Site Grading/ Turf Establishment	\$0.00	\$0.00
Storm Sewer	\$285,209.00	\$5,000.00
Sanitary Sewer	\$132,468.00	\$5,000.00
Drainfield	\$775,000.00	\$700,000.00
Watermain	\$510,339.00	\$5,000.00
Streets	\$488,948.00	\$5,000.00
Street Signs	\$1,000.00	\$1,000.00
Landscaping	\$110,000.00	\$110,000.00
Subtotal	\$2,302,964.00	\$831,000.00
125% Security	\$2,878,705.00	\$1,038,750.00





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

Proj. No. <u>13593.000</u> Cert. No. <u>1(F)</u> St. Paul, MN, <u>August 28</u> , 20 <u>06</u>
To City of Lake Elmo, Minnesota Owner
This Certifies that L & M Services , Contractor
For 2006 Crack Seal
Is entitled to
being 1st estimate for partial payment on contract with you dated June 6, , 06
Received payment in full of above Certificate.  TKDA
L & M Services

# RECAPITULATION OF ACCOUNT

	TRACT EXTRAS	PAYMENT	S C	REDITS
Contract price plus extras	\$ 21,000.00	2111111111		CEDITS
All previous payments		\$	_	
All previous credits		Ψ	-	
Extra No.				
H I II				
п п				
H H				
n n				
Credit No.			Ф.	
Comp. Change Order No. 1	\$ 6,300.00		\$	-
н н	0,500.00			
н п	*			
н н				
AMOUNT OF THIS CERTIFICATE		\$ 27,30	0.00	
		21,30	0.00	
Totals	\$ 27,300.00	\$ 27,30	0.00 \$	and the same
Credit Balance		\$	_	
There will remain unpaid on contract after payment of this Certificate		\$		
	\$ 27,300.00	\$ 27,300	0.00 \$	_

#### TKDA

Engineers-Architects-Planners

Saint Paul, Minnesota 55101

# PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 1 Period Ending August 28  Contractor L& M Services	, 2006	Page 1 of 1 Proj. No	13593.000
Contractor L & M Services Project 2006 Crack Seal			
Location Cut. ST 1 TH 35			<del></del>
Total Contract Work Completed	-	\$	27,300.0
Total Approved Credits		\$	0.0
Total Approved Extra Work Completed	\$	0.00	0.0
Approved Extra Orders Amount Completed		\$	0.00
Total Amount Earned This Estimate		\$	27,300.00
Less Approved Credits Less0 % Retained Less Previous Payments Total Deductions	\$ \$		0.00
amount Due This Estimate		\$	27,300.00
•			
ntractorL & M Services		Date	
gineer		Date	Z8-0∈ st 28, 2006

ESTIMATE NO. 1 (FINAL)

PERIOD ENDING DATE:

August 28, 2006

2006 CRACK SEAL CITY OF LAKE ELMO, MINNESOTA TKDA PROJECT NO. 13593,000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE		UNIT PRICE		AMOUNT TO DATE
1	MOBILIZATION	LS	1.00	1.00	ŝ		\$	
2	ROUTE AND SEAL CRACKS OR SAW AND SEAL			1,44	7		Ψ	-
	STREET	LB	20,000,00	26,000.00	\$	1.05	\$	27,300.00
	TOTAL ESTIMATE NO. 1 (FINAL)						ę.	27 200 00

# CHANGE ORDER

# TKDA Engineers-Architects-Planners

Saint Paul, MN August 28, 20 06 Proj.	No. 13593,000	Change Order N	₹o. <u> </u>
To L&M Serives			
for 2006 Crack Seal			
for City of Lake Elmo, Minnesota		1010	
You are hereby directed to make the June 6 , 20 06 . The change and the wo covenants. This Change Order will (increase) (decrease) (not change Thousand Three Hundred Dollars and 00/100	following change ork affected thereby is subj ange) the contract sum by	ant 4a a 11 4	contract dated
	<u></u>	************	(\$6,300. <u>00</u> ).
COMPENSATING CHANGE ORDER			
This change order shows the actual quantities installed at the unit	nrice hid amounts (see att.	oalsad itamiration	١.
· · · · · · · · · · · · · · · · · · ·	. price old amounts (see all	ached hemizahon	);
NET CHANGE =		\$	6,300.00
Amount of Original Contract		\$	21,000.00
Additions approved to date (Nos. )		\$	
Deductions approved to date (Nos. )		\$	_
Contract amount to date		\$	21,000.00
Amount of this Change Order (Add) ( <del>Deduct</del> ) ( <del>No Change</del> ) Revised Contract Amount		\$	6,300.00
Revised Contract Athount		\$	27,300.00
Approved	TKDA		
City of Lake Elmo, Minnesota Owner			
Ву	By Chon	M	-
	Thomas D. Prew, I	P.E.	
Approved	White - Owner	•	
L & M Services Contractor	Pink - Contractor Blue - TKDA		
Ву	The state of the s		

#### CHANGE ORDER NO. 1 (COMPENSATING)

PERIOD ENDING DATE:

August 28, 2006

2006 CRACK SEAL CITY OF LAKE ELMO, MINNESOTA TKDA PROJECT NO, 13593,000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE		AMOUNT TO DATE		NET CHANGE		ONTRACT AMOUNT
1	MOBILIZATION	LS	1.00	1.00	\$ 	\$	_	S.		œ.	
2	ROUTE AND SEAL CRACKS OR SAW AND SEAL STREET	LB	20,000.00	26,000.00	\$ 1,05	\$	27,300.00	\$	6,300.00	\$	21,000.00
	TOTAL COMPENSATING CHANGE ORDER NO. 1					<b>s</b>	27,300.00	\$	6.300.00	\$	21 000 00

4F.



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

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

Proj. No. <u>13593.000</u> Cert. No. <u>1(F)</u> St. Paul, MN, <u>August 21</u>	, 2006_
ToCity of Lake Elmo, Minnesota	Owner
This Certifies that Allied Blacktop Co.	, Contractor
For 2006 Sealcoat	
Is entitled to One Hundred Ten Thousand Fifty-Seven Dollars and 49/100	(\$110,057.49)
being 1st estimate for partial payment on contract with you dated June 6	, 2006
Received payment in full of above Certificate.  TKDA	
Allied Blacktop Company , 20 Thomas D. Prew, P.E.	

# RECAPITULATION OF ACCOUNT

		CONTRACT PLUS EXTRAS		PAYMENTS	CDEDIEG
Contract price plus extras	\$	112,410.00	-	TATMENTS	CREDITS
All previous payments	1	112,110.00	\$	_	
All previous credits			Ψ		
Extra No. CCO 1	\$	(2,352.51)			
и и		(2,002.01)			
н н					
н н					
и и					
Credit No. Comp. CO No. 1					\$ -
n n					ф <u>-</u>
н н					
п					
- п - п					
AMOUNT OF THIS CERTIFICATE			\$	110,057.49	
			_	110,037.49	
Totals	\$	110,057.49	\$	110,057.49	\$ -
Credit Balance			\$	-	
There will remain unpaid on contract after payment of this Certificate			\$	(0.00)	
			Э	(0.00)	
	\$	110,057.49	\$	110,057.49	\$ -

# TKDA Engineers-Architects-Planners

# PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No	1 Period Ending	August 15	, 20 <u>06</u> I	Page 1 of 1	Proj. No.	13593,000
Contractor	Allied Blacktop		Original (	Contract Amo	ount	112,410.00
Troject	ZUUO Sealcoat	<del></del>	·····			
	Dake Emilo, Willinesotta					
Total Contract V	Work Completed					
Total Approved					\$	110,057.4
	Extra Work Completed		d).		\$	0.0
	Orders Amount Completed		\$ .		0.00	
ripproved Exira	Orders Amount Completed				\$	0.0
Total Amount E	arned This Estimate				\$	110,057.49
Less Approved C Less Less Previous Pa Total Deductions	0 % Retained syments		\$ _ \$ _ \$ _		0.00 0.00 0.00 \$	0.00
Amount Due This	s Estimate				\$	110,057.49
ontractor				ъ.		
	Allied Blacktop Company	<i>t</i>		_ Date_		
8 Marian	11				Ø - :	
igineer	Granden -			_ Date _	8.21	06
	Thomas D. Prow, P.E.					

#### ESTIMATE NO. 1 (FINAL)

2006 SEALCOAT CITY OF LAKE ELMO, MINNESOTA PROJECT NO. 13593.000

ITEM NO.	I DESCRIPTION 2006 SEALCOAT	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	+/- DIFFERENCE		UNIT PRICE		AMOUNT TO DATE
1	MOBILIZATION	LS	1.0	1.0		ď	1 500 00	۰	4 500 50
2	FA-2 1/8 TRAP ROCK SEALCOAT AGGREGATE	TN	1.230.0	1184.67	(45.3)	Ф	1,500.00	Þ	1,500.00
3	CRS-2 BITUMINOUS FOR SEALCOAT	GAL	26,000.0	25.880.0	( )	•	47.00	Þ	55,679.49
4	MASK STRIPES ON 30TH STREET	LS	1.0		(120.0)	ψ	1.85	\$	47,878.00
		LO	1.0	1.0	-	Þ	5,000.00	\$	5,000.00

TOTAL ESTIMATE NO. 1 (FINAL)

\$ 110,057.49

PERIOD ENDING: August 15, 2006

# CHANGE ORDER

## TKDA Engineers-Architects-Planners

Saint Paul, MN	August 21	2006_	Proj. No	13593.000	Compensating Change Order	No.	1
ToAllied Black	top Company						
for 2006 Sealco	at						
for City of Lake	Elmo, Minnesota						
You are hereb	, 20 06 . T	he change and	the follow the work affect (not change) the	cted thereby is su	thiect to all contra	contract ct stipulati	date
Two Thousand Three	Hundred Fifty-Two	Dollars and 51/	100			(\$2,3	<u>52.51)</u>
COMPENSATING C		ties installed at t	the unit price b	oid amounts (see a	attached itemizatio	n):	
NET CHANGE =				N.		(\$2,3:	52.51)
Amount of Original Cont Additions approved to da Deductions approved to d Contract amount to date Amount of this Change O Revised Contract Amount	te (Nos. ate (Nos. rder ( <del>Add</del> ) (Deduct) (1	) ) <del>No Change</del> )			\$ \$ \$ \$ \$	112,41 112,41 (2,35 110,05	- (0.00 (2.51)
CITY OF LAKE ELMO	O, MINNESOTA						
Approved		Ov	TK vner	DA			
Ву	,		By_	Thomas D. Prew	y, P.E.		<del></del>
ALLIED BLACKTOP,	CO.				-		
Approved	.,	Contractor	Pinl	ite - Owner k - Contractor e - TKDA			
By							

#### ESTIMATE NO. 1 (FINAL)

2006 SEALCOAT CITY OF LAKE ELMO, MINNESOTA PROJECT NO. 13593.000

1 MOBILIZATION       LS       1.0       1.0       -       \$ 1,500.00       \$ 1,500.00       \$ -       \$ 1,500.00         2 FA-2 1/8 TRAP ROCK SEALCOAT AGGREGATE       TN       1,230.0       1184.67       (45.3)       \$ 47.00       \$ 55,679.49       \$ (2,130.51)       \$ 57,810.00         3 CRS-2 BITUMINOUS FOR SEALCOAT       GAL       26,000.0       25,880.0       (120.0)       \$ 1.85       \$ 47,878.00       \$ (222.00)       \$ 48,100.00         4 MASK STRIPES ON 30TH STREET       LS       1.0       1.0       -       \$ 5,000.00       \$ 5,000.00       \$ 6,000.00       \$ 6,000.00		DESCRIPTION 2006 SEALCOAT	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	+/- DIFFERENCE		UNIT PRICE		AMOUNT TO DATE		NET CHANGE		CONTRACT AMOUNT
	2 3	FA-2 1/8 TRAP ROCK SEALCOAT AGGREGATE CRS-2 BITUMINOUS FOR SEALCOAT	TN GAL	1,230.0 26,000.0		(120.0)	•	47.00	\$ <b>\$ \$</b>	55,679.49	\$ \$ \$ \$		•	57,810.00

PERIOD ENDING: August 15, 2006

**TOTAL ESTIMATE NO. 1 (FINAL)** 

\$ 110,057.49 \$ (2,352.51) \$ 112,410.00

1



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

Project. No. <u>13253.000</u> Cert. No. <u>6</u>	St. Paul, MN, August 28	_, 2006_
ToCity of Lake Elmo, Minnesota		Owner
This Certifies that CB&I Constructors, Inc		, Contractor
For Elevated Water Storage Tank No. 2		
Is entitled toThree Hundred Sixty Six Thousand	Five Hundred Thirty Seven Dollars and 07/1	00 (\$366,537.07)
being 6th estimate for partial payment or	n contract with you dated October 18	, 20 <u>05</u>
Received payment in full of above Certificate.	TKDA	
CB&I Constructors,		

#### RECAPITULATION OF ACCOUNT

	CONTRACT	PAYMENTS	
Contract price plus extras	1,169,000.00		
Total Contract Work Completed		920,078.50	
Change Order No. 1R	3,275.00		
и и			
п п			
Credit No.			
n n			
n n			
Stored Materials			
Total Amount Earned This Estimate		920,078.50	
Less <u>5</u> % Retained		(46,003.93)	
Escrow Deposits and Interest by Contractor			
Less Previous Payments		(507,537.51)	
Total Deductions		(553,541.44)	
AMOUNT OF THIS CERTIFICATE		366,537.07	
Totals	1,172,275.00	874,074.58	
There will remain unpaid on contract after payment of this Certificate		298,200.43	
	1,172,275.00	1,172,275.00	



# **CB&I** Constructors, Inc.

# **INVOICE**

Correspondence Address

9550 Hickman Road Clive, IA 50325-5316

PROJECT MANAGER	BILLER	CONTRACT NUMBER	CUSTOMER NO	PAY APPLICATION		T	
DAB	·			PAY APPLICATION	INVOICE DATE	DUE DATE	INVOICE NO
	JMN	37150791	1249422	6	8/21/2006	9/20/2006	150791-06
CUSTOMER REFERENCE NUMBER				JOB LOCATION	<del></del>		PAYMENT TERMS
	Project #1	3253.000			Lake Elmo, Mi	N	
MAIL TO	)			SOI D TO			NET 30

**TKDA** 1500 Piper Jaffray Plaza 444 Cedar Street St. Paul, MN. 55101 Attn: Chris Bryan

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

		•	\$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	90%	76,500.00
Tank Erection / Structural 2nd Floor Erection	\$180,730.00	45%	81,328.50
Tank Painting	\$72,000.00	0%	0.00
Tank Disinfection	\$1,000.00	0%	0.00
Electrical / Telemetry / Heater	\$45,020.00	0%	0.00
Pour 1st & 2nd Floors / Control Bidg.	\$19,000.00	0%	0.00
Final Site Restoration / Access Road	\$4,000.00	0%	0.00
	\$1,169,000.00		920,078.50

Progress Completed To Date \$920,078.50 Less: Retention 5% \$46,003.93 Total Amount Billed To Date \$874,074.57 Less: Amount Previously Invoiced \$507,537.50 **CURRENT AMOUNT DUE** \$366,537.07

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@CBl.com Gayla Zenz, Credit Manager, Ph. 515-254-9502 email: gzenz@CBl.com

APPLICATION AND CERTIFICATE FOR PAYM	OR PAYMENT	AIA DOCUMENT G702		PAGE ONE OF TWO PAGES
	PROJECT:	APPLICATION NO:	9	Distribution to:
(OWNER) 3800 Laverne Ave. North	Project #13253.000			OWNER OWNER
Lake Elmo, MN. 55042	CB&I NO.	PERIOD TO:	8/20/2006	ENGINEER
	18/061/8			CONTRACTOR
FROM (CONTRACTOR):	VIA (ENGINEER):	ENGINEER'S		
CB&I Constructors, Inc.	TKDA	PROJECT NO:	13253.000	
CIIVe, IA 50325	1500 Piper Jaffray Plaza	aza		]
CONTRACT FOR: 750 MG CET / 114' TCL	444 Cedar Street	CONTRACT DATE:	10/24/05	
CONTRACTOR'S APPLICATION FOR PAYMENT	R PAYMENT			The second section of the second section is a second section of the second section sec
CHANGE ORDER SUMMARY		Application is made for Dayment as ohourn known in some contraction is an analysis of the sound	Control of the contro	
Change Orders approved in ADDITIONS	DEDUCTIONS	Continuation Sheet, AIA Document G703, is attached.	wit below, iii connection with the C 03, is attached.	ontract.
previous months by Owner TOTAI		1. ORIGINAL CONTRACT SUM		\$1,169,000.00
Approved this Month		2. Net change by change Orders		\$0.00
Number   Date Approved		3. CONTINACT SOM TO DATE (LINE 14/- Z)	2)	\$1,169,000.00
		T. INTELLECTION & STORED TO DATE (COLGION G703)	JA I E (Col G on G703)	\$920,078.50
				5
			\$46,003.83	2
TOTALS		h % of Stored Motorial		
Net change by Change Orders		10		ľ
The undersigned Contractor certifies that to the best of the Contractor's knowledge,	s knowledge,	Total Retainage (I ine 5a + 5h or	Č	0000
information and belief that the Work covered by this Aplication for Payment has been	nent has been	(Total in Col 1 of G703)	5	\$40,003.83
completed in accordance with Contract Documents, that all amounts have been	ive been	6. TOTAL EARNED LESS RETAINAGE		
paid by the Contractor for Work for which previous Certificates for Payment were	ment were	(Line 4 less Line 5 Total)		\$874 074 57
Issued and payments received from the Owner, and that current payment shown	nt shown	7. LESS PREVIOUS CERTIFICATES FOR		
REFEIL IS NOW DUE.			ite)	\$507,537.50
CONTRACTOR: CB&I Constructors Inc.				\$366,537.07
		9. BALANCE TO FINISH, PLUS RETAINAGE	GE	\$294,925.43
,			,	
		State of: IOWA	County of: POLK	
By Willia Malon Date:	August 21, 2006	Subscribed and sworn to before me this 21st day of August, 2006.	21st day of August, 2006.	SEAL.
A/R Administrator		My Commission expires	707	My Commission Expires
FNGINFFR'S CERTIFICATE COD DAVMENT	VMENT			
てょこう・ゴーてつ ニ・ニョン つくにょうこに		AMOUNT CERTIFIED		

In accordance with the Contract Documents, based on on-site observations and the data comprising the above appplication, 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.

(Attach explanation if amount certified differs from the amount applied for.) Engineer:  $\frac{\partial}{\partial x}$ 

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.

AJA DOCUMENT G702 APPLICATION AND CERTIFICATE FOR PAYMENT MAY 1983 EDITION AIA @ 1983 THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINSTON, D.C. 20006

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.

8/21/2006 8/20/2006 APPLICATION DATE: PERIOD TO: APPLICATION NUMBER

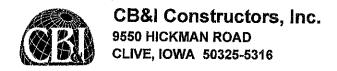
AIA DOCUMENT G703

37150791 CBI CONTRACT NO.:

Γ.	-				Τ																<del></del>
_	- PETAINACH	5%				2 427 50	2 175 00	8,000,000	00.000,8	2,000.00	40.250.00	5 250 00	3 825 00	4.066.43	00.0	000	000	000			46,003.93
	PAIANCE	TO FINISH	(O-O)			00 0	00:0	000	000	800		00.0	8 500 00	99.401.50	72,000.00	1.000.00	45,020,00	19 000 00	4 000 00		248,921.50
-	3	(G div.C)	,			100%	100%	100%	400%	100%	100%	100%	%06	45%	%0	%0	%0	%0	%0	, ,	
ď	TOTAL	COMPLETED	AND STORED TO DATE	(D+E+F)		48.750.00	43.500.00	160.000.00	160,000.00	40,000.00	205,000,00	105,000.00	76,500.00	81,328.50	00.0	0.00	0.00	00:0	0.00		920,078.50
14.	MATERIALS	PRESENTLY	STORED (NOT IN	D OR E)																	00:00
Ш	WORK COMPLETED	THIS PERIOD				0.00	0.00	0.00	0.00	0.00	123,000.00	105,000.00	76,500.00	81,328.50	00.0	0.00	0.00	0.00	0.00		385,828.50
٥	WORK C	FROM	PREVIOUS APPLICATION	(D+E)		48,750.00	43,500.00	160,000.00	160,000.00	40,000.00	82,000.00	0.00	00.0	0.00	00.00	00.0	00.0	00:0	00.0		534,250.00
ပ	SCHEDULED	VALUE				48,750.00	43,500.00	160,000.00	160,000.00	40,000.00	205,000.00	105,000.00	85,000.00	180,730.00	72,000.00	1,000.00	45,020.00	19,000.00	4,000.00		1,169,000.00
В	DESCRIPTION OF WORK		-		Engineering / Foundation Drawings to	Approval, Bonds / Insurance	Tank & Shaft Drwngs to Approval/Bldg. Permit	Tank Material Delivery	Tank Foundation / Piping	Derrick / Access Tube Fabrication & Erection	Concrete Shaft	Ring Beam Fabrication & Erection / Flat Slab	lank Fabrication	lank Erection / Structural 2nd Floor Erection	lank rainting			_	Final Site Restoration / Access Road		
⋖	ITEM	ģ			τ-		C4 (	m ·	4.	ιO.	9	· ·	20 (	ວກ (	2 ;			_	4		<u></u>

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

G703-1983



#### 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

\$366,537.07

for the following invoice(s).

Date

Invoice Number

Amount \$366,537.07

Aug-21-06

150791-06

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 21st day of August, 2006.

Rv.

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

Subscribed and sworn to before me this 21st day of August, 2006.

Βv

Wotary Public

GAYLA L. ZENZ F Commission Number 713888 My Commission Expires Dec. 3, 20





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

August 31, 2006

Park Construction Company 23260 Main Street Suite 6 Hampton, Minnesota 55031

Re: Tablyn Park

Lake Elmo Heights Watermain City of Lake Elmo, Minnesota TKDA Project No. 13524.000

Dear Sir or Madam:

Enclosed please find three copies of Partial Payment Certificate No. 2 in the amount of \$537,058.69 for the above-referenced project. Please sign all three copies where indicated and return all three copies to this office for further processing. An executed copy will be returned to you when payment is made.

Sincerely,

Thomas D. Prew, P.E. Project Manager

TDP:cme
Enclosures

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

#### **RESOLUTION NO. 2006-095**

# A RESOLUTION APPROVING PARTIAL PAYMENT NO. 2 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. 2 to Park Construction Company in the amount of \$537,058.69 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 5th day of September, 2006.

	Dean A. Johnston, Mayor
ATTEST:	

Martin J. Rafferty, City Administrator



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

Proj. No. 13524.000 Cert. No. 2 St. Paul, MN, August 31 , 20	06_
To City of Lake Elmo, Minnesota	Owner
This Certifies that Park Construction Co.	Contractor
ForTablyn Park/Lake Elmo Heights Watermain	<del></del>
Is entitled toFive Hundred Thirty-Seven Thousand Fifty-Eight Dollars and 69/100(\$5	37,058.69)
being 2nd 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	 	\$ 627,532.95	
All previous credits			
Extra No.			
II II			
11 11			
ti 13			
н		•	
Credit No.			\$ -
11 11			
tt tr			
11 11			
u u			
AMOUNT OF THIS CERTIFICATE		\$ 537,058.69	
Totals	\$ 3,143,640.78	\$ 1,164,591.64	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 1,979,049.14	
	\$ 3,143,640.78	\$ 3,143,640.78	\$ -

PERIOD ENDING: August 25, 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
	GENERAL								
1	Mobilization	LS	1.0				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	\$	-
	Remove & Patch Bituminous Roadway 4" thick Include Grave								
5	Base	SY	3666.0	\$		\$	25.07	\$	-
	Reclaim & Stockpile Bituminous & Base (6" depth) &								
6	Respread	SY	17979.0	\$	17,979.00	\$	3.74	\$	67,241.46
	Down O'D at Division to country of								
	Remove & Replace Bituminous Driveway 2" thick Gravel Base		129.0	\$	-	\$	46.86	\$	-
	Saw Cut Concrete (full Depth) Driveway	LF	11.0	\$	-	\$	10.99	\$	-
	Saw Cut Bituminous (full depth) Patches and Driveways	LF	5369.0	\$	-	\$	1.45	\$	-
	Topsoil Borrow	CY	2341.0	\$	-	\$	30.80	\$	-
	Aggregate Surfacing, CL 5 (6" thick)	TN	1106.0	\$	-	\$	11,71	\$	-
	Remove & Replace Concrete Driveway 6" Thick Base	SY	4.0	\$	-	\$	64.21	\$	-
	Install Salvaged 12" RCP, Cl. 5 Storm Sewer	LF	40.0	\$	=	\$	42.44	\$	-
	Install Salvaged 18" RCP, Cl. 5 Strom 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	\$	1.00	\$	1,937.56	\$	1,937.56
17	6" Gate Valve & Box	EA	47.0		23.00		1,081.76	\$	24,880.48
18	8" Gate Vaive & Box	EA	28.0		13.00		1,477,29	\$	19,204.77
19	12" Butterfly Valve & Box	EΑ	5.0	\$	-	\$	1,850,36	\$	10,204.17
	16" Butterfly Valve & Box	EA	5.0	\$	_	\$	2,809.13	\$	_
	Hydrant	EA	47.0	*	24.00		3,315.91	\$	79,581.84
	Hydrant Extension (6")	EA	5.0	\$	A-7.00	\$	587.34	\$	19,001.04
	Hydrant Extension (12")	ĒΑ	5.0	\$	_	\$	788.80	\$	-
	Fusable Saddle w/1" Corporation Stop	ĒA	79.0	\$	_	\$	1,835.49	Ф \$	-
	1" Corporation Stop	EA	84.0	\$	-	\$	413.05		-
	Fusable Saddle w/1/5" Corporation Stop	EA.	15.0	\$	_	\$		\$	-
	1.5" Corporation Stop	EA	4.0	\$	-		1,933.36	\$	-
	1" Curb Stop & Box	EA	163.0	\$	•	\$	501.23	\$	-
	1.5" Curb Stop & Box	EA	19.0	\$	-	\$	481.85	\$	-
	6"DIP, cl.50 Watermain	LF	730.0	Φ	277.00	\$	541.66	\$	
	8"DIP, cl.50 Watermain				377.00		18.53	\$	6,985.81
	8" HDPE Watemain-DR17 DIP Size (by directional drilling)	LF	7553.0		6925.00	-	21.88	\$	151,519.00
	12"DIP, cl.50 Watermain	LF LF	10603.0	•	4515.00		31.16	\$	140,687.40
	·		133.0	\$		\$	38.70	\$	
	12" HDPE Watermain-DR17 DIP Size (by directional drilling)	LF	5117.0	\$	2,060.00	\$	48.86	\$	100,651.60
	12" MJDIP, cl.50 Watermain (through casing pipe)	ᄕ	170.0	\$		\$	40.58	\$	<b>-</b>
	16"DIP, cl.50 Watermain	LF	68.0			\$	52.68	\$	421.44
	16" HDPE Watermain-DR17 DIP Size (by directional drilling)	LF	5195.0	_	4430	\$	70.09	\$	310,498.70
	1" Type HDPE DR11 Water Service (directional drllling)	LF	14391.0	\$	-	\$	10.74	\$	-
	1" Type "K" Copper Water Service (open cut)	LF	2438.0	\$		\$	24.74	\$	-
	1.5" Type HDPE DR11 Water Service (directional drilling)	LF	5983.0	\$	-	\$	11.07	\$	-
	1.5" Type "K" Copper Water Service (open cut)	LF	120.0	\$	-	\$	26.71	\$	-
	Jack/Auger 24" Stell Casing Pipe	LF	150.0	\$	-	\$	175.70	\$	-
	DIP Watermain Fittings (C 110 Standard)	LB	14354.0		3883.00	\$	7.01	\$	27,219.83
	Remove & Replace Concrete Sidewalk 4" thick	SF	73.0	\$	-	\$	6.87	\$	<del>-</del>
	Concrete Curb & Gutter (match existing)	LF	20.0	\$	-	\$	45.51	\$	-
	Concrete Curb & Gutter D412	LF	300.0	\$	-	\$	19.22	\$	-
47 (	Core Drill Basement Foundation Wall & Seal	EA	181.0	\$	-	\$	1,024.95	\$	-
48	Shrub (potted) 24" (match existing)	EA	10.0	\$	-	\$	85.96	\$	_
	Salvage Shrub (transplant)	EA	10.0	\$	-	\$	85.96	\$	-
	Silt Fence	LF	600.0			\$	2.78	\$	2,479.76
51 8	Sodding, Type Lawn	SY	13706.0	\$		\$	2.06	\$	_,,,,,,,,
	Common Laborer (for misc. landscape work)	MAN HF	80.0	\$	-	\$	72.98	Ψ \$	- -
	Seed & Wood Fiber Blanket	AC	1.0	\$	-	\$	7,342.24	Ψ \$	•
	Landscape Rock (match existing)	CY	5 <b>0</b> .0	\$		φ \$	55.62		-
	Off Road Structure Marker	EA	12.0	э \$		φ \$	101.13	\$ \$	-

#### **ESTIMATE NO. 2**

PERIOD ENDING: August 25, 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
	TABLYN PARK (STREET WORK)							
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 Materal 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	<b>.</b>	\$	51.76	\$	_
10	Remove & Replace Concrete Driveway 6" Thick & Base	SY	249.0	<b>.</b>	\$	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
							•	3,402.05
	TOTAL ESTIMATE NO. 2						\$	1,025,885.94
	MATERIAL STORED TO DATE	LS	1.0	0.66	\$3	00,000.00	\$	200,000.00

\$ 1,225,885.94

## TKDA Engineers-Architects-Planners

# PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

	2 Period Ending		, 20 <u></u> 6	Page 1 of 1	Proj. No.	13524.000
	Park Construction Co.		Origina	l Contract Amoun	t	3,143,640.78
Project		Heights Watern	nain			
Location	Lake Elmo, Minnesota					
Total Contract	Work Completed				r	1 005 005 0
Material Stored	•				\$ \$	1,025,885.94
	d Extra Work Completed		\$	,	0.00	200,000.00
	a Orders Amount Completed	l	ч		\$	0.00
Total Amount l	Earned This Estimate				\$	1,225,885.94
Less Approved Less Less Previous F	5 % Retained		\$ \$ \$	61,29	0.00 94.30	
Total Deduction	•		•		\$	688,827.25
Amount Due Tl	his Estimate				\$	537,058.69
Contractor	Park Construction Co.			Date _		
Engineer	Thomas D. Prew, P.E.			Date _	Augus	t 30, 2006

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

#### RESOLUTION NO. 2006-090

#### A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a resolution passed by the Council, the city clerk was directed to prepare proposed assessment of the cost of the Water System Interconnect Phase IV Project.

AND WHEREAS, the clerk has notified the council that such proposed assessment has been completed and filed in his office for public inspection,

- 1. A. hearing shall be held on October 3, 2006 in the city hall at 7 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
- 2. The city clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
- 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 of 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 pad within 30 days from the adoption of the assessment. 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.

ADOPTED by the Lake Elmo City Council this 5<sup>th</sup> day of September, 2006.

ATTEST:	Dean A. Johnston, Mayor
Martin A Rafferty, City Administrator	or



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

August 31, 2006

Honorable Mayor and City Council City of Lake Elmo, Minnesota

Re:

2006 MSA Resurfacing

City of Lake Elmo, Minnesota TKDA Project No. 13687.000

Dear Mayor and City Council:

Bids for the referenced project were received on August 31, 2006, with the following results. A complete Tabulation of Bids is enclosed for your information.

Contractor	Base Bid
Tower Asphalt, Inc.	\$236,501.45
ASTECH Corp.	\$267,809.60
Valley Paving, Inc.	\$271,216.20
Hardrives, Inc.	\$277,232.40
Midwest Asphalt Corp.	\$279,172.50
T.A. Schifsky & Sons, Inc.	\$298,435.60
Engineer's Estimate	\$293,222.00

#### Recommendation

We recommend that you award the Contract to the lowest bidder, Tower Asphalt, Inc., for their base bid of \$236,501.45.

Please do not hesitate to call me with any questions or comments you may have.

Sincerely,

Thomas D. Prew, P.E. Project Manager

TDP:cme
Enclosure

# Page 1

# TABULATION OF BIDS

2006 MSA RESURFACING CITY OF LAKE ELMO, MINNESOTA TKDA PROJECT NO. 13687.000

BIDS OPENED; AUGUST 31, 2006, AT 10:00 AM

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ITEM					ENGINEER'S ESTIMATE	SESTIMATE	TOWE	R ASPHA	LT INC.	∢!	STECH CO	RP	VAI	VALLEY PAVING INC.	NG INC.
ġ	Ö.	DESCRIPTION	QUANTITY	LIND	PRICE	AMOUNT	PRICE		AMOUNT	PRICE		AMOUNT	PRICE	_ Щ	TOTAL
		2006 STREET OVER! AY													
-	2021.501	MOBILIZATION	-	v.	48,000,00	-	00 000 0	-+-	00000	ı					
2	2105.525	Г	192	ò	11 00	2 112 00		30.00	9,000.00	ó	$\neg$	00.000,5	ω	-+	6,000.00
ო	2211.501	AGGREGATE BASE, CLASS 7	400	F	10.00	Ì	1	+	400 00		13.50	5,280.00		79.00	4,992.00
4	2211.619	GRADE GRAVEL BASE	6	SS.	150.00			+	12,500,00			3 105 20			0,000.00
2	2331.603	RECLAIM BITUMINOUS SURFACE (8" DEPTH)	10530	λS	-		\$	-	21,060.00	. 69	0.89	9.371.70	6.	080	8 424 00
او	2331.604	SAW AND SEAL BITUMINOUS PAVEMENT JOINT	3300	4	2.00			-	4,950.00		-	10.725.00	9	+	5 280 00
1	2350.501	BITUMINOUS MATERIAL FOR TACK COAT	1120	&	\$ 1.50 \$	1,580.00		1.00	1,120.00		2.00 \$	2,240.00	69	+	2.520.00
00	2350 502	BITOMINOUS PATCHING (4" DEPTH - BITOMINOUS NON- WEADING COURSE 174M/20609)	C L	à	5			<del></del>			t-				
o	2350.502	BITHMINOLIS WEADING COLDER LYMEREDZOB	2000	ا مَ	12.00	-	İ		11,000.00		49	13,750.00		20.00 \$	11,000.00
۶	2257 500	DITUMINOUS WEAKING COURSE, LYWERSUSUS	7300	Z	95.00	-		$\rightarrow$	98,095,00		69	116,863.00			119,600.00
2 ;	2001.002	ELLOWINGOS ROOM-WEARING COORSE, LVINWSBUSDB	1/25	2		1		$\overline{}$	69,431.25		_	79,108.50		49.00 \$	84,525.00
= 5	2003.0	TLAG PERSON	90	Ή	50.00	3,000.00		50.00 \$	3,000.00		\$ 00.03	3,000.00		75.00 \$	4.500.00
7 0	2502 502	4 SOLID LINE WHITE (LATEX)	13,120	<b>"</b>			9		1,443.20	9	0.11	1,443.20	€>	0.11	1,443.20
2	2007.2007	4 SOLID LINE YELLOW (LAIEX)	8000	<b>Ľ</b>	\$ 0.25 \$	2,000.00		0.11	880.00		0.11   \$	880.00		<del> </del>	960.00
	2582 502	4" BRUKEN LINE YELLOW (LALEX) (LENGTH INCLUDES SPACING)		ļ							ļ			+	
1 4	2502.302	SEEDING INCLINING SEED FIRST LITTLE AND ASSESSED	7,500	<b>5</b>	\$ 0.25		φ	0.02	52.00	89	-	78.00	€>	0.02	52.00
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1	İ	10.01			59	293,222.00		€9	236,501.45		69	267,809.60		49	271,216.20
E S	SPEC	MOTERIOR	SEETWING	<u> </u>	HARDRIVES UNIT	INES TOTAL	MIDWES	it asph	ILT CORP	T.A. SCH	FSKY &	SONS INC. TOTAL	D. P. C.		TOTAL
<u> </u>	<u>.</u>	DESCRIPTION	QUANTITY		PRICE	AMOUNT	PRICE	}	AMOUNT	PRICE	-	AMOUNT	PRICE	-	AMOUNT
		2006 STREET OVERLAY			-									+	1
-	2021.501	MOBILIZATION	1	S	8,000.00		\$ 5,400.00	8 00	5.400.00	\$ 15,000,00	+	15 000 00		-	
7	2105,525	TOPSOIL BORROW	192	ζ	\$ 24.00 \$		\$ 31	-	6,048.00	\$ 18	18.05 \$	3,485.60			
m ·	2211.501	AGGREGATE BASE, CLASS 7	400	Z.	İ			17.70 \$	7,080.00			4,320.00		-	
4	2211.619	GRADE GRAVEL BASE	40	RS	195.00	7,800.00	ั	\$ 00:	8,200.00		180.00 \$	7,200.00	!		
n	2331.603	RECLAIM BITUMINOUS SURFACE (8" DEPTH)	10530	λS	0.85			0.65	6,844.50		1.90	20,007.00		-	
10	2331.604	SAW AND SEAL BITUMINOUS PAVEMENT JOINT	3300	5	\$ 1.75 \$			2.20 \$	7,260.00	\$ 2	2.67 \$	8,811.00			
	106,0652	BILUMINOUS MALERIAL FOR LACK COAT	1120	GA GA	1.60	1,792.00			2,296.00		2.80 \$	3,136.00			
α	2350 502	BITUMINOUS PATCHING (4" DEPTH - BITUMINOUS NON-	Ç		L C			-							
0	2250 604	DIT MAINOUS TATABLES COLUMN TO THE PROPERTY OF	0000	i	26.55	- 1	İ	43.45 \$	23,897.50		9	13,200.00		-	
e c	2357 503	BIT DIMINOUS WEARING COURSE, LYWERSONS BIT MANOUS MONAMEADING COURSE, LYWERSONS	2300		54.50	125,350.00		-+	121,900.00		63	121,900,00			
2 ;	2007.302	EJ LUMINOCO INCIN-VIERRING COURSE, LVINVISOUSUB	(7.7)	_	49.00	- 1	i	-	82,800.00			89,700.00			
- ;	2553.61	A" OOLID LINE MATERS	99	<u>.</u>			\$ 45		2,700.00	\$ 81		4,860.00			
1	2502 602	4 SOLID LINE WITH E (LATEX)	13.120		0.12			$\dashv$	1,312.00			1,968.00			
2	700.2007	4 SOLID LINE YELLOW (LAIEX)	8000	<u>"</u>	\$ 0.13 \$	1,040.00	\$	0.15 \$	1,200.00	\$ 0	0.21 \$	1,680.00		_	
14	2582,502	SPACING)	2600			130.00		0.05	130 00		- C	260.00		•	
32	2582.502	SEEDING, INCLUDING SEED, FERTILIZER, AND MULCH	1830	λS	\$ 2.50 \$	4	\$	1.15 \$	2,104.50	9 69	-	2,928.00			
		- X + C +												_	
		IOIAL			\$	277,232.40		€9	279,172.50		\$	298,435.60			

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

#### RESOLUTION NO. 2006-091

#### A RESOLUTION AWARDING THE BID FOR THE 2006 MSA RESURFACING

WHEREAS, pursuant to an advertisement for bids for the 2006 MSA RESURFACING PROJECT, bids were received, opened, and tabulated according to law, and the attached bids were received complying with the advertisement.

AND WHEREAS, Tower Asphalt, 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 Tower Asphalt, Inc. for their base bid of \$236,501.45, in the name of the City of Lake Elmo for the 2006 MSA RESURFACING 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 5th day of September, 2006.

	Dean A. Johnston, Mayor
ATTEST:	
	·
Martin J. Rafferty, City Adı	ministrator

Lake Elmo City Council 09-05-2006	Agenda Section: Finance		<u>No.5A</u>		
Agenda Item: Adoption of Proposed Tax Levy & Proposed 2007 Budget					
Background Inform	nation for September 06, 2005:				
2006 Tax Levy, colle conducted on Augus completed and the pr	d Resolution 2006-088 pertaining to the adoption of the ectible 2007 in the amount of \$2,428,600. A Council to 08, 2006 with the full Council in attendance. The recoposed Levy is set for Council review and approval. otember 15, 2006 cannot be increased however the Council review.	il Committee Budget commended adjustme Please note; the prop	Workshop was ents have been bosed amount certified		
	otion to Adopt Resolution No. 2006-088 for Tax Levy, collectible in 2007 and the 2007	Person responsib Tom Bouthilet	le:		
Attachments: Res	olution 2006-088				

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

#### **RESOLUTION NO. 2006-088**

RESOLUTION APPROVING PROPOSED 2006 TAX LEVY, COLLECTIBLE IN 2007 & THE PROPOSED 2007 BUDGET

WHEREAS, the City Council has conducted budget council and committee meetings;

WHEREAS, the City is required to adopt a proposed budget for payable 2007 and certified it's proposed property tax levy for payable in 2007.

BE IT RESOLVED that the City adopts the proposed 2007 Budget,

BE IT RESOLVED by the Council of the City of Lake Elmo, County of Washington, Minnesota that the following proposed sums of money be levied for the current year, collectible in 2007, upon taxable property in the City of Lake Elmo, for the following purposes:

Total Levy \$ 2,428,600

BE IT RESOLVED that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota.

ADOPTED, by the Lake Elmo City Council on the 5th day of September, 2006.

Dear	Johnston	
· Dom	POINTOWN	
May	or	
TTLUJ.		

ATTEST:

Martin Rafferty City Administrator

Agenda Section: Finance		<u>No . 5B</u>		
Agenda Item: Set Truth n' Taxation Hearing Dates				
Background Information for September 06, 2005:				
2007. The time frame for these Hearing Date is betwoon the same dates the County, School District and and calendar). Due to the limited available dates, I recommand a Continuation Hearing (if necessary) on Mo	reen November 29 <sup>th</sup> an ny other Special Taxin commend that the Cou	d December 20 <sup>th</sup> and ag District holds their ncil consider Monday		
	Person responsib	le:		
	Tom Bouthilet			
	Truth n' Taxation Hearing Dates  nation for September 06, 2005:  Truth in Taxation Public Hearing for the 2007 Gener 2007. The time frame for these Hearing Date is betwon the same dates the County, School District and and calendar). Due to the limited available dates, I recommended to the county of the same dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates, I recommended to the limited available dates.	Truth n' Taxation Hearing Dates  Truth in Taxation Public Hearing for the 2007 General Fund Budget and the 2007. The time frame for these Hearing Date is between November 29th and on the same dates the County, School District and any other Special Taxing dealendar). Due to the limited available dates, I recommend that the Courpm and a Continuation Hearing (if necessary) on Monday December 11th a rings.  Ortion to Adopt Resolution No. 2006-089  In Taxation Public Hearing dates for the date 2007 Budget.  Person responsib  Tom Bouthilet  Outtion 2006-089		

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

#### RESOLUTION NO. 2006-089

# A RESOLUTION SETTING THE TRUTH IN TAXATION PUBLIC HEARING DATES FOR 2006 TAX LEVY

WHEREAS, the City is required to set public hearing dates for the truth in taxation hearing on the 2007 budget and tax levy; and

WHEREAS, these dates cannot conflict with those dates for school districts and other taxing districts within the City of Lake Elmo or Washington County; and

WHEREAS, the City needs to set dates for the initial truth in taxation hearing date, and a proposed continuation hearing date should one be necessary.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Lake Elmo has set December 4, 2006 at 7:00 p.m. as the initial truth in taxation public hearing date and December 11, 2006 at 5:30 p.m. as the continuation date for the truth and taxation public hearing, if necessary, for the final adoption of the levy and budget.

ADOPTED, by the Lake Elmo City Council on the 5<sup>th</sup> day of September, 2006.

	Dean Johnston
	Mayor
ATTEST:	
,	
Martin Rafferty,	-1
City Administrator	

# Washington County Pay 2007 Truth-in-Taxation Calendar of Hearing Dates November - December 2006

Sat	Nov 25	2	6	16	23	30
Fri	Nov 24	Dec1	8	15	2.2	29
Thurs	Nov 23 Thanksgiving	Nov 30	7 County Initial Hearing	14	21	28 FINAL LEVIES DUE
Wed	Nov 22	Nov 29	6 Metro Special Taxing Districts Initial Hearing	13 Metro Special Taxing Districts Continuation	20	27
Tues	Nov 21	Nov 28	Ç	12	19 County Continuation Hearing	26
Mon	Nov 19 Nov 20  Proposed Tax Notices Mailed Nov. $11^{th} - 24^{th}$	Nov 27	4 Reserved for Cities until September 15	11 Reserved for Cities unfil September 15	18	25
Sun	Nov 19 Proposed Tax N	Nov 26	<b>6</b> 0	10	17	24

Cities not required to hold a hearing because population is 500 or less: Lakeland Shores, Pine Springs, St Mary's Point Districts not holding a hearing because levy increased less than increase in IPD (6.4187%): TBD Townships are not required to hold hearings. Township budgets are generally set in March of each year.

Lake Elmo City Council September 5, 2006	Agenda Section: PARKS DEPARTMENT		No. 7A(1)
Agenda Item: Ca	arriage Station Basketball Court		
(CSR) Court Surfa w/additions and T. Public Works Sup	three quotes for the building/surfacing of new baces & Repair, Inc. in the amount of \$15,890.00, A. Schifsky & Sons, Inc. in the amount of \$12,50 ervisor Mike Bouthilet reports there are CIP funding the bid to T.A. Schifsky.	Tennis West in the a	amount of \$13,970
T.A. Schifsky, Inc. August 23, 2006, fo	Second to award the bid from in the amount of \$12,500, per quote dated or a new Carriage Station basketball court, per n of the Public Works Supervisor.	Person responsible Mike Bouthilet	ole:

**Time Allocated:** 

Attachments: Quotes



07/21/2006 04:52

# Court Surfaces & Repair, Inc.



Troy D. Carlson • 16215 Yalta St. NE • Ham Lake, MN 55304 • 763-783-8086 • Fax: 763-785-7929

COURT SURFACES REPAR

July 19, 2006

RE: BUILDING / SURFACING OF NEW BASKETBALL COURT

Lake Elmo - (1) Basketball Court (70' x 50')

#### The process to build new courts is as follows:

- Remove topsoil / growth and prep sub grade.
- Place and compact 6" Of Class 5 base rock.
- Install (2) 1-1/2" lifts of asphalt for a total 3" asphalt mat.
- City to supply and install basketball hoops.
- High-pressure blow entire surface clean of dirt and debris.
- Prime areas insure bonding of new application materials.
- Patch and blend low areas, ("birdbaths") to surrounding surface.
- Apply (2) coats of acrylic blended resurfacer to fill remaining surface imperfections.
- Apply (2) textured acrylic color coats to the surface. Color to be Dark Green.
- Upon curing apply 2" white playing lines per ASBA specifications.
- \* CSR will need a water source supplied near facility location

Total cost to complete (1) court project is \$ 15,890.00.

CSR is fully insured for your project and will issue a certificate of insurance if requested. All work has a one-year manufacturers warranty on materials used, if you have any questions please call me @ (763)-763-8086.

The above price and specifications are satisfactory and are hereby accepted. CSR is authorized to do the above work specified. This proposal may be withdrawn if not accepted within 30 days.

Date Accepted \_ \_\_\_ Signature \_ (Please assign a PO# and or mail / fax one signed copy. Fax (763)-785-7929.)

Thank you,

Troy D. Carlson

Court Surfaces & Repair Inc.

Tron P. Carlson

10 SH-06	From Ray-Finley
To: City OF LAKE Elmo	Fax#: 651-777-6530
AUTH MIKE BOUTHILET	Pages: LOF-C
0) 651-248-78,28	•
Quote: (1) modific	And the second s
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LENNIS WES INC.

P.O. Box 677 . Hopkins, MN 55343

Phone: (952)-933-8272

Fax: (952) 933-6164

### T.A. Schifsky & Sons, Inc.

2370 Highway 36 East North St. Paul, MN 55109 Phone (651) 777-1813 Fax (651) 777-7843

August 23, 2006

Attn: Mike Bouthliet Fax: 651 777-6530

RE: New Basketball Court - Lake Elmo

#### We propose as follows:

- Remove excess fill
- . Add 5" of Class Five Base
- Grade to proper drain and contour
- Furnish and install a 1 1/2" compacted mat of 2331 Type 318 Bituminous
- Furnish and install a 1 ½" compacted mat of 2331 Type 41A Bituminous
- Apply two costs of acryllo leveling materials
- Apply two texture coats of termis court paint
- Line stripe basketball court as per specifications
- · City to supply and install basketball hoops

Price = \$12,500.00

Notes - Permits to be obtained by the owner of the project.

Thank you for the opportunity to quote you on this project.
If you have any questions or concerns, please feel free to call me at 651-777-1313

Contractor's Guarantee

We guarantee all material used in this contract to be as specified above and the entire job to be done in a neat, workmanilke manner. Any variations from plan or alterations requiring extra labor or material will be performed only upon written order and billed in addition to the sum covered by this contract.

By: Mick Schifeky Mary

Date 8/23/06

Accepted By:

Please sign and relum one copy

Date

Due to the rising cost of asphalt oil and fuel, we can only honor our quotes for 30 days. After 30 days bids/quotes are subject to our review and possible cost increase. We require a 30% down payment.

Payment due upon completion.

F:\2006 Proposals\Bouthilet, Mike - Tennis Court - Lake Elmo.doc

Lake Elmo City Council September 5, 2006	Agenda Section: FIRE DEPARTMENT		No. 7B(3)
Agenda Item: Fin	re Station No. 2 Upgrades		
painting the walls in the will have the floors cle  The second portion of upgrade the existing of labor for this project to	for upgrades to Station #2. We have approached this as a te area that had been occupied by Public Works. We will be aned, striped and sealed.  this is to construct a "day room" for the staff in the center's fice space. The bids we received were over \$33,000.00 for minimize the costs. There will be expenses for materials, that you approve the bid from Volk Contracting in the amount of the staff in the same of the staff in the center's space.	stall, improve the storage this. The Firefighters here.	ge space above and have agreed to provide the ical work.
	Second to award the bid from the amount of \$8,250.00 for the painting and se Station No. 2	Person responsible Chief Malmquist	<u>lle:</u>

Time Allocated:

Attachments:
Bids

# **STATION #2 UPGRADES**

#### WALLS AND FLOORS

PAINT	FLOOR EAST BAY	FLOOR WEST BAY	TOTAL
\$4,350.00	\$3,520.00	\$2,590.00	\$10,460.00
			, <u>, , , , , , , , , , , , , , , , , , </u>
NO BID	\$4,890.00	\$5,100.00	\$9,990.00
\$5,336.00	\$4,229.00	\$4,353.00	\$13,918.00
\$4,352.00	\$4,140.00	\$4,195.00	\$12,687.00
INCLUDED	INCLUDED	INCLUDED	\$8,250.00
\$4,055.00	Paint 3 Service Doors \$300.00	Paint Overhead Garage Doors \$400.00	
	\$4,350.00 NO BID \$5,336.00 \$4,352.00 INCLUDED	\$4,350.00 \$3,520.00  NO BID \$4,890.00  \$5,336.00 \$4,229.00  \$4,352.00 \$4,140.00  INCLUDED INCLUDED  Paint 3 \$4,055.00 Service Doors	### FAIN I EAST BAY WEST BAY  \$4,350.00 \$3,520.00 \$2,590.00  NO BID \$4,890.00 \$5,100.00  \$5,336.00 \$4,229.00 \$4,353.00  \$4,352.00 \$4,140.00 \$4,195.00  INCLUDED INCLUDED INCLUDED  Paint 3 Paint Overhead \$4,055.00 Service Doors Garage Doors

#### **CONSTRUCTION OF DAYROOM**

	Dayroom, Pull Down Stairs	Dayroom, Stairway and cut 2 doors
Volk Contracting-1st bid		
Ray Volk	\$31,702.00	\$34,815.00
612-716-9206		
Volk Contracting-2nd bid		
Ray Volk	\$29,662.00	\$33,073.00
612-716-9206		
		above include
		ctrical, \$5100.00 50 sq. yd. carpet
Volk Contracting-3rd bid	Framing of Da	yroom, including
Ray Volk	<del>-</del>	oove/per drawing
612-716-9206	\$8,3	350.00

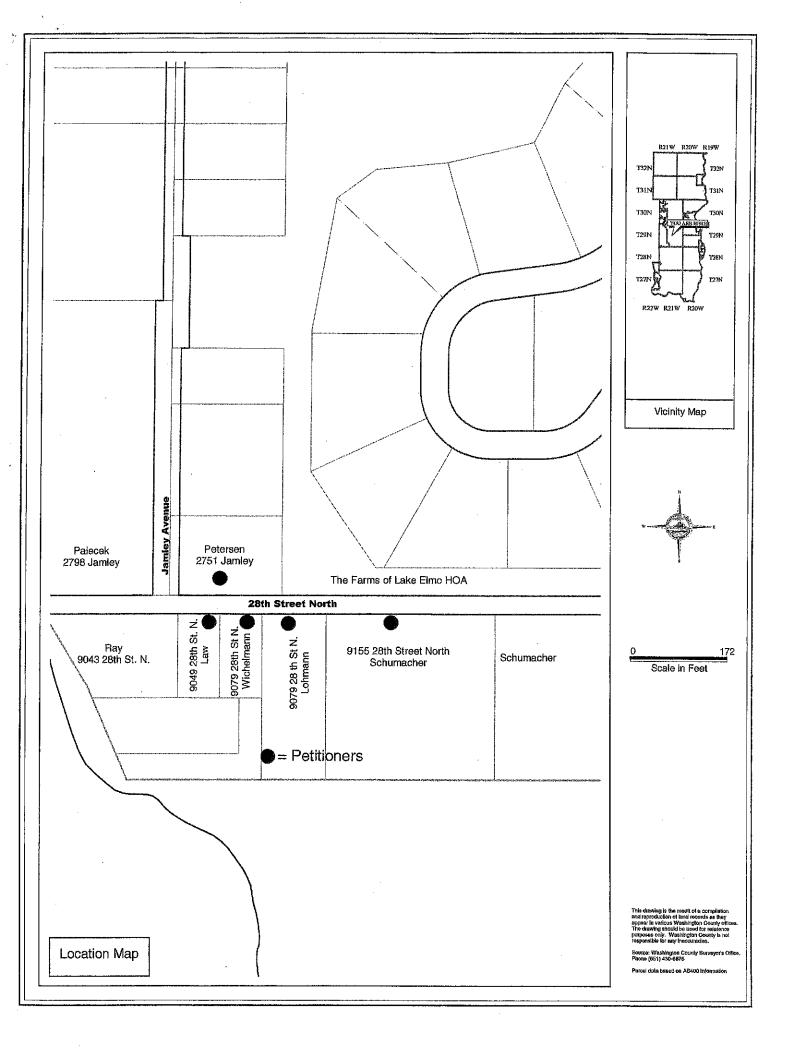
Lake Elmo City Council September \$ 2006	Agenda Section: CITY ENGINEER'S REPO	ORT	No. 8B.
Agenda Item: 28	TH Street Petition for Street Improvement (verba	1)	
gravel to blacktop.	a petition for the upgrade of 28 <sup>th</sup> Street, South of Please refer to map attached of the petitioned st is looking for direction from the City Council.		Avenue N., from
Action items:  Motion _ Engineer	Second To direct the City	Person responsib	le:
Attachments: Petition		Time Allocated:	

Map

# PETITION FOR UPGRADE OF 28th STREET, SOUTH OF THE END OF JAMLEY AVE. N., FROM GRAVEL TO BLACKTUP

JAMES V. PISTERSON James C. Felicon 2751 JAMLEY AVE. N.
RICHARD L LAW RICHARD Jaw 9049 2045 5T N
Glen Wichelmann Alon Wichelmann 9065-28#5+ N.
Richard ELchyann Richard E Loleman 9079 289h St. N
Robert M. Shumacler Robertu Jerman 9155 28th St. N.
LANCE & JULIE ROW?  HOUSE 18 VACANT AND THEY HAVE IT FOR SALE 9043 28th ST N.

RECEIVED AUG 2 4 2006



Data date Run date Project name © Primaver	05SFP06																
A 245 - 240 -	1 65				<del> </del>	Tablyn Park-Lake Elmo Heights	mo Hei <u>ç</u>	ghts								CONSTRUCTION CO.	Z Day
ליים אינה בי	Description	Orig	Early	Early	JUN	Jul	Aug		20	2006 SFP							
2	A.,	E C	Viair	Finish	19 26	03 10 17 24 31 07		1 28	<b>4</b>	8	25 02	89	2 9	8	3 (3	2 8	27 DEC
1090	Notice to Proceed	C	0 21.11 INDE A		Nofine	Facous									 	ļ	
1100	Reclaim Bituminous	€0	11JUL06 A	8 11JUL06 A 17JUL06 A		Reclaim Bituminous	inous										
1110	Open Cut Watermain	4	40 17JUL06 A 11SEP06	11SEP06		-		-		Open C	Open Cut Wafermain	·main				<b>-</b>	
1120	Directional Drill Watermain	45	45 20JUL08 A 25SEP06	25SEP06			-	-		-	Direc	Directional Drill	>	Vatermain		- <b></b> .	
1095	Install Erosion Control	<b>-</b>	02AUG06 A	1 02AUG06 A 02AUG06 A		<u>su</u>	Install Erosion Control	т Contro			 	1	>				
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1140	Directional Drill Services	23	23 18SEP06	18OCT06				u a					: : h	Directional Drill Services			
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Lake Elmo City Council September 5, 2006 Agenda Section: Planning, Land Use and Zoning

No. 9A

Agenda Item: Zoning Variance - Richard & Eileen Bergman

#### Background Information for September 5, 2006:

At its August 28 meeting the Planning Commission conducted a Public Hearing and unanimously adopted a recommendation for approval of a variance to allow a second accessory structure on an RR zoned parcel. Both accessory structures exist today. The barn structure is located on an adjoining tax parcel (also owned by the Bergmans) today, but was originally a part of the homestead parcel on which it will be located should this variance and a subsequent Minor Subdivision be approved. The Minor Subdivision action does not accompany the variance action at this time, but would be considered by the Planning Commission on September 11, and by the Council on September 19 if this variance I approved as recommended by the Planning Commission.

Action items: 093

Motion to adopt Resolution 2006 - approving a zoning variance to locate two accessory buildings on an RR zoned parcel.

Person responsible:

Attachments:

093

1. Draft Resolution #2006 - Approving Variance

2. Draft Planning Commission Minutes of August 28, 2006

3. Planning Staff Report of August 24, 2006

**Time Allocated:** 

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

#### RESOLUTION NO. 2006-092

# A RESOLUTION APPROVING A ZONING VARIANCE FOR RICHARD AND EILEEN BERGMAN LOCATED AT 11459 60<sup>TH</sup> STREET NORTH

WHEREAS, Richard and Eileen Bergman, 11459 60<sup>th</sup> Street North, has made application for a zoning variance to allow a second accessory structure on an RR zoned parcel.

WHEREAS, at its August 28, 2006 meeting, the Planning Commission reviewed and recommended approval of a variance to allow two existing accessory structures on an RR zoned parcel based on the following findings:

- 1. The property can not be put to a reasonable use without the granting of the variance requested.
- 2. The variance requested relates to divisions of lands undertaken three decades ago, by parties than the applicants responsive to zoning standards that differ from those of 2006. In addition, the 1970's land division actions illegally created a non-conformity (accessory structure on a parcel without a principal structure) that will be mitigated by the proposed variance, and therefore the circumstances are unique to these properties.
- 3. Granting of the variances will not change the essential character of the neighborhood. The two accessory structures already exist.

WHEREAS, at its September 6th meeting, the Lake Elmo City Council reviewed the zoning variance to permit Richard and Eileen Bergman to locate two accessory buildings on an RR zoned parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the zoning variance for Richard and Eileen Bergman, 11459 60<sup>th</sup> Street N., to allow two existing accessory structures on an RR zoned parcel based on the Findings and subject to the following condition specified by the August 24, 2006 Planning Staff Report.

1. Approval of a Minor Subdivision, or a waiver of platting by the City Council, to create the new parcel that would contain the house and the two accessory structures.

# ADOPTED BY THE Lake Elmo City Council the $6^{th}$ day of September, 2006.

	Dean A. Johnston, Mayor	
ATTEST:		·
Martin J. Rafferty, Cit	y Administrator	

#### LAKE ELMO PLANNING COMMISSA N STAFF REPORT

Date: August 24, 2007 for the Meeting of August 28, 2005

Applicant: Richard & Eileen Bergman

Location: 11459 60th Street North

Requested Action: Variance to Allow a Second Accessory Building

Land Use Plan Guiding: RAD

**Existing Zoning: RR** 

#### Site History and Existing Conditions:

The history of these sites is both lengthy (filling nearly 4 inches of City file space) and complex – nearly defying description. It appears that the farmstead site, including the home and the barn, were what was referred to as the John Cody Farm prior to 1977. The farm is reported by 1977 City Council Minutes as 48 acres in area. It may have been much larger at some earlier point. During 1977/1978 Rossow (who had purchased the Cody Farm) applied for and received approval of a plat to create 9 five acre lots, with the balance of the Cody Farm apparently street right-of-way for a cul-de-sac that would access directly to Highway 36. There apparently was also some zoning action regarding some or all of the lot – likely rezoning to commercial from AG.

Apparently the developer never followed through with the recording of the plat or the construction of plat improvements, and was advised by the City in 1984 that the plat approval was voided. City files also refer to litigation whereby the Court apparently voided some zoning action involving the property. It therefore appear that, by 1984, the original developers had no approvals valid for the 1978 plat that included this site.

Nothing appears in City files regarding this site until 1991, where it appears a title issue arises with the house on the subject site. It appears that the developer had sold the house on 2 acres by unrecorded Contract for Deed prior to the 1978 plat when this area was zoned for a minimum 5 acres. During the later platting process an additional 3 acres was added to the house site to make it legal. Even with the added 3 acres, however, the barn was still not on the 5 acres conveyed. While we can locate no building permit records, a pole building of approximately 800 square feet area was constructed (likely without a permit) within the 5 acres that had been sold with the house prior to the applicants purchasing the property (appears on the 2000 air photo).

Recently the Bergmans (applicant) acquired the entire Rossow holdings (failed plat) and the house/pole barn on the 5 acres. A portion the remaining Rossow land was subsequently included in the Sanctuary plat as Outlot E – subject to a Conservation Easement or the Minnesota Land Trust.

#### Discussion and Analysis:

The applicants desire to adjust the lot line between the 5 acre house site and their adjoining land to increase the 5 acre site sufficiently easterly to include the barn structure that was detached by earlier Rossow land sale (that created the 5 acre site). By that land sale back in the late 1970's not only did Rossow create what is now a non-conforming lot (but was not then – at least after the "extra" three acres was added), but also created an adjoining parcel that contained an accessory structure (the old barn) on a parcel that had no principal structure.

No RR zoned parcel may have more than one accessory structure, and that single structure may not exceed 2,500 square feet in area. Any Lot Line Adjustment (administrative) to accomplish the applicants' proposal would result in a second accessory structure on an RR zoned parcel. In addition, the <u>sum</u> area of the two accessory structures that would result from the Lot Line Adjustment to include the barn on the 5 acre parcel would appear to slightly exceed 2,500 square feet.

In considering the variance applied for staff notes that two existing non-conformities would be eliminated or reduced in scale:

- 1. By adding the land area that includes the barn to the 5 acre parcel, that parcel would become 6.33 acres in area. While the resulting parcel would remain non-conforming in the RR zone (10 acre minimum), it would be less non-conforming. Reducing the parcel on which the barn now is located by 1.33 acres will not make that parcel non-conforming by area.
- 2. By placing the barn on the same parcel as the house, the non-conformity of an accessory structure on a parcel without a principal structure will be eliminated.

#### Findings and Recommendations:

- 1. The property can not be put to reasonable use without the granting of the variance requested.
- 2. The variance requested relates to divisions of lands undertaken three decades ago, by parties than the applicants responsive to zoning standards that differ from those of 2006. In addition, the 1970's land division actions illegally created a non-conformity (accessory structure on a parcel without a principal structure) that will be mitigated by the proposed variance, and therefore the circumstances are unique to these properties
- 3. Granting of the variances will not change the essential character of the neighborhood.. The two accessory structures already exist.

Based on the foregoing staff recommends approval of the requested variance subject to approval of a Lot Line Adjustment or Minor Subdivision, or a waiver of platting by the City Council to create the new parcel that would contain the house and the two accessory structures.

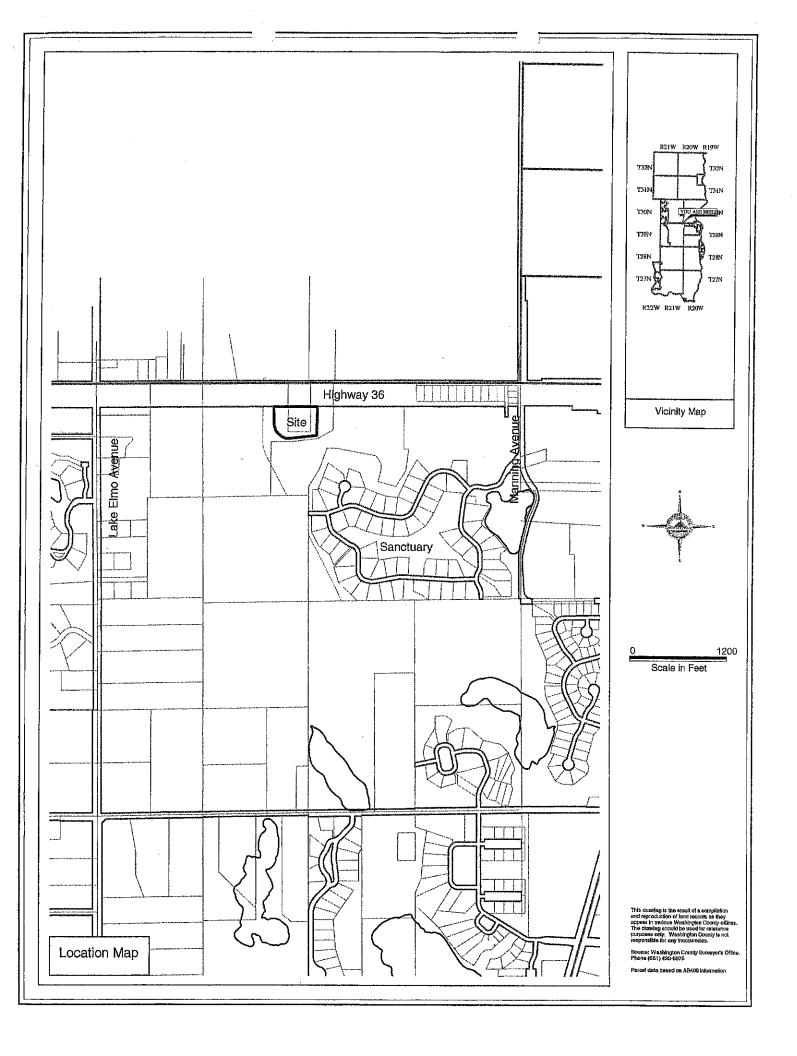
#### **Planning Commission Actions Requested:**

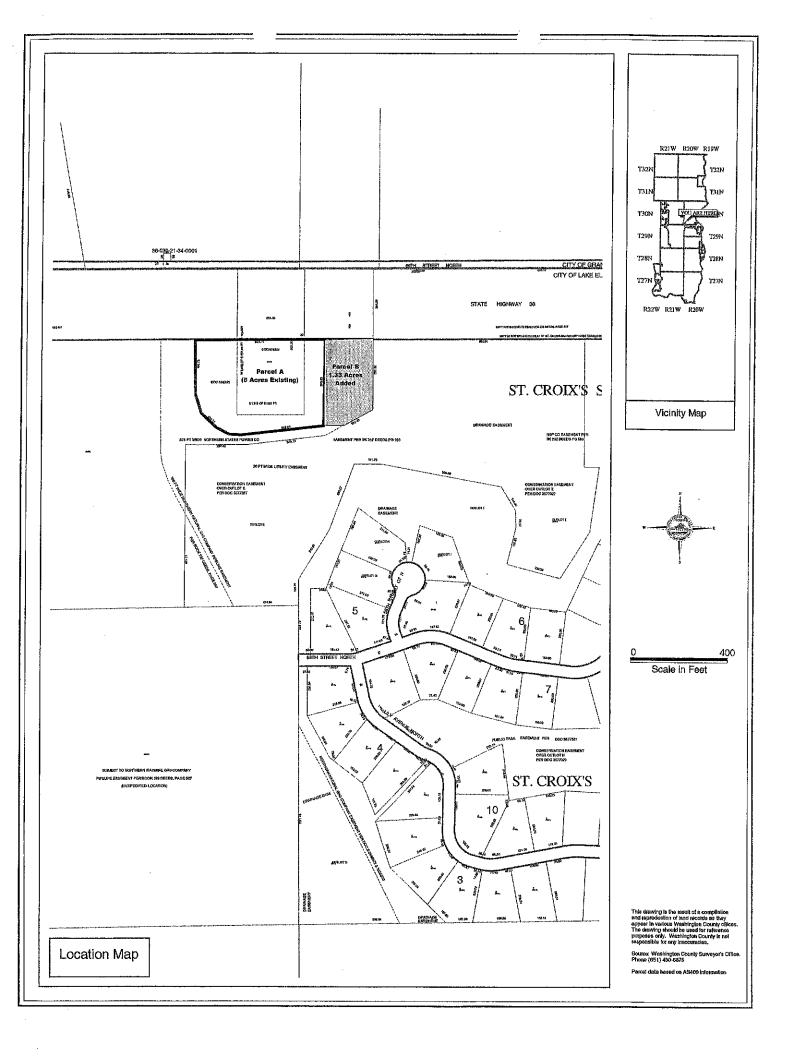
Motion to recommend approval of a variance to allow two existing accessory structures on an RR zoned parcel based on the Findings and subject to the condition specified by the August 24, 2006 Planning Staff Report.

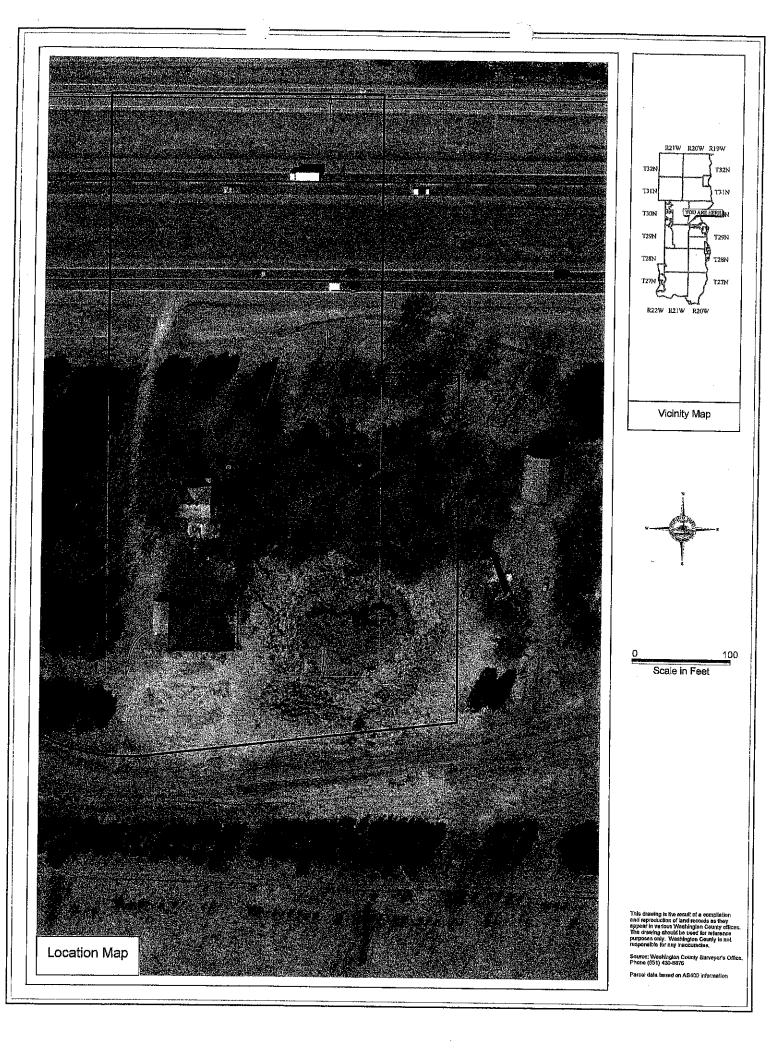
Charles E. Dillerud, City Planner

#### Attachments:

- 1. Location Map
- 2. Applicants' Graphics







Lake Elmo City Council September 5, 2006	Agenda Section: Planning, Land Use and Z	Coning	<u>No.</u> 9B
Agenda Item: Apo	ostolic Church Site - Comp Plan Amendment/F	Rezoning (City of Lak	te Elmo)
At the request of the consideration of this 31 staff has been un	e property owner the City Council has twice (Just recommendation from the Planning Commiss able to contact the property owner at their listed we have again attached the agenda materials from the property owner at their listed we have again attached the agenda materials from the property owner at their listed we have again attached the agenda materials from the property owner at their listed we have again attached the agenda materials from the property owner at their listed we have again attached the agenda materials from the property owner at their listed we have again attached the agenda materials from the property owner at their listed we have again attached the agenda materials from the property owner at the prope	ion. As of agenda pre	paration on August
Action items  Motion to adopt Res Plan Amendment, su	09.3 olution #2006 – Approving a Comprehensive bject to Metropolitan Council concurrence.	Person responsible	e <u>:</u>
If the Resolution is			
ordinance not to be pr	inance #97 – amending the Lake Elmo ormance with Resolution #2006 Said ablished until receipt of Metropolitan with the Plan amendment Resolution.		

Time Allocated:

Attachments:
1. July 15, 2006 Agenda Materials

#### City of Lake Elmo Washington County, Minnesota

Resolution No. 2006-093

#### A RESOLUTION GRANTING A COMPREHENSIVE PLAN AMENDMENT GUIDING LAND USE FROM PF TO RAD TO THE CITY OF LAKE ELMO

WHEREAS, the City of Lake Elmo has made application for a Comprehensive Plan Amendment, amending the land use guiding from PF to RAD for the following parcel of land; to wit:

#### **Legal Description**

That part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28; thence on an assumed bearing of North 88 degrees 53 minutes 28 seconds East, along the south line of said Southeast Quarter, 1770.00 feet to the point of beginning; thence North 01 degrees 06 minutes 32 seconds West 245.00 feet; thence northeasterly, along a tangential curve, concave to the southeast, having a radius of 241.75 feet and a central angle of 40 degrees 00 minutes 00 seconds, 168.77 feet; thence North 38 degrees 53 minutes 28 seconds East, tangent to the last curve, 125.60 feet; thence northerly along a tangential curve, concave to the Northwest, having a radius of 254.72 feet and a central angle of 39 degrees 40 minutes 47 seconds, 176.41 feet; thence North 00 degrees 47 minutes 19 seconds West, tangent to the last curve, 74.17 feet; thence northeasterly along a tangential curve, concave to the southeast, having a radius of 60.00 feet and a central angle of 39 degrees 11 minutes 42 seconds, 41.04 feet to a point of reverse curve; thence northeasterly, northerly and westerly along said reverse curve, concave to the southwest, having a radius of 60.00 feet and a central angle of 162 degrees 33 minutes 43 seconds, 170.24 feet; thence North 00 degrees 47 minutes 19 seconds West, not tangent to last curve, 257.85 feet; thence South 88 degrees 47 minutes 13 seconds West, parallel with the north line of said Southeast Quarter of the Southeast Quarter 591.91 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence southerly along the west line of said Southeast Quarter of the Southeast Quarter 1116.18 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along the South line of said

Southeast Quarter of the Southeast Quarter 464.71 feet to the point of beginning. Excepting the south 33.00 feet of said Southeast Quarter of the Southeast Quarter.

Note: The above-described Parcel contains 14.352 Acres, more or less.

WHEREAS, the Lake Elmo Planning Commission considered this Comprehensive Plan Amendment request at its July 10, 2006 meeting, and recommended that the Comprehensive Plan Amendment be granted.

**WHEREAS**, the Comprehensive Plan Amendment request was presented to the City Council at its July 18, 2006 City Council Meeting where the following Findings were made:

- 1. The subject site is an 'island' of PF surrounded by RAD land use guiding which is essentially 'spot-guiding' with no factual basis to support the existing PF classification, and RAD land use guiding continues to surround the site on three sides.
- 2. The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.
- 3. There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan Amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

**NOW, THEREFORE, BE IT RESOLVED** that the land use designation on the Lake Elmo Comprehensive Plan for the foregoing described property is hereby amended from PF to RAD subject to review and concurrence by the Metropolitan Council.

ADOPTED by the Lake Elmo City Council this 5th day of September, 2006.

	Dean A. Johnston, Mayor
ATTEST:	
Martin Rafferty, City Administrator	

#### ORDINANCE 97-178

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

#### AN ORDINANCE AMENDING THE 1979 MUNICIPAL CODE OF LAKE ELMO

The City Council of the City of Lake Elmo ordains:

Section 1. Amendment. Section 301.070C of the 1979 Municipal Code of Lake Elmo adopted October 16, 1979. It is hereby amended to the change the zoning district map by rezoning the following described parcel from Public Facility to Rural Residential, to wit:

That part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 28: thence on an assumed bearing of North 88 degrees 53 minutes 28 seconds East, along the south line of said Southeast Quarter, 1770.00 feet to the point of beginning; thence North 01 degrees 06 minutes 32 seconds West 245.00 feet; thence northeasterly, along a tangential curve, concave to the southeast, having a radius of 241.75 feet and a central angle of 40 degrees 00 minutes 00 seconds, 168.77 feet; thence North 38 degrees 53 minutes 28 seconds East, tangent to the last curve, 125.60 feet; thence northerly along a tangential curve, concave to the Northwest, having a radius of 254.72 feet and a central angle of 39 degrees 40 minutes 47 seconds, 176.41 feet; thence North 00 degrees 47 minutes 19 seconds West, tangent to the last curve, 74.17 feet; thence northeasterly along a tangential curve, concave to the southeast, having a radius of 60.00 feet and a central angle of 39 degrees 11 minutes 42 seconds, 41.04 feet to a point of reverse curve; thence northeasterly, northerly and westerly along said reverse curve, concave to the southwest, having a radius of 60.00 feet and a central angle of 162 degrees 33 minutes 43 seconds, 170.24 feet; thence North 00 degrees 47 minutes 19 seconds West, not tangent to last curve, 257.85 feet; thence South 88 degrees 47 minutes 13 seconds West, parallel with the north line of said Southeast Ouarter of the Southeast Quarter 591.91 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence southerly along the west line of said Southeast Quarter of the Southeast Quarter 1116.18 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence easterly along the South line of said Southeast Quarter of the Southeast Quarter 464.71 feet to the point of beginning. Excepting the south 33.00 feet of said Southeast Ouarter of the Southeast Ouarter.

Note: The above-described Parcel contains 14.352 Acres, more or less.

Section 2. <u>Effective Date.</u> This ordinance shall become effective upon its passage and publication.		
Adopted by the City Council of the City of Lake Elmo this 5th day of	September, 2006.	
Dean A	A. Johnston, Mayor	
Martin Rafferty, City Administrator		

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# PUBLIC HEARING: Comprehensive Plan Amendment and Rezoning for the Apostolic Church Site



The Planner said the City Council initiated this petition to reclassify and rezone this 13 acre portion of a parcel on the north side of 10<sup>th</sup> Street from PF to RAD (Comp Plan); and PF to RR (zoning). He reported that no church construction has taken place over 17 years, nor has there been any indication from the owner that church construction is contemplated in the near future.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:18 P.M.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:19 P.M.

M/S/P, Ptacek/Deziel To recommend amending the Comprehensive Plan to reclassify the site owned by Apostolic Church from PF to RAD. Vote: 6:0.

M/S/P, Ptacek/Van Zandt To recommend the Apostolic Bible Church site to be rezoned from PF to RR on the condition that the Comprehensive Plan amendment to reclassify the site to RAD is approved Vote: 6:0

DRAFT

DRAFT

Lake Elmo		
City Council		
July	18,	2006

Agenda Section: Planning, Land Use and Zoning

No. 9B

Agenda Item: Comprehensive Plan Amendment and Rezoning - Apostolic Bible Church Site

#### Background Information for July 18, 2006:

On July 10 the Planning Commission conducted the required Public Hearing and unanimously recommended approval of a City Council-initiated action to amend the Comprehensive Plan classification of this site from PF to RAD; and to rezone the site from PF to RR. The property owner (Apostolic Bible Church) was mailed a copy of the Hearing Notice at an address provided by the Washington County GIS, but did not respond or attend the Hearing. The property owner was again notified of this pending action by mail with a copy of this Memo to the City Council.

#### Action items:

Motion to adopt Resolution #2006 - Approving a Comprehensive Plan Amendment, subject to Metropolitan Council concurrence.

#### If the Resolution is Adopted

Motion to adopt Ordinance #97 – amending the Lake Elmo Zoning Map for conformance with Resolution #2006 - . Said ordinance not to be published until receipt of Metropolitan Council concurrence with the Plan amendment Resolution.

#### Person responsible:

#### Attachments:

- 1. Draft Resolution #2006 Approving Comp Plan Amendment 2. Draft Ordinance #97 Approving Rezoning
- 3. Draft Planning Commission Minutes of July 10, 2006
- 4. Planning Staff Report

#### Time Allocated:

#### LAKE ELMO PLANNING COMMISSION STAFF REPORT

Date: July 7, 2006 for the Meeting of July 10, 2006

Applicant: City of Lake Elmo by It's City Council

Location: 8890 10th Street North

Requested Action: Comprehensive Plan Amendment and Rezoning

Land Use Plan Guiding: PF

**Existing Zoning: PF** 

#### Site History and Existing Conditions:

City records regarding this 38 acre (overall) site date back to 1988. The site owner (Apostolic Bible Church) applied to the City to rezone the entire 38 acres from RR (Rural Residential) to PF (Public/Semi-Public Facilities) with the specific intent to build a church. There were also indications that the applicant may include a seminary facility on the site.

No application or discussion of a corresponding Comprehensive Plan amendment appears in the 1988/1989 records of this proceeding, except reference to a clause in the City Zoning Ordinance (that remains to this day as 301.060 E.8) stating that a rezoning action automatically amends the Comprehensive Plan to conform with the zoning. While that may have been the understanding of the City at that time (Comp Plan responds to zoning), Minnesota court decisions (and Statute amendments) that may have taken place subsequent to 1988/1989 clearly prescribe that zoning must respond to the Comp Plan. Hence (at least today) there can be no rezoning that is inconsistent with the Land Use Plan. Today, the Plan must be amended first.

Following initial review, Public Hearing and discussion at the Planning Commission level the applicant amended the rezoning application to reduce the area of the requested action to the westerly 13 + acres (net of road right-of-way) of the 38+ acre site. Although the Planning Commission recommended denial of the application, the City Council did eventually approve it and a related land division. That land division is not, however, of record with Washington County.

In 1991 the property owner (Apostolic Church) was asked by the City if they intended to proceed with the church project to which they responded in the affirmative, but that construction would not start until at least 1994. This inquiry by the City was initiated responsive to a suggestion that the land be rezoned back to RR since no church construction had taken place.

In 1998 the church advised the City that it planned to move forward with church construction during 1998. This may have been responsive to concurrent work by the City to amend the PF zoning district standards in a manner that was viewed by this church (and others) as constraining. Those PF amendments were eventually adopted by the City. There has been no contact of the City by the church regarding building plans since at least 2000.

#### on and Analysis:

ty Council has recently directed Staff to process a City Council-initiated Comprehensive amendment for the subject 13+ acres to reclassify the Plan land use from PF to RAD stent with the surrounding lands. The Council also initiated a complimentary rezoning ess for the site to reclassify zoning from PF to RR – again consistent with surrounding perties. The property owner (and property owners within 350 feet of the site) have been tified of the proposed actions.

Comprehensive Plan amendments are generally based on one or both of the following:

- 1. A change of conditions regarding the subject site, or the surrounding area.
- 2. An error in the existing Plan classification.

Staff review of the substantial records regarding the 1988/1989 proceedings that lead to the rezoning of this site from RR to PF reveal (as noted above) that there was no discussion of the Comprehensive Plan amendment except the reference to the "zoning equals Plan" clause of the Zoning Ordinance. No findings regarding either change of conditions or error supported that Plan amendment - rather, a basic determination of whether it was the "right" or "wrong" action by the City based on a substantially different understanding of the importance of comprehensive plans that cities are required by Statute to adopt in 2006.

Staff concedes the advantages of 20/20 hindsight as we address the land use guiding and zoning of this site today - 17 years after the action. There were no specific findings (reflected in Minutes) in support of the 1989 action to assist in determining the reasons for the actions - beyond the applicant's ownership of the site - no error claimed, nor any change of conditions claimed (other than site ownership). Today, that alone could easily be construed as an error in the 1989 action, and the basis to return the site to RAD land use classification and RR zoning that the site held prior to the 1989 action to rezone (and automatically reclassify in the Comp Plan).

As the City has witnessed during the recent consideration of the Lakewood Church Comp Plan Amendment and rezoning applications, PF land use guiding and zoning tends to be a special case that is not easily addressed by planning theory or practice. Predeterming the need for and geographic placement of the PF-type uses as Comprehensive Plans are prepared is seldom accomplished, except in the case of large PUD projects (often hundreds of acres). In those cases the project alone may suggest PF needs (such as schools) and even church sites by mere project scale. Beyond that, PF land use decisions (other than accommodating existing PF uses) becomes an ad hoc practice based as much on judgment by planners and policy makers as on factual

# Findings and Recommendations:

Staff suggests the following Findings be considered regarding the City Council initiated application for amendment of the Comprehensive Plan to reclassify this site from PF to RAD:

1. The subject site is a 13 acre "island" of PF surrounded by RAD land use guiding essentially "spot guiding" with no factual basis to support the existing PF classification, and RAD land use guiding continues to surround the site on 3 sides.

Lake Elmo
City Council
September 5,
2006

Agenda Section: Planning, Land Use and Zoning

No. 9D

Agenda Item: Metropolitan Airports Commission – Lake Elmo Airport 2025 Plan

#### Background Information for September 5, 2006:

City Administrator Martin Rafferty, Planner Chuck Dillerud, and Assistant Planner Kelli Matzek along with representatives of Baytown Township and West Lakeland Township recently attended a meeting with the Metropolitan Airports Commission (MAC) staff and its consultants to discuss the Lake Elmo Airport Long Term (2025) Comprehensive Plan Update now underway at MAC.

While the planning process is not yet complete, research that has been recently completed by their consultant has lead MAC to the conclusion there is at least a need for increased hanger space at Lake Elmo Airport. MAC staff also advises that, whenever the question of increased runway length is raised, aircraft owners will always favor such improvements from an aircraft operations safety perspective. Therefore runway extensions are included as draft airport development concepts. No runway relocation is now proposed – as it had been in the past.

MAC presented three draft concepts for inclusion in the 2025 updated plan for local government comment:

- leave the airport runways as-is, but create additional hanger development on the east side of the
- extend the southwest/northeast runway from 2,850 feet to 3,200 feet with hanger development
- extend the southwest to northeast runway from 2,850 feet to 3,900 feet with hanger development

The local government representatives at the meeting agreed that a fourth alternative be no further development at the airport (runways or hangers)

MAC staff has requested City comments on the draft airport development options that have been presented by September 22. Thereafter MAC will conduct a Public forum on the draft 2025 Lake Elmo Airport Plan at an unspecified date in the future – probably at the Baytown Town Hall.

Attachments:  1. Draft Concept Plans Graphics  Time Allocated:	Action items: Council comments on the MAXC draft 2025 development concepts for the Lake Elmo Airport. To be transmitted to MAC.	Person responsible:  City Planner
1. Draft Concept Plans Graphics	Attachments:	Time Allocated:
	1. Draft Concept Plans Graphics	



Concept 1 - Building Area Development Only



Lake Elmo Long-Term Comprehensive Plan 

Concept 2 — Grosswind Runway Extension (3,2001) with Building Area Development

Figure 4-2



Lake Elmo Long-Term Comprehensive Plan 

Figure 4-3

Concept 3 = Grosswind Runway Extension (3,900)) with Building Area Development

Lake Elmo
City Council
September 5,
2006

Agenda Section: Planning, Land Use and Zoning

No. 9E

Agenda Item: Update – Xcel Fly Ash Land Fill Siting

#### **Background Information for September 5, 2006:**

Following the disbanding of the Xcel "Citizen's Advisory Committee" on King ash land fill siting in 2005 Xcel returned focus to their original site of choice (which they hoped the Committee would endorse – but they didn't) in West Lakeland Township. They (Xcel) had announced much earlier that they would prepare a "voluntary" Environmental Impact Statement (EIS) for whatever site they ended up focusing on. That process has now started. State EQB Rules designate the Minnesota Pollution Control Agency (MPCA) as the "Responsible Governmental Agency" for this type of project – probably since MPCA would be the primary State permitting agency. MPCA was well represented at the Citizen's Committee meetings in 2005, and repeatedly endorsed the land fill technical methodology that Xcel proposes as the best solution for King plant ash disposal.

The initial step in the EIS is preparation of a Scoping Environmental Assessment Worksheet (SEAW). This is done by the Responsible Governmental Agency (MPCA in this case) – usually using consulting services paid for by the project sponsor (Xcel in this case). The SEAW is solely intended to address the scope of the forthcoming EIS – what should be addressed in the EIS document to fully asses the impacts from, and alternatives to, the proposed project. The SEAW was issued on August 28, and the public comment period on the SEAW will run for 45 days. Copies of the SEAW are in the Council's mail box. Lake Elmo Staff has not had time to look over the SEAW in detail yet. Will the Lake Elmo Council wish to submit written comments – if there are any?

Action items: Direction to Staff regarding the MPCA SEAW for King Plant Fly Ash land fill in West Lakeland Township.	Person responsible:  City Planner
Attachments: None	Time Allocated:

The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.

There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

led on the foregoing, staff recommends the Comprehensive Plan be amended for this site to lassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council neurrence mandated by State Statute.

taff further recommends that the subject site be rezoned form PF to RR on the condition that the ecommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

# Planning Commission Actions Requested:

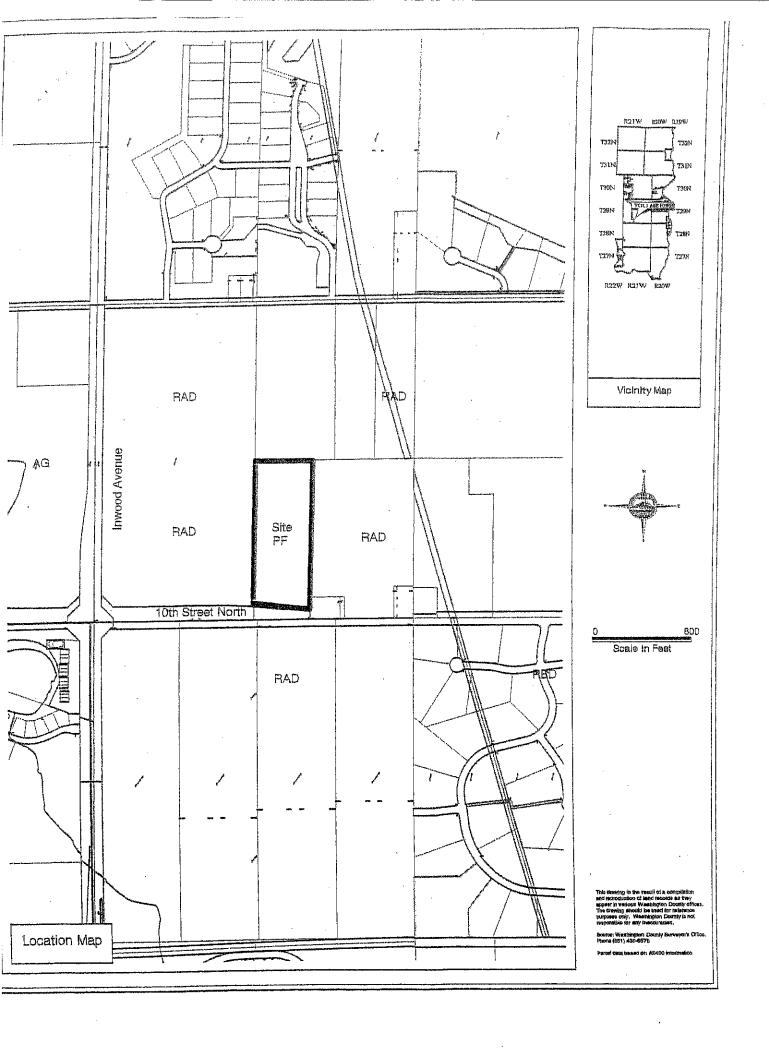
Motion to recommend the Comprehensive Plan be amended for the site known as the Apostolic Bible Church site to reclassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council concurrence mandated by State Statute.

Motion to recommend that the subject site be rezoned form PF to RR on the condition that the recommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

Charles E. Dillerud, City Planner

#### Attachments:

1. Location Map



The record of the 1989 City action to reclassify the site from RAD to PF fails to provide Findings to support that reclassification beyond the interests of the property owner leading to the conclusion that an error may have resulted by the action.

There has been no evidence that the property owner intends to execute development of the site as a church during the past 7+ years. Conditions appear to have changed from those existing at the time of the 1989 Comprehensive Plan amendment classifying the site as PF. The property owner has been officially notified of this pending amendment, and has not responded.

led on the foregoing, staff recommends the Comprehensive Plan be amended for this site to lassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council neurrence mandated by State Statute.

taff further recommends that the subject site be rezoned form PF to RR on the condition that the ecommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

# Planning Commission Actions Requested:

Motion to recommend the Comprehensive Plan be amended for the site known as the Apostolic Bible Church site to reclassify the site in the Land Use Plan from PF to RAD, subject to the Metropolitan Council concurrence mandated by State Statute.

Motion to recommend that the subject site be rezoned form PF to RR on the condition that the recommended Comprehensive Plan amendment is adopted by the City Council and concurred in by the Metropolitan Council.

Charles E. Dillerud, City Planner

#### Attachments:

1. Location Map

