THE CITY OF LAKE ELMO

Our Mission is to Provide Quality Public Services in a Fiscally Responsible Manner While Preserving the City's Open Space Character

NOTICE OF MEETING

City of Lake Elmo
3800 Laverne Avenue North
City Council Meeting
Wednesday, November 7, 2012 7:00 P.M.

***Note: The City Council will interview Planning Commission Candidates beginning at 6:15 P.M.**

AGENDA

A. **CALL TO ORDER**

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL**

D. **APPROVAL OF AGENDA**

E. **ORDER OF BUSINESS/GROUND RULES**

F. **ACCEPT MINUTES**

1. Accept October 16, 2012 City Council Minutes

G. **PUBLIC COMMENTS/INQUIRIES**

H. **PRESENTATIONS**

MnDOT Presentation on the 2013 Hilton Trail Interchange/ DeMontreville Trail J-Turn Project

I. **CONSENT AGENDA**

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

2. Approve Payment of Disbursements and Payroll
3. Post-Issuance Tax Compliance Procedures for Tax Exempt Bonds
4. 2012 Crack Seal Project - Pay Request No. 1 (Final)
5. Approve Resolution 2012- XX State of Minnesota Redevelopment Grant Program – A Resolution Accepting the DEED Water System Infrastructure Grant
6. Keats MSA Street and Trunk Watermain Improvements - Approve Engineering Design and Construction Support Services Contract
7. Accept Resignation of City Clerk Sandy Thone, and Appoint Adam Bell as City Clerk; Resolution 2012-XX

J. **REGULAR AGENDA**

8. Approve Conditional Use Permit for grading project at 9242 Hudson Boulevard; Resolution 2012-XX
9. Library Board Appointments

K. **NEW BUSINESS**

10. Request for Connection to 32nd Street 201 System

L. **SUMMARY REPORTS AND ANNOUNCEMENTS**

- Mayor and Council
- Administrator
  - City of Lake Elmo 2013 Plan of Work
  - City of Lake Elmo Standard Operating Guidelines
- City Attorney
- City Engineer
- Planning Director
- Finance Director

M. Adjourn

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
OCTOBER 16, 2012

Mayor Johnston called the meeting to order at 7:00 P.M.

PRESENT: Mayor Johnston, Council Members Emmons, Smith, Pearson, and Park.

Also Present: City Administrator Zuleger, City Attorney Snyder, City Engineer Griffin, Finance Director Bendel, Planning Director Klatt, and City Clerk Thone.

APPROVAL OF AGENDA

MOTION: Council Member Emmons moved to approve the October 16, 2012 City Council Agenda as presented. Council Member Pearson seconded the motion. ***Motion passed 5-0.***

ACCEPT MINUTES

ITEM 1: ***THE OCTOBER 2, 2012 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.***

PUBLIC COMMENTS/INQUIRIES:

Tony Hernandez – Candidate for U.S. House of Representatives, 4th Congressional District, spoke to the council about his campaign. After providing a brief summary of his personal and professional background, he presented his position on several issues and expressed his desire to go to Washington, DC and work for Minnesota families. Mr. Hernandez gave an overview of the new district boundaries, and answered a question from the mayor on his approach to funding local infrastructure improvements.

Dave Moore, 8680 Stillwater Boulevard, spoke on the Keats Avenue Street and Watermain improvements topic. He asserted that the city's water problems were due to the 3M litigation. He inquired why about five years ago the city attorney at the time was instructed that the matter would be "handled in-house." He also noted that all the proceeding are of record and expressed his displeasure with the way the issue has been handled.

PRESENTATIONS:

QUALITY STAR RECOGNITION – Mark Duddeck

City Administrator Zuleger presented the Quality Star Award to Mark Duddeck of Lake Elmo Public Works. Mr. Zuleger explained the purpose of the award is to recognize those in the city and community who go above and beyond. He expressed appreciation for Mark's commitment to the City of Lake Elmo.

CONSENT AGENDA

2. Accept Financial Report dated September 30, 2012

3. Accept Building Permit Report dated September 30, 2012
4. Approve Payment of Disbursements and Payroll of $589,321.72
5. Resolution 2012-52 Approving City Elected Official and Appointed Board/Commission Members' Code of Conduct Policy
6. 2012 Street and Water Quality Improvements – Change Order 1
7. 2012 Street and Water Quality Improvements – Pay Request 2
8. Approval of HVAC System for Annex and Maintenance Agreement for City Facilities

MOTION: Council Member Pearson moved to approve the Consent Agenda as presented. Council Member Park seconded the motion. ***MOTION PASSED 5-0.***

REGULAR AGENDA

ITEM 9: APPROVAL OF DAMON FARBER & ASSOCIATES PLANNING/THEMING AGREEMENT

City Administrator Zuleger explained that a key component in the land use planning process is creating a synergy or "theme" between the three distinct planning areas within the City of Lake Elmo – the open space areas, the Old Village, and the I-94 corridor. Achieving a common theme that reflects the open space character/nature of Lake Elmo is one way to achieve and maintain a cohesive, unified community.

Earlier this month, Damon Farber & Associates, an award-winning landscape architecture/planning and design firm, met with the Old Village Workgroup to determine the suitability of purpose/fit and the following week provided a pro bono consultation on a walk-through of the Old Village. It was noted that City Administrator Zuleger has worked with Damon Farber & Associates in the past with great success during his tenure in Weston, WI.

A discussion was had over the cost of the planning/theming work. Council directed staff to recoup the $27,500 in theming costs when future development takes place.

MOTION: Council Member Smith moved to approve the ***AGREEMENT TO COMMISSION DAMON FARBER & ASSOCIATES TO PERFORM WORK ON PLANNING/THEMING.*** *Council Member Park seconded the motion.* ***MOTION PASSED 5-0.***

ITEM 10: CONDITIONAL USE PERMIT APPROVAL FOR THERAPEUTIC MASSAGE AT 11200 STILLWATER BOULEVARD

Planning Director Klatt provided an overview of the conditional use permit application by Mr. Aaron Koen for therapeutic massage at 11200 Stillwater Boulevard. Under current zoning ordinances, therapeutic massage is allowed as a conditional use in the General Business (GB) zoning district.

Mr. Klatt explained the CUP evaluation process, which includes: 1. Effects on the health, safety, morals, convenience, or general welfare of surrounding lands; 2. Traffic and parking conditions; 3. Effects on utility and school capacities; 4. Effect on property values of the surrounding lands; and 5.

Effect of the proposed use on the Comprehensive Plan. After evaluation of the proposed use against these criteria, Staff determined that all criteria were met.

It was explained that staff believes a licensing approach for therapeutic massage regulation would be more appropriate than through the conditional use permit process. A licensing structure would allow the city to attain the desired level of regulation to ensure community safeguards and quality local business practices. A public hearing is scheduled for November 14th to discuss the zoning text amendment.

Discussion was had over whether to grant the CUP versus waiting until the licensing structure was in place. Mr. Klatt noted that the applicant chose to go thru CUP process instead of waiting for the license process was implemented because he wanted the business operational as soon as possible. The date when a licensing structure would be ready is not yet known.

Because the applicant has already gone through the CUP process, Council determined that it would be reasonable to waive the initial annual licensing fees when the licensing structure exists.

MOTION: Council Member Smith moved to ***APPROVE RESOLUTION 2012-53 PERMITTING THE CONDITIONAL USE PERMIT AS AMENDED TO INCLUDE THAT THE BUSINESS OWNER WILL OBTAIN A MASSAGE LICENSE WHEN THE ORDINANCE TAKES EFFECT OR PROCESS BECOMES AVAILABLE AND THAT THE FEES WILL BE WAIVED FOR THE INITIAL ANNUAL LICENSING PROCESS.*** *Council Member Park seconded the motion.* ***MOTION PASSED 5-0.***

[Video returns]

ITEM 11: RESOLUTION 2012-54 APPROVING THE LAKE ELMO EMPLOYEE HANDBOOK.

City Administrator Zuleger highlighted some of the notable changes to the 2004 document:

Columbus Day has been removed as a holiday; compensatory time has been changed to require use and minimize staff shortage; overtime and call in time have been narrowly defined to mitigate abuse; a code of conduct has been adopted to improve professionalism; standard operating policies in the area of decorum and personal welfare have been defined; the Lake Elmo benefit package is defined and eligibility qualified; and a performance review and progressive discipline process has been developed. A comprehensive HIPAA policy also was added.

It was pointed out that the handbook would be brought to the council one or two times per year for updates and review. Mr. Zuleger explained that the document was reviewed and approved by the City Attorney. He also noted that one purpose for the new handbook is to provide employees clear expectation for reviews.

A discussion was had where Mr. Zuleger explained why some of the changes were made, including holidays, overtime, and compensatory time. He also stated his preference for defined vacation, sick, and holiday time as opposed to paid time off. Mr. Zuleger noted that upon adoption, this handbook and its policies will become effective immediately.

MOTION: Council Member Smith moved to approve ***RESOLUTION 2012-54 APPROVING THE CITY OF LAKE ELMO EMPLOYEE HANDBOOK EFFECTIVE OCTOBER 17, 2012 AS THE BASELINE PERSONNEL POLICY OF THE MUNICIPALITY. FURTHER, THE CITY COUNCIL AFFIRMS THAT THE EMPLOYEE HANDBOOK BE REVIEWED AND MODIFIED AS NEEDED, BUT NO LESS THAN (1X) PER YEAR, TO KEEP THE DOCUMENT RELEVANT AND COMPLIANT.*** *Council Member Park seconded the motion.* ***MOTION PASSED 5-0.***

NEW BUSINESS

C. **LIBRARY UPDATE**

1. **Library Board Applications**

City Administrator Zuleger explained that former librarian Olivia Moris had resigned for reasons including the low number of available hours. Mr. Zuleger reported that there were three applicants for the two vacant board positions and one alternate position. The openings were advertised on the city's website, Facebook, and the Oakdale-Lake Elmo Review. Because all three applicants are known to the Council, the Council's options are to interview the three applicants and then make appointments or move to appoint without interviewing the applicants.

Mayor Johnston explained that due to the library board officer elections coming in January, it is important to act for the boards benefit. It was his intention of placing the library board items on the agenda to decide how the appointments would be made.

Council Member Smith expressed her preference on not making the appointments tonight. It was her opinion that notice should be extended beyond the City's website and the Oakdale-Lake Elmo Review. The notice should be published in the Saint Paul Pioneer Press as well, due to the large readership of that publication in Lake Elmo. Ms. Smith also would like the positions to remain open until the first week of November in order to bring in more applications. She stated her belief that there were additional candidates who may be interested in applying but were not aware of the openings.

Mayor Johnston stated that he believed scheduling the appointment for the next council meeting on November 7, 2012 would be sufficient time to accomplish both the board's needs and address Council Member Smith's concerns. Council Member Park inquired if that timeframe was sufficient to publish the opening in the Pioneer Press and receive applications. City Administrator Zuleger confirmed that it would be sufficient time. He then stated that staff would try another round of soliciting applications.

Council Member Emmons suggested that it might be wise to use the suggested additional outlets for soliciting applications for other groups and commissions. The council agreed with him by consensus.

MOTION: Mayor Johnston moved to ***ADD LIBRARY BOARD APPOINTMENTS OF 1 ALTERNATE AND 2 RE-APPOINTMENTS TO THE AGENDA OF THE FIRST CITY COUNCIL MEETING IN NOVEMBER.*** *Council Member Park seconded the motion.* ***MOTION PASSED 5-0***

2. **Filling of Weis Board Position**

MOTION: Council Member Emmons moved to ***APPOINT FIRST ALTERNATE ROSEMARY MEIER TO FILL THE REMAINDER OF THE TERM VACATED BY LIBRARY BOARD MEMBER JENNA WEIS;*** *Council Member Pearson seconded the motion.* ***MOTION PASSED 5-0***

3. **Full Time Library Director Position / Goal Setting**

City Administrator Zuleger reported that at the last Library Board meeting there was a vote to proceed with hiring a full-time librarian and increase the hours to 40. The board also discussed holding a workshop to set goals. A major goal is to re-affiliate with Washing County's library system or have inter-library loan status.

Library Board Member Sarah Linder clarified that hiring the full-time librarian would lead to the library's increased hours, but that the increase in hours may not happen simultaneously with the hiring.

Council Member Smith inquired about the financial information that she had previously requested regarding the full-time librarian and the impact on the budget. Council Member Pearson and Finance Director Bendel responded that they have been going over the budget figures and the proposal is feasible. Ms. Smith reiterated that she would like to review all expenses from the inception. Mr. Zuleger confirmed that it would be provided to her.

Mayor Johnston inquired about a bond retirement schedule from Washington County, as the city is no longer paying into the county fund. Mr. Zuleger stated that staff should be able to obtain that from the county. Council Member Pearson stated that some of the money from the bonding was planned to be used for building improvements. Ms. Linder confirmed this and added that the board had factored in a full-time librarian with full city benefits as well as building improvements when discussing next year's budget. Future plans included expanding the library's footprint within the building as it becomes feasible.

4. **Future of Art Center**

City Administrator Zuleger explained that the initial intent of the purchase of the building was to control the land. At one point, the city considered razing the building, but then provided it as a facility for local artists and then as the interim library. Recent discussions have included possibly renting it out as a housing property, but that would require some upgrading of the facility. The main areas that need improvement are the bathroom and kitchen.

A discussion was had regarding the impact on local artists' needs. Council Member Pearson expressed his opinion that due to the necessary improvements and associated costs, discussions about leasing it at this point was unwarranted. Council Member Smith noted that under the current proposals by the Village Workgroup, that area will include senior housing, and perhaps the subject land could be sold and included in that project.

City Administrator Zuleger reminded everyone that the library will be holding its Grand Opening event on October 20, 2012 and encouraged everyone to stop in and enjoy the festivities.

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Emmons reported attending the Village Workgroup meeting, where representatives from Damon Farber & Associates presented their plans and took part in a walking tour of the Village.

Council Member Smith reported also attending the Village Workgroup and meeting with Damon Farber & Associates. She believes Jesse from Damon Farber will be very beneficial to the process and is eager to work with him.

Council Member Park – No Report

Council Member Pearson reported the truck committee met with the City of Woodbury and that the meeting was very positive. Woodbury is open to working with Lake Elmo to coordinate resources. City Administrator Zuleger added that that meeting was one of the better meetings with Woodbury that he has attended and there was discussion of creating a Regional Fire District that would include a goal of filling in equipment gaps throughout the surrounding communities. Mr. Pearson reiterated the quality of the meeting as well.

Mayor Johnston reported attending the library board meeting; the last Gateway Corridor meeting; The Mayor also offered to send all the documentation from the meetings he attends to the Council if members were interested in obtaining that information.

City Administrator Zuleger reported that Mitch Berg, the City of Bayport Administrator, is taking the lead in the Union-Pacific Railroad train horn/whistle issue. Mr. Berg has asked Lake Elmo, along with Oak Park Heights and Bayport Township, to sign on to a letter asking Union-Pacific RR to use more discretion in using the train whistle in affected zones. It is requested that the Mayor sign on to the letter.

Mr. Zuleger also reported the results of the speed trailer study by MnDOT. The subject area was at 11240 Highway 5 across from Hagberg's. The trailer recorded 7,500 vehicles. 7,164 vehicles were above the speed limit of 40mph. The average speed is 9 mph over the limit. He noted while the city would consider the figures as a high volume of speeding, traffic engineers would interpret the data as a justification for raising the speed. Another citation report will be available at the end of the week. Residents have been reporting their positive feedback with the increased enforcement.

Council Member Emmons brought up the use of traffic calming techniques as opposed to actions that encourage increased speed. Mr. Zuleger affirmed that the three proposed tools include calming, as well as enforcement and regulation.

Council Member Smith inquired about the times the speeds were recorded. Mr. Zuleger stated that Public Works Director Bouthilet can provide those details. A discussion also took place explaining Red Zone enforcement. Mr. Zuleger confirmed that 26 percent of the citations and warnings were issued to Lake Elmo residents. Additional data will be available from the forthcoming road survey and ongoing studies. City Engineer Griffin informed the Council that the data suggests that a physical change to the roadway/sightlines is needed to change behavior.

Mr. Zuleger also reported that the City is working on finalizing a contract for a Humane Officer. Staff is working on water appeals and will be asking the council to consider the current water rates and the City's conservation policy in November. Storm Water Appeals are almost complete. A park usage policy is forthcoming for the Council's consideration. The next Source newsletter is ready for publication. Employee performance reviews will be taking place in November.

A discussion was had regarding city parks, trails, and the forthcoming park usage survey.

City Attorney Snyder reported that legal counsel has taken part in several administrative issues, reviewed the personnel policy, and worked on the 3M litigation. The next meeting will include a request for executive session to discuss further details related to that litigation.

City Engineer Griffin reported that the City did receive approval for funding of the Road Safety Audit.

Planning Director Klatt reported he took part in the Village walking tour with Damon Farber & Associates. Feedback from the group will be reported after it is compiled. There are upcoming Design Standards and Village Workgroup meetings scheduled.

Finance Director Bendel reported the completion of the storm water assessments. A sales tax audit is scheduled for next week. Regular month-end filings are coming up. Street Assessments will take place in November.

Adjourned open meeting at 8:50 P.M.

LAKE ELMO CITY COUNCIL

_____
Dean A. Johnston, Mayor

_____
Sandie Thone, City Clerk

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2012
PRESENTATION
ITEM #: H

AGENDA ITEM: TH36 & Hilton Trail Interchange/DeMontreville J-Turn Project – Presentation by Adam Josephson, MnDOT East Area Manager

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY:

SUMMARY AND ACTION REQUESTED: The city council is respectfully requested to receive a presentation from Adam Josephson, MnDOT East Area Manager regarding the Trunk Highway 36 & Hilton Trail Interchange/DeMontreville J-Turn Project.

STAFF REPORT: This project is proposed for construction in 2013. MnDOT is conducting a Public Open House on Thursday, November 15, 2012 at Lake Elmo City Hall from 4 p.m. to 7 p.m. Area residents and business owners are invited to attend to learn more about the project.

Over the past couple of years city staff has been working closely with the Minnesota Department of Transportation to review and comment on the proposed improvements along the Trunk Highway 36 corridor. MnDOT is proposing this project in the cities of Pine Springs, Grant, and Lake Elmo to replace the existing at-grade signalized intersection at TH 36 and Hilton Trail with a grade-separated interchange. The north frontage road (60th Street) will be extended over the Gateway Trail. The project will also reconstruct a 1.2-mile segment of TH 36 which will include the closing of the center median crossing at the Highlands Trail intersection, thereby converting it to a ¾ intersection. These improvements are being implemented as part of the MN 36 Corridor Management Plan. MnDOT's vision for TH 36 is to improve safety and traffic flow while reducing the amount of through traffic cutting through residential areas.

At the urging and request of the City of Lake Elmo, the project was expanded to include a J-turn with deceleration and acceleration lanes just east of the Highlands Trail and Keats Avenue intersections to better accommodate westbound TH 36 access for Lake Elmo residents. The J-Turn project is considered an interim solution for the corridor.

RECOMMENDATION: : Staff is recommending that the city council receive the presentation by Adam Josephson, MnDOT East Area Manager and encourage residents to attend the Public Open House. No formal action is being requested of the council.

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 11/07/2012
CONSENT
ITEM #: 2
MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of $253,016.42

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of $253,016.42. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda.*

BACKGROUND INFORMATION: The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	$ 8,335.93	Payroll Taxes to IRS & MN Revenue 10/18/2012
ACH	$ 5,050.52	Payroll Retirement to PERA 10/18/12
DD4218 – DD4256	$ 23,654.43	Payroll Dated 10/18/12 (Direct Deposit)
39072	$ 1,554.26	Payroll Dated 10/18/2012 (Payroll Paper Checks)
39074-39130	$ 53,107.79	Accounts Payable 10/26/12
ACH	$ 8,088.71	Payroll Taxes to IRS & MN Revenue 11/1/12
ACH	$ 4,969.00	Payroll Retirement to PERA 11/1/12
DD4257 – DD4295	$ 24,263.24	Payroll Dated 11/1/12 (Direct Deposit)
39131 – 39167	$ 123,392.54	Accounts Payable 11/7/12
1597 – 1606	$ 600.00	Library Card Reimbursement 11/7/12
TOTAL	**$253,016.42**	

STAFF REPORT: City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction.

RECOMMENDATION: It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of $253,016.42.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda or a particular claim from this item and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

"Move to approve the November 7, 2012, Disbursements as

Presented *[and modified]* herein."

ATTACHMENTS:

1. Accounts Payable Dated 11/7/2012

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

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

Accounts Payable
To Be Paid Proof List

User: joan z
Printed: 10/26/2012 - 1:12 PM
Batch: 009-10-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
10000 10,000 Lakes Chapter											
2012 Dues	10/09/2012	85.00	0.00	10/25/2012	2012 Membership dues - R. Chase		-			No	0000
101-420-2400-44370 Conferences & Training											
	2012 Dues Total:	85.00									
	10000 Total:	85.00									
ADAMBELL Bell Adam											
10/04/2012	10/04/2012	33.30	0.00	10/25/2012	Mileage for Municipals meeting		-			No	0000
101-410-1320-43310 Mileage											
	10/04/2012 Total:	33.30									
	ADAMBELL Total:	33.30									
ALEXAIR Alex Air Apparatus, Inc											
22611	10/22/2012	3,115.39	0.00	10/25/2012	Annual Inspection of SCBA's, Masks		-			No	0000
101-420-2220-44040 Repairs/Maint Eqpt											
	22611 Total:	3,115.39									
	ALEXAIR Total:	3,115.39									
AMDAHL Amdahl Chris											
9227	09/25/2012	91.00	0.00	10/25/2012	Service Call on Jammed Office Door		-			No	0000
101-410-1940-44010 Repairs/Maint Contractual Bldg											
	9227 Total:	91.00									
	AMDAHL Total:	91.00									
AMEE AMEE Central, Corp											
2012-166	10/22/2012	311.00	0.00	10/25/2012	Big Show Sign "Vote Here"		-			No	0000
101-410-1410-44300 Miscellaneous											
	2012-166 Total:	311.00									
	AMEE Total:	311.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
ARAM Aramark, Inc.											
629-7591520	10/01/2012	38.22	0.00	10/25/2012	City Hall - Floor Mats & Linen Services		-			No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
629-7591520	10/15/2012	31.62	0.00	10/25/2012	City Hall - Floor mats & Linens - Annex		-			No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
629-7591520	10/15/2012	38.22	0.00	10/25/2012	City Hall Floor mats and Linens		-			No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
	629-7591520 Total:	108.06									
629-7599174	10/11/2012	23.78	0.00	10/25/2012	Uniforms		-			No	0000
101-430-3100-44170	Uniforms										
	629-7599174 Total:	23.78									
	ARAM Total:	131.84									
BERTELSO Bertelson's											
CP-WO-805431-1	10/25/2012	-32.05	0.00	10/25/2012	Office Supply Return		-			No	0000
101-410-1320-42000	Office Supplies										
	CP-WO-805431-1 Total:	-32.05									
OE-299180-1	10/02/2012	26.72	0.00	10/25/2012	Hands Free Towel Dispenser		-			No	0000
101-410-1320-42000	Office Supplies										
	OE-299180-1 Total:	26.72									
WO-802229-1	10/03/2012	12.28	0.00	10/25/2012	Duraframe Sign - Black		-			No	0000
101-410-1320-42000	Office Supplies										
WO-802229-1	10/03/2012	229.71	0.00	10/25/2012	Office Supplies		-			No	0000
101-410-1320-42000	Office Supplies										
WO-802229-1	10/03/2012	12.84	0.00	10/25/2012	Office Supplies		-			No	0000
101-420-2220-42000	Office Supplies										
WO-802229-1	10/03/2012	5.98	0.00	10/25/2012	Office Supplies		-			No	0000
101-420-2400-42000	Office Supplies										
	WO-802229-1 Total:	260.81									
WO-806165-1	10/17/2012	282.61	0.00	10/25/2012	Office Supplies		-			No	0000
101-410-1320-42000	Office Supplies										
WO-806165-1	10/17/2012	236.31	0.00	10/25/2012	Office Supplies		-			No	0000
101-420-2220-42000	Office Supplies										
WO-806165-1	10/17/2012	89.98	0.00	10/25/2012	Office Supplies		-			No	0000
101-410-1520-42000	Office Supplies										
WO-806165-1	10/17/2012	20.78	0.00	10/25/2012	Office Supplies		-			No	0000
101-420-2400-42000	Office Supplies										
	WO-806165-1 Total:	629.68									
	BERTELSO Total:	885.16									
BIFFS Biffs Inc.											
Multiple	10/17/2012	674.18	0.00	10/25/2012	Portable Restrooms		-			No	0000
101-450-5200-44120	Rentals - Buildings										
	Multiple Total:	674.18									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	BIFFS Total:	674.18									
BRUSS Bruss Kim & David											
chk Req	10/16/2012	57.10	0.00	10/25/2012	Refund Overpayment of Water Account	-				No	0000
601-494-9400-43820	Water Utility										
	chk Req Total:	57.10									
	BRUSS Total:	57.10									
CAMPION Campion Barrows & Assoc., Corp											
10/01/2012	10/01/2012	780.00	0.00	10/25/2012	Psych Evaluations, Supan, Neuman	-				No	0000
101-420-2220-43050	Physicals										
	10/01/2012 Total:	780.00									
	CAMPION Total:	780.00									
CARQUEST Car Quest Auto Parts											
2055-271797	10/09/2012	46.49	0.00	10/25/2012	Work Lights	-				No	0000
101-430-3100-44040	Repairs/Maint Eqpt										
	2055-271797 Total:	46.49									
6971-311722	10/16/2012	34.28	0.00	10/25/2012	Equip Lamps	-				No	0000
101-430-3100-44040	Repairs/Maint Eqpt										
6971-311722	10/16/2012	101.40	0.00	10/25/2012	Oils and Antifreeze	-				No	0000
101-430-3120-42120	Fuel, Oil and Fluids										
	6971-311722 Total:	135.68									
	CARQUEST Total:	182.17									
CDW CDW Government Inc.											
R938054	10/25/2012	342.97	0.00	10/25/2012	Canon DR M Scanner	-				No	0000
101-410-1940-44300	Miscellaneous										
R938054	10/25/2012	342.97	0.00	10/25/2012	Canon DR M Scanner	-				No	0000
101-420-2400-44300	Miscellaneous										
R938054	10/25/2012	342.98	0.00	10/25/2012	Canon DR M Scanner	-				No	0000
101-410-1910-44300	Miscellaneous										
	R938054 Total:	1,028.92									
	CDW Total:	1,028.92									
CENCOLLE Century College											
479807	10/25/2012	600.00	0.00	10/25/2012	Fire Ground Control	-				No	0000
101-420-2220-44370	Conferences & Training										
479807	10/25/2012	700.00	0.00	10/25/2012	Structural Firefighting	-				No	0000
101-420-2220-44370	Conferences & Training										
	479807 Total:	1,300.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	CENCOLLE Total:	1,300.00									
COMCAST COMCAST											
09/27/2012	09/27/2012	7.90	0.00	10/25/2012	Monthly Service		-			No	0000
101-420-2220-44300	Miscellaneous										
	09/27/2012 Total:	7.90									
	COMCAST Total:	7.90									
CTYOAKDA City of Oakdale											
10000460-01	09/30/2012	9,503.36	0.00	10/25/2012	Water Service I-94		-			No	0000
601-494-9400-43820	Water Utility										
	10000460-01 Total:	9,503.36									
201210033356	09/28/2012	681.22	0.00	10/25/2012	Oil Change New tires on CV1		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	201210033356 Total:	681.22									
201210183385	11/17/2012	219.79	0.00	10/25/2012	Front Axel Seal on CV1		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	201210183385 Total:	219.79									
	CTYOAKDA Total:	10,404.37									
DELAPP DeLapp Steve											
10/25/2012	10/25/2012	1,089.59	0.00	10/25/2012	Building Repairs		-			No	0000
206-450-5300-42230	Building Repair Supplies										
10/25/2012	10/25/2012	-3.60	0.00	10/25/2012	Correction for phone reimb		-			No	0000
206-450-5300-43210	Telephone										
	10/25/2012 Total:	1,085.99									
	DELAPP Total:	1,085.99									
DELTA Delta Dental Of Minnesota											
4967728	10/15/2012	1,623.05	0.00	10/25/2012	November 2012 Dental Coverage		-			No	0000
101-000-0000-21706	Medical Insurance										
	4967728 Total:	1,623.05									
	DELTA Total:	1,623.05									
EMBROIDM Embroidme of Roseville											
E 19529	10/10/2012	40.00	0.00	10/25/2012	Stff Pullover - Alyssa		-			No	0000
101-410-1320-44300	Miscellaneous										
E 19529	10/10/2012	34.00	0.00	10/25/2012	Stff Pullover - Rick		-			No	0000
101-420-2400-44300	Miscellaneous										
	E 19529 Total:	74.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	EMBROIDM Total:	74.00									
EMERGENC Emergency Services Marketing											
6285	10/15/2012	650.00	0.00	10/25/2012	Annual Subscription of IAMRESPONDING	-				No	0000
101-420-2220-44330	Dues & Subscriptions										
	6285 Total:	650.00									
	EMERGENC Total:	650.00									
ERICKSON Erickson Building Inc											
10/17/2012	10/17/2012	176.05	0.00	10/25/2012	Permit #8628 Overpayment	-				No	0000
101-420-2400-44300	Miscellaneous										
	10/17/2012 Total:	176.05									
	ERICKSON Total:	176.05									
FERGUSON Ferguson Waterworks, Inc.											
SO1295124.002	10/12/2012	3,255.63	0.00	10/25/2012	Meters	-				No	0000
601-494-9400-42300	Water Meters & Supplies										
	SO1295124.002 Total:	3,255.63									
	FERGUSON Total:	3,255.63									
FIRSTTIR First State Tire Recycling											
25039	10/10/2012	43.00	0.00	10/25/2012	Tire Recycling clean up days	-				No	0000
101-430-3100-44380	Clean-up Days										
	25039 Total:	43.00									
	FIRSTTIR Total:	43.00									
HOLIDAYC Holiday Credit Office											
10/15/2012	10/15/2012	479.80	0.00	10/25/2012	Fuel	-				No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
	10/15/2012 Total:	479.80									
	HOLIDAYC Total:	479.80									
JP COOKE JP Cooke Company											
201970	11/10/2012	88.90	0.00	10/25/2012	Planning approval Stamp	-				No	0000
101-410-1910-42000	Office Supplies										
	201970 Total:	88.90									
	JP COOKE Total:	88.90									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
LEINN Lake Elmo Inn											
08/22/2012	08/22/2012	3,196.52	0.00	10/25/2012	Ice Machine for fire Hall (rotary grant)	-				No	0000
101-420-2220-42400	Small Tools & Equipment										
	08/22/2012 Total:	3,196.52									
	LEINN Total:	3,196.52									
Lillie Newspapers Inc. Lillie Suburban											
09/27/2012	09/27/2012	38.95	0.00	10/25/2012	9/12 Ordinance 2012-61	-				No	0000
101-410-1910-42000	Office Supplies										
09/27/2012	09/27/2012	18.45	0.00	10/25/2012	9/12 Notice Text amendment	-				No	0000
101-410-1910-42000	Office Supplies										
09/27/2012	09/27/2012	52.00	0.00	10/25/2012	9/26/12 Notice - Keats Ave	-				No	0000
101-410-1910-42000	Office Supplies										
09/27/2012	09/27/2012	16.40	0.00	10/25/2012	9/26/12 Notice - Koen CUP	-				No	0000
101-410-1910-42000	Office Supplies										
	09/27/2012 Total:	125.80									
	Lillie Total:	125.80									
LTLFALLS Little Falls Machine, Inc											
49499	10/11/2012	766.43	0.00	10/25/2012	Wing Plow Cross Tube and Hardware	-				No	0000
101-430-3125-44040	Repairs/Maint Eqpt										
	49499 Total:	766.43									
	LTLFALLS Total:	766.43									
MALMQ Malmquist Greg											
09/16/12	09/16/2012	183.15	0.00	10/25/2012	Mileage for AMEM Conference	-				No	0000
101-420-2220-44370	Conferences & Training										
09/16/12	09/16/2012	38.50	0.00	10/25/2012	Meals for AMEM Conference	-				No	0000
101-420-2220-44370	Conferences & Training										
	09/16/12 Total:	221.65									
	MALMQ Total:	221.65									
MARONEYS Maroney's Sanitation, Inc											
446235	10/08/2012	108.32	0.00	10/25/2012	Waste Removal - City Hall	-				No	0000
101-410-1940-43840	Refuse										
446235	10/08/2012	47.68	0.00	10/25/2012	Waste Removal - Fire	-				No	0000
101-410-1940-43840	Refuse										
446235	10/08/2012	207.82	0.00	10/25/2012	Waste Removal - Public Works	-				No	0000
101-410-1940-43840	Refuse										
446235	10/08/2012	207.82	0.00	10/25/2012	Waste Removal - Parks	-				No	0000
101-410-1940-43840	Refuse										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
446235	10/08/2012	48.12	0.00	10/25/2012	Waste Removal - Library		-			No	0000
206-450-5300-43840	Refuse										
	446235 Total:	619.76									
	MARONEYS Total:	619.76									
MENARDSO Menards - Oakdale											
4641	08/03/2012	149.32	0.00	10/25/2012	FF Tools		-			No	0000
101-420-2220-42400	Small Tools & Equipment										
4641	10/03/2012	38.10	0.00	10/25/2012	Supplies for station #1		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	4641 Total:	187.42									
5254	10/13/2012	93.34	0.00	10/25/2012	Cleaning supplies, light Bulbs station 2		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	5254 Total:	93.34									
	MENARDSO Total:	280.76									
MICHAEL Michael Lee Inc.											
check Req	10/19/2012	3,800.00	0.00	10/25/2012	Partial Escrow Ref 2979 Tapestry #8235		-			No	0000
803-000-0000-22900	Deposits Payable										
check Req	10/18/2012	3,800.00	0.00	10/25/2012	Partial Escrow Ref 10225 Tapestry #8854		-			No	0000
803-000-0000-22900	Deposits Payable										
	check Req Total:	7,600.00									
	MICHAEL Total:	7,600.00									
MINITEX Minitex											
79586	08/06/2012	864.00	0.00	10/25/2012	Library Cards		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	79586 Total:	864.00									
	MINITEX Total:	864.00									
NAPA NAPA Auto Parts											
726652	10/11/2012	4.77	0.00	10/25/2012	Fuses for B2		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	726652 Total:	4.77									
	NAPA Total:	4.77									
NEXTEL Nextel Communications											
761950227-108	10/01/2012	104.65	0.00	10/25/2012	Cell Phone Service - Administration		-			No	0000
101-410-1940-43210	Telephone										
761950227-108	10/01/2012	163.42	0.00	10/25/2012	Cell Phone Service - Fire Dept		-			No	0000
101-420-2220-43210	Telephone										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
761950227-108	10/01/2012	50.11	0.00	10/25/2012	Cell Phone Service - Building	-				No	0000
101-420-2400-43210	Telephone										
761950227-108	10/01/2012	35.70	0.00	10/25/2012	Cell Phone Service - Public Works	-				No	0000
101-430-3100-43210	Telephone										
761950227-108	10/01/2012	102.57	0.00	10/25/2012	Cell Phone Service - Parks Dept	-				No	0000
101-450-5200-43210	Telephone										
761950227-108	10/01/2012	171.80	0.00	10/25/2012	Cell Phone Service - Taxpayer Services	-				No	0000
101-410-1450-43210	Telephone										
761950227-108	10/01/2012	17.93	0.00	10/25/2012	Cell Phone Service - Planning Dept	-				No	0000
101-410-1910-43210	Telephone										
	761950227-108 Total:	646.18									
	NEXTEL Total:	646.18									
PIKEBOB Pike Bob											
10/25/2012	10/25/2012	123.10	0.00	10/25/2012	Building Repairs and Maint.	-				No	0000
206-450-5300-42230	Building Repair Supplies										
	10/25/2012 Total:	123.10									
	PIKEBOB Total:	123.10									
PRIORITY Priority One											
10/25/2012	10/25/2012	50.00	0.00	10/25/2012	For use of Wi-Fi	-				No	0000
206-450-5300-43210	Telephone										
	10/25/2012 Total:	50.00									
	PRIORITY Total:	50.00									
PROVANTA Provantage											
6473615	10/01/2012	341.25	0.00	10/25/2012	Keyboard for Tablet	-				No	0000
101-420-2220-42000	Office Supplies										
	6473615 Total:	341.25									
	PROVANTA Total:	341.25									
REEDKATR Reed Katrina											
10/15/2012	10/25/2012	40.54	0.00	10/25/2012	Mileage Reimbursement for Municipals	-				No	0000
101-410-1320-43310	Mileage										
	10/15/2012 Total:	40.54									
	REEDKATR Total:	40.54									
RIVRCOOP River Country Cooperative											
09/30/2012	09/30/2012	555.14	0.00	10/25/2012	Fuel	-				No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
	09/30/2012 Total:	555.14									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	RIVRCOOP Total:	555.14									
ROGERS Rogers Printing Services, Corp											
18978	10/12/2012	301.55	0.00	10/25/2012	Letterhead Envelopes	-				No	0000
101-410-1320-42030	Printed Forms										
18978	10/12/2012	236.50	0.00	10/25/2012	Window Envelopes - A/P	-				No	0000
101-410-1520-42030	Printed Forms										
18978	10/12/2012	472.42	0.00	10/25/2012	Window Envelopes - Water Billing	-				No	0000
601-494-9400-42030	Printed Forms										
18978	10/12/2012	472.42	0.00	10/25/2012	Window Envelopes - SW Billing	-				No	0000
603-496-9500-42000	Office Supplies										
	18978 Total:	1,482.89									
	ROGERS Total:	1,482.89									
RONNAN Ronnan Ken											
09/28/2012	09/28/2012	38.00	0.00	10/25/2012	Graphics System Training	-				No	0000
101-410-1450-43620	Cable Operations										
	09/28/2012 Total:	38.00									
10/10/2012	10/10/2012	55.00	0.00	10/25/2012	Cable Operations 10/10/12 Planning Comm	-				No	0000
101-410-1450-43620	Cable Operations										
	10/10/2012 Total:	55.00									
	RONNAN Total:	93.00									
S&T S&T Office Products, Inc.											
01PK2931	09/28/2012	7.24	0.00	10/25/2012	Office Supplies - Tape	-				No	0000
101-410-1320-42000	Office Supplies										
	01PK2931 Total:	7.24									
01PL2653	10/18/2012	150.05	0.00	10/25/2012	Name Plates and Badges	-				No	0000
101-410-1320-42000	Office Supplies										
	01PL2653 Total:	150.05									
	S&T Total:	157.29									
SAFEASSU Safe Assure Consultants Inc.											
523	09/06/2012	2,900.00	0.00	10/25/2012	2013 Safety Training	-				No	0000
101-430-3100-43150	Contract Services										
	523 Total:	2,900.00									
	SAFEASSU Total:	2,900.00									
SAMSCLUB Sam's Club											
10/23/2012	10/23/2012	87.76	0.00	10/25/2012	Station and Rehab Supplies	-				No	0000
101-420-2220-44300	Miscellaneous										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
10/23/2012	10/23/2012	11.94	0.00	10/25/2012	city Hall Supplies	-				No	0000
101-410-1320-42000	Office Supplies										
	10/23/2012 Total:	99.70									
10/25/2012	10/25/2012	78.05	0.00	10/25/2012	Supplies for Officers Class	-				No	0000
101-420-2220-44300	Miscellaneous										
	10/25/2012 Total:	78.05									
	SAMSCLUB Total:	177.75									
SCHLOMKA Schlomka											
13496	10/05/2012	200.00	0.00	10/25/2012	Pump Holding Tank City Hall	-				No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
	13496 Total:	200.00									
	SCHLOMKA Total:	200.00									
STILLMED Stillwater Medical Group											
10/09/12	10/09/2012	577.67	0.00	10/25/2012	Physical & Vaccinations	-				No	0000
101-420-2220-43050	Physicals										
	10/09/12 Total:	577.67									
	STILLMED Total:	577.67									
TASCH T.A. Schifsky & Sons Inc											
54014 & 53970	10/02/2012	93.92	0.00	10/25/2012	Asphalt	-				No	0000
101-430-3120-42240	Street Maintenance Materials										
	54014 & 53970 Total:	93.92									
54069	10/08/2012	71.68	0.00	10/25/2012	Asphalt	-				No	0000
101-430-3120-42240	Street Maintenance Materials										
	54069 Total:	71.68									
	TASCH Total:	165.60									
TDS TDS METROCOM - LLC											
651-779-8882	09/13/2012	185.37	0.00	10/25/2012	Analog Lines - Fire	-				No	0000
101-420-2220-43210	Telephone										
651-779-8882	09/13/2012	174.27	0.00	10/25/2012	Analog Lines - Public Works	-				No	0000
101-430-3100-43210	Telephone										
651-779-8882	09/13/2012	129.75	0.00	10/25/2012	Analog Lines - Lift Station Alarms	-				No	0000
602-495-9450-43210	Telephone										
651-779-8882	09/13/2012	45.46	0.00	10/25/2012	Analog Lines - Well House #2	-				No	0000
601-494-9400-43210	Telephone										
	651-779-8882 Total:	534.85									
	TDS Total:	534.85									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
TOMARKSP Tomark Sports											
94944229	10/09/2012	1,015.85	0.00	10/25/2012	Player Benches Deomotreville park	-				No	0000
404-480-8000-45300	Improvements Other Than Bldgs										
	94944229 Total:	1,015.85									
	TOMARKSP Total:	1,015.85									
TREGILGA Tregilgas Michael											
10/18/12	10/18/2012	55.00	0.00	10/25/2012	Cable Operator 10/18/12 Forum	-				No	0000
101-410-1450-43620	Cable Operations										
	10/18/12 Total:	55.00									
10/22/2012	10/22/2012	55.00	0.00	10/25/2012	Cable Operations 10/22/12	-				No	0000
101-410-1450-43620	Cable Operations										
	10/22/2012 Total:	55.00									
	TREGILGA Total:	110.00									
TRKUTI Truck Utilities Inc.											
245019	10/11/2012	89.84	0.00	10/25/2012	Wood Chipper Hyd Hose	-				No	0000
101-430-3120-42210	Equipment Parts										
	245019 Total:	89.84									
	TRKUTI Total:	89.84									
WASHTAX Washington County											
06/14/2012	06/14/2012	46.00	0.00	10/25/2012	Rain Gardens Agreements	-				No	0000
603-496-9500-44300	Miscellaneous Expenses										
	06/14/2012 Total:	46.00									
	WASHTAX Total:	46.00									
WILLTODD Williams Todd											
09/25/2012	09/25/2012	180.27	0.00	10/25/2012	Building Repair - Electrical Supplies	-				No	0000
206-450-5300-42230	Building Repair Supplies										
	09/25/2012 Total:	180.27									
	WILLTODD Total:	180.27									
XCEL Xcel Energy											
51-5356323-8	10/04/2012	3,055.75	0.00	10/25/2012	Wells 1 & 2	-				No	0000
601-494-9400-43810	Electric Utility										
	51-5356323-8 Total:	3,055.75									
	XCEL Total:	3,055.75									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
YOCUM Yocum Oil Company, Inc.											
212573	09/18/2012	160.69	0.00	10/25/2012	Bulk Oil Tanks - Sept	-				No	0000
101-430-3100-44010	Repairs/Maint Bldg										
	212573 Total:	160.69									
213218	10/17/2012	160.69	0.00	10/25/2012	Bulk Oil Tanks - Oct	-				No	0000
101-430-3100-44010	Repairs/Maint Bldg										
	213218 Total:	160.69									
	YOCUM Total:	321.38									
	Report Total:	53,107.79									

Accounts Payable
Computer Check Proof List

User: CathyB
Printed: 10/24/2012 - 11:11 AM

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:USPOST	United States Postal Service			Check Sequence: 1	ACH Enabled: No
	Postage for newsletter mailer	452.70	10/24/2012	101-410-1450-43090	Postage for new
	Check Total:	452.70			
	Total for Check Run:	452.70			
	Total Number of Checks:	1			

Ck # 39073

Accounts Payable
To Be Paid Proof List

User: joan z
Printed: 11/01/2012 - 8:48 AM
Batch: 002-11-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
10000 10,000 Lakes Chapter											
2013 Membership	10/29/2012	85.00	0.00	11/07/2012	Membership Dues		-			No	0000
101-420-2400-44330 Dues & Subscriptions											
	2013 Membership Total:	85.00									
	10000 Total:	85.00									
	Report Total:	85.00									

Accounts Payable
To Be Paid Proof List

User: joan z
Printed: 11/01/2012 - 12:58 PM
Batch: 004-11-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
10000 10,000 Lakes Chapter											
Seminar	10/29/2012	210.00	0.00	11/07/2012	Seminar Registration		-			No	0000
101-420-2400-44370 Conferences & Training											
	Seminar Total:	210.00									
	10000 Total:	210.00									
ADVANCED Advanced Eng & Environ Service											
32149	10/30/2012	2,232.50	0.00	11/07/2012	Water System Design Phasing Study		-			No	0000
601-494-9400-43030 Engineering Services											
	32149 Total:	2,232.50									
	ADVANCED Total:	2,232.50									
AMFLAG American Flagpole & Flag Corp											
103551	10/23/2012	166.40	0.00	11/07/2012	Flags		-			No	0000
101-450-5200-44300 Miscellaneous											
	103551 Total:	166.40									
	AMFLAG Total:	166.40									
ARAM Aramark, Inc.											
629-7603972	10/18/2012	23.78	0.00	11/07/2012	Uniforms		-			No	0000
101-430-3100-44170 Uniforms											
	629-7603972 Total:	23.78									
629-7608697	10/25/2012	23.78	0.00	11/07/2012	Uniforms		-			No	0000
101-430-3100-44170 Uniforms											
	629-7608697 Total:	23.78									
	ARAM Total:	47.56									
BANYON Banyon Data Systems, Inc.											
148445	11/01/2012	978.28	0.00	11/07/2012	Software Support		-			No	0000
601-494-9400-43180 Software Support											
	148445 Total:	978.28									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	BANYON Total:	978.28									
BERTELSO Bertelson's											
WO-808501-1	10/29/2012	28.40	0.00	11/07/2012	Supplies - Administration	-				No	0000
101-410-1320-42000	Office Supplies										
WO-808501-1	10/29/2012	26.16	0.00	11/07/2012	Supplies - Building	-				No	0000
101-420-2400-42000	Office Supplies										
WO-808501-1	10/29/2012	12.60	0.00	11/07/2012	Supplies - Planning	-				No	0000
101-410-1910-42000	Office Supplies										
WO-808501-1	10/29/2012	96.22	0.00	11/07/2012	Supplies - Public Works	-				No	0000
101-430-3100-42000	Office Supplies										
	WO-808501-1 Total:	163.38									
	BERTELSO Total:	163.38									
CENTURYL CenturyLink											
11/07/2012	11/07/2012	120.97	0.00	11/07/2012	Phone Service - Library	-				No	0000
206-450-5300-43210	Telephone										
11/07/2012	11/07/2012	35.95	0.00	11/07/2012	Internet Service - Library	-				No	0000
206-450-5300-43250	Internet										
	11/07/2012 Total:	156.92									
	CENTURYL Total:	156.92									
COMPENSA Compensation Consultants, Ltd											
Nov 2012	10/24/2012	40.00	0.00	11/07/2012	Monthly FSA Admin Fee November 2012	-				No	0000
101-410-1320-44300	Miscellaneous										
	Nov 2012 Total:	40.00									
	COMPENSA Total:	40.00									
DEMCO Demco											
4778448	10/15/2012	94.12	0.00	11/07/2012	Glossy Label Protectors	-				No	0000
206-450-5300-42500	Library Collection Maintenance										
	4778448 Total:	94.12									
	DEMCO Total:	94.12									
EMBROIDM Embroidme of Roseville											
E 19678	10/25/2012	112.95	0.00	11/07/2012	Staff Polo Shirt - 3 Blue - Planning Dep	-				No	0000
101-420-2400-44300	Miscellaneous										
	E 19678 Total:	112.95									
	EMBROIDM Total:	112.95									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
FASTENAL Fastenal											
MNOAK2381	10/18/2012	13.00	0.00	11/07/2012	Hardware		-			No	0000
101-430-3100-42210	Equipment Parts										
	MNOAK2381 Total:	13.00									
	FASTENAL Total:	13.00									
FIORILLO Fiorillo Megan											
10/23/2012	10/23/2012	27.50	0.00	11/07/2012	CC Workshop 10/23/12		-			No	0000
101-410-1450-43620	Cable Operations										
	10/23/2012 Total:	27.50									
	FIORILLO Total:	27.50									
FOCUS Focus Engineering, Inc.											
394 & 395	11/01/2012	4,486.09	0.00	11/07/2012	General Engineering		-			No	0000
101-410-1930-43030	Engineering Services										
394 & 395	11/01/2012	270.00	0.00	11/07/2012	General Engineering		-			No	0000
101-410-1910-43030	Engineering Services										
	394 & 395 Total:	4,756.09									
396	11/01/2012	967.50	0.00	11/07/2012	General Engineering - VRA		-			No	0000
101-420-2400-43030	Engineering										
396	11/01/2012	1,915.50	0.00	11/07/2012	General Engineering - VRA		-			No	0000
101-410-1910-43030	Engineering Services										
396	11/01/2012	1,502.50	0.00	11/07/2012	General Engineering - VRA		-			No	0000
101-430-3100-43030	Engineering Services										
396	11/01/2012	3,064.49	0.00	11/07/2012	General Engineering - VRA		-			No	0000
601-494-9400-43030	Engineering Services										
396	11/01/2012	1,426.96	0.00	11/07/2012	General Engineering - VRA		-			No	0000
602-495-9450-43030	Engineering Services										
396	11/01/2012	1,058.50	0.00	11/07/2012	General Engineering - VRA		-			No	0000
603-496-9500-43030	Engineering Services										
	396 Total:	9,935.45									
397	11/01/2012	1,463.14	0.00	11/07/2012	Transportation & Traffic Systems		-			No	0000
409-480-8000-43030	Engineering Services										
397	11/01/2012	1,767.84	0.00	11/07/2012	Street Maintenance		-			No	0000
409-480-8000-43030	Engineering Services										
397	11/01/2012	307.21	0.00	11/07/2012	Municipal Aid System		-			No	0000
409-480-8000-43030	Engineering Services										
397	11/01/2012	59.00	0.00	11/07/2012	Capital Improvement Planning		-			No	0000
409-480-8000-43030	Engineering Services										
397	11/01/2012	45.00	0.00	11/07/2012	2012 Seal Coat Project		-			No	0000
409-480-8000-43030	Engineering Services										
397	11/01/2012	469.14	0.00	11/07/2012	Trunk Hwy 36 Corridor Planning		-			No	0000
409-480-8000-43030	Engineering Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
397	11/01/2012	292.50	0.00	11/07/2012	Wash Cty Demo Trail Reclamation Proj	-				No	0000
409-480-8000-43030	Engineering Services										
397	11/01/2012	324.50	0.00	11/07/2012	MN Dot Hilton Trail	-				No	0000
409-480-8000-43030	Engineering Services										
	397 Total:	4,728.33									
398	11/01/2012	940.50	0.00	11/07/2012	Development - Whistling Valley III	-				No	0000
409-480-8000-43030	Engineering Services										
	398 Total:	940.50									
399	11/01/2012	59.00	0.00	11/07/2012	2011 Street & Water Quality Improvements	-				No	0000
418-480-8000-43030	Engineering Services										
	399 Total:	59.00									
400	11/01/2012	1,075.32	0.00	11/07/2012	10th Street Infrastructure Planning	-				No	0000
420-480-8000-43030	Engineering Services										
	400 Total:	1,075.32									
401	11/01/2012	1,042.50	0.00	11/07/2012	3M Litigation	-				No	0000
601-494-9400-43030	Engineering Services										
	401 Total:	1,042.50									
402	11/01/2012	133.50	0.00	11/07/2012	Keats Ave MSA Street & Trunk Main	-				No	0000
601-494-9400-43030	Engineering Services										
	402 Total:	133.50									
403	11/01/2012	18,686.43	0.00	11/07/2012	Demontreville Highlands Street Improv	-				No	0000
419-480-8000-43030	Engineering Services										
	403 Total:	18,686.43									
404	11/01/2012	1,648.55	0.00	11/07/2012	Olson Lake Trail Sewer Extension	-				No	0000
409-480-8000-43030	Engineering Services										
	404 Total:	1,648.55									
405	11/01/2012	225.00	0.00	11/07/2012	Old Village Municipal Sanitary Sewer	-				No	0000
409-480-8000-43030	Engineering Services										
	405 Total:	225.00									
406	11/01/2012	3,313.54	0.00	11/07/2012	Inwood Ave Trunk Watermain	-				No	0000
601-494-9400-43030	Engineering Services										
	406 Total:	3,313.54									
407	11/01/2012	29.50	0.00	11/07/2012	Water System Design Phasing	-				No	0000
601-494-9400-43030	Engineering Services										
	407 Total:	29.50									
408	11/01/2012	619.50	0.00	11/07/2012	Supply Well & Pumphouse 4	-				No	0000
601-494-9400-43030	Engineering Services										
	408 Total:	619.50									
	FOCUS Total:	47,193.21									
FXL FXL, Inc.											
Oct 2012	11/01/2012	2,000.00	0.00	11/07/2012	Assessing Services - October 2012	-				No	0000
101-410-1320-43100	Assessing Services										
	Oct 2012 Total:	2,000.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
	FXL Total:	2,000.00									
Gophseal GOPHER STATE SEALCOAT INC.											
Final Pay App	10/12/2012	19,600.00	0.00	11/07/2012	2012 Crack Seal Project Final payment	-				No	0000
419-480-8000-45300	Improvements Other Than Bldgs										
	Final Pay App Total:	19,600.00									
	Gophseal Total:	19,600.00									
GRAPHICR Graphic Resources											
44022	10/25/2012	113.27	0.00	11/07/2012	Dept of inspections Forms	-				No	0000
101-420-2400-42000	Office Supplies										
	44022 Total:	113.27									
	GRAPHICR Total:	113.27									
HERITFAR Heritage Farms Homeowners Asso											
11/1/2012	11/01/2012	225.42	0.00	11/07/2012	Refund Overpayment on SW Account	-				No	0000
603-000-0000-37100	Surface Water Utility Sales										
	11/1/2012 Total:	225.42									
	HERITFAR Total:	225.42									
KLMENG KLM Engineering, Inc.											
4651	10/12/2012	1,500.00	0.00	11/07/2012	Plan Review for T-mobile antenna	-				No	0000
803-000-0000-22900	Deposits Payable										
	4651 Total:	1,500.00									
	KLMENG Total:	1,500.00									
MANKATOW Mankato Web Design											
107	10/29/2012	150.00	0.00	11/07/2012	Website Maintenance	-				No	0000
101-410-1450-43180	Information Technology/Web										
	107 Total:	150.00									
	MANKATOW Total:	150.00									
MIDFENCE Midwest Fence & Mfg.											
146309	10/25/2012	1,196.00	0.00	11/07/2012	Fence Demontreville park	-				No	0000
404-480-8000-45300	Improvements Other Than Bldgs										
	146309 Total:	1,196.00									
	MIDFENCE Total:	1,196.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
MILLEREX Miller Excavating, Inc.											
16690	10/29/2012	270.00	0.00	11/07/2012	Grading Gravel Roads	-				No	0000
101-430-3120-43150 Contract Services											
	16690 Total:	270.00									
	MILLEREX Total:	270.00									
MNOFFICE MN Office of Admin Hearings											
47831A	07/31/2012	12,312.36	0.00	11/07/2012	Detachment Related Matters	-				No	0000
101-410-1320-43040 Legal Services											
	47831A Total:	12,312.36									
	MNOFFICE Total:	12,312.36									
NATREPRO National Reprographics, LLC											
80167	10/30/2012	174.35	0.00	11/07/2012	Employee Handbook	-				No	0000
101-410-1320-42030 Printed Forms											
	80167 Total:	174.35									
	NATREPRO Total:	174.35									
NCPERS 566200-NCPERS MINNESOTA											
5662812	10/23/2012	112.00	0.00	11/07/2012	November 2012 Deductions	-				No	0000
101-000-0000-21708 Other Benefits											
	5662812 Total:	112.00									
	NCPERS Total:	112.00									
PERFORMA Performance Plus											
3342	10/24/2012	525.00	0.00	11/07/2012	Annual SCBA FIT Testing	-				No	0000
101-420-2220-44370 Conferences & Training											
	3342 Total:	525.00									
	PERFORMA Total:	525.00									
ROGERS Rogers Printing Services, Corp											
18939	09/24/2012	512.47	0.00	11/07/2012	Utility Billing Paper	-				No	0000
601-494-9400-42030 Printed Forms											
	18939 Total:	512.47									
	ROGERS Total:	512.47									
STANTEC Stantec Consulting Services											
625149	10/24/2012	17,300.66	0.00	11/07/2012	2012 Street & Water Quality Improvements	-				No	0000
419-480-8000-43030 Engineering Services											
	625149 Total:	17,300.66									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	STANTEC Total:	17,300.66									
STPAUL St Paul Stamp Works, Inc.											
263954	10/22/2012	67.75	0.00	11/07/2012	Dog Tags	-				No	0000
101-410-1940-44300	Miscellaneous										
	263954 Total:	67.75									
	STPAUL Total:	67.75									
SW/WC SW/WC Service Cooperatives											
12/1/2012	10/29/2012	10,008.00	0.00	11/07/2012	December 2012 Premiums	-				No	0000
101-000-0000-21706	Medical Insurance										
	12/1/2012 Total:	10,008.00									
	SW/WC Total:	10,008.00									
TASCH T.A. Schifsky & Sons Inc											
54146	10/23/2012	141.92	0.00	11/07/2012	Asphalt	-				No	0000
101-430-3120-42240	Street Maintenance Materials										
	54146 Total:	141.92									
	TASCH Total:	141.92									
TRKUTI Truck Utilities Inc.											
245519	10/26/2012	26.85	0.00	11/07/2012	Hyd. Hose 98-1	-				No	0000
101-430-3120-42210	Equipment Parts										
	245519 Total:	26.85									
	TRKUTI Total:	26.85									
VIKING I VIKING INDUSTRIAL CENTER											
310268	10/23/2012	312.40	0.00	11/07/2012	Class III Safety winter coats	-				No	0000
101-430-3100-44300	Miscellaneous										
	310268 Total:	312.40									
	VIKING I Total:	312.40									
WASHCONS Washington Conservation Dist.											
2484	09/30/2012	554.25	0.00	11/07/2012	2nd Quarter billing for shared educator	-				No	0000
603-496-9500-44370	Conferences & Training										
	2484 Total:	554.25									
	WASHCONS Total:	554.25									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
WILDWOOD WILDWOOD LODGE											
1629	09/25/2012	219.74	0.00	11/07/2012	Room for Seminar	-				No	0000
101-410-1320-44380 Staff Development											
	1629 Total:	219.74									
	WILDWOOD Total:	219.74									
XCEL Xcel Energy											
51-0117414-0	11/01/2012	26.14	0.00	11/07/2012	Welcome Sign	-				No	0000
101-430-3160-43810 Street Lighting											
	51-0117414-0 Total:	26.14									
51-0630620-5	11/01/2012	514.42	0.00	11/07/2012	Library	-				No	0000
206-450-5300-43810 Electric Utility											
	51-0630620-5 Total:	514.42									
51-4504807-7	11/01/2012	30.49	0.00	11/07/2012	Lights at Legion Park	-				No	0000
101-450-5200-43810 Electric Utility											
51-4504807-7	11/01/2012	43.13	0.00	11/07/2012	Lift Station	-				No	0000
602-495-9450-43810 Electric Utility											
51-4504807-7	11/01/2012	22.74	0.00	11/07/2012	Traffic Lights	-				No	0000
101-430-3160-43810 Street Lighting											
	51-4504807-7 Total:	96.36									
51-4572945-7	11/01/2012	28.96	0.00	11/07/2012	Street Lights	-				No	0000
101-430-3160-43810 Street Lighting											
	51-4572945-7 Total:	28.96									
51-4576456-3	11/01/2012	293.10	0.00	11/07/2012	Fire Station 2	-				No	0000
101-420-2220-43810 Electric Utility											
	51-4576456-3 Total:	293.10									
51-4733556-8	11/01/2012	9.89	0.00	11/07/2012	Tennis Court	-				No	0000
101-450-5200-43810 Electric Utility											
	51-4733556-8 Total:	9.89									
51-5044219-0	11/01/2012	57.55	0.00	11/07/2012	Parks Bldg	-				No	0000
101-450-5200-43810 Electric Utility											
	51-5044219-0 Total:	57.55									
51-5275289-3	11/01/2012	26.56	0.00	11/07/2012	Pebble Park	-				No	0000
101-450-5200-43810 Electric Utility											
	51-5275289-3 Total:	26.56									
51-5522332-2	11/01/2012	22.97	0.00	11/07/2012	Traffic Lights	-				No	0000
101-430-3160-43810 Street Lighting											
	51-5522332-2 Total:	22.97									
51-5747685-4	11/01/2012	87.50	0.00	11/07/2012	Arts Center	-				No	0000
101-450-5200-43810 Electric Utility											
	51-5747685-4 Total:	87.50									
51-5916043-7	11/01/2012	17.95	0.00	11/07/2012	Lift Station	-				No	0000
602-495-9450-43810 Electric Utility											
	51-5916043-7 Total:	17.95									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
51-6429583-8	11/01/2012	15.68	0.00	11/07/2012	Lift Statin	-				No	0000
602-495-9450-43810	Electric Utility										
	51-6429583-8 Total:	15.68									
51-6433976-2	11/01/2012	265.86	0.00	11/07/2012	Fire Station #1	-				No	0000
101-420-2220-43810	Electric Utility										
	51-6433976-2 Total:	265.86									
51-6625457-1	11/01/2012	43.05	0.00	11/07/2012	Legion park	-				No	0000
101-450-5200-43810	Electric Utility										
	51-6625457-1 Total:	43.05									
51-6928283-3	11/01/2012	26.23	0.00	11/07/2012	Traffic Lights	-				No	0000
101-430-3160-43810	Street Lighting										
	51-6928283-3 Total:	26.23									
51-8126093-5	11/01/2012	31.09	0.00	11/07/2012	Water Tower 2	-				No	0000
601-494-9400-43810	Electric Utility										
	51-8126093-5 Total:	31.09									
51-8711719-3	11/01/2012	10.97	0.00	11/07/2012	Speed Sign Hwy 5	-				No	0000
101-430-3160-43810	Street Lighting										
	51-8711719-3 Total:	10.97									
	XCEL Total:	1,574.28									
ZIERTMAN	Joan Ziertman										
Oct 2012	11/01/2012	595.00	0.00	11/07/2012	October Clerical Services	-				No	0000
601-494-9400-43150	Contract Services										
Oct 2012	11/01/2012	148.75	0.00	11/07/2012	October Clerical Services	-				No	0000
602-495-9450-43150	Contract Services										
Oct 2012	11/01/2012	1,487.50	0.00	11/07/2012	October Clerical Services	-				No	0000
603-496-9500-43150	Contract Services										
Oct 2012	11/01/2012	743.75	0.00	11/07/2012	October Clerical Services	-				No	0000
101-410-1520-43150	Contract Services										
	Oct 2012 Total:	2,975.00									
	ZIERTMAN Total:	2,975.00									
	Report Total:	123,307.54									

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 11/07/2012
CONSENT
ITEM #: 3
MOTION Consent Agenda

AGENDA ITEM: Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve the adoption of the attached Post-Issuance Tax Compliance Procedures for Tax Exempt Bonds. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda.*

BACKGROUND INFORMATION: In the recent bond issuance process, it was found that The City of Lake Elmo does not have any formal procedures related to the procedures performed after the issuance of tax-exempt bonds. At the recommendation of the bonding legal counsel, the attached procedures were drafted for adoption by the City of Lake Elmo. These procedures will document and ensure that the City can be and is reimbursed for all expenses paid prior to bond issuance out of the bond issuance funds.

RECOMMENDATION: It is recommended that the City Council authorize the adoption of the attached Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action.

ATTACHMENTS:

1. Post-Issuance Tax Compliance Procedures for Tax-Exempt Bonds

City of Lake Elmo, Minnesota
(the "Issuer" or "City")
Post-Issuance Tax Compliance Procedures
For Tax-Exempt Bonds

Dated: November 7, 2012

I. Purpose

These procedures are adopted by the Issuer to ensure that interest on tax-exempt bonds of the Issuer (or "Bonds") remains excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

These written procedures are intended to formally memorialize certain policies and practices of the Issuer previously adopted or followed by the Issuer in connection with its issuance of Bonds. The Issuer reserves the right to use its discretion as necessary and appropriate to make exceptions to these procedures as facts and circumstances warrant.

II. Expenditure/Use of Bond Proceeds

A. Expenditure of Bond proceeds will be regularly reviewed by the City Finance Director for consistency with the Bond documents, including any Bond Resolution and the Issuer's Tax Certificate.

B. The Issuer has separately established procedures for preparation and review of requests for Bond proceeds as part of its accounting system.

C. Requests must identify the Bond-financed property in conformity with the Issuer's Tax Certificate executed at closing of the Bonds, including the character of the Bond-financed property. Such information is contained as part of the Issuer's accounting system coding.

D. None of the proceeds of the Bonds will be used to reimburse the Issuer for costs paid prior to the date of issuance of the Bonds unless the Issuer shall have fully complied with Section 1.150-2 of the Treasury Regulations with respect to such reimbursed amounts, which section is summarized in Exhibit A hereto.

E. Staff costs may be financed with Bond proceeds only to the extent that they are properly capitalized as a cost of a capital project under generally accepted accounting principles and federal tax law.

F. A "final allocation" of Bond proceeds to uses shall be made not later than 18 months after the in-service date of the Bond-financed property (and in any event not later than 5 years and 60 days after the issuance of the Bonds and not later than 60 days after earlier retirement of the issue) in a manner consistent with the Code and Treasury Regulations and the applicable Tax Certificate.

G. Expenditure of proceeds of the Bonds will be measured against the Issuer's Tax Certificate expectation to spend or commit 5% of net sale proceeds within 6 months, to spend 85% of net sale proceeds within 3 years, and to proceed with due diligence to complete the capital project and fully spend the net sale and investment proceeds. In the event that exceptions under the Code are not met, calculations of rebate liability will be performed or caused to be performed by the City Finance Director as provided herein.

H. If there are any Bond proceeds remaining other than in a reserve or debt service fund established pursuant to the Bond Resolution after completion of the projects, such proceeds shall be applied in a manner consistent with the applicable Bond Resolution and Tax Certificate or pursuant to advice from Bond Counsel.

I. In the event that Bond proceeds are to be loaned to a conduit borrower, such conduit borrower will be required to agree to all terms of the Tax Certificate and provide evidence of post-issuance tax compliance procedures deemed adequate and consistent with those set forth herein; and all such obligations for post-issuance tax compliance shall be assumed by such conduit borrower. The City Finance Director shall be the primary contact for all conduit borrowers and related compliance matters.

III. Use of Bond-Financed Property

A. Use of Bond-financed property when completed and placed in service will be reviewed by the City Finance Director. Appropriate department/facility managers, including staff responsible for asset management, shall be trained regarding restrictions on the use of Bond proceeds and facilities financed thereby and instructed to consult with the City Finance Director regarding any third-party contract concerning use of the facilities, including without limitation leases, use, management or service contracts, and research contracts.

B. Upon issuance of Bonds, there shall be no expectation that the Bond-financed property will be sold or otherwise disposed of by the Issuer during the term of the Bonds, except for replacement due to normal wear and tear or obsolescence.

C. Agreements with third parties for lease, use, management, or any other service agreement or research contract with respect to, or non-governmental use in respect of, Bond-financed property will be reviewed prior to execution for compliance with the Code. Such agreement will be approved by the City Finance Director, who will be responsible for determining whether the proposed agreement (1) results in private business use of the facilities, and (2) if applicable, meets the compensation, term and other requirements under Revenue Procedures 97-13 (included as Exhibit B hereto) and 2007-47; all upon advice of Bond Counsel, as necessary.

D. No item of Bond-financed property will be sold or transferred by the Issuer without approval of the City Finance Director, who shall seek advice of Bond Counsel as necessary, to provide guidance as to "remedial action" that may be required under the applicable Treasury Regulations if Bonds financing such property remain outstanding as of the date of sale or transfer of such property. Remedial action is summarized in Exhibit C hereto.

E. The Issuer acknowledges that any sale, transfer, change in use, or change in users of the Bond-financed property may require remedial action, as previously described, or resolution pursuant to the IRS Voluntary Closing Agreement Program (or "VCAP") to assist in resolving violations of the federal tax laws applicable to the Bonds.

IV. Investments

A. Investment of Bond proceeds in compliance with the arbitrage and rebate requirements of the Code and applicable Treasury Regulations will be managed and supervised by the City Finance Director.

B. Guaranteed investment contracts ("GICs") will be purchased according to the fair market value provisions of applicable Treasury Regulations, including bid requirements and fee limitations.

C. Calculations of rebate liability will be performed annually by the City Finance Director or by outside consultants as delegated by the City.

D. Upon final expenditure of the gross proceeds of Bonds, and in any event promptly following the fifth anniversary of the date of issuance of the Bonds or earlier retirement of the Bonds, the City Finance Director will consult a qualified professional to prepare a spending exception report or an arbitrage rebate computation (as applicable) for the issue of Bonds.

E. Rebate payments, as required based upon the advice of a qualified professional, will be made with Form 8038-T no later than 60 days after (a) each fifth anniversary of the date of issuance of the Bonds and (b) the final retirement of the Bond issue.

V. Record Management and Retention

A. Management and retention of records related to Bond issues will be maintained by the City Finance Director.

B. Records for Bonds will be retained for not less than the life of the Bonds, plus any refunding bonds, plus three years. Such records may be in the form of documents or electronic copies of documents, appropriately indexed to specific Bond issues and compliance functions.

C. Retainable records pertaining to Bond issuance shall include a transcript of documents executed in connection with the issuance of the Bonds and any amendments; and copies of rebate calculations and records of payments, including Forms 8038-T.

D. Retainable records pertaining to expenditures of Bond proceeds include requisitions; trustee statements, if applicable; and final allocation of proceeds.

E. Retainable records pertaining to use of Bond-financed property include all third-party contracts concerning use of the facilities, including (without limitation) leases, use, management or service contracts, and research contracts.

F. Retainable records pertaining to investments include GIC documents under the Treasury Regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.

VI. Overall Responsibility

A. Overall administration and coordination of this policy and the procedures set forth herein are the responsibility of the City Finance Director.

B. Review of compliance with this policy and the procedures set forth herein shall be undertaken periodically, and in any event, not less than annually.

C. The Issuer understands that failure to comply with these policies and procedures could result in the retroactive loss of the exclusion of interest on Bonds from federal gross and Minnesota taxable net income; and, thus, it would be advisable to consult with Bond Counsel in advance regarding deviations from the facts and expectations as set forth in the closing certifications relating to any issue of Bonds.

D. Any violations or potential violations of federal tax requirements shall promptly be reported to the City Finance Director, and the City Finance Director will engage qualified consultants and bond counsel to further investigate potential violations or undertake appropriate remedial actions, which actions shall be approved by the governing body of the Issuer.

EXHIBIT A

REIMBURSEMENT BOND SUMMARY

Following is a general summary of the requirements relating to bonds that are issued to reimburse expenditures that were paid prior to the date of issuance of bonds ("Reimbursement Bonds").

Reimbursement Bond proceeds cannot be used to reimburse expenditures paid more than 60 days prior to the adoption of the declaration of official intent/reimbursement resolution, which must contain:

- a general functional description of the property to which the reimbursement relates or an identification of the fund or account from which the expenditure is to be paid and a general functional description of the purposes of such fund or account; and
- the maximum principal amount of debt to be issued.

Reimbursement Bonds must be issued not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date on which the property is placed in service, but in any case not more than three years after the date on which the original expenditure is paid. If possible, actual reimbursement should be made within 30 days of the date of issuance of the Reimbursement Bonds.

Note that there are exceptions for "de minimis" amounts (not in excess of the lesser of $100,000 or 5% of proceeds of the issue) and for "preliminary expenditures" (such as architectural, engineering, surveying, soil testing and similar costs and costs of issuance), so long as such preliminary expenditures do not exceed 20% of the aggregate issue price.

EXHIBIT B

SUMMARY OF REVENUE PROCEDURE 97-13

Background

A management, service or incentive payment contract with a private service provider with respect to tax exempt bond-financed property may result in private business use of that property, based on all facts and circumstances. None of the compensation may be based on a share of net profits.

Revenue Procedure 97-13 establishes conditions under which a management contract generally does not result in private business use. Issuers and bond counsel typically attempt to satisfy, or substantially satisfy, one of these "safe harbors" because of uncertainty as to the treatment of nonconforming contracts. Below is a brief summary of the provisions of Rev. Proc. 93-17, as modified by Rev. Proc. 2001-39.

Rev. Proc. 93-17 establishes conditions based on (1) the compensation arrangements and the term of the agreement, and (2) whether the service provider has any role or relationship with the "qualified user"[1] that substantially limits the qualified user's ability to exercise its rights under the contract.

General Rules

In all events, the contract must provide for reasonable compensation for services rendered, with no compensation based, in whole or in part, on a share of net profits from the operation of the facility. Reimbursement of the service provider for actual and direct expenses paid by the service provider to unrelated parties is not by itself treated as compensation.

The compensation, with the percentage determined by the term of the contract, subject to additional conditions, as described under "Compensation Safe Harbors" below, generally may be computed by:

(A) a periodic fixed fee, which is a stated dollar amount for a specified period of time[2];

(B) a percentage fee, which is a percentage of gross revenues (or adjusted gross revenues) of the facility or a percentage of expenses of the facility, but not both;

(C) a capitation fee, which is a fixed periodic amount for each person for whom the service provider or the qualified user assumes the responsibility to provide all needed

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[1] A "qualified user" of the financed property is a state or local governmental unit (or instrumentality thereof) or a 501(c)(3) organization if the financed property is not used in an unrelated trade or business under section 513(a) of the Internal Revenue Code.

[2] A periodic fixed fee may include an automatic increase based on a specific, objective, external standard that is not linked to the output or efficiency of the facility in question.

services for a specified period so long as the quantity and type of services actually provided to covered persons varies substantially[3];

(D) a per-unit fee, which is a fee based on a unit of service specified in the contract or otherwise specifically determined by an independent third party or the qualified user[4]; or

(E) a productivity reward equal to a stated dollar amount based on increases or decreases in gross revenues (or adjusted gross revenues), or reductions in total expenses (but not both increases in gross revenues (or adjusted gross revenues) and reductions in total expenses) in any annual period during the term of the contract.

The service provider must not have any role or relationship with the qualified user that, in effect, substantially limits the qualified user's ability to exercise its rights, including cancellation rights, under the contract based on all facts and circumstances. The relationship does not limit the qualified user's ability to exercise its rights if the following conditions are satisfied: (1) not more than 20 percent of the voting power of the governing body of the qualified user in the aggregate is vested in the service provider and its directors, officers, shareholders, and employees, (2) overlapping board members do not include the chief executive officers of the service provider or its governing body or the qualified user or its governing body, and (3) the qualified user and the service provider are not related parties.

COMPENSATION SAFE HARBORS

A management contract generally will not result in private business use if the compensation arrangement meets the criteria in one of the following categories:

50% Periodic Fixed Fee Contracts

- At least 50 percent of the compensation for services for each annual period during the term of the contract is based on a periodic fixed fee;
- the term of the contract, including all renewal options[5] in favor of the service provider, does not exceed 5 years; and
- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the third year of the contract term.

80% Periodic Fixed Fee Contracts

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3 A capitation fee may include an automatic increase based on a specified, objective, external standard that is not linked to the output or efficiency of the facility. A capitation fee may also include a variable component of up to 20 percent of the total capitation fee designed to protect the service provider against risks such as catastrophic loss.

4 A periodic fee may include an automatic increase based on a specified, objective, external standard that is not linked to the output or efficiency of the facility.

5 A provision under which a contract is automatically renewed absent cancellation by either party is not a renewal option (even if it is expected to be renewed).

- At least 80 percent of the compensation for services for each annual period during the term of the contract is based on a periodic fixed fee; and

- the term of the contract, including all renewal options in favor of the service provider, does not exceed the lesser of 80 percent of the reasonably expected useful life of the financed property and 10 years.

For purposes of this safe harbor (but not the 50% periodic fixed fee safe harbor), a one-time incentive award during the term of the contract under which compensation automatically increases by a single, stated dollar amount when a gross revenue or expense target (but not both) is reached may be considered part of a fixed fee arrangement.

95% Periodic Fixed Fee Contracts

- At least 95 percent of the compensation for services for each annual period during the term of the contract is based on a periodic fixed fee; and

- the term of the contract, including all renewal options in favor of the service provider, does not exceed the lesser of 80 percent of the reasonably expected useful life of the financed property and 15 years.

For purposes of this safe harbor (but not the 50% periodic fixed fee safe harbor), a one-time incentive award during the term of the contract under which compensation automatically increases by a single, stated dollar amount when a gross revenue or expense target (but not both) is reached may be considered part of a fixed fee arrangement.

Capitation Fee Contracts (with or without fixed fees)

- All of the compensation for services is based on a capitation fee or a combination of a capitation fee and a periodic fixed fee;

- the term of the contract, including all renewal options in favor of the service provider, does not exceed 5 years; and

- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the third year of the contract term.

Per-unit Fee Contracts (with or without fixed fees)

- All of the compensation for services is based on a per-unit fee or a combination of a per-unit fee and a periodic fixed fee;

- the term of the contract, including all renewal options in favor of the service provider, does not exceed 3 years; and

- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the second year of the contract term.

Percentage of Revenue or Expenses

- All the compensation for services is based on a percentage of fees charged or a combination of a per-unit fee and a percentage of revenue or expense fee;

- the term of the contract, including all renewal options in favor of the service provider, does not exceed 2 years; and

- the contract is terminable by the qualified user of the facility on reasonable notice, without penalty or cause, at the end of the first year of the contract term.

During the start-up period, however, compensation may be based on a percentage of either gross revenues, adjusted gross revenues, or expenses of a facility. The contract must be terminable by the qualified user on reasonable notice, without penalty or cause, at the end of the first year of the contract term. This safe harbor applies only to contracts under which the service provider primarily provides services to third parties and management contracts involving a facility during an initial start-up period for which there have been insufficient operations to establish a reasonable estimate of the amount of the annual gross revenues and expenses (for example, a contract for general management services for the first year of operations).

Revision of Compensation Arrangements

Please note that if the compensation arrangements of a management contract are materially revised, the compensation arrangements are "retested" as of the date of the material revision, and the management contract is treated as one that was newly entered into as of the date of the material revision.

EXHIBIT C

REMEDIAL PROVISIONS APPLICABLE TO BONDS

The Issuer acknowledges that any deliberate action by the Issuer after Bond issuance that results in a satisfaction of the private business tests or the private loan test will result in private activity bond status unless one or more qualifying remedial actions are taken by the Issuer. Specifically, Treasury Regulations provide that actions are not treated as deliberate actions if (A) five conditional requirements are met, and (B) one of three remedial actions is taken, with respect to the disposition proceeds and nonqualified bonds*:

CONDITIONAL REQUIREMENTS

1. Reasonable Expectations – The Issuer reasonably expected on the issue date that it would not meet the private business tests or the private loan test for the whole term of the bonds; and

2. Reasonable Bond Maturity – The term of the issue must not be unreasonably long; this requirement is met if the weighted average maturity of the bond issue is not greater than 120% of the expected economic life of the property financed; and

3. Fair Market Value Consideration – The terms of any agreement (relating to satisfaction of a private activity bond test) must be bona fide and at arm's-length, and the new user must pay a fair market value consideration for the use of the bond-financed property; and

4. Disposition Proceeds Are Gross Proceeds – The Issuer must treat any disposition proceeds as gross proceeds subject to arbitrage/rebate restrictions; and

5. Proceeds Spent for Authorized Purpose – Except as described with respect to redemption and defeasance options below, prior to deliberate actions, the affected proceeds must have been spent for the authorized purposes under the applicable bond documents.

REMEDIAL ACTIONS – Under Treasury Regulations, Sections 1.141-12(d), (e) and (f):

1. Redemption of Non-Qualified Bonds – Under the general rule, all nonqualified bonds of the issue must be redeemed. Tax-exempt bond proceeds (i.e., refunding bond proceeds) cannot be used unless the tax-exempt bonds are qualified bonds, taking into account the purchaser's use of the facility. The bonds must be redeemed within 90 days of the date of the deliberate action or a defeasance escrow for the bonds must be established within such 90-day period. Special rules apply to transfers exclusively for cash and to defeasance escrows.

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* The portion of the outstanding bonds in an amount that, if the remaining bonds were issued on the date on which the deliberate action occurs, the remaining bonds would not satisfy the private business use test or the private loan financing test, as applicable. The amount of private business use is the highest percentage of business use in any one-year period, commencing with the deliberate action

2. Alternative Use of Disposition Proceeds – To meet this requirement, all disposition proceeds must be in cash, the issuer must reasonably expect to expend the proceeds within 2 years, the new use must not meet the private business tests or the private loan test (and the issuer cannot take any action subsequent to the date of the deliberate action to cause the tests to be met), and any unused proceeds must satisfy the redemption requirement in the preceding paragraph.

3. Alternative Use of Facility – This remedial action is satisfied if the bond-financed property itself (as distinguished from the proceeds of the issue) is used in an alternative manner (e.g., for a different purpose or by a different person); the nonqualified bonds are treated as reissued on the date of the deliberate action and independently meet all of the requirements for tax exemption under Sections 141 through 150 of the Code, except the arbitrage and rebate rules of Section 148, for the remaining term of the nonqualified bonds; the deliberate action does not involve a transfer of the property to a purchaser that finances the acquisition with the proceeds of another issue of tax-exempt bonds; and any disposition proceeds, other than those arising from an agreement to provide services, resulting from the deliberate action are used to pay debt service on the bonds on the next available payment date or escrowed within 90 days of receipt and yield restricted to pay debt service on the next available payment date.

The above is only a brief summary of remedial actions, and additional special rules may be applicable. As provided in the Issuer's Compliance Procedures for Tax-Exempt Bonds, the City Finance Director shall seek advice of Bond Counsel as necessary to provide guidance as to "remedial action" that may be required under the applicable Treasury Regulations.

The Commissioner of the IRS may, by publication, provide for additional remedial actions. In addition, the IRS provides a program in which issuers/borrowers which cannot meet a listed remedial action can enter into a closing agreement with the IRS to avoid private activity bond status. The closing agreement program includes several conditions, including providing for the redemption of the bonds and paying the IRS an amount based on an assumption that the non-qualified bonds are taxable from the date of the subsequent act until they are redeemed.

Cathy Bendel

From: Hanson.Jennifer@dorsey.com
Sent: Tuesday, August 21, 2012 9:42 AM
To: Cathy Bendel; Dean Zuleger
Cc: ctebbitt@northlandsecurities.com
Subject: reimbursement, post-issuance compliance
Attachments: Written Procedures-City of Lake Elmo.doc

Follow Up Flag: Follow up
Flag Status: Completed

Hi Cathy and Dean, thanks for confirming last week that any pre-issuance expenditures being reimbursed were for engineering, etc (soft costs). I do still need the exact dollar figure?

Also, the IRS now asks about post-issuance compliance procedures on form 8038-G. To enable you to answer "yes" to their question, we propose adopting something along the lines of the attached procedures. Could you review and, if they are acceptable, have them adopted either administratively or by council action and let us know the date of adoption? Thanks a lot, Jennifer

---

From: Hanson, Jennifer
Sent: Monday, August 13, 2012 11:25 AM
To: Cathy Bendel (cbendel@lakeelmo.org); Dean Zuleger (dzuleger@lakeelmo.org)
Cc: ctebbitt@northlandsecurities.com
Subject: RE: Lake Elmo--question about use of 2012B bond proceeds

Hi Cathy and Dean, now that we are approaching the closing for the bonds, we need to complete the IRS Form 8038. Could you provide us with the amount of any reimbursement the City intends to make to itself from bond proceeds for costs already paid on the project financed by the 2012B Bonds? Thanks, Jennifer

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From: Hanson, Jennifer
Sent: Monday, July 30, 2012 3:40 PM
To: Cathy Bendel (cbendel@lakeelmo.org); Dean Zuleger (dzuleger@lakeelmo.org)
Cc: ctebbitt@northlandsecurities.com
Subject: Lake Elmo--question about use of 2012B bond proceeds

Hi Cathy and Dean, just wondering whether the City expects to use bond proceeds to pay itself back for any previously incurred costs and if so, the amount of such costs and when they were incurred (the IRS asks about this now on Form 8038). Thanks! Jennifer

Jennifer L. Hanson
Attorney

DORSEY & WHITNEY LLP
Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
www.dorsey.com
P: 612.492.6959

<< OLE Object: Picture (Device Independent Bitmap) >>

F: 612.677.3616

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THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2012
CONSENT
ITEM #: 4
MOTION

AGENDA ITEM: 2012 Crack Seal Project – Pay Estimate No. 1 (FINAL)

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to accept the work as recommended by the Assistant City Engineer and approve final payment to Gopher State Sealcoat, Inc., the Contractor for the 2012 Crack Seal Project in the amount of $19,600. The two-year warranty period will begin on November 7, 2012, and extends to November 7, 2014.

STAFF REPORT: The 2012 Crack Seal Project has been fully completed. The project Certificate of Completion has been prepared by the Assistant City Engineer, and the term of the two-year warranty period has been established. Final Payment in the amount of $19,600 has been requested by the Contractor, Gopher State Sealcoat, Inc., based upon the work completed. The original construction contract was in the amount of $19,600. The project is being funded through the Infrastructure Reserves Fund.

RECOMMENDATION: Staff is recommending, as part of the *Consent Agenda*, acceptance of the work and approval of Pay Estimate No. 1 (Final Payment) in the amount of $19,600 to Gopher State Sealcoat, Inc. The recommended motion for this action is as follows:

"Move to accept the work as recommended by the Assistant City Engineer and approve Final Payment to Gopher State Sealcoat, Inc. for the 2012 Crack Seal Project in the amount of $19,600; to be paid from the Infrastructure Reserve Fund."

ATTACHMENTS:

1. Certificate of Completion – 2012 Crack Seal Project
2. Pay Estimate No. 1 (FINAL)

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. **1 (FINAL)**	**FOCUS** ENGINEERING, inc.
2012 STREET CRACK SEAL PROJECT **PROJECT NO. 2012.115**	PERIOD OF ESTIMATE FROM **9/18/2012** TO **10/12/2012**

PROJECT OWNER: **CITY OF LAKE ELMO** **3800 LAVERNE AVENUE NORTH** **LAKE ELMO, MN 55042** **ATTN: JACK GRIFFIN, P.E., CITY ENGINEER**	CONTRACTOR: **GOPHER STATE SEALCOAT, INC.** **12519 RHODE ISLAND AVENUE S.** **SAVAGE, MN 55378** **ATTN: CRAIG OLSON, PROJECT MANAGER**

CONTRACT CHANGE ORDER SUMMARY

No.	Approval Date	Amount Additions	Amount Deductions
TOTALS		$0.00	$0.00
NET CHANGE		$0.00	

PAY ESTIMATE SUMMARY

1. Original Contract Amount	$19,600.00
2. Net Change Order Sum	$0.00
3. Revised Contract (1+2)	$19,600.00
4. *Work Completed	$19,600.00
5. *Stored Materials	$0.00
6. Subtotal (4+5)	$19,600.00
7. Retainage* 0.0%	$0.00
8. Previous Payments	
9. Amount Due (6-7-8)	**$19,600.00**

**Detailed Breakdown Attached*

CONTRACT TIME

START DATE:	**9/18/2012**	ORIGINAL DAYS	43	ON SCHEDULE	
SUBSTANTIAL COMPLETION:	**N/A**	REVISED DAYS	0	YES	X
FINAL COMPLETION:	**10/31/2012**	REMAINING	19	NO	

ENGINEER'S CERTIFICATION:

The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

FOCUS Engineering, inc.

ENGINEER

10-25-2012

DATE

CONTRACTOR'S CERTIFICATION:

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

CONTRACTOR

BY

DATE

APPROVED BY OWNER: **CITY OF LAKE ELMO, MINNESOTA**

BY

DATE

BY

DATE

PARTIAL PAY ESTIMATE NO. 1 (FINAL)

2012 STREET CRACK SEAL PROJECT
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2012.115

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT (Revised)			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	ROUTE AND SEAL CRACKS	LBS	14,000.0	$1.40	$19,600.00	[illegible]	$19,600.00	[illegible]	$19,600.00
TOTALS - BASE CONTRACT					**$19,600.00**		**$19,600.00**		**$19,600.00**

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: November 7, 2012

OWNER:	CITY OF LAKE ELMO, MN
CONTRACTOR:	GOPHER STATE SEALCOAT, INC.
PROJECT NAME:	2012 CRACK SEAL PROJECT
PROJECT NO.:	2012.115

☒ This Certification of Completion applies to all work under the Contract Documents
☐ This Certification of Completion applies to the following specified parts of the Contract Documents

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated September 18, 2012. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: November 7, 2012

Ryan W. Stempski Reg. No. 45395

FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS November 7, 2012 AND ENDS November 7, 2014

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2012
CONSENT
ITEM #: 5
MOTION

AGENDA ITEM: State of Minnesota Redevelopment Grant Program – A Resolution Accepting the DEED Water System Infrastructure Grant

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director

SUMMARY AND ACTION REQUESTED: The city council is respectfully requested to consider approving a resolution accepting the water system infrastructure grant from the State of Minnesota Redevelopment Grant Program.

BACKGROUND INFORMATION: On March 14, 2010 the state legislature signed into law the Capitol Investment Bill. Included in the bill was a special appropriation under the Redevelopment Grant Account for the City of Lake Elmo in the amount of $2,000,000; where $1,000,000 must be used to design and construct an expansion of the city's water pumping, storage, and distribution system; and $1,000,000 must be used to design and construct the I94 to 30th St. Lift Station and Forcemain project. As a condition in the bill language, the special appropriation will not be available until the City has determined that an equal amount has been committed to the project from non-state sources.

STAFF REPORT: City staff is working with the State of Minnesota, Department of Employment and Economic Development to complete the Water System Infrastructure Grant Agreement necessary to secure the funds for the City of Lake Elmo as appropriated by the state legislature. As a requirement of the Grant Agreement, the City of Lake Elmo must submit a resolution accepting the grant and committing the local match and/or non-state sources required for the project. A similar resolution was passed on May 18, 2010 for the Lift Station and Forcemain project.

RECOMMENDATION: : Staff is recommending that the city council approve Resolution No. 2012-XX, accepting the water system infrastructure grant from the State of Minnesota Redevelopment Grant Program. The suggested motion is as follows:

Based upon the above background information and staff report, it is recommended that the City Council move to approve the motion by undertaking the following action:

"Move to Approve Resolution No. 12-XX accepting the water system infrastructure grant from the State of Minnesota Redevelopment Grant Program."

ATTACHMENTS:

1. Resolution 2012-XX

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2012-XX

A RESOLUTION ACCEPTING THE WATER SYSTEM INFRASTRUCTURE GRANT FROM THE STATE OF MINNESOTA REDEVELOPMENT GRANT PROGRAM

BE IT RESOLVED that the City of Lake Elmo act as the legal authority to enter into a grant agreement with the State of Minnesota through its Department of Employment and Economic Development for the special appropriation authorized by the Minnesota Session Laws 2010, Chapter 189, Section 21, Subd. 4; and

BE IT FURHTER RESOLVED that the City of Lake Elmo is authorized to execute such grant agreements, and is authorized to take receipt of $1,000,000 in grant proceeds for Water Infrastructure System improvements and has authorized the Mayor and City Clerk to enter into an agreement with the State of Minnesota for the above referenced project; and

BE IT FURTHER RESOLVED that the City of Lake Elmo has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the application are committed to the project identified; and

BE IT FURTHER RESOLVED that the City of Lake Elmo has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Lake Elmo may enter into an agreement with the State of Minnesota for the above referenced projects, and that the City of Lake Elmo certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

NOW, THEREFORE BE IT RESOLVED that the Mayor and the Clerk, are hereby authorized to execute such agreements as are necessary to implement the projects on behalf of the City of Lake Elmo.

Date: _____, 2012

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

_____
Dean A. Zuleger
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 7th day of November 2012, as shown by the minutes of said meeting in my possession.

_____
Adam Bell
Deputy Clerk

(Seal)

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2012
CONSENT
ITEM #: 6
MOTION

AGENDA ITEM: Keats MSA Street and Trunk Watermain Improvements – Approve Engineering Design and Construction Support Services Contract

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The city council is respectfully requested to consider awarding the Professional Engineering Design and Construction Support Services Contract for the Keats MSA Street and Trunk Watermain Improvements to TKDA, Inc. in the estimated not to exceed amount of $77,000 plus a $5,000 engineering contingency for Valley Branch Watershed District (VBWD) permitting.

STAFF REPORT: On October 2, 2012, following a public improvement hearing, the City Council authorized the preparation of plans and specifications for the Keats MSA Street and Trunk Watermain Improvement project. The City Engineer prepared a Request for Proposal (RFP) for Engineering Support Services that includes a full topographic survey, the preparation of the plans and specifications; plan printing, distribution and bidding services; limited construction administration support to the City Engineer; and construction staking.

FOCUS Engineering will provide resident and council communication, conduct public meetings, project management, coordinate the project permitting, and will lead the construction administration for the project. FOCUS will also oversee the project design and quality control review, and provide the construction contract and master specifications to be incorporated with the project plans. Construction observation services will be retained at a later date once the project has been bid and awarded for construction.

The RFP was sent to four firms from the City's Engineering Consultant Pool, including Bolton & Menk, SRF Consulting, Stantec Consulting, and TKDA.

The proposals were received and ranked on the basis of:

- Project Team Qualifications with a focus on State Aid design,

- Demonstrated understanding and experience with the project; and understanding of the critical success factors,
- Understanding the scope of work and the roles and responsibilities of the Consultant,
- Collaboration skills and responsiveness demonstrated during the RFP submittal process,
- Engineering Fees.

The attached Table 1 summarizes the fees proposed by each consultant, ranging from $77,000 (924 hours of work effort) to $117,809 (1,109 hours of work effort). Engineering Fees are subtotaled for each project phase including Plans and Specifications, Bidding, and Construction Support Services (including construction staking).

The City Engineer is recommending a contract be awarded to TKDA, Inc. TKDA has assigned a qualified team appropriate for the level of work required for this project, they were engaged and responsive throughout the proposal preparation process, they have demonstrated a thorough understanding of the work to be performed by them, and they were the lowest cost.

The project Feasibility Report assumed that VBWD would not require the construction of Stormwater BMPs as part of the project. We plan to pursue project approval without Stormwater BMPs. However, if VBWD requires Stormwater BMPs, additional engineering services will be necessary. Therefore, the City Engineer recommends that the contract include an engineering contingency amount of $5,000 in the event Stormwater BMPs are required for VBWD permit approval.

RECOMMENDATION: Staff is recommending that the city council consider awarding, *as part of the Consent Agenda*, the Professional Engineering Support Services Contract for the Keats MSA Street and Trunk Watermain Improvements to TKDA, Inc. in the estimated not to exceed amount of $77,000 with a $5,000 contingency if required for Stormwater BMPs.

ATTACHMENTS:

1. Table 1: Proposal Cost Summary

CITY OF LAKE ELMO, MINNESOTA
Keats MSA Street and Trunk Watermain Improvements
Project No. 2012.129
DATE: October 25, 2012

TABLE NO. 1 PROPOSAL COST SUMMARY

Consulting Firm	Total Engineering	P&S	Bidding	Construction	Construction Staking
STANTEC Consulting Services, Inc.	$99,885	$61,642	$2,149	$11,294	$24,800
TKDA, Inc.	$77,000	$58,300	$1,900	$6,576	$10,224
Bolton & Menk, Inc.	$88,888	$65,510	$2,424	$10,314	$10,640
SRF Consulting, Inc.	$117,809	$77,027	$1,564	$10,026	$28,826

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 11/07/2012
CONSENT
ITEM #: 7
MOTION TO APPROVE

AGENDA ITEM: Accept Resignation of City Clerk Sandie Thone and Approve Appointment of City Clerk Adam Bell

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda the City Council is respectfully requested to accept my resignation dated November 17, 2012 in which I have agreed to successfully see the city through the November 6, 2012 General Election and serve the thirty days designated per my employment contract from the date of my resignation. My last day working for the City of Lake Elmo will be November 16, 2012. I wish to extend my appreciation for the opportunity to serve the City of Lake Elmo and the community. I wish to sincerely thank all of those who have shown me such kindness and I leave knowing I have developed some good friendships and can feel good about the things we have accomplished together this year.

As part of the Consent Agenda the City Council is respectfully requested to appoint Deputy Clerk Adam Bell as City Clerk. City Administrator Dean Zuleger has recommended Mr. Bell for the position of City Clerk citing his experience as a department supervisor for the Denton County Clerk's Office and his education which includes a Bachelor's degree from Gustavus Adolphus College and a Juris Doctor from the University of St. Thomas School of Law as assets to the position.

Additionally, Mr. Bell has my complete support and confidence and will do well to serve the city as its next City Clerk. Adam has proven leadership qualities, a commitment to doing the right thing and strong initiative in analyzing processes and procedures for efficiencies.

RECOMMENDATION:

Staff recommends the City Council accept the resignation of City Clerk Sandie Thone effective November 16, 2012 and approve the appointment of Adam Bell as City Clerk for the City of Lake Elmo at a starting salary of $60,000 with a start date of November 19, 2012.

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION 2012-XX

A RESOLUTION APPOINTING CITY CLERK

WHEREAS, the City of Lake Elmo appointed Sandie Thone as City Clerk in April 2012; and

WHEREAS, Ms. Thone submitted her letter of resignation on October 17, 2012 and her last day of employment with the city will be November 16, 2012; and

WHEREAS, The City Council desires to fill the position internally by appointing Deputy Clerk Adam Bell to the position of City Clerk effective upon approval by the City Council.

NOW THEREFORE BE IT RESOLVED, the City of Lake Elmo City Council appoints Adam Bell as City Clerk for the City of Lake Elmo effective upon approval.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTH DAY OF NOVEMBER 2012.

(Seal)

By: _____
Dean A. Johnston, Mayor

_____
Sandie Thone, City Clerk

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 11/7/12
REGULAR
ITEM #: 8
RESOLUTION

AGENDA ITEM: Conditional Use Permit/Grading Project – Gatsby Investors, LLC at 9242 Hudson Boulevard North

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Ryan Stempski, City Engineer
Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider a Conditional Use Permit request from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North. The proposed grading project would allow the expansion of the ski and snowboard demonstration area currently used by Summit Ski and Board Shop for outfitting customers, training, demonstrations, and marketing and promotional events. A conditional use permit is required for the grading because it would involve the moving of over 400 cubic yards of material per acre on this site.

The recommended motion to act on this request is as follows:

"Move to approve Resolution 2012-XX approving a conditional use permit to allow a substantial grading project at 9242 Hudson Boulevard North."

BACKGROUND INFORMATION:

The Planning Commission reviewed this application at its September 10, 2012 meeting, and tabled taking action on the request at this time in order to give the applicant additional time to address deficiencies with the plans as submitted. The initial Staff report is attached to this memorandum, which includes a more detailed summary of the request, a brief overview of the site, along with the initial set of Staff review comments. Any revisions to this previous report were presented to the Planning Commission at its October 22, 2012 meeting and are include in

the following sections of the Council summary. The revised set of plans and any updated Staff reviews are also attached for consideration by the City Council.

The updated plans have addressed the most immediate concerns from Staff regarding the proposed grading project by moving all grading and filling activity outside of the septic system drain field area and by providing for access to the proposed pond on the north half of the site. All other aspects of the submitted plans remain relatively unchanged from the previous submittal. The applicant has provided an updated project narrative (attached) that summarizes the revisions and provides a response to specific concerns from the City Engineer's last review.

The City Engineer has reviewed the revised plans and provided his comments in the attached letter dated October 17, 2012. As a part of this letter, the Engineer includes several comments concerning the design and maintenance of the proposed ponding area. Ultimately, this pond is considered a critical component of the storm water plan for the property, and therefore will need to meet the City's design requirements for such areas. The specific issues associated with the pond that must be addressed are included in the City Engineer's comments and should be included as a condition of approval.

Other concerns/issues that were identified by Staff previously are still applicable, and include the following:

- Written approval from the easement holder of the gas line that crosses the property must be obtained from this entity before any grading work may commence on the site.

- The proposed project will impact a large number of existing trees and vegetation on the property. The Planning Commission is recommending that the applicant be required to submit a landscape plan that includes a number of trees equal to 50% of the total that current exist on the site.

- Access to the ski hill should be primarily through the retail sales building since the ski hill is considered accessory to a permitted retail use.

- The applicant will need to secure a permit from the South Washington Watershed District prior to commencing any grading or filling activity on the site.

- Any lighting used on or around the ski hill must comply with applicable City requirements.

Based on the revised submission materials, Staff would like to make the following additional comments and recommendations:

- The proposed grading and filling activity must not disturb the existing drain field. The applicant will need to adequately protect this area during construction and limit the extent of any grading and filling so that it does not negatively impact the operation or capacity of the on-site treatment system.

- The plans will need to be modified to include all modifications requested by the City Engineer to bring the ponding area into compliance with City requirements. Any modifications required to obtain watershed district approval must also be submitted for review and approval by the City Engineer.

- The proposed access road to the pond is not wide enough to allow for sufficient public access. Although the proposed grading as proposed will allow for access, the access easement should be expanded to a minimum of 15 feet.

- All other requirements as specified by the City Engineer in the attached review letter must be met by the applicant prior to the start of any activity associated with the submitted plans.

PLANNING COMMISSION REPORT:

The Planning Commission conducted a public hearing on the proposed Conditional Use Permit at its September 10, 2012 meeting and did not receive any comments from public. During its review of the revised plans, the Commission reviewed the draft list of conditions as recommended by Staff and made revisions to two of the conditions and added two conditions as part of its recommendation. The revised conditions are listed as part of Resolution attached to this memorandum. The Commission found that the proposed grading project met the requirements for the issuance of a Conditional Use Permit and unanimously recommended that the City Council approve the request.

RECOMMENDATION:

Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the request from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North by undertaking the following action:

"Move to approve Resolution 2012-XX approving a conditional use permit to allow a substantial grading project at 9242 Hudson Boulevard North."

ATTACHMENTS:

1. Draft Resolution of Approval
2. Detailed Staff Report (from 9/10/12 Commission Meeting)
3. Land Use Application
4. City Engineer Review – 10/17/12
5. Applicant Response to Previous Review
6. South Washington Watershed District Comments

7. Location Map
8. Grading and Erosion Control Plans

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2012-XX

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE GRADING AND EXCAVATING OF OVER 400 CUBIC YARDS OF MATERIAL PER ACRE AT 9242 HUDSON BOULEVARD NORTH

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Joe Heinen of Gatsby Investors I, LLC, 595 Lake Ridge Drive, Shoreview, MN 55126 (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North that will involve the moving of over 400 cubic yards of material per acre on the site, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.018; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on September 10, 2012 and further reviewed said application at its October 22, 2012 meeting; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated November 7, 2012; and

WHEREAS, the City Council considered said matter at its November 7, 2012 meeting.

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

FINDINGS

1) That the procedures for obtaining said Conditional Use Permit (CUP) are found in the Lake Elmo Zoning Ordinance, Section 154.018.

2) That the procedures for obtaining a grading and excavating permit are found in the Lake Elmo Zoning Ordinance, Section 151.017.

3) That all the submission requirements of said 151.017 have been met by the Applicant.

4) That the proposed permit is to conduct a substantial grading project at 9242 Hudson Boulevard North that will involve the moving of over 400 cubic yards of material per acre on the site.

5) That the proposed permit will be located on property legally described as follows and commonly known as 9242 Hudson Boulevard North:

The South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

TOGETHER WITH

That part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

> Beginning at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, assumed bearing along the west line of said Southeast Quarter of the Southwest Quarter, a distance of 1318.69 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 55 minutes 22 seconds East, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 173.46 feet; thence South 16 degrees 08 minutes 55 seconds East a distance of 750.83 feet; thence North 89 degrees 57 minutes 05 seconds West a distance of 49.90 feet to the east line of the West 333 feet of the East Half of the Southwest Quarter of said Section 34; thence South 00 degrees 02 minutes 55 seconds West, along said east line, a distance of 597.17 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds, along said south line, a distance of 333.00 feet to the point of beginning.

EXCEPT the South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota. All in Washington County, State of Minnesota. PID Number: 02-029-21-21-0003

6) That the proposed grading and excavating plans have been reviewed for consistency with the grading permit standards found in Section 151.017.

7) That the proposed grading and excavating plans are in compliance with said grading permit standards provided certain conditions of approval are met by the Applicant.

8) That the proposed grading and excavating project will not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands.

9) The proposed grading and excavating project will not affect traffic or parking conditions.

10) The proposed grading and excavating project will not have an effect on utility or school capacities.

11) The proposed grading and excavating project would have no effect on property values of surrounding lands.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted subject to the following conditions:

1) Written approval from the easement holder of the gas line that crosses the property must be obtained from this entity before any grading work may commence on the site.

2) The applicant shall submit a landscape plan for review and approval by the Planning Director prior to the commencement of any grading or filling activity on the site. The landscape plan must include a total number of trees equal to at least 50% of the number that presently exist on the site and as documented on the provided tree protection plan. All replacement trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

3) All customer access to the ski hill shall be through the retail sales building and shall avoid impacting the drain field area. The ski hill may only be in operation during times when the retail sales building is open for business.

4) The applicant will need to secure a permit from the South Washington Watershed District (SWWD) prior to commencing any grading or filling activity on the site. Any modifications to the approved plans that result from the SWWD review must be reviewed and approved by the City Engineer.

5) The grading and filling activity must not disturb the existing drain field on the site. The applicant will need to provide temporary fencing to protect this area prior to and during construction and must further limit the extent of any grading and filling so that it does not negatively impact the operation or capacity of the on-site treatment system

6) The applicant must provide for long-term protection of the drain field once the grading and filling activity has been completed in accordance the plans. This permanent protection may take the form of fencing or another mechanism approved by the Planning Director.

7) All easements as required by the City Engineer pertaining the pond and public access to the pond shall be provided prior to the commencement of any grading or filling activity on the site. The easement providing access to the pond shall be a minimum of 15 feet in width.

8) The grading of the pond area shall comply with all applicable City requirements, and any modifications needed to obtain compliance shall be reviewed and approved by the City Engineer.

9) Any lighting used on or around the ski hill must comply with applicable City lighting requirements. No lighting on the skill hill is allowed after 9:00 p.m. or after the retail sales business is closed, whichever is earlier.

10) The applicant shall demonstrate to the satisfaction of the Planning Director and City Engineer that adequate measures have been taken to prevent accidental access to the storm water pond area.

11) All other requirements as specified by the City Engineer in the October 17, 2012 review letter must be met by the applicant prior to the start of any activity associated with the submitted plans.

12) Any noise generated from activities on or around the ski hill shall fall under the levels allowed under the City's nuisance ordinances.

Passed and duly adopted this 7th day of November 2012 by the City Council of the City of Lake Elmo, Minnesota.

_____
Dean A. Johnston
Mayor

ATTEST:

_____
Sandie Thone
City Clerk

City of Lake Elmo Planning Department

Conditional Use Permit Request

To: **Planning Commission**

From: Kyle Klatt, Planning Director

Meeting Date: **September 10, 2012**

Applicant: **Joe Heinen, Gatsby Investors I, LLC (Alan Dale, Dale Properties, LLC as co-applicant)**

Owner: Gatsby Investors I, LLC and Dale Properties, LLC

Location: **9242 Hudson Boulevard North**

Zoning: HD-GB-SRD and HD-RR-SRD

Introductory Information

Application Summary: The City of Lake Elmo has received a request from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North. The proposed grading project would allow the expansion of the ski and snowboard demonstration area currently used by Summit Ski and Board Shop for outfitting customers, training, demonstrations, and marketing and promotional events. A conditional use permit is required for the grading because it would involve the moving of over 400 cubic yards of material per acre on this site.

The proposed grading project would extend across the northern portion of the Gatsby Investors I, LLC property; therefore, the adjacent property owner has been required to co-sign the application and has furthermore expressed their support for this project as proposed.

Property Information: The project site is located roughly midway between Keats and Inwood Avenue along Hudson Boulevard North. There are three properties in this location that are zoned General Business, with the applicant's property situated at the far eastern edge of the commercial-zoned area. According to City records, the building that is presently on the site was initially constructed in the early 1970's, with a series of additions and remodels in the subsequent period of time that have resulted in the present facility. There are five tenants currently in this building, including Hot Springs Portable Spas, Heritage Hous beauty salon, Home Essentials seasonal boutique, the Skills Sports Training facility, and the Summit Boardshop.

As part of its business, the Summit Boardshop operates an indoor skate park and demonstration area in addition to a small outdoor ski hill in the rear portion of the lot for equipment testing and demonstrations. The proposed grading project would expand this existing ski hill substantially in size, both in terms of the area used for the hill and the height of the hill. The current hill is approximately 25 feet higher than the

grade at which the building has been built, while the proposed grading would allow the construction of a hill that is 60 feet higher than the base of the building.

The adjacent property to the west and north is presently owned by Dale Properties, and is vacant except for narrow strips of land that are used the motorized hang gliders stored in a building on the next parcel over. All of this property is presently guided for sewered residential use in the Comprehensive Plan; however, the Planning Commission has recommended approval of a revised land use plan that would change the future land use for most of this property to Commercial. In the interim, the City has adopted a holding district designation for all properties to be served by public sanitary sewer, and these holding districts allow for the continued use and development of property in accordance with the current zoning (which in this case is either General Business or Rural Residential).

The area that will be impacted by the proposed grading project is currently vacant with the exception of some larger trees along and near the western property line and a gas line easement that cuts diagonally across the Dale Properties land. The attached existing conditions, site, and grading plans illustrate the location of this easement, and the limits of the grading project will extend to this line.

In reviewing the City's past approval of projects associated with the applicant's site, there are a few issues that warrant further investigation but that are not directly related to the present request. These issues include the following:

- At the time of the last major expansion of the building at 9242 Hudson Boulevard North, the City allowed the construction of fewer parking stalls required by the code and as shown on the approved site plan. 51 parking spaces were deemed to be the minimum number required, 40 were authorized to be constructed, and 48 were reserved for future use. Sometime since the 1986 expansion, the parking lot has been expanded with the addition of a crushed rock area so that there are now roughly 49 paved stalls and 48 unpaved stalls on the property. The City code requires all commercial parking lots to be paved, which means the crushed rock area should either be removed or paved in accordance with the approved site plan.
- The building is situated with a non-conforming setback of only 4.2 feet from the eastern property line. There is an area that appears to now be used for loading and unloading, parking, and general access over the property line in this area. Because this area is not part of the business site and there is no allowance for additional parking or access on the approved site plan, the continued use of this area by the businesses at 9242 Hudson Boulevard North should cease.
- There are review comments in the City's files from the South Washington Watershed District (SWWD) related to a 2005 project that do not appear to have ever been implemented. Any future parking lot work should either address these comments or will need to be handled as part of a new permit from the Watershed District. Please note that the current CUP/Grading request does require permit from SWWD and will be noted as a condition of approval.

Applicable Codes:

Section 154.018 Administration.

Conditional Use Permits. Outlines the general requirements for all conditionally permitted uses in Lake Elmo.

Section 151.017 Excavating and Grading Permits.

States that "no person shall undertake, authorize, or permit any of the following actions without first having obtained a grading and excavating permit from the city", which list the following among these actions: "Grading and excavating plans that result in the moving of 400 cubic yards of material per acre require a public hearing and approval of the City Council". Staff has recommended that the permit be reviewed as a Conditional Use and follow the hearing procedures for a CUP.

Findings & General Site Overview

Site Data:

Lot Size: 5.16 acres plus approximately 4 acres of the Dale Properties parcel

Existing Use: General Commercial and Retail

Existing Zoning: GB – General Business and RR – Rural Residential (Dale Properties)

Property Identification Numbers (PID): 34.029.21.34.0004 and 34.029.21.34.0003 (Dale Properties)

Application Review:

CUP/Grading Review:

The applicant has submitted a series of plans intended to comply with the City's grading and erosion control standards. Due to the more technical nature of this review, the City's Engineer has spent a fair amount of time reviewing these plans, which ultimately led to several revisions and updates in order to bring the plans into conformance with the City's application requirements. Given the scope of this project, Staff has broken down its review into two parts: comments that are more general in nature and those that are specific to the City's grading and excavation requirements.

Please note that based on the information submitted to date, Staff is not recommending approval of the project, and instead is recommending that the Planning Commission table taking action on this request in order to give the applicant time to address those comments that will very likely require revisions to the plans. Other comments and concerns that will not require any plan revisions may be addresses as conditions approval when this item comes back before the Planning Commission. The Planning Commission could also consider taking action to recommend approval or denial of the request at its meeting as long as it adopts findings of fact to support its decision.

Generally, Staff would like to note the following concerns with the project as proposed:

- The proposed grading would result in a large hill that is 35 feet higher than the one presently on the property. The final grades and hill will be visible from

not only immediately adjacent parcels, but those that are further away as well.

- There is an existing gas line than crosses the Dale Properties parcel, and the applicant is proposing to grade within the easement for this pipeline. Written approval from the easement holder must be provided to the City before any grading will be allowed in this location.
- There are a number of trees that will be removed due to the grading. The applicant has submitted a Tree Inventory Plan that indicates 22.7% of the trees will be saved. Staff is recommending that some of the trees lost be replaced in order to better bring the project into conformance with the City's grading permit standards.
- Because the ski hill is considered accessory to the permitted retail uses on the property, all access to the hill and demonstration area should be through the existing building. Staff is not recommending that direct access from the exterior of the building be allowed as a condition of approval.
- The watershed district has not yet received plans for review, and the proposed grading project will require a permit from the South Washington Watershed District. The City Engineer has asked that the applicant provide documentation that this permit has been secured before any construction is allowed on the site, and any changes to the site plan approved by the City as a result of the watershed district review will need to be reviewed and approved by the City prior to construction.

In addition to the general comments noted above, the City Engineer has submitted his detailed review in the form of the attached letter. The two most significant issued identified in this letter are as follows:

- The proposed grading would extend into the current drain field for the property. The applicant either needs to remove any grading from this portion of the site or develop an alternative that provides for a treatment area on the site that meets current County requirements.
- Access to the proposed ponding area has been requested by the City Engineer but is not shown on the attached plans. This access is critical in order to properly maintain the storm water pond.

Other comments concerning these issues in particular may be found in the Engineer's report under the heading "Engineering review comments requiring resubmittal". The other portion of the Engineer's review includes additional comments that could be addressed as conditions of approval once revised plans have been submitted. This list includes requirements specific to the storm water pond and maintenance of this pond, permit approvals from SWWD, Pollution Control Agency permits, tree preservation and replacement plans, and the gas pipeline.

Once a revised plan is submitted, Staff will provide the Planning Commission with a more throughout review of the project's conformance with the City's grading and excavating standards. These standards were ultimately used by the City Engineer in

conducting his review.

Conditional Use Permit Conclusions: Based on the above analysis and Staff review, Staff is recommending that the Planning Commission table taking action on the request by Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North, based on the following:

1. The plans as submitted require revisions in order to address concerns that:
    a. The grading as proposed would impact the current subsurface treatment system on the property; and
    b. The applicant has not provided access for maintenance purposes to the proposed storm water pond.

Resident Concerns: A public hearing notice was sent to all property owners within 350 feet of the applicant's property. Staff has not received any feedback from any surrounding property owners.

Additional Information: The attached letter from the South Washington Watershed District indicates that a watershed district permit is required for the prokect.

Conclusion:

The applicant is seeking approval to conduct a substantial grading project at 9242 Hudson Boulevard North.

Commission Options: The Planning Commission has the following options:

A) Table taking action on this request until revisions to the plans area completed in accordance with the City's review comments..

B) Recommend approval of the request with findings of fact to support this motion.

C) Recommend denial of the request with findings of fact to support this motion

The 60-day review period for this application expires on 10/21/12, but can be extended an additional 60 days if more time is needed.

Staff Rec: **Staff is recommending that the Planning Commission table** the request from Joe Heinen, Gatsby Investors I, LLC for a Conditional Use Permit to conduct a substantial grading project at 9242 Hudson Boulevard North

cc: Joe Heinen, Gatsby Investors I, LLC
Alan Dale, Dale Properties, LLC

Fee $_____

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- ☐ Comprehensive Plan Amendment
- ☐ Zoning District Amendment
- ☐ Text Amendment
- ☐ Flood Plain C.U.P. Conditional Use Permit
- ☐ Conditional Use Permit (C.U.P.)
- ☐ Variance * (See below)
- ☐ Minor Subdivision
- ☐ Lot Line Adjustment
- ☐ Residential Subdivision Sketch/Concept Plan
- ☐ Site & Building Plan Review
- ☐ Residential Subdivision Preliminary/Final Plat
  - O 01 – 10 Lots
  - O 11 – 20 Lots
  - O 21 Lots or More
- ☒ Excavating & Grading Permit
- ☐ Appeal
- ☐ PUD

APPLICANT: Gatsby INVestors I LLC (Name) 595 Lake Ridge Dr (Mailing Address) Shoreview MN 55126 (Zip)

TELEPHONES: 6123470171 (Home) 6123863894 (Work) (Mobile) (Fax)

FEE OWNER: Gatsby INVestors I LLC (Name) (Mailing Address) (Zip)

TELEPHONES: 612 3470171 (Home) 6123863894 (Work) (Mobile) (Fax) heinen@ghjm.co

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
9242 Hudson BLVD N LAKE ELMO MN 55042
South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County

DETAILED REASON FOR REQUEST: Expension of SKI AND SNOWboard area Currently used by Summit Ski and Board Shop for outfitting Customes, training and demonstration, and Marketing and promotional events.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of Applicant 4/23/12 Date

Signature of Applicant 5-21-12 Date

City of Lake Elmo • 3800 Laverne Avenue North • Lake Elmo • 55042 • 651-777-5510 • Fax 651-777-9615

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. **651.300.4261**
Jack Griffin, P.E. **651.300.4264**
Ryan Stempski, P.E. **651.300.4267**

Date: October 17, 2012

To: Kyle Klatt, Planning Director
Cc: Nick Johnson, City Planner
Jack Griffin, P.E., City Engineer
From: Ryan Stempski, P.E.

Re: City of Lake Elmo
9242 Hudson Boulevard Grading Permit

We have received updated information for the Excavating & Grading Permit submittal documentation for 9242 Hudson Boulevard. The following items were received:

- Final Grading & Erosion & Sediment Control Plan prepared by James J. Hill, Inc., dated August 2, 2012.
- Point-by-Point Response Letter from Joel Cooper, P.E. (James J. Hill, Inc.), dated October 4, 2012.

This project cannot be recommended for approval at this time. The following comments must be addressed prior to engineering approval:

Engineering review comments requiring resubmittal:

1. The Grading Plan (Sheet 2.3) must be revised to show protective fencing around the drainfield prior to construction. Long term protection from the drainfield area must also be provided in the plan.
2. Wood fiber blanket must be used for erosion control (update Sheet 2.1 & 2.2 accordingly).
3. The maintenance access road to the pond must be appropriately stabilized for use by maintenance equipment and vehicles a minimum of 10 feet wide.
4. A stormwater pond detail must be provided to show a side slope of 10H:1V for the first 10 feet, then a maximum of 3H:1V beyond the first 10 feet. The Grading Plan (Sheet 2.3) must be revised accordingly.
5. The Pond Easement Sketch and Description must be revised to create a standard geometric shape and/or follow other property lines and/or existing physical features. The non-standard shape as proposed will create difficulties for identifying easement areas in the field for the areas to be maintained / protected.

Additional Engineering review comments:

1. The proposed Stormwater pond is to be owned and maintained by the property owner. A Maintenance Agreement must be executed with the City of Lake Elmo and recorded with Washington County.
2. The drainage easement over the pond and maintenance access road must also be granted in the name of the City of Lake Elmo.
3. This project requires a Permit from the South Washington Watershed District (SWWD). A copy of the Permit Approval must be provided to the City before the project can begin construction. If, in the course of acquiring a permit from SWWD the applicant makes any plan revisions, a copy of the revised plans must also be re-submitted to the City for further review and approval.

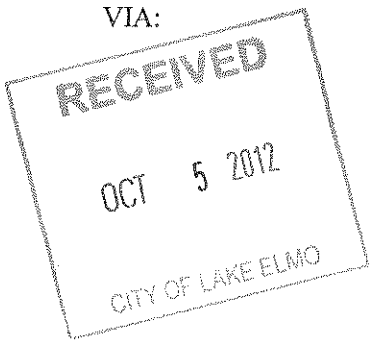
4. Prior to the start of any construction, and once the applicant has a Contractor in place for the work, a copy of the MPCA NPDES Stormwater Permit must be provided to the City of Lake Elmo.
5. The Tree Inventory Plan indicates significant tree removal as part of this project. A majority of the existing trees along the west property are shown for removal. The City should consider the provisions of the City Code in Section 151.017 (J) Grading Permit standards as they reference efforts to minimize tree removal, maintain screening, and restore site aesthetics through landscaping.
6. Prior to the start of any construction written approval from BP Pipelines (North America), Inc. must be provided to the City of Lake Elmo for the proposed grading within the gas easement along the east side of the property. If plans are revised to avoid this grading work or as a result of BP comments, the revised plans must be re-submitted to the City of Lake Elmo for further review and approval.

JAMES R. HILL, INC.
PLANNERS ENGINEERS SURVEYORS
Serving our Clients since 1976

2500 WEST COUNTY ROAD 42, SUITE 120
BURNSVILLE, MINNESOTA 55337
PH. (952) 890-6044 FAX (952) 890-6244

DATE: October 4, 2012

VIA:



TO: Mr. Kyle Klatt- Planning Director
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: 9242 Hudson Blvd. Grading Permit

Dear Mr. Klatt:

We have received the comments regarding the above referenced project from Focus Engineering Inc. and offer the following plan revisions and comments.

1. We have revised the grading plan so there will be no fill placed over the existing drainfield on-site. The location of the drainfield is shown on the plan.

2. We have revised the grading plan to allow for a maintenance access from the existing parking lot.

3. The grading plan modifications made have not changed the drainage areas or pond size so that the current drainage model is still reflective of our proposal.

4. We have revised the pond easement sketch to include the maintenance access road.

5. The easement is reflective of the pond on the grading plan which is established to maximize the ski-hill feature that is the basis for the project. This is a temporary pond and it is anticipated the maintenance of this pond will be provided by the owner.

Additional review comments:

1. As stated earlier the owner will be maintaining the ponding area and will enter into a maintenance agreement with the City of Lake Elmo.

2. The easement and maintenance road easement will be provided in the city's name.

3. We will obtain a watershed permit prior to commencing grading operations.

4. We will obtain and post the NDPES permit on site as required by the MPCA.

5. We will attempt to save the trees along the west property line as demonstrated with the grading plan.

6. We will provide documentation of an agreement to grade on B.P. pipeline prior to commencing grading operations.

If you have any other questions or require additional information, please call.

Sincerely,
JAMES R. HILL, INC.

Joel G. Cooper, P.E.
President

Cc: Joe Heinen

South Washington
WATERSHED
District

September 6, 2012

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: Gatsby Investors LLC Expansion at 9242 Hudson Rd

Dear Mr. Klatt:

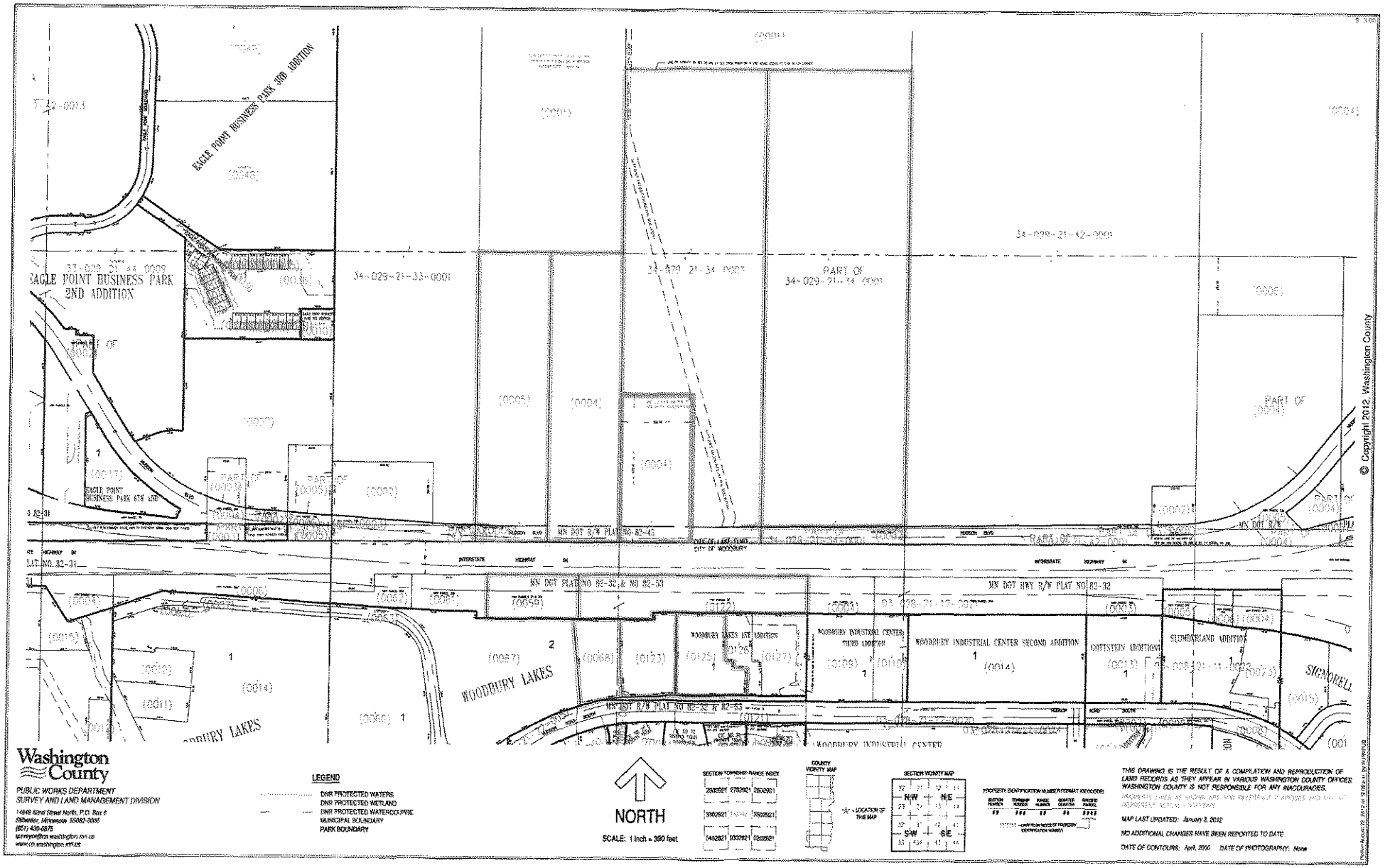
SWWD has received a copy of the Conditional Use Permit application for expansion of the Gatsby Investors property at 9242 Hudson Rd. This project is subject to SWWD permitting. We have not received a permit application and the information submitted with the CUP application is insufficient to review the project. The developer will find information on required submittals within SWWD's rules (1.3) at http://www.swwdmn.org/pdf/SWWDRules03282012.pdf.

If you have any questions or need additional information, please contact me at 651/714-3714 or jloomis@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

John Loomis
Water Resource Specialist

2302 Tower Dr • Woodbury, MN 55125 • 651-714-3729 • Fax 651-714-3721



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Washington County

PUBLIC WORKS DEPARTMENT
SURVEY AND LAND MANAGEMENT DIVISION
14948 62nd Street North, P.O. Box 6
Stillwater, Minnesota 55082-0006
(651) 430-6875
surveyor@co.washington.mn.us
www.co.washington.mn.us

LEGEND

- DNR PROTECTED WATERS
- DNR PROTECTED WETLAND
- DNR PROTECTED WATERCOURSE
- MUNICIPAL BOUNDARY
- PARK BOUNDARY

NORTH

SCALE: 1 inch = 350 feet

SECTION TOWNSHIP RANGE INDEX

COUNTY VICINITY MAP

★ - LOCATION OF THIS MAP

SECTION VICINITY MAP

PROPERTY IDENTIFICATION NUMBER/FORMAT RECORDS

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.

MAP LAST UPDATED: January 3, 2012

NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

DATE OF CONTOURS: April, 2006 DATE OF PHOTOGRAPHY: None

9242 HUDSON BOULEVARD

LAKE ELMO, MINNESOTA

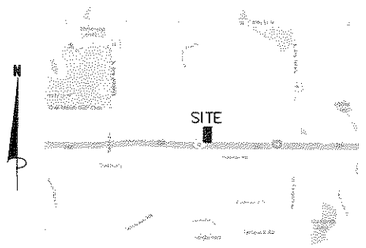
FINAL GRADING & EROSION & SEDIMENT CONTROL PLAN

FOR

JOE HEINEN

595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

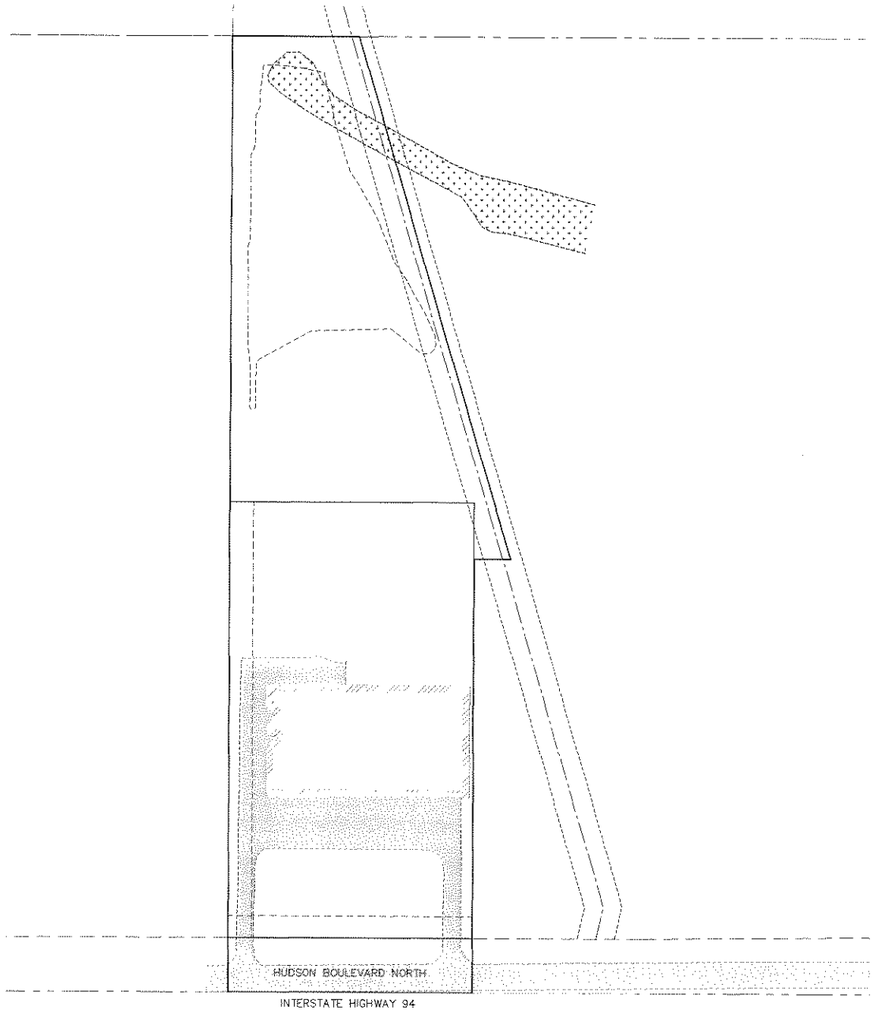
PHONE: (612) 347-0171 FAX: (612) 338-2860



LOCATION MAP
NOT TO SCALE

LEGEND

- EXISTING BUILDINGS
- EXISTING ASPHALT SURFACE
- EXISTING CONCRETE SURFACE
- EXISTING GRASS RUNWAY
- EXISTING TREES
- EXISTING SOIL BORING
- EXISTING CURB
- EXISTING CONTOUR
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING OVERHEAD POWER LINE/POWER POLES
- EXISTING DRAINFIELD
- EXISTING WELL LOCATION
- 1000 PROPOSED CONTOUR
- PROPOSED STORM SEWER
- PROPOSED SEED & MnDOT CATEGORY 3 EROSION CONTROL BLANKET
- PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
- PROPOSED SILT FENCE
- POST GRADING SILT FENCE



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BENCHMARKS

#1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43

#2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04

GOPHER STATE ONE CALL

CALL 48 HOURS BEFORE YOU DIG!
TWIN CITY AREA 651-454-0002
MN. TOLL FREE 1-800-252-1166

PROJECT CONTACTS

PROJECT ENGINEER	JOEL G. COOPER, P.E. – JAMES R. HILL, INC.	(952)-890-6044 (O)
		(612)-508-6480 (M)
DEVELOPER:	JOE HEINEN	(612) 347-0171 (O)
CITY:	MIKE BOUTHILET – PUBLIC WORKS & PARK SUPERINTENDENT – CITY OF LAKE ELMO	(651)-233-5414 (O)
NPDES OFFICER:	SHAWN NELSON – MPCA	(651)-757-2604 (O)
CONTRACTOR REPRESENTATIVE:	TO BE DETERMINED	(XXX)-XXX-XXXX
CONTRACTOR SUPERINTENDENT:	TO BE DETERMINED	(XXX)-XXX-XXXX

N

SCALE IN FEET
0 100 200 300
1 inch = 100 feet

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
JOEL G. COOPER, P.E.
Date: 4/23/12 Reg.No. 18992

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
TITLE SHEET
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY
CJK

DATE
4/23/12

REVISIONS
6/2/12 REV PER CITY COMMENTS
9/18/12 REVISED GRADES AROUND DRAINFIELD AREA
10/5/12 ADDED ACCESS SKETCH

CAD FILE
22863TS

PROJECT NO.
22863

1.1

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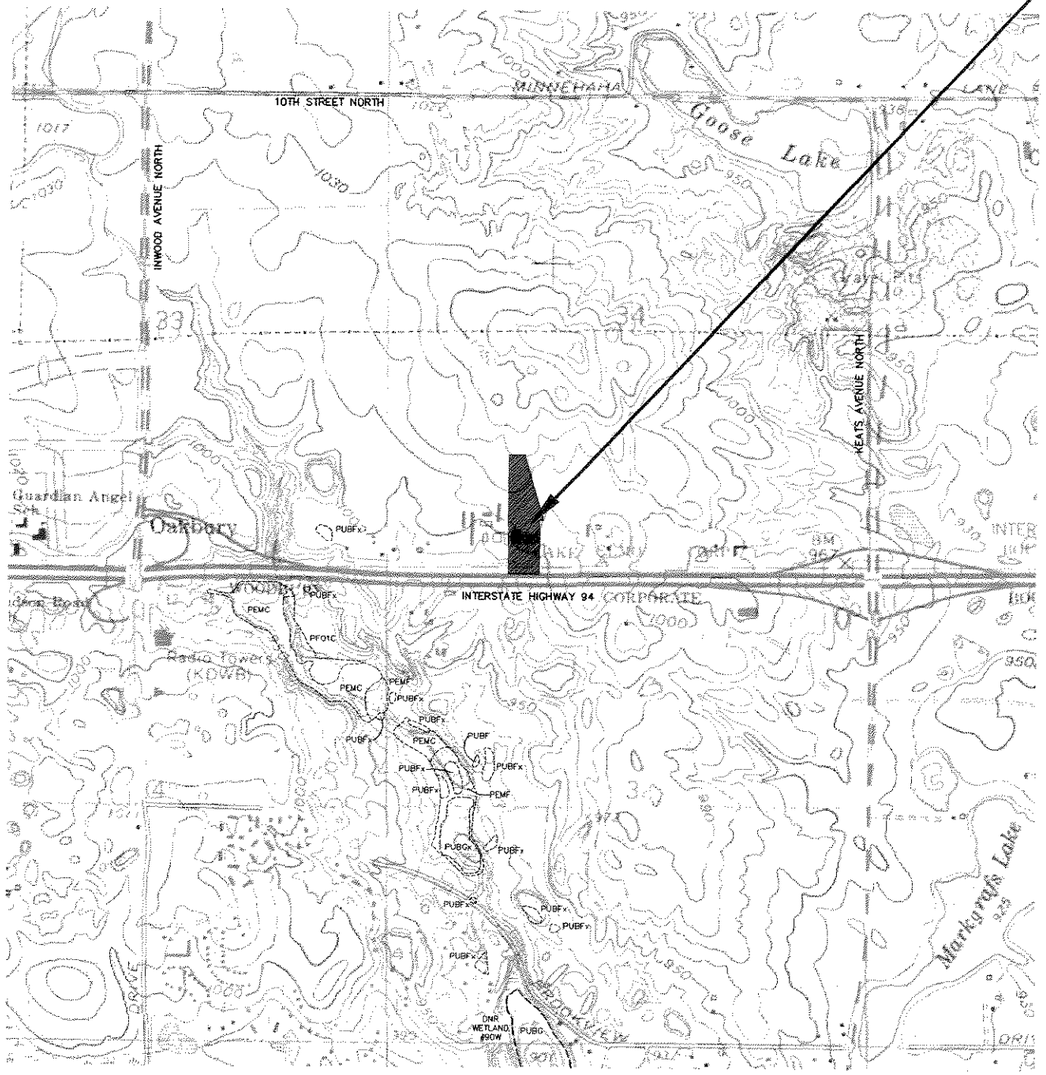
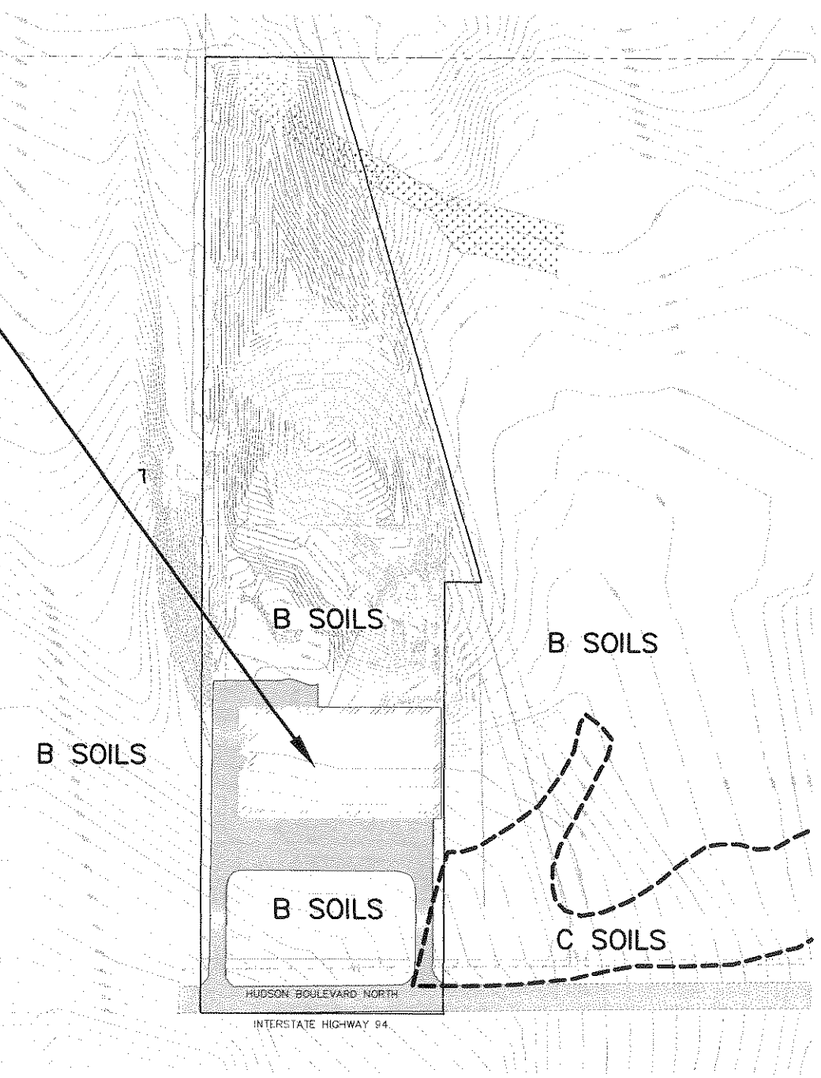
PROJECT LOCATION



USGS MAP

1 inch = 800 feet



SOIL GROUP MAP

1 inch = 100 feet

BENCHMARKS

#1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43

#2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
JOEL G. COOPER, P.E.
Date: 4/23/12 Reg.No. 18498

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
SITE INFORMATION
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY	CJK
DATE	4/23/12
REVISIONS	
8/2/12 REV PER CITY COMMENTS	
9/18/12 REVISED GRADES AROUND DRAINFIELD AREA	
CAD FILE	22863SI
PROJECT NO.	22863
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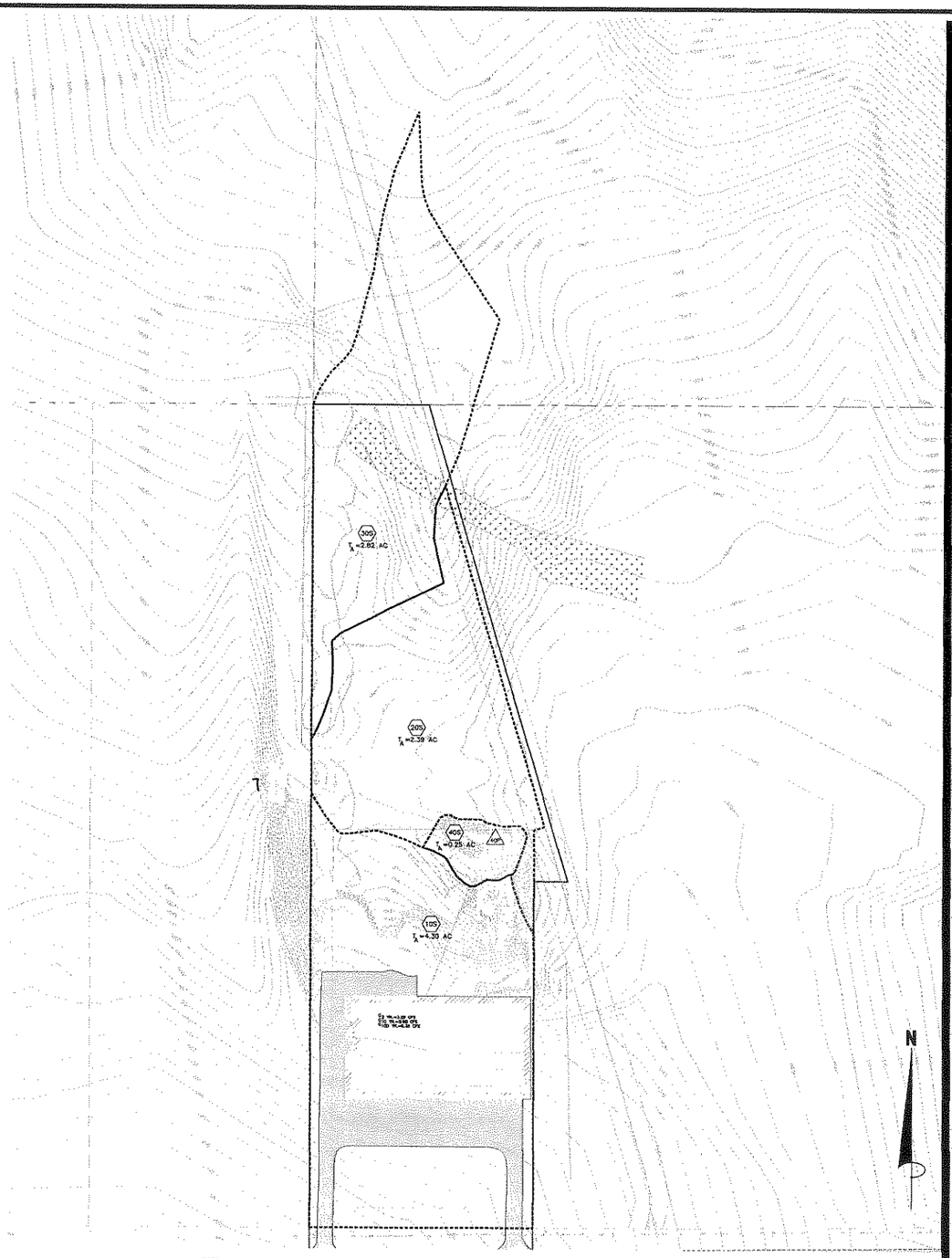


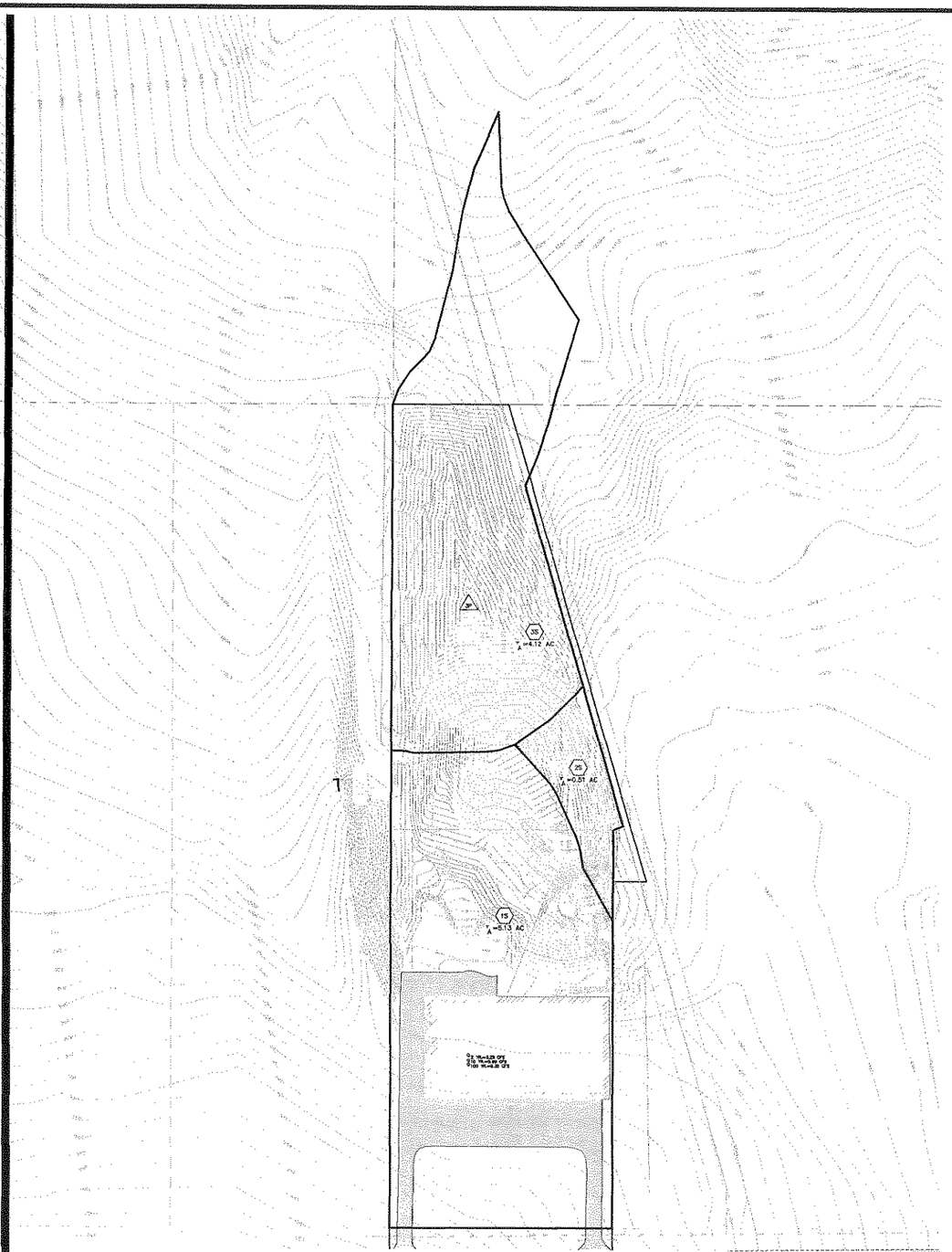
EXISTING DRAINAGE MAP

1 inch = 100 feet

T_A =9.76 AC.

N

STORMWATER RATE SUMMARY		
STORM EVENT	EXISTING	PROPOSED
2 YEAR	5.60 cfs	3.12 cfs
10 YEAR	16.00 cfs	8.68 cfs
100 YEAR	32.02 cfs	16.60 cfs



PROPOSED DRAINAGE MAP

1 inch = 100 feet

T_A =9.76 AC.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

JOEL G. COOPER, P.E.

Date: 4/23/12 Reg.No. 18495

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Ctr. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
SITE INFORMATION
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY	CJK
DATE	4/23/12
REVISIONS	
8/2/12 REV PER CITY COMMENTS	
9/18/12 REVISED GRADES AROUND DRAINFIELD AREA	
CAD FILE	22863SI
PROJECT NO.	22863
	1.3

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TEMPORARY EROSION & SEDIMENTATION CONTROL METHODS
(THE FOLLOWING METHODS WILL REQUIRE MULITPLE SITE VISITS DURING THE DIFFERENT STAGES OF CONSTRUCTION (INCIDENTAL TO CONSTRUCTION)).

1. TEMPORARY MULCH MnDOT TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHORED.
2. HYDROSPREAD MnDOT TYPE 6 HYDRAULIC SOIL STABILIZER
   a. HYDRAULIC SOIL STABILIZER : MnDOT TYPE 6 AT A RATE OF 350 LBS/1000 GALLONS OF SLURRY.
   b. WATER : 875 GALLONS/1000 GALLONS OF SLURRY.
3. TEMPORARY SEED & MULCH (SEASONAL)
   a. SEED : MnDOT SEED MIX #150 AT A RATE OF 40 LBS/ACRE.
   b. MULCH : MnDOT TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHORED.
   c. FERTILIZER : 10-10-20 AT A RATE OF 200 LBS/ACRE.
4. TEMPORARY SEED & MULCH (SPRING)
   a. SEED : MnDOT SEED MIX #110 AT A RATE OF 100 LBS/ACRE.
   b. MULCH : MnDOT TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHORED.
   c. FERTILIZER : 10-10-20 AT A RATE OF 200 LBS/ACRE.
5. TEMPORARY SEED & MULCH (WINTER)
   a. SEED : MnDOT SEED MIX #100 AT A RATE OF 100 LBS/ACRE.
   b. MULCH : MnDOT TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHORED.
   c. FERTILIZER : 10-10-20 AT A RATE OF 200 LBS/ACRE.
6. HYDROSPREAD SEED, FERTILIZER & MnDOT TYPE 6 HYDRAULIC SOIL STABILIZER.
   a. SEED : MnDOT SEED MIX #100 AT A RATE OF 10 LBS/1000 GALLONS OF SLURRY.
   b. FERTILIZER : 10-10-20 AT A RATE OF 50 LBS/1000 GALLONS OF SLURRY.
   c. HYDRAULIC SOIL STABILIZER : MnDOT TYPE 6 AT A RATE OF 350 LBS/1000 GALLONS OF SLURRY.
   d. WATER : 875 GALLONS/1000 GALLONS OF SLURRY.
7. TEMPORARY SEDIMENTATION BASINS WITH STANDPIPE OUTLET & EMERGENCY SPILLWAY (SEE DETAIL)
8. TEMPORARY SEDIMENTATION TRAP WITH SPILLWAY (SEE DETAIL).
9. ROCK CONSTRUCTION ENTRANCE (SEE DETAIL).
10. HORIZONTAL SLOPE GRADING (SEE DETAIL).
11. DITCH CHECKS MnDOT TYPE 3-12" HOORLL WITH MnDOT CATEGORY 3 EROSION CONTROL BLANKET (SEE DETAIL).
12. EROSION CONTROL BLANKET MnDOT CATEGORY 3 (SEE DETAIL)
13. PERIMETER SILT FENCE (SEE DETAIL).
14. INLET PROTECTION (SEE DETAILS).
15. FLOATING SILT CURTAIN (SEE DETAIL)

PERMANENT EROSION & SEDIMENTATION CONTROL METHODS
(THE FOLLOWING METHODS WILL REQUIRE MULITPLE SITE VISITS DURING THE DIFFERENT STAGES OF CONSTRUCTION (INCIDENTAL TO CONSTRUCTION)).

1. GENERAL SEED & MULCH (MIN. 6" TOPSOIL)
   a. SEED : MnDOT SEED MIX #250 AT A RATE OF 70 LBS/ACRE.
   b. FERTILIZER : 22-0-10 60% W.I.N. 0% CL AT A RATE OF 350 LBS./ACRE.
   c. MULCH : MnDOT TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHORED.
2. POND SEED & MULCH (MIN. 6" TOPSOIL)
   a. SEED : MnDOT SEED MIX #310 AT A RATE OF 62 LBS/ACRE.
   b. FERTILIZER : 18-1-8 NATURAL BASE AT A RATE OF 120 LBS/ACRE.
   c. MULCH : MnDOT TYPE 2 AT A RATE OF 2 TONS/ACRE & DISC ANCHORED.
3. WETLAND SEED & MULCH (MIN 1' HYDRIC TOPSOIL)
   a. SEED : MnDOT SEED MIX #325 AT A RATE OF 84 LBS/ACRE.
   b. FERTILIZER : 18-1-8 NATURAL BASE AT A RATE OF 150 LBS/ACRE.
   c. MULCH : MnDOT TYPE 3 AT A RATE OF 2 TONS/ACRE & DISC ANCHORED.
4. UPLAND BUFFER SEED & MULCH (MIN. 6" TOPSOIL)
   a. SEED : MnDOT SEED MIX #326 AT A RATE OF 88 LBS/ACRE.
   b. FERTILIZER : 18-1-8 NATURAL BASE AT A RATE OF 150 LBS/ACRE.
   c. MULCH : MnDOT TYPE 3 AT A RATE OF 2 TONS/ACRE & DISC ANCHORED.
5. TEMPORARY COVER CROP FOR UPLAND BUFFERS & WETLAND MITIGATION
   a. SEED : MnDOT SEED MIX #110 (SPRING) OR #100 (WINTER) AT A RATE OF 100 LBS/ACRE.
   b. FERTILIZER : 18-1-8 NATURAL BASE AT A RATE OF 150 LBS/ACRE.
   c. MULCH : MnDOT TYPE 3 AT A RATE OF 2 TONS/ACRE & DISC ANCHORED.
6. GENERAL NATIVE SEED & MULCH (MINIMUM 6" TOPSOIL)
   a. SEED : MnDOT SEED MIX #250 AT A RATE OF 84.5 LBS/ACRE.
   b. FERTILIZER : 18-1-8 NATURAL BASE AT A RATE OF 150 LBS/ACRE.
   c. MULCH : MnDOT TYPE 3 AT A RATE OF 2 TONS/ACRE & DISC ANCHORED
7. SOD

NARRATIVE & NOTES

1. MASS GRADING OF 9242 HUDSON BOULEVARD.
2. PHASE CONSTRUCTION TO MINIMIZE SOIL LOSS.
3. ALL EROSION & SEDIMENT CONTROL MEASURES CALLED FOR ON THESE PLANS AND SPECIFICATIONS, WHICH MAY INCLUDE SILT FENCE, TEMPORARY SEDIMENTATION BASINS OR TEMPORARY SEDIMENT TRAPS, SHALL BE CONSTRUCTED AND MAINTAINED IN THE FOLLOWING ORDER AS REQUIRED.
   a. ROCK CONSTRUCTION ENTRANCES
   b. SILT FENCE & INSE PROTECTION FENCE.
   c. EXISTING INLET PROTECTION
   d. TEMPORARY CULVERTS
   e. TEMPORARY SEDIMENTATION BASINS, TRAPS, AND OUTFALL FACILITIES.
   f. STORM WATER POND CONSTRUCTION.
   g. COMMON EXCAVATION AND EMBANKMENT, UTILITY INSTALLATION AND STREET CONSTRUCTION.
   h. TEMPORARY SEED AND/OR MULCH.
   i. HORIZONTAL SLOPE GRADING.
   j. DITCH CHECK, SILT FENCE, & EROSION CONTROL BLANKET.
   k. PERMANENT SEED AND MULCH AND/OR SOD.
4. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION & SEDIMENT CONTROL MEASURES AS SHOWN ON THESE PLANS AND SPECIFICATIONS AND IMPLEMENT ANY ADDITIONAL EROSION & SEDIMENT CONTROL MEASURES NECESSARY IN ORDER TO PROTECT ADJACENT PROPERTY.
5. ALL EROSION & SEDIMENT CONTROL FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION OPERATIONS. ANY TEMPORARY FACILITIES WHICH ARE TO BE REMOVED AS CALLED FOR ON THESE PLANS AND SPECIFICATIONS SHALL BE REMOVED BY THE CONTRACTOR WHEN DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL THEN RESTORE THE SUBSEQUENTLY DISTURBED AREA IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.
6. THE CONTRACTOR SHALL PROVIDE OR CONSTRUCT TEMPORARY STORM WATER DRAINAGE FACILITIES AS MAY BE REQUIRED TO ALLOW THE CONTRACTOR TO CONDUCT CONSTRUCTION OPERATIONS WITHIN THE PONDING AREAS AS SHOWN ON THE PLAN AND AT THE SAME TIME MAINTAIN STORM WATER DRAINAGE THROUGH THE SERIES OF AFFECTED STORM WATER PONDING AREAS.
7. DO NOT DISTURB ANY AREA UNTIL IT IS NECESSARY FOR CONSTRUCTION TO PROCEED.
8. WHEREVER POSSIBLE, PRESERVE THE EXISTING TREES, GRASS, AND OTHER VEGETATIVE COVER TO HELP FILTER RUNOFF.
9. COVER OR STABILIZE ALL DISTURBED AREAS AS SOON AS POSSIBLE (SEE TIMELINE : PART IV (H)).
10. TIME CONSTRUCTION ACTIVITIES TO LIMIT IMPACT FROM SEASONAL CLIMATE CHANGES OR WEATHER EVENTS.
11. DELAY CONSTRUCTION OF INFILTRATION MEASURES UNTIL THE END OF THE CONSTRUCTION PROJECT WHEN UPSTREAM DRAINAGE AREAS HAVE BEEN STABILIZED.
12. DO NOT REMOVE TEMPORARY PERIMETER CONTROLS UNTIL AFTER ALL UPSTREAM AREAS ARE FINALLY STABILIZED.
13. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO KEEP PUBLIC STREETS, TRAVEL WAYS, PARKING LOTS AND HAULE UTILIZED FOR INGRESS TO AND EGRESS FROM THE CONSTRUCTION SITE FREE OF DIRT AND OTHER DEBRIS WHICH RESULTS FROM SAID CONSTRUCTION. COST FOR THIS SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
14. ADEQUATE CONTROL OF DUST SHALL BE MAINTAINED BY THE CONTRACTOR. NO PAYMENT FOR DUST CONTROL WILL BE MADE.

NPDES REQUIREMENTS

PART II. SUBMITTING THE APPLICATION

B. APPLICATION AND DURATION OF COVERAGE

5.Change of Coverage For construction projects where the owner or operator changes, (e.g., an original developer sells portions of the property to various homebuilders or was the entire site to a new owner):
   a. The original/current owner shall provide a copy of the complete notice of termination/permit modification form (as required in Part II.C.2.b) to the new owner. The original/current owner shall provide a SWPPP to the new owner and sponsor that specifically addresses the remaining construction activity. Note: The notice of termination/permit modification form replaces the subdivision registration, permit transfer/modification and notice of termination forms.
   b. The new owner or operator shall submit a complete and signed permit modification portion (permit modifications include subdivision registration or permit transfer) of the notice of termination/permit modification form to the MPCA prior to commencing construction activity. The new owner or operator is authorized by this permit to conduct activity at the property. The new Permittee(s) are responsible for compliance with all terms and conditions of this permit as described in Part III.A.
   c. If an operator or general contractor has completed their construction activity and the site is no longer in operational control of the project, and all remaining obligations between the original operator or general contractor relating to compliance with the terms and conditions of this permit have been met, the operator or general contractor, may transfer permit coverage back to the owner or to a new operator using the notice of termination/permit modification form. A signature from both the owner and operator is required.

C. TERMINATION OF COVERAGE

1.Permittee(s) wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) to the MPCA. Compliance with this permit is required until a NOT is submitted. The Permittee(s) coverage under this permit terminates at midnight on the postmark date of the NOT, unless the postmark is after NOT is submitted to the MPCA.
2.Permittee(s) may submit a NOT when:
   a. Termination of coverage for the entire project.
      i. All Permittee(s) must submit a NOT within 30 days after final Stabilization (see Part IV.G.), has been completed on all portions of the site for which the Permittee is responsible and all construction activity has been completed. If the site includes permanent stormwater management systems, the requirements for final cleanout/maintenance must be performed as required in Final Stabilization, Part IV.G.2.
      ii. Permittee(s) must submit a NOT within 30 days after selling the entire site including roads and stormwater infrastructure, and coverage is transferred to another owner as described in Part II.B.5.
   b. Termination of coverage for a portion of the entire project.
      All Permittee(s) must submit a NOT within seven (7) days after selling or otherwise legally transferring portions of the site to another party and there are no longer the same or operator. The portion of the site being sold to another party must be in compliance with the permit (e.g., all temporary erosion protection and sediment control measures must be in place). The form must include signatures from the original Permittee(s) and subject information for the new owner of the property.
   c. Termination of coverage obtained using a subdivision registration.
      If coverage was obtained using the subdivision registration process, Permittee(s) are required to submit a NOT within 30 days after subdivision, lot or townhouse development is finished.
3.Permittee(s) that have obtained coverage for the Permanent Stormwater Management System as described in Part III.C.6, are prohibited from terminating this permit until three (3) years after submittal of the NOT, unless:
   a. The two years or monitoring data required in Part III.C.6 has been submitted to the MPCA and the MPCA has determined that the required treatment has been achieved. The Permittee must be notified in writing within 30 days after the monitoring data has been submitted. If the Permittee has not heard from the MPCA within 30 days after submitting the required data, the Permittee can submit a NOT.
   b. The Permittee can exhibit a NOT, even if the timeframe is less than two years, if the MPCA determines that the alternate method is achieving the required treatment.
   During the monitoring and evaluation of the alternative method, the Permittee is not responsible for other permit requirements that have been transferred as described in Part II.B.6.

PART III. ALTERNATION DISCHARGE DESIGN REQUIREMENTS

D. RECORD RETENTION

The SWPPP (original or copies) including, all changes to it, and inspections and maintenance records must be kept at the site during construction by the Permittee who has operational control of that portion of the site.The SWPPP can be kept in either the field office or in an on site vehicle during normal working hours.

All owner(s) must keep the SWPPP, along with the following additional records, on file for three (3) years after submittal of the NOT as outlined in Part II.C. This does not include any records after submittal of the NOT.
1.Any other permits required for the project.
2.Records of all inspections and maintenance conducted during construction (see Part IV.E, Inspections and Maintenance).
3.All permanent operation and maintenance agreements that have been implemented, including all right of way, covenants, easements and other binding requirements regarding perpetual maintenance.
4.All required calculations for design of the temporary and Permanent Stormwater Management Systems.

PART IV. CONSTRUCTION ACTIVITY REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN

The Permittee(s) must implement the SWPPP and the requirements of this part. The BMPs identified in the SWPPP and in this permit must be selected, installed, and maintained in an appropriate and functional manner that is in accordance with relevant manufacturer specifications and accepted engineering practices.

B. EROSION PREVENTION PRACTICES

1.The Permittee(s) must plan for and implement appropriate construction phasing, vegetative buffer zones, horizontal slope grading, and other construction practices that minimize erosion, so that the inspection and maintenance requirements of Part IV.E. are complied with. The requirements of this part do not apply to disturbed areas that will not be exposed to precipitation (e.g., soil stock piles, stones, sand, silt fence etc) on the development site before work begins.
2.All exposed soil areas must be stabilized as soon as possible to limit soil erosion but no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stabilize without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement but must comply with Part IV.K.3.
3.The permit holder permittee(s) of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after construction activity in that portion of the ditch has ceased. Stabilization of the remaining portions of any temporary or permanent ditches or swales must be complete within 14 days after connecting to a surface water and construction in that portion of the ditch has temporarily or permanently ceased. Temporary sediment control BMPs (e.g., silt fence or biroles that are being used as a sediment containment system (side property designed such that sheet flow does not) do not need to be stabilized. These areas must be stabilized within 24 hours after no longer being used as a sediment containment system.
4.Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours after connection to a surface water.

C. SEDIMENT CONTROL PRACTICES

1.Sediment control practices must minimize sediment from entering surface waters, including curb and gutter systems and storm sewer inlets.
   a.Temporary or permanent drainage ditches and sediment basins that are designed as part of a sediment containment system (e.g., ditches with rock check dams) require sediment control practices only as appropriate for site conditions.
   b.If the down gradient treatment system is overloaded, additional up-gradient sediment control practices or redundant BMPs must be installed to eliminate the overloading, and the SWPPP must be amended to identify these additional practices as required in Part III.A.4., (through d).
   c.In order to maintain shoot flow and minimize site and/or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.
2.Sediment control practices must be established on all down gradient perimeters before any up-gradient land disturbing activities begin. These practices shall remain in place until Final Stabilization has been established in accordance with Part IV.G.
3.The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as cleaning or maintenance of roadways, provided that the short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.
4.All storm drain inlets must be protected during construction until all sources with potential for discharging to the inlet have been stabilized. Inlet protection may be removed for a particular inlet if a specific safety concern (street flooding/freezing) has been identified and the Permittee(s) have received written correspondence from the jurisdictional authority (e.g. city/county/township/MnDOT engineer) verifying the need for removal. The written correspondence must be documented in the SWPPP or available within 72 hours upon request. When written correspondence was not be obtained in a timely manner, the specific inlet protection can be removed to alleviate the immediate safety concern. However, efforts to obtain written correspondence must be documented in the SWPPP and available within 72 hours upon request. Permittee to remove inlet protection based on a specific safety concern must still be addressed with the jurisdictional authority within 30 days of discovery unless protected by legal, regulatory, or physical access constraints.
5.Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the stormwater.
6.Vehicle tracking of sediment from the construction site for onto streets within the site) must be minimized by BMPs such as stone pads, concrete or steel wash ramps, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street (see Part IV.E.4.).
7.The Permittee must install temporary sedimentation basins as required in Part III.B. of this permit.

D. DEWATERING AND BASIN DRAINING

1.Dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) related to the construction activity that may have turbid or sediment laden discharge water must be discharged to a temporary or permanent sedimentation basin on the project site whenever possible. Discharge from this temporary or permanent sedimentation basin must be visually similar to the receiving waters at the outlet of the basin and that instance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge. If the water cannot be discharged to a sedimentation basin prior to entering the surface water, it must be treated with the appropriate BMPs, such that the discharge does not adversely affect the receiving water or downstream landowners. The Permittee(s) must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting, or other non-erosive energy dissipation measures. Adequate sedimentation control measures are required for discharge water that contains suspended solids.
2.All water from dewatering or basin draining activities must be discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or inundation in wetlands causing significant adverse impact to the wetland.

E. INSPECTIONS AND MAINTENANCE

1.The Permittee(s) (either the owner or operator, whoever is identified in the SWPPP) must routinely inspect the entire construction site at least once every seven (7) calendar days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Following an inspection which occurs within 24 hours after a rainfall event, the next inspection must be conducted within seven (7) days after that. Inspections must be conducted during construction and must be recorded in writing and these records must be retained with the SWPPP in accordance with Part III.D. Records of each inspection and maintenance activity shall include:
   a.Date and time of inspections;
   b.Name of person(s) conducting inspections;
   c.Findings of inspections, including recommendations for corrective actions;
   d.Corrective actions taken (including dates, times, and party completing maintenance activities);
   e.Date and amount of all rainfall events greater than 1/2 inch (0.5 inches) in 24 hours;
   f. Documentation of changes made to the SWPPP as required in Part III.A.5.; and
3.Where parts of the construction site have permanent cover, but work remains on other parts of the site, inspections of the areas with permanent cover may be reduced to once per month. Where construction sites have permanent cover on all exposed soil areas and no construction activity is occurring anywhere on the site, the site must be inspected for a period of twelve (12) months (the inspections may be reduced during frozen ground conditions). Following the twelfth month of permanent cover and no construction activity, inspections may be terminated until construction activity is once again initiated or sooner if notified in writing by the MPCA. Where work has been suspended due to frozen ground conditions, the inspection and maintenance schedule must begin within 24 hours after runoff occurs at the site or at the start of thaw, whichever occurs first.
4.All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within 24 hours after discovery or as soon as field conditions allow access unless another time frame is specified below. The Permittee(s) must investigate and comply with the following inspection and maintenance requirements:
   a.All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
   b.Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access (see MnR. 7151).
   c.Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of erosion and sediment deposition. The Permittee(s) must remove all debris and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and restabilize the area where sediment removal results in exposed soil. The removal and stabilization must take place within seven (7) days of discovery unless prevented by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access. If prevented, removal and stabilization must take place within seven (7) calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work.
   d.Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all paved surfaces within 24 hours of discovery or if applicable, within a shorter time to comply with Part IV.C.6.
   e.The Permittee(s) are responsible for the operation and maintenance of temporary and permanent water quality management BMPs, as well as all wastes prevention and sediment control BMPs, for the duration of the construction work at the site. The Permittee(s) are responsible until another Permittee has assumed control according to Part III.B.5 over all areas at the site that have not been finally stabilized or the site has undergone Final Stabilization, and a NOT has been submitted to the MPCA.
   f. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g., fugitive sediment in streets must be washed into storm sewers by the end of each day, and/or pose a safety hazard to users of public streets).
5.All infiltration areas must be protected to ensure that no sediment from ongoing construction activity is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.

F. POLLUTION PREVENTION MANAGEMENT MEASURES

The Permittee(s) must implement the following pollution prevention management measures on the site.
1.Solid Waste. Collected sediment, asphalt and concrete millings, building debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
2.Hazardous Materials. Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spills, leaks or other discharges. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
3.Exterior Washing. Washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed. No engine degreasing is allowed on site.
4.Concrete washout activities. All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with MPCA regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.

G. FINAL STABILIZATION

The Permittee(s) must ensure Final Stabilization of all Parts IV.E.1-3 or Part IV.E.5.

1.Final Stabilization means that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire surface surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.
2.The Permittee(s) must ensure that the permanent stormwater treatment system meets all requirements in Part III. C. This includes but is not limited to, a final clean out of temporary or permanent sedimentation basins that are to be used as permanent water quality management basins and final construction or maintenance of infiltration basins. All sediment must be removed from conveyance systems and ditches must be stabilized with permanent cover.
3.Prior to submission of the NOI, all temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed on the portions of the site for which the Permittee is responsible. BMPs designed to decompose on site (such as wood fiber compost logs) may be left in place.
4.For residential construction only, individual lots are considered finally stabilized if the structure(s) are finished & temporary erosion protection and downgradient perimeter control has been completed and the residence has been sold to the homeowner. Additionally, the Permittee must distribute the MPCA "Homeowner Fact Sheet" to the homeowner to inform the homeowner of the need for, and benefits of, permanent cover.
5.For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) Final Stabilization may be accomplished by returning the disturbed land to the pre-construction agricultural use.
6.A Permittee may terminate permit coverage prior to completion of all construction activity if all of the following conditions are met to addition to Part IV.G.2 through Part IV.G.5 and where applicable, Part IV.G.4 or Part IV.G.5.
   a. Construction activity has ceased for at least 90 days.
   b. At least 90% (by area) of all originally proposed permanent vegetation activity has been completed and permanent cover established on those areas.
   c. On areas where construction activity is not complete, permanent cover has been established.

RESPONSIBILITY REQUIREMENTS

THE PERMANENT STORMWATER MANAGEMENT SYSTEM IS THE PROPOSED PERMANENT PONDS

_____ WILL HAVE RESPONSIBILITY FOR LONG TERM OPERATION AND MAINTENANCE OF THE PERMANENT STORM WATER MANAGEMENT SYSTEM.

_____ WILL HAVE RESPONSIBILITY FOR IMPLEMENTATION OF THE SWPPP BEFORE AND DURING CONSTRUCTION

THE CONTRACTOR SHALL PROVIDE THE OWNER WITH A CHAIN OF RESPONSIBILITY WITH ALL OPERATORS ON SITE TO ENSURE THAT THE SWPPP WILL BE IMPLEMENTED AS FOLLOWS:

CONTRACTOR : _____
BUSINESS NAME

_____ _____
CONTACT PERSON TELEPHONE (INCLUDE AREA CODE)

_____ _____
CONTACT PERSON TELEPHONE (INCLUDE AREA CODE)

_____ _____
CONTACT PERSON TELEPHONE (INCLUDE AREA CODE)

THE CONTRACTOR SHALL FOLLOW THE IMPLEMENTATION SEQUENCE AS SHOWN ON THIS SHEET.

CONTRACTOR SHALL ADHERE TO ALL THE REQUIREMENTS OF THE MINNESOTA POLLUTION CONTROL N.P.D.E.S. PERMIT.

ALL BEST MANAGEMENT PRACTICES (BMP'S) SELECTED SHALL BE APPROPRIATE FOR THE TIME OF YEAR, SITE CONDITIONS AND ESTIMATED DURATION OF USE.

A COPY OF THESE PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.

TRAINING REQUIREMENTS

JOEL COOPER P.E.
SITE MANAGEMENT CERTIFICATION (2014)
UNIVERSITY OF MINNESOTA
INSTRUCTORS : LEO HOLM & DWAYNE STENLUND

DEVELOPMENT SUMMARY

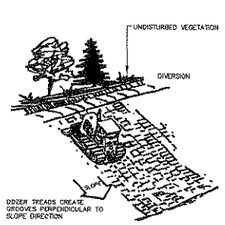
TOTAL DISTURBED AREA	±4.9 AC.
EXISTING IMPERVIOUS AREA	±0.2 AC.
PROPOSED IMPERVIOUS AREA	0.00 AC.

PROPOSED EROSION/SEDIMENT CONTROL QUANTITIES

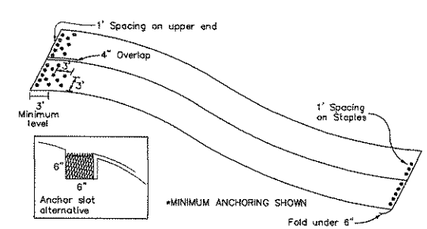
SILT FENCE	1,903 LF
ROCK CONSTRUCTION ENTRANCE	1 EA
CATEGORY 3 FIBER BLANKET	18,818 SY
MnDOT #250 SEED & MULCH(GENERAL)	5.5 AC
MnDOT #310 SEED & MULCH(AQUATIC)	1.9 AC

PROJECT COORDINATES

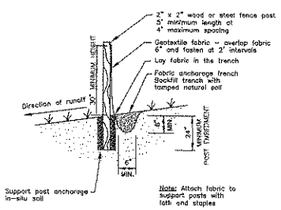
N 44° 55' 05"
W 93° 06' 09"



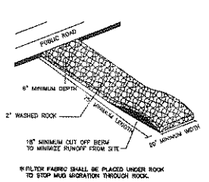
HORIZONTAL SLOPE GRADING



EROSION CONTROL BLANKET–CATEGORY 3
(TO BE INSTALLED PER MANUFACTURE'S SPECIFICATIONS)



SILT FENCE



ROCK CONSTRUCTION ENTRANCE

PROJECT CONTACTS

PROJECT ENGINEER	JOEL C. COOPER, P.E. – JAMES R. HILL, INC.	(952)-890-6044 (O)
		(612)-508-6480 (M)
DEVELOPER:	JOE HEINEN	(612) 347-0171 (O)
CITY:	MIKE BOUTHILET – PUBLIC WORKS & PARK SUPERINTENDENT – CITY OF LAKE ELMO	(651)-233-5414 (O)
NPDES OFFICER:	SHAWN NELSON – MPCA	(651)-757-2604 (O)
CONTRACTOR REPRESENTATIVE:	TO BE DETERMINED	(XXX)-XXX-XXXX
CONTRACTOR SUPERINTENDENT:	TO BE DETERMINED	(XXX)-XXX-XXXX

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
JOEL C. COOPER P.E.
Date: 4/23/11 Reg.No. 18495

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126
EROSION & SEDIMENT CONTROL DETAILS

DRAWN BY: CJK
DATE: 4/23/12
REVISIONS
8/2/12 REV PER CITY COMMENTS

CAD FILE: 22863ERD
PROJECT NO.: 22863
2.1

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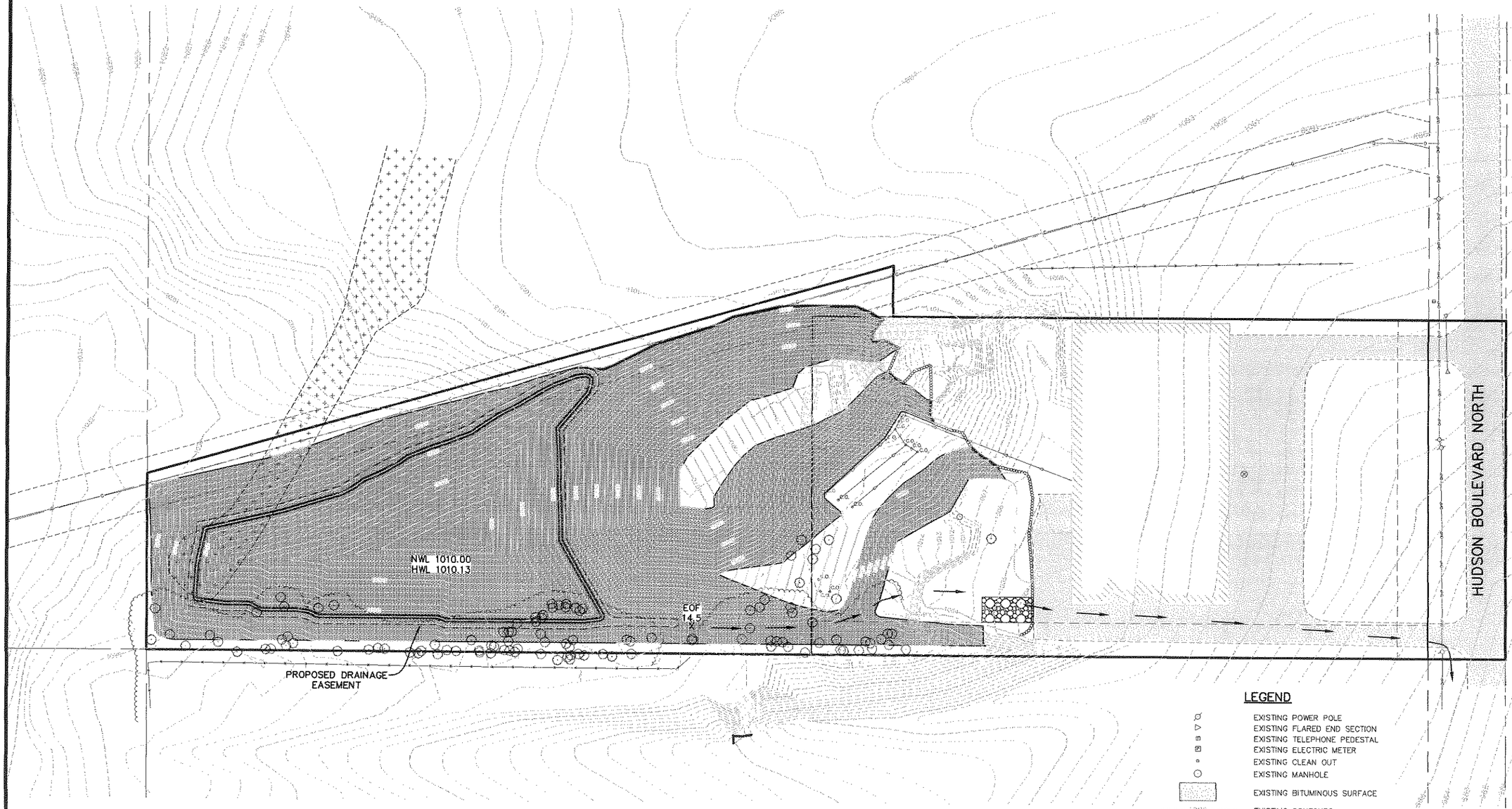

N

SCALE IN FEET
0 50 100 150
1 inch = 50 feet

BENCHMARKS

#1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43

#2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04

LEGEND

- EXISTING POWER POLE
- EXISTING FLARED END SECTION
- EXISTING TELEPHONE PEDESTAL
- EXISTING ELECTRIC METER
- EXISTING CLEAN OUT
- EXISTING MANHOLE
- EXISTING BITUMINOUS SURFACE
- 1000 EXISTING CONTOURS
- OHP EXISTING OVERHEAD POWER LINE
- EXISTING TREE LINE
- EXISTING FENCE
- EXISTING DRAINFIELD
- EXISTING WELL LOCATION
- 1000 PROPOSED CONTOUR
- PROPOSED SEED & MnDOT CATEGORY 3 EROSION CONTROL BLANKET-POST GRADING CONSTRUCTION
- PROPOSED SILT FENCE-POST GRADING CONSTRUCTION
- PROPOSED HEAVY DUTY SILT FENCE
- PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
- PROPOSED DRAINAGE ARROW

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
JOEL G. COOPER, P.E.
Date: 4/23/12 Reg.No. 19398

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
FINAL EROSION CONTROL PLAN
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY	CMR
DATE	4/23/12
REVISIONS	
8/2/12 REV PER CITY COMMENTS	
9/18/12 REVISED GRADES AROUND DRAINFIELD AREA	
CAD FILE	22863ECP
PROJECT NO.	22863
	2.2

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GENERAL GRADING NOTES:

1. SPECIFICATIONS WHICH APPLY ARE THE MOST RECENT EDITIONS OF THE MUNICIPALITY IN WHICH THE WORK IS LOCATED AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY CONSTRUCTION UNLESS MODIFIED HEREIN ON THESE CONTRACT DOCUMENTS.

2. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO UTILIZE THE "GOPHER STATE ONE CALL" EXCAVATION NOTICE SYSTEM AS REQUIRED UNDER MINNESOTA STATUTE CHAPTER 216D, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION (PHONE 651-454-0002 IN THE TWIN CITIES METRO AREA OR TOLL FREE 1-800-252-1166).

3. GRADING CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION.

4. ALL CONSTRUCTION AS CALLED FOR ON THESE CONTRACT DOCUMENTS SHALL BE PERFORMED IN ACCORDANCE WITH ALL OSHA REQUIREMENTS.

5. ALL LOT AND EASEMENT DIMENSIONS ARE SUBJECT TO FINAL PLAT.

6. IT IS THE RESPONSIBILITY OF THE GRADING CONTRACTOR TO DISPOSE OFF-SITE ALL TREES, STUMPS, BRUSH, OR OTHER DEBRIS THAT EXISTS WITHIN THE CONSTRUCTION AREAS. TREES TO REMAIN SHALL BE DESIGNATED BY THE ENGINEER.

7. THE GRADING CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER SO THAT CERTIFICATION OF ALL CONTROLLED FILLS CAN BE FURNISHED TO THE OWNER DURING AND UPON COMPLETION OF THE PROJECT.

8. DENSITY TESTS SHALL BE TAKEN TO EVALUATE THE COMPACTION WITHIN THE STREETS, TRAVEL WAYS OR PARKING LOTS. WITHIN THE UPPER 3 FEET OF STREET, TRAVEL WAYS OR PARKING LOT SUBGRADE, THE CONTRACTOR SHALL INSURE THAT ALL SOILS BE NOT MORE THAN ONE PERCENTAGE POINT OVER THE SOIL'S STANDARD PROCTOR OPTIMUM MOISTURE CONTENT, AND THAT COMPACTION TO A MINIMUM OF 100% OF STANDARD PROCTOR DENSITY BE PROVIDED. IN AREAS BELOW THE UPPER THREE FEET OF SUBGRADE OF THE STREETS, TRAVEL WAYS OR PARKING LOTS, THE CONTRACTOR SHALL INSURE THAT ALL SOILS BE NOT MORE THAN THREE PERCENTAGE POINTS OVER THE SOIL'S STANDARD PROCTOR OPTIMUM MOISTURE CONTENT, AND THAT COMPACTION TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY BE PROVIDED. THE GRADING TOLERANCE FOR THESE AREAS SHALL BE WITHIN 0.1'±.

9. LOT GRADING AND/OR THE PREPARATION OF BUILDING PADS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS. THE GRADING TOLERANCE SHALL BE 0.25'±. ALL EARTHWORK OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE HUD-FHA DATA SHEET 79G "LAND DEVELOPMENT WITH CONTROLLED EARTHWORK", PROVIDING FOR A MINIMUM OF 95% STANDARD DENSITY, OR AS OTHERWISE SPECIFIED BY THE GEO-TECHNICAL ENGINEER.

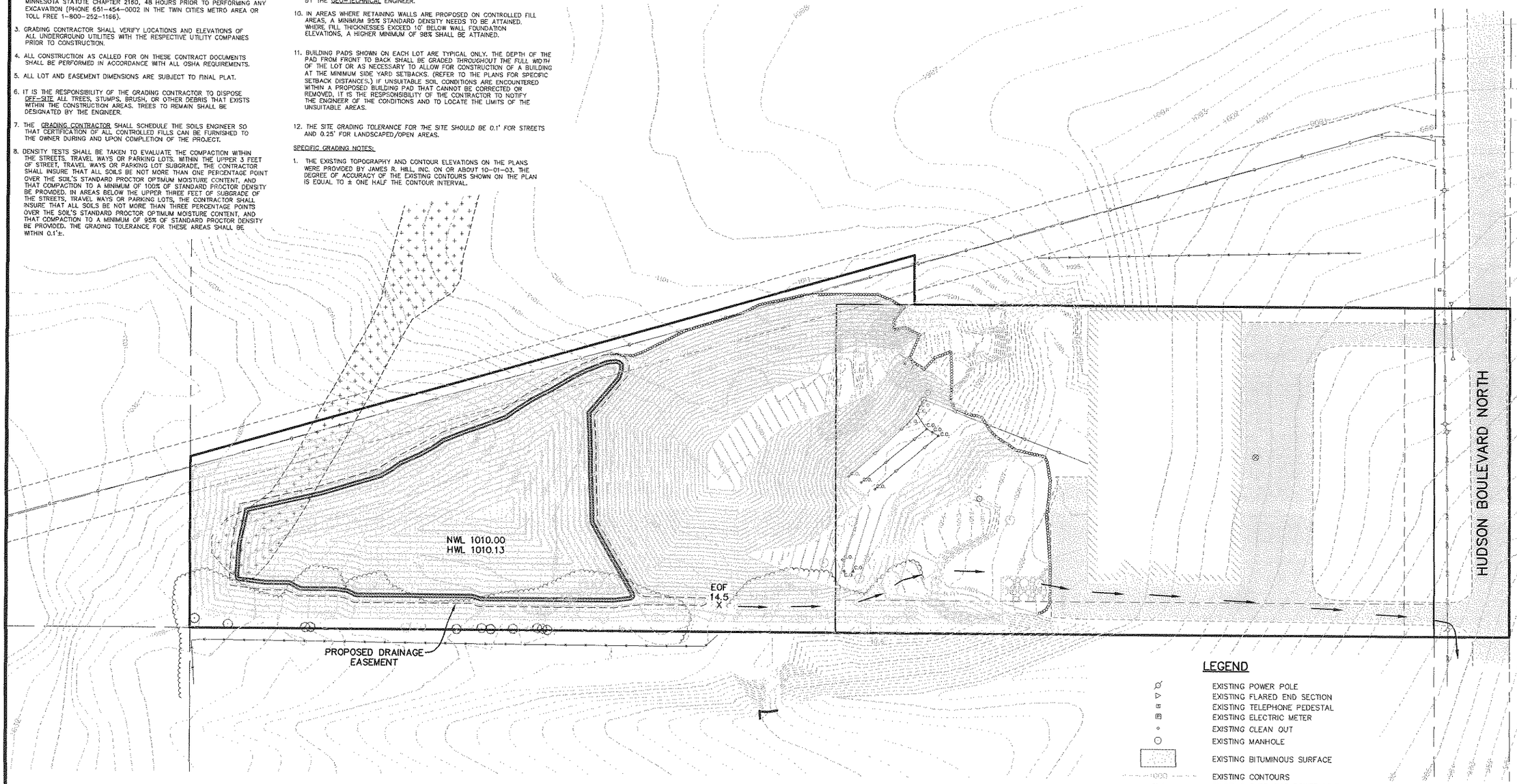
10. IN AREAS WHERE RETAINING WALLS ARE PROPOSED ON CONTROLLED FILL AREAS, A MINIMUM 95% STANDARD DENSITY NEEDS TO BE ATTAINED. WHERE FILL THICKNESSES EXCEED 10' BELOW WALL FOUNDATION ELEVATIONS, A HIGHER MINIMUM OF 98% SHALL BE ATTAINED.

11. BUILDING PADS SHOWN ON EACH LOT ARE TYPICAL ONLY. THE DEPTH OF THE PAD FROM FRONT TO BACK SHALL BE GRADED THROUGHOUT THE FULL WIDTH OF THE LOT OR AS NECESSARY TO ALLOW FOR CONSTRUCTION OF A BUILDING AT THE MINIMUM SIDE YARD SETBACKS. (REFER TO THE PLANS FOR SPECIFIC SETBACK DISTANCES.) IF UNSUITABLE SOIL CONDITIONS ARE ENCOUNTERED WITHIN A PROPOSED BUILDING PAD THAT CANNOT BE CORRECTED OR REMOVED, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER OF THE CONDITIONS AND TO LOCATE THE LIMITS OF THE UNSUITABLE AREAS.

12. THE SITE GRADING TOLERANCE FOR THE SITE SHOULD BE 0.1' FOR STREETS AND 0.25' FOR LANDSCAPED/OPEN AREAS.

SPECIFIC GRADING NOTES:

1. THE EXISTING TOPOGRAPHY AND CONTOUR ELEVATIONS ON THE PLANS WERE PROVIDED BY JAMES R. HILL, INC. ON OR ABOUT 10-01-03. THE DEGREE OF ACCURACY OF THE EXISTING CONTOURS SHOWN ON THE PLAN IS EQUAL TO ± ONE HALF THE CONTOUR INTERVAL.



EARTHWORK QUANTITIES

EXCAVATION	56,314 CY
FILL	56,314 CY

BENCHMARKS

#1) TOP OF IRON PIPE (SE CORNER OF PROPERTY AT THE RIGHT-OF-WAY LINE) ±15' EAST OF EAST ENTRANCE TO 9242 HUDSON BLVD & ±35' NORTH OF HUDSON BLVD NORTH. ELEV=996.43

#2) TOP OF IRON PIPE (NE PROPERTY CORNER) ±600' NORTH OF BENCHMARK #1. ELEV=1012.04

SCALE IN FEET
0 50 100 150
1 inch = 50 feet

LEGEND

- EXISTING POWER POLE
- EXISTING FLARED END SECTION
- EXISTING TELEPHONE PEDESTAL
- EXISTING ELECTRIC METER
- EXISTING CLEAN OUT
- EXISTING MANHOLE
- EXISTING BITUMINOUS SURFACE
- 1000 EXISTING CONTOURS
- OHP EXISTING OVERHEAD POWER LINE
- EXISTING TREE LINE
- EXISTING FENCE
- EXISTING DRAINFIELD
- EXISTING WELL LOCATION
- 1000 PROPOSED CONTOUR
- PROPOSED SEED & MnDOT CATEGORY 3 EROSION CONTROL BLANKET-POST GRADING CONSTRUCTION
- PROPOSED SILT FENCE-POST GRADING CONSTRUCTION
- PROPOSED HEAVY DUTY SILT FENCE
- PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
- PROPOSED DRAINAGE ARROW

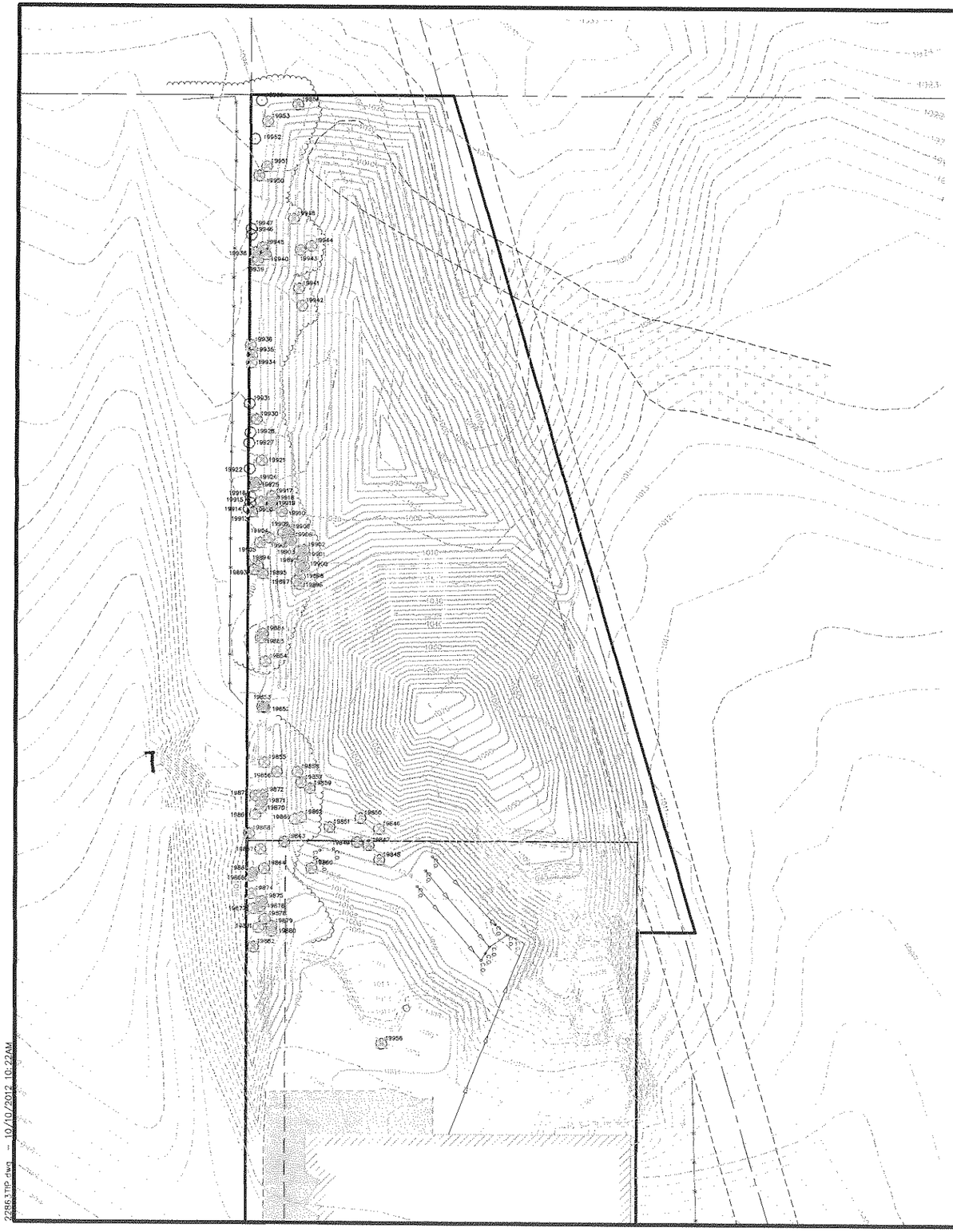
James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota
JOEL G. COOPER, P.E.
Date: 4/23/12 Reg.No. 18496

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
FINAL GRADING, DRAINAGE, EROSION, & SEDIMENT CONTROL PLAN
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY	CJK
DATE	4/23/12
REVISIONS	
6/2/12 REV PER CITY COMMENTS	
6/18/12 REVISED GRADES AROUND DRAINFIELD AREA	
CAD FILE	22863G
PROJECT NO.	22863
	2.3

22863G.dwg — 10/10/2012 10:14AM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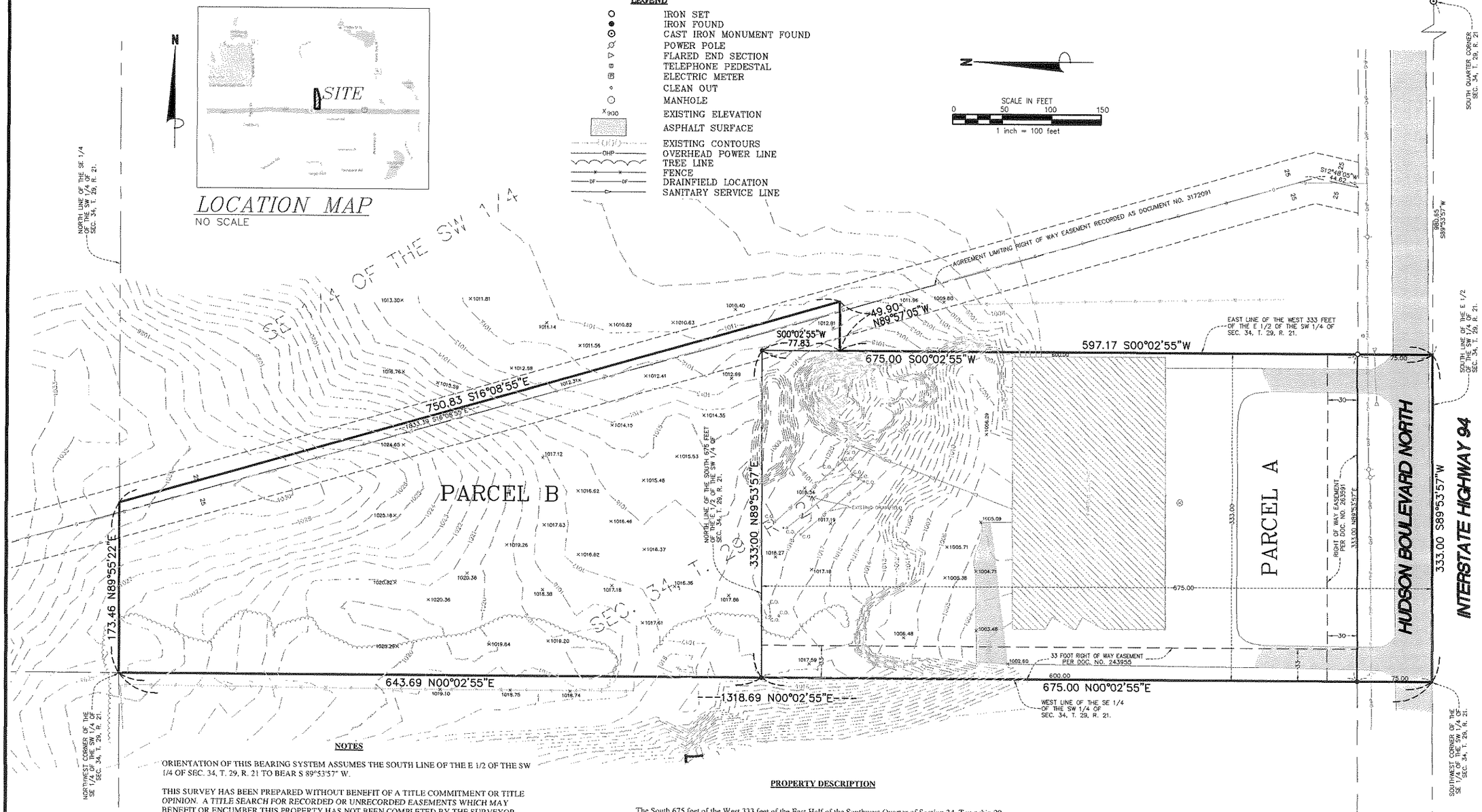

NOTES

ORIENTATION OF THIS BEARING SYSTEM ASSUMES THE SOUTH LINE OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21 TO BEAR S 89°53'57" W.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. *A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY* BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY THE SURVEYOR.

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CONTOUR INTERVAL IS 1 FEET. ALL ELEVATIONS ARE BASED ON THE CITY OF LAKE ELMO DATUM. (NGVD 29)

PARCEL A: GROSS AREA = 224,776 SQUARE FEET OR 5.1601 ACRES
PARCEL A: RIGHT OF WAY AREA = 24,975 SQUARE FEET OR 0.5733 ACRES
PARCEL A: NET AREA = 199,801 SQUARE FEET OR 4.5868 ACRES
PARCEL B: GROSS AREA = 174,771 SQUARE FEET OR 4.0122 ACRES
TOTAL OVERALL GROSS AREA = 399,547 SQUARE FEET OR 9.1723 ACRES
TOTAL NET AREA = 374,572 SQUARE FEET OR 8.5990 ACRES

ADDRESS OF PARCEL A IS 9242 HUDSON BOULEVARD, LAKE ELMO, MINNESOTA 55042

PARCEL A PID NUMBER = 34.029.21.34.0004

PROPERTY DESCRIPTION

The South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

TOGETHER WITH

That part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, assumed bearing along the west line of said Southeast Quarter of the Southwest Quarter, a distance of 1318.69 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 55 minutes 22 seconds East, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 173.46 feet; thence South 16 degrees 08 minutes 55 seconds East a distance of 750.83 feet; thence North 89 degrees 57 minutes 05 seconds West a distance of 49.90 feet to the east line of the West 333 feet of the East Half of the Southwest Quarter of said Section 34; thence South 00 degrees 02 minutes 55 seconds West, along said east line, a distance of 597.17 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds, along said south line, a distance of 333.00 feet to the point of beginning.

EXCEPT the South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

We hereby certify that this is a true and correct survey of the above described property and that it was performed by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota. That this survey does not purport to show all improvements, easements or encroachments to the property except as shown thereon.

Signed this 16th day of March, 2012 For: James R. Hill, Inc.

By: _____
Harold C. Peterson, Land Surveyor, MN License No. 12294

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Ctry. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA

EXISTING CONDITIONS
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY	SHP
DATE	3/16/12
REVISIONS	7/12/12 Boundary and Description 8/2/12 REV PER CITY COMMENTS
CAD FILE	22863s.dwg
PROJECT NO.	22863
FILE NO.	1-12-018
	4.1

22863EXC.dwg — 8/03/2012 01:28PM

PONDING EASEMENT

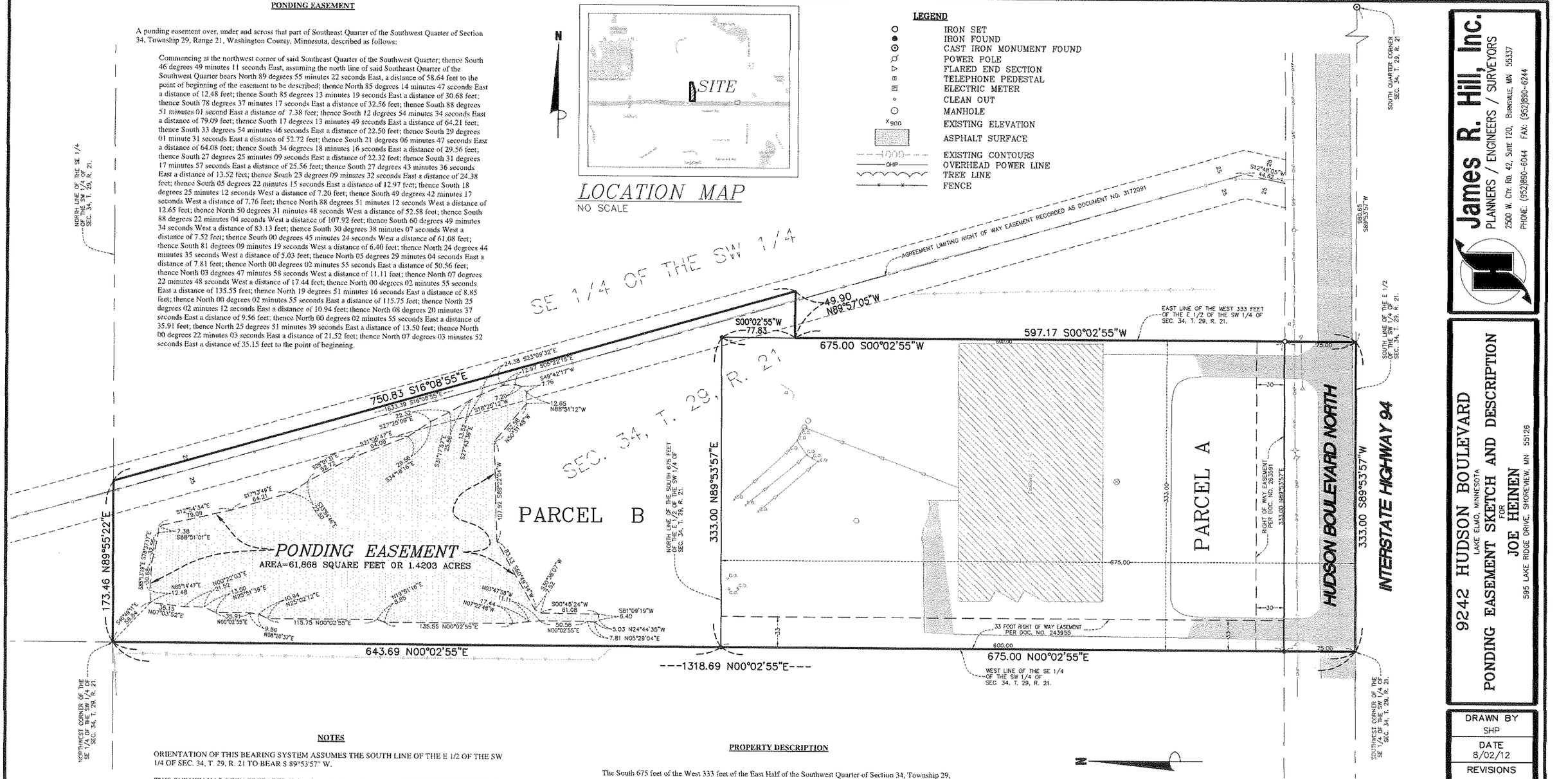
A ponding easement over, under and across that part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Southwest Quarter; thence South 46 degrees 49 minutes 11 seconds East, assuming the north line of said Southeast Quarter of the Southwest Quarter bears North 89 degrees 55 minutes 22 seconds East, a distance of 58.64 feet to the point of beginning of the easement to be described; thence North 85 degrees 14 minutes 47 seconds East a distance of 12.48 feet; thence South 85 degrees 13 minutes 19 seconds East a distance of 30.68 feet; thence South 78 degrees 37 minutes 17 seconds East a distance of 32.56 feet; thence South 88 degrees 51 minutes 01 second East a distance of 7.38 feet; thence South 12 degrees 54 minutes 34 seconds East a distance of 79.09 feet; thence South 17 degrees 13 minutes 49 seconds East a distance of 64.21 feet; thence South 33 degrees 54 minutes 46 seconds East a distance of 22.50 feet; thence South 29 degrees 01 minute 31 seconds East a distance of 52.72 feet; thence South 21 degrees 06 minutes 47 seconds East a distance of 64.08 feet; thence South 34 degrees 18 minutes 16 seconds East a distance of 29.56 feet; thence South 27 degrees 25 minutes 09 seconds East a distance of 22.32 feet; thence South 31 degrees 17 minutes 57 seconds East a distance of 25.56 feet; thence South 27 degrees 43 minutes 36 seconds East a distance of 13.52 feet; thence South 23 degrees 09 minutes 32 seconds East a distance of 24.38 feet; thence South 05 degrees 22 minutes 15 seconds East a distance of 12.97 feet; thence South 18 degrees 25 minutes 12 seconds West a distance of 7.20 feet; thence South 49 degrees 42 minutes 17 seconds West a distance of 7.76 feet; thence North 88 degrees 51 minutes 12 seconds West a distance of 12.65 feet; thence North 50 degrees 31 minutes 48 seconds West a distance of 52.58 feet; thence South 88 degrees 22 minutes 04 seconds West a distance of 107.92 feet; thence South 60 degrees 49 minutes 34 seconds West a distance of 83.13 feet; thence South 30 degrees 38 minutes 07 seconds West a distance of 7.52 feet; thence South 00 degrees 45 minutes 24 seconds West a distance of 61.08 feet; thence South 81 degrees 09 minutes 19 seconds West a distance of 6.40 feet; thence North 24 degrees 44 minutes 35 seconds West a distance of 5.03 feet; thence North 05 degrees 29 minutes 04 seconds East a distance of 7.81 feet; thence North 00 degrees 02 minutes 55 seconds East a distance of 50.56 feet; thence North 03 degrees 47 minutes 58 seconds West a distance of 11.11 feet; thence North 07 degrees 22 minutes 48 seconds West a distance of 17.44 feet; thence North 00 degrees 02 minutes 55 seconds East a distance of 135.55 feet; thence North 19 degrees 51 minutes 16 seconds East a distance of 8.85 feet; thence North 00 degrees 02 minutes 55 seconds East a distance of 115.75 feet; thence North 25 degrees 02 minutes 12 seconds East a distance of 10.94 feet; thence North 08 degrees 20 minutes 37 seconds East a distance of 9.56 feet; thence North 00 degrees 02 minutes 55 seconds East a distance of 35.91 feet; thence North 25 degrees 51 minutes 39 seconds East a distance of 13.50 feet; thence North 00 degrees 22 minutes 03 seconds East a distance of 21.52 feet; thence North 07 degrees 03 minutes 52 seconds East a distance of 35.15 feet to the point of beginning.

LOCATION MAP
NO SCALE

LEGEND

- IRON SET
- IRON FOUND
- CAST IRON MONUMENT FOUND
- POWER POLE
- FLARED END SECTION
- TELEPHONE PEDESTAL
- ELECTRIC METER
- CLEAN OUT
- MANHOLE
- x900 EXISTING ELEVATION
- ASPHALT SURFACE
- 1000 EXISTING CONTOURS
- OHP OVERHEAD POWER LINE
- TREE LINE
- FENCE



NOTES

ORIENTATION OF THIS BEARING SYSTEM ASSUMES THE SOUTH LINE OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21 TO BEAR S 89°53'57" W.

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PARCEL A: GROSS AREA = 224,776 SQUARE FEET OR 5.1601 ACRES
PARCEL A: RIGHT OF WAY AREA = 24,975 SQUARE FEET OR 0.5733 ACRES
PARCEL A: NET AREA = 199,801 SQUARE FEET OR 4.5868 ACRES
PARCEL B: GROSS AREA = 174,771 SQUARE FEET OR 4.0122 ACRES
TOTAL OVERALL GROSS AREA = 399,547 SQUARE FEET OR 9.1723 ACRES
TOTAL NET AREA = 374,572 SQUARE FEET OR 8.5990 ACRES

ADDRESS OF PARCEL A IS 9242 HUDSON BOULEVARD, LAKE ELMO, MINNESOTA 55042

PARCEL A PID NUMBER = 34.029.21.34.0004

PROPERTY DESCRIPTION

The South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

TOGETHER WITH

That part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, assumed bearing along the west line of said Southeast Quarter of the Southwest Quarter, a distance of 1318.69 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 55 minutes 22 seconds East, along the north line of said Southeast Quarter of the Southwest Quarter, a distance of 173.46 feet; thence South 16 degrees 08 minutes 55 seconds East a distance of 750.83 feet; thence North 89 degrees 57 minutes 05 seconds West a distance of 49.90 feet to the east line of the West 333 feet of the East Half of the Southwest Quarter of said Section 34; thence South 00 degrees 02 minutes 55 seconds West, along said east line, a distance of 597.17 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds, along said south line, a distance of 333.00 feet to the point of beginning.

EXCEPT the South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

SCALE IN FEET
0 50 100 150
1 inch = 100 feet

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

Signed this 2nd day of August, 2012 For: James R. Hill, Inc.

By: _____
Harold C. Peterson, Land Surveyor, MN License No. 12294

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
PONDING EASEMENT SKETCH AND DESCRIPTION
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

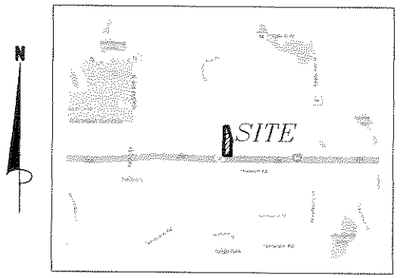
DRAWN BY SHP
DATE 8/02/12
REVISIONS
CAD FILE 22863skt.dwg
PROJECT NO. 22863
FILE NO. 1-12-059
5.1

22863skt.dwg - 8/03/2012 01:27PM

ACCESS EASEMENT

An access easement over, under and across that part of Southeast Quarter of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, assumed bearing along the west line of said Southeast Quarter of the Southwest Quarter, a distance of 413.66 feet; thence South 43 degrees 23 minutes 37 seconds East a distance of 37.45 feet to the point of beginning of the easement to be described; thence continuing South 43 degrees 23 minutes 37 seconds East a distance of 14.54 feet; thence South 00 degrees 02 minutes 55 seconds West a distance of 211.80 feet; thence South 18 degrees 53 minutes 09 seconds East a distance of 90.83 feet; thence South 16 degrees 22 minutes 28 seconds West a distance of 114.65 feet; thence South 00 degrees 02 minutes 55 seconds West a distance of 384.46 feet to the north line of Hudson Boulevard North; thence South 89 degrees 53 minutes 57 seconds West, along said north line, a distance of 20.00 feet; thence North 00 degrees 02 minutes 55 seconds East a distance of 384.51 feet; thence South 89 degrees 57 minutes 05 seconds East a distance of 9.58 feet; thence North 16 degrees 22 minutes 28 seconds East a distance of 114.40 feet; thence North 18 degrees 53 minutes 09 seconds West a distance of 89.32 feet; thence North 00 degrees 02 minutes 55 seconds East a distance of 224.02 feet to the point of beginning.



LOCATION MAP
NO SCALE

LEGEND

- IRON SET
- IRON FOUND
- CAST IRON MONUMENT FOUND
- POWER POLE
- FLARED END SECTION
- TELEPHONE PEDESTAL
- ELECTRIC METER
- CLEAN OUT
- MANHOLE
- x900 EXISTING ELEVATION
- ASPHALT SURFACE
- OHP OVERHEAD POWER LINE
- FENCE

NORTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

SE 1/4 OF THE SW 1/4

AGREEMENT LIMITING RIGHT OF WAY EASEMENT RECORDED AS DOCUMENT NO. 3172091

SOUTH QUARTER CORNER SEC. 34, T. 29, R. 21

S12°46'05"W 45.25

580.65 S89°53'57"W

49.90 N89°57'05"W

S00°02'55"W 77.83

597.17 S00°02'55"W

675.00 S00°02'55"W

EAST LINE OF THE WEST 333 FEET OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

SOUTH LINE OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

750.83 S16°08'55"E

1833.39 S16°08'55"E

SEC. 34, T. 29, R. 21

PARCEL B

PARCEL A

333.00 N89°53'57"E

NORTH LINE OF THE SOUTH 675 FEET OF THE E 1/2 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

RIGHT OF WAY EASEMENT PER DOC. NO 263591

333.00 S89°53'57"W

NORTH LINE OF HUDSON BOULEVARD NORTH

HUDSON BOULEVARD NORTH

INTERSTATE HIGHWAY 94

PONDING EASEMENT

173.46 N89°55'22"E

S43°23'37"E 14.54

211.80 S00°02'55"W

224.02 N00°02'55"E

S43°23'37"E 37.45

413.66 S00°02'55"W

90.83 S18°53'09"E

114.65 S16°22'28"W

89.32 N18°53'09"W

114.40 N16°22'28"E

9.58 S89°57'05"E

675.00

384.46 S00°02'55"W

33 FOOT RIGHT OF WAY EASEMENT PER DOC. NO. 243955

384.51 N00°02'55"E

600.00

643.69 N00°02'55"E

1318.69 N00°02'55"E

675.00 N00°02'55"E

WEST LINE OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

ACCESS EASEMENT

AREA=11,915 SQUARE FEET OR 0.2735 ACRES

NORTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SEC. 34, T. 29, R. 21.

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EXCEPT the South 675 feet of the West 333 feet of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota.

SCALE IN FEET
0 50 100 150
1 inch = 100 feet

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

Signed this 4th day of October, 2012 For: James R. Hill, Inc.

By: Harold C. Peterson
Harold C. Peterson, Land Surveyor, MN License No. 12294

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

9242 HUDSON BOULEVARD
LAKE ELMO, MINNESOTA
ACCESS EASEMENT SKETCH AND DESCRIPTION
FOR
JOE HEINEN
595 LAKE RIDGE DRIVE, SHOREVIEW, MN 55126

DRAWN BY SHP
DATE 10/04/12
REVISIONS
CAD FILE 22863skt2.dwg
PROJECT NO. 22863
FILE NO. 1-12-076
6.1

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THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: November 7, 2012
REGULAR
ITEM #: 9
MOTION

AGENDA ITEM: 2013 Library Board Appointments

SUBMITTED BY: Mayor Dean A. Johnston

THROUGH: Library Board Nominating Committee (Park, Zuleger)

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: Per MN State Statutes, the mayor of a municipality has the authority and responsibility to appoint members of the local library board. The appointment must be affirmed by the members of the City Council. In 2011, the Mayor appointed five regular members and three alternates to the newly created Lake Elmo Library Board. Board members were appointed to staggered 1-Year, 2-Year, and 3-Year terms. Due to expiration and attrition, there are currently two regular board positions coming to term end and one alternate position that needs to be filled.

In addition, the Lake Elmo Library Board is anticipated to expand its Board, per state statute authority, to seven members to accommodate the creation of standing committees and relieve the workload burden of the current Board.

With this understanding, the Mayor, after consultation with the Nominating Committee, makes the following appointments to the Lake Elmo Library Board pending Council affirmation:

- Steve DeLapp, Regular Board, (3 Year Term)
- Sara Linder, Regular Board, (3 Year Term)
- Renee Murray, New Board Designate, (3 Year Term / First Alternate)
- Marjorie Williams, New Board Designate, (1 Year Term)
- Anne Buchek, New Board Alternate, (2 Year Term)

BACKGROUND INFORMATION: Per the City Council, the staff of the City of Lake Elmo solicited applications for the Lake Elmo Library Board August of 2012 through November 1st, 2012 via newspaper notice and news story, internet website, and weekly newsletters. As a result, five Lake Elmo residents applied for two vacant board positions and one alternate position. Steve DeLapp currently serves as the Library Board President and has requested reappointment. Sara Linder currently serves as the Library Board Secretary and has requested reappointment. Marjorie Williams currently serves as an alternate to the Library Board and has requested elevation to the regular board. Renee Murray and Anne Buchek have requested appointment to the regular board.

These candidates were forwarded to the City Council-designated Library Board Nominating Committee consisting of the Mayor, Council Member Nicole Park and City Administrator Dean Zuleger for review.

In addition, the Library Board will most likely vote to expand their Board from five members to seven members to better distribute the responsibilities of library operations, outreach and facilities and create some depth of organization. With this in mind, the Library Nominating Committee made recommendations at two levels. First, in the event that the Library Board **does not** expand from a five member to a seven member board, two regular board appointments and an alternate were determined. Second, in the event that the Library Board **does** expand the board, two additional regular board designates and an alternate were determined. Board determinations were made through application review and past service to the Lake Elmo Library.

RECOMMENDATION: Per consultation with the Library Board Nominating Committee the Mayor recommends that the City of Lake Elmo City Council affirm the following appointments to the City of Lake Elmo Library Board:

- **Steve DeLapp, Regular Board, (3 Year Term)**
- **Sara Linder, Regular Board, (3 Year Term)**
- **Renee Murray, New Board Designate, (3 Year Term / First Alternate)**
- **Marjorie Williams, New Board Designate, (1 Year Term)**
- **Anne Buchek, New Board Alternate, (2 Year Term)**

SUGGESTED ORDER OF BUSINESS:

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

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2012
REGULAR
ITEM #: 10
MOTION

AGENDA ITEM: 201 Wastewater System Connection Request – 10961 32nd Street

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider a request from the property owner at 10961 32nd Street to connect to the city's 201 Wastewater System located along 32nd Street.

STAFF REPORT: City staff has received a request from David and Mary Schwarz at 10961 32nd Street to connect to the city's 201 wastewater system located along 32nd Street on the north end of Lake Elmo.

- The current individual wastewater treatment system has been deemed non complaint by Washington County during a point of sale compliance inspection.
- The property owner received County approval to initiate replacement improvements on the property. These improvements were started resulting in the current system being disconnected and made nonoperational.
- From construction related excavations, the County then inspected new soil information indicating the proposed replacement system would not viable.
- On November 2, at the city's request, the County inspected the city's 201system and determined that the system is functioning as designed and is operating at 50% capacity.

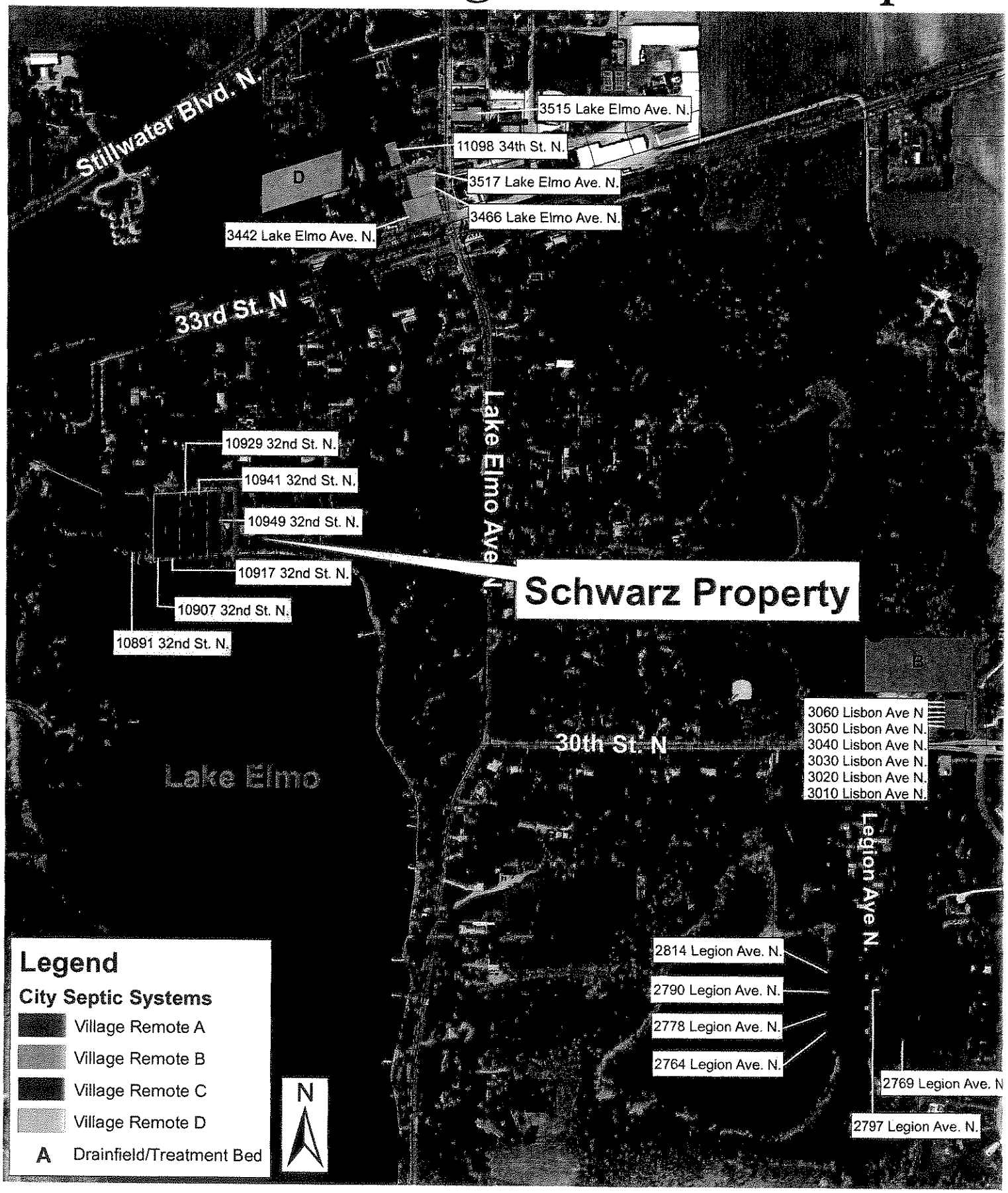
Staff is continuing its investigation of the matter and will be prepared to present additional information at the council meeting including staff recommendations and potential connecting charge requirements should it be determined to approve this request.

RECOMMENDATION: Staff is recommending that the city council consider the request from the property owner and provide direction to staff on how to proceed.

ATTACHMENTS:

1. Location map

Lake Elmo Village Area Public Septic



City of Lake Elmo 6-7-2011 Data Source: Washington County, MN