



*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
Tuesday, February 5, 2013 7:00 P.M.**

AGENDA

- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL**
- D. **ORDER OF BUSINESS/GROUND RULES**
- E. **SWEARING IN OF COUNCIL MEMBER NELSON**
- F. **APPROVAL OF AGENDA**
- G. **ACCEPT MINUTES**
 - 1. Accept January 15, 2012 City Meeting Minutes
- H. **PUBLIC COMMENTS/INQUIRIES**
- I. **PUBLIC HEARING**
 - 2. Proposal to establish an Economic Development Authority for the City of Lake Elmo; **Resolution 2013-05**
- J. **PRESENTATIONS**
- K. **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.

 - 3. Approve Payment of Disbursements and Payroll
 - 4. Approve EMWREP Agreement
 - 5. Water Supply Well No. 4 – Authorize Plans and Specifications for Production Well No. 4.
 - 6. Water Supply Well No. 4 – Award Production Well Engineering Contract.
 - 7. Approve Finance and Human Resources Committee Guidelines

8. Amend Massage Therapy Licensing Ordinance; **Ordinance 08-067**
9. Approve Scope of Services for Northland Securities, Inc.
10. Appoint City Engineer and City Attorney
11. Conditional Use Permit request from Valley Branch Watershed District to remove a culvert at 28th Street within Raleigh Creek; **Resolution 2013-06**
12. Variance request from Christ Lutheran Church to split the lot at 3549 Lake Elmo Avenue North; **Resolution 2013-07**

L. REGULAR AGENDA

13. Contractor Licensing Code Amendment; **Ordinance 08-068, Resolution 2013-08**
14. Approval of City Credit Card Policy
15. Re-designation of Park Commission Members
16. Adopt Administrative Citation Fees; **Resolution 2013-09**
17. Approve 2013 Fee Schedule; **Ordinance 08-069**

M. SUMMARY REPORTS AND ANNOUNCEMENTS

- Mayor and Council
 - Committee Appointments
 - EDA
 - Finance
 - Human Resources
- Administrator
- City Attorney
- City Engineer
- Planning Director
- Finance Director

N. ADJOURN

**LAKE ELMO CITY COUNCIL MINUTES
JANUARY 15, 2015**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
January 15, 2012**

Council Member Smith called the meeting to order at 7:02 P.M.

PRESENT: Mayor Pearson, Council Members Smith, Bloyer, and Park.

Also Present: City Administrator Zuleger, Associate City Attorney Brekken, Planning Director Klatt, City Engineer Griffin, Finance Director Bendel, and City Clerk Bell.

PLEDGE OF ALLIGENCE

SWEARING IN OF NEW CITY COUNCIL OFFICIALS

Pursuant to state statute, City Clerk Bell swore in new City Council members Mayor Mike Pearson, Council Member Anne Smith, and Council Member Justin Bloyer.

Meeting was recessed at 7:03 P.M. to allow for photos to be taken.

Meeting was reopened at 7:08 P.M.

Council Member Smith read Resolution 2013-01.

RESOLUTION 2013-01 ACCEPTING COUNCIL MEMBER MIKE PEARSON'S RESIGNATION AND DECLARING A COUNCIL VACANCY APPROVED BY CONSENSUS OF THE CITY COUNCIL

APPROVAL OF AGENDA

*MOTION: Council Member Smith moved to approve the January 15, 2012 City Council Agenda as amended. Council Member Park seconded the motion. **Motion passed 4-0.***

Consent Agenda Item 12 was pulled for discussion.

ACCEPT MINUTES

ITEM 1:

THE DECEMBER 4, 2012 CITY COUNCIL WORKSHOP MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

ITEM 2:

THE DECEMBER 11, 2012 CITY COUNCIL WORKSHOP MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

ITEM 3:

**LAKE ELMO CITY COUNCIL MINUTES
JANUARY 15, 2015**

THE JANUARY 2, 2012 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

Council Member Bloyer abstained.

PUBLIC COMMENTS/INQUIRIES:

None

PRESENTATIONS:

• **LENNAR CORPORATION SKETCH PLAN PRESENTATION**

City Administrator Zuleger introduced Joe Joblonski. Also with Mr. Joblonski were Alan Dale and Bruce Miller, who are the property owners of the proposed area.

Mr. Joblonski further introduced himself and explained his reason for speaking. Invited the Council to discuss the proposal and provide feedback. He gave a brief history of Lennar. Since 1954, Lennar has been building custom homes. Provided an overview of the proposed area. Majority of area has been farm land with a few commercial uses. Gave overview of the proposed development. Demonstrated how the development would connect to surrounding area.

Council Member Bloyer asked about unit price. Joe said that it was still early in the marketing stage but expected a range of \$180-\$200K townhouses, \$350-\$450K smaller single family homes, and \$450-\$550 for larger single family homes.

City Administrator asked about the number of floor plans. Mr. Joblonski said the 75' lot width list has 8 or 9 plans each and each of those includes 6 elevations. There are 8 or 10 plans in the 65' lot width list again with 6 elevations each.

A discussion was had regarding the proposed townhome plans including slab on grade designs and the current popularity of smaller detached townhomes versus the proposed back to back or row style. Mr. Joblonski stated that Lennar is continually examining concept but proposal is currently based on meeting the density target. The smaller detached townhomes would affect the target range.

Mr. Joblonski said staff has been great to work with and felt the staff recommendations are mostly acceptable. Any details should be able to be worked out as group moves forward. Mr. Joblonski asked for guidance from council as to whether Lennar is on right path.

Council Member Park likes the townhome price point. There is a definite need. Ms. Park asked for more info on trails. Mr. Joblonski gave greater description of connecting trails. A discussion was had regarding greenbelts/buffers, power lines, and easements. There currently is not dedicated park land space, but if that if Lennar does put some in, there would be an expectation of some type of credit.

Mr. Joblonski stated that no active parks were suggested at this time. Council Member Smith said this was because the City has never done a sewered project. Ms. Smith recommended that the developer consider adding an active park. She suggested that it would be a benefit for builder and help sell the homes. There was a consensus agreement that and active park would be a great thing

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to offer. Council Member Smith noted that the comprehensive plan focused on the trails and connecting the city.

Mayor Pearson asked about sprinkler fire protection and if it was considered or included. Mr. Joblonski said not on the single family detached, but on some townhomes as required.

A discussion was had about public/private collaboration for energy improvements. Lennar homes are all EnergyStar Certified but has not formally done any type of collaboration with a city.

CONSENT AGENDA

4. Approve Payment of Disbursements and Payroll
5. Approve 2012 Year-End Building Report
6. Designate Official Publication Newspaper of Record
7. Designate Official Depository of Funds for 2013
8. Resolution 2013-02: Designating Data Practice Officials and Approving City's Data Practices Policy
9. Resolution 2013-03: Keats MSA Street and Trunk Watermain Improvements – Resolution for No Parking Restrictions
10. Approve Ski Trail Grooming Agreement
11. Designation of the City of Lake Elmo as the Responsible Government Unit (RGU) for the Lennar Residential Subdivision EAW
12. ~~Subdivision Ordinance Amendments related to Public Land Dedication; Ordinance 08-65~~

*MOTION: Council Member Smith **MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED.** Council Member Park seconded the motion. **MOTION PASSED 4-0.***

Consent Agenda Item 12 was pulled for discussion. Moved to immediately following Item 21.

REGULAR AGENDA

ITEM 13: APPOINTMENT OF 2013 ACTING MAYOR

City Clerk Bell explained that the Council is required to appoint an Acting Mayor pursuant to State Statutes. Council Member Smith nominated Council Member Bloyer as Acting Mayor.

*MOTION: Council Member Smith moved **TO APPOINT COUNCIL MEMBER BLOYER AS ACTING MAYOR FOR 2013, TO COMPLY WITH AND FULFILL ALL DUTIES ENUMERATED IN MINN. STATUTE § 412.121 RELATING TO SELECTION OF AN ACTING MAYOR.** Council Member Park seconded the motion. **MOTION PASSED 4-0.***

ITEM 14: APPOINTMENT TO FILL COUNCIL MEMBER VACANCY

City Administrator Zuleger provided overview of application and interview process. Stated intention is to appoint new member at tonight's meeting and seat council member at the 2/5 mtg.

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Mayor Pearson said all four candidates were excellent. It was noted that the Council did discuss the candidates prior to the current meeting in open forum immediately after the interviews. It was also broadcast live on the City Cable channel.

Council Member Smith said two candidates have experience. It may not matter, but experience does and would help.

Council Member Park acknowledged that it is a tough decision and a tough role. Ms. Park recommended Wally Nelson. She also invited those who are not selected to run for council in the future.

Council Member Bloyer said that ideology does play into his decision. He also recommends Wally Nelson.

Mayor Pearson was pleased with all the candidates. However, he also recommends Wally Nelson

Council Member Smith said that she might give more weight to those with experience, but believes that unanimity is also important and therefore accepts the council's proposal and recommends Wally Nelson.

Council Member Park noted that she has received many phone calls expressing public preference for Wally Nelson.

MOTION: Council Member Bloyer MOVED TO APPOINT WALLY NELSON TO THE COUNCIL FOR THE REMAINDER OF THE TERM PREVIOUSLY HELD BY COUNCIL MEMBER MIKE PEARSON, AND HIS APPOINTMENT SHALL EXPIRE ON JANUARY 5, 2015. Council Member Park seconded the motion. MOTION PASSED 4-0.

ITEM 15: APPROVE NEW YEAR-END AUDIT FIRM

Finance Director Bendel provided a summary of the audit firm rfp process. Stated both firms are excellent. City has used Abdo for ten years. Ms. Bendel noted Jason Miller from Smith Schaefer and Associates is in attendance. There is a potential for \$21,000 dollar savings in the three years of the life of the contract.

City Administrator Zuleger noted that the state auditors like new sets of eyes on the books every so often. He stated that he has stressed the internal control aspect in his communications.

MOTION: Council Member Smith MOVED TO APPROVE THE THREE YEAR ANNUAL AUDIT CONTRACT TO SMITH SCHAFER AND ASSOCIATES BEGINNING WITH YEAR-END 2012. Council Member Bloyer seconded the motion. MOTION PASSED 4-0.

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ITEM 16: APPOINTMENT OF REQUIRED OFFICIALS TO FIRE RELIEF ASSOCIATION BOARD OF TRUSTEES

City Administrator Zuleger explained the requirement of annually appointing the board members. Council Member Smith expressed her preference for appointing Council Member-Elect Wally Nelson however questioned the ability to do so before he is sworn in.

City Clerk Bell noted that the Council has the option of having Council Member-Elect Nelson swear-in immediately. It was decided to appoint Mr. Nelson contingent upon his swearing in at the scheduled 2/5/12 date.

*MOTION: Council Member Smith **MOVED TO APPOINT FIRE CHIEF GREG MALMQUIST, FINANCE DIRECTOR CATHY BENDEL, AND COUNCIL MEMBER-ELECT WALLY NELSON, CONTINGENT UPON HIS SWEARING IN.** Council Member Park seconded the motion. **MOTION PASSED 4-0.***

ITEM 17: CONSTRUCTION SECURITIES CODE AMENDMENT: ORDINANCE 08-065

Planning Director Klatt gave overview of background of the current code and how it has practically been used. Amendment is needed to bring the code language in line with the way the securities have been used. It is being expanded to include all construction instead of just the curb and gutter work that the current language allows for.

Discussion was had regarding what construction this would actually pertain to. It was suggested that the word "significant" be added to clarify what types of construction projects.

*MOTION: Council Member Park **MOVED TO ADOPT ORDINANCE 08-065 AS AMENDED, APPROVING THE CITY CODE AMENDMENT REQUIRING A SECURITY ESCROW FOR THE CONSTRUCTION OF NEW STRUCTURES AND OTHER SIGNIFICANT CONSTRUCTION-RELATED PROJECTS AT THE DISCRETION OF THE CITY.** Council Member Smith seconded the motion. **MOTION PASSED 4-0;***

ITEM 18: LANDSCAPING REQUIREMENTS CODE AMENDMENT: ORDINANCE 08-066

Planning Director Klatt gave overview of landscaping. This primarily clarifies the establishment of turf on properties.

Concerns were expressed about the language "existing" properties and what it applies to. City Administrator Zuleger provided further explanation.

A discussion was had regarding how it is important to make sure properties that are not able to install turf due to seasonal limitations are still held responsible but given a reasonable accommodation. It was determined that the word "new" should replace "existing".

Resident Greg McGrath of 1509 15th St. N. spoke about how his landscape plan never was put in. **His landscape plan was entered into the record.** Lake Elmo is known as the Wild West. Developers leave, but the residents are the ones who live here.

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Resident Dave Moore of 8680 Stillwater Blvd said the grading is the real issue. Landscaping is minor compared to the grading. These details should be monitored throughout the building process by the City.

A discussion was had regarding the efforts the City has made to improve the oversight process in regards to building. The related code updates are a result of this increased effort. The improvements should become more evident as the city progresses.

*MOTION: Council Member Smith **MOVED TO ADOPT ORDINANCE 08-066 AS AMENDED, BY SUBSTITUTING "NEW" FOR "EXISTING", AND THEREBY IMPROVING THE CITY CODE AND THE CITY'S ABILITY TO MAINTAIN A MINIMUM STANDARD OF PROPERTY MAINTENANCE IN LAKE ELMO.** Council Member Park seconded the motion. **MOTION PASSED 4-0.***

ITEM 19: CONTRACTOR LICENSING CODE AMENDMENT; ORDINANCE 08-XXX

Staff requested that the ordinance change request be postponed to further work on definitions per Council request.

Council Member Bloyer expressed his desire to have the related plumbing language to be reexamined as well.

*MOTION: Council Member Pearson **MOVED TO POSTPONE CONTRACTOR LICENSING ORDINANCE 08-XXX.** Council Member Park seconded the motion. **MOTION PASSED 4-0.***

RECESS 8:38 PM

RECONVENED AT 8:42 PM

ITEM 20: ROCK POINT CHURCH PLAT EXTENSION

Planning Director Klatt gave background of Hidden Meadows 2nd Addition plat and extension process. There have been multiple extensions to date. It is alleged that housing market conditions have impacted the development of the property.

Staff recommends a six month extension to church for dedication of utility easement and then come back and apply for a longer extension if a developer has not been found by then.

Council Member Park asked for clarification on churches plans. Pastor Bob Bridges, Executive Pastor for Church, introduced himself. He explained that the church is looking for a developer to come in. He stated the Church would be quite willing to grant easement to city. Ms. Park asked about the sales listing. Pastor Bridges said it is listed, and the church is interested in selling but has not received any reasonable offers.

Council Member Bloyer asked about the property tax status. It was confirmed that property taxes are being paid on the development portion as undeveloped property.

Smith noted that she supported this project, but now looks at other developments and questions the progress or lack thereof. She believes that there are developers who would be willing to build but is concerned about the commitment of the church. City services were brought there, and nothing has progressed. Ms. Smith wants to see more progress and effort by church.

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Discussion was had about how the burden of providing the infrastructure has been shared by the entire City and the church has only benefitted. The church did not bear the cost of the infrastructure but residents near the area have and are going to.

The specifics of the request were clarified. The extension would allow six months to identify the easement dedication, and if still no developer at that time, church will have to ask for another extension.

The situation with the previous right of way granted along Highway 36 was clarified and various issues that have arisen were identified.

Council Member Smith inquired about the status of the pre-existing house on the property. It was unclear if it was included

Associate City Attorney Brekken advised that the language "only after" the dedication of the easement. The use of the word "only" could limit the Council's ability to grant an extension if the easement was not established in that timeframe. He advised Council to remove the word "only".

*MOTION: Council Member Park moved **TO APPROVE THE REQUEST FROM ROCKPOINT CHURCH TO EXTEND THE DEADLINE TO SUBMIT A FINAL PLAT RELATED TO HIDDEN MEADOWS 2ND ADDITION FOR A PERIOD OF SIX MONTHS UNTIL AUGUST 2, 2013, WITH THE UNDERSTANDING FURTHER EXTENSIONS TO BE CONSIDERED AFTER THE DEDICATION OF A UTILITY EASEMENT ACROSS THE CHURCH'S PROPERTY CONSISTENT WITH THE LOCATION OF A PLANNED 16" WATER LINE.** Council Member Smith seconded the motion. **MOTION PASSED 4-0.***

ITEM 21: APPROVE PURCHASE OF PERMIT WORKS SOFTWARE APPLICATION

Planning Director Klatt gave overview of why the software is needed. Current software is from 2000 and is out of date. New software would cover permits, licensing and code enforcement. It will be more efficient and streamlined. Staff looked at three different systems. Web-based are expensive. Permit works has made great strides in improving and listening to communities/users. One of the benefits is the other users, including the City of Hugo, and the increased access staff will have.

A discussion was had about the funding. It was explained that the purchase would initially come out of the undesignated fund balance, but cost recovery is built into fees. Next year the maintenance will be included in the budget.

*MOTION: Council Member Pearson **MOVED TO APPROVE THE PURCHASE OF PERMIT WORKS SOFTWARE AT A TOTAL IMPLEMENTATION COST NOT TO EXCEED \$21,000 AND ANNUAL ON-GOING SUPPORT BEGINNING IN 2013 NOT TO EXCEED \$4,200.** Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.***

ITEM 12: SUBDIVISION ORDINANCE AMENDMENTS RELATED TO PUBLIC LAND DEDICATION: ORDINANCE 08-XXX

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Dean explained that it is a discussion of philosophy. It is important to update the ordinance to be ready and in line for the forthcoming growth.

Developers are looking for a fixed cost. They prefer a flat fee per acre for business and commercial land. Staff recommends 7% for residential and \$4000/acre for commercial and business. This Percentage costs actually increase costs to developers.

Smith expressed her discomfort with deciding issue tonight. Needs more time to study. She asked that item be postponed. Funds go to parks and trails, and City must be cautious not to undercharge developers. Need to think about best interest of city. She believes that City should get the maximum amount it can. Ms. Smith formally requested that Council wait to act.

Council asked that the item be brought back next meeting. It was noted that Parks Commission should weigh in. City wants to be competitive, but not forgo revenue. Parks Commission should look at what to do with the money. Council Member Smith noted that the plan dictates what the fee should be based on what needs to be accomplished. Other cities should also be looked at to see what is done.

Council Member Smith reiterated that the comprehensive plan needs to be followed and the rate should enable meeting the goals stated in the plan. Council Member Bloyer noted that those goals may need to be re-examined to make sure they are in-line with the new Council's direction.

*MOTION: Council Member Smith **MOVED TO TABLE ITEM 12.** Council Member Park seconded the motion. **MOTION PASSED 4-0.***

Council Member Park noted that a student was in attendance at the meeting. Mayor Pearson signed his paperwork for class credit. The Council thanked him for coming.

ITEM 22: ESTABLISHMENT OF FINANCE & HUMAN RESOURCES COMMITTEE

City Administrator Zuleger explained the committee structure and the benefits thereof. Staff is proposing a Finance Committee and Human Resources Committee. These committees would operate to assist staff and council.

Mr. Zuleger stated the three recommended motions. There are individuals in the community who have expressed interest. A public Safety committee is also something staff would like, but is not the top priority at this time.

Council Member Smith asked about the Economic Development Committee. It was explained that the proposed Economic Development Authority would be in lieu of the committee.

MOTION 1: Council Member Smith **MOVED TO APPROVE, PER THE 2013 PLAN OF WORK, THE CREATION OF THE CITY OF LAKE ELMO FINANCE COMMITTEE AND THE CITY OF LAKE ELMO HUMAN RESOURCES COMMITTEE AS AD HOC ADMINISTRATIVE BODIES OF THE CITY COUNCIL THROUGH 2013.** Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.**

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MOTION 2: Council Member Park MOVED TO INSTRUCT STAFF TO DRAFT COMMITTEE OPERATING GUIDELINES / STANDARD OPERATING PROCEDURES FOR BOTH THE FINANCE COMMITTEE AND THE HUMAN RESOURCES COMMITTEE FOR COUNCIL APPROVAL AT THE FEBRUARY 5, 2013 REGULAR MEETING. Council Member Smith seconded the motion. MOTION PASSED 4-0.

MOTION 3: Council Member Bloyer MOVED TO APPROVE THE MAYOR'S SELECTION OF (2) CITY COUNCIL MEMBERS EACH TO SERVE ON THE FINANCE COMMITTEE AND THE HUMAN RESOURCES COMMITTEE FOR FY 2013 AND TO BEGIN THE SOLICITATION PROCESS OF (3) COMMUNITY MEMBERS EACH TO SERVE ON THE RESPECTIVE COMMITTEES, WITH THE FIRST MEETING OCCURRING NO LATER THAN THE THIRD WEEK IN FEBRUARY. Council Member Smith seconded the motion. MOTION PASSED 4-0.

ITEM 23: NOTICE OF PUBLIC HEARING FOR THE PROPOSAL TO ESTABLISH AN ECONOMIC DEVELOPMENT AUTHORITY FOR THE CITY OF LAKE ELMO

Council Member Smith asked if the body could go ahead and approve the EDA due to the duration that the City has been discussing the creation of an EDA.

City Administrator Zuleger acknowledged the Enabling Resolution with the Item documentation. He noted the granted powers section and the requirement of real property owners for membership. The council reviewed the resolution and discussed the points that Mr. Zuleger noted.

MOTION: Council Member Smith MOVED THAT THE CITY COUNCIL OF LAKE ELMO WILL HOLD A PUBLIC HEARING AT 7 PM ON FEBRUARY 5, 2013 DURING THE REGULARLY SCHEDULED COUNCIL MEETING RELATING TO THE QUESTION OF THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT AUTHORITY (EDA) PURSUANT TO MINNESOTA STATUTES, SECTION 469.090 THROUGH 469.1082. PER STATUTES THE PUBLIC HEARING MUST BE NOTICED FOR TWO CONSECUTIVE WEEKS PRIOR TO THE HEARING DATE. Council Member Bloyer seconded the motion. MOTION PASSED 4-0.

Council Member Smith noted that hours and hours have been put into discussing the creation of an EDA and that it is very important.

ITEM 24: DISCUSSION ONLY: COUNCIL OLD VILLAGE WORK GROUP WORKSHOP

Bloyer requested that the next workshop regard the old village work group. This would allow the group and staff to inform the council of where group is. Council can provide guidance and then have the progress brought to the planning commission. The hope is to help the group move faster and not waste time that will not be supported by the Council.

Dean proposed Wednesday the 30th for workshop where Harry Melander from MetCouncil would meet the Council at 6:00 P.M. and then hold Old Village Workgroup presentation/discussion from 7-8:30 P.M.

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Council Member Park believes that the workshop format is a good opportunity to provide guidance and help the work group move forward.

Smith explained that part of the reason that the Old Village group is delayed is that there has not been focus on the Old Village but the I-94 group. There was a forced 6-month hiatus. The Old Village is not comparable to the I-94. The timing and nature are completely different.

It was decided that the Planning Commission should also attend the January 30th workshop.

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Smith reported thanks Boy Scout Troop 162 her son's troop.

Council Member Bloyer reported asked for removal of order of business and the three minute time limit on public input. Thanked staff and families.

Council Member Park expressed congratulations to everyone and Council Member Nelson excited for good year.

Mayor Pearson reported regional council and mayors meeting; worked with library board to hire full time librarian.

City Administrator Zuleger reported evaluations almost done. Working with Brian Zeller and Gary Kriesel to bring company over from WI to bring 50-70 good-paying jobs to Lake Elmo. Thursday at 1pm there will be a meeting with staff and legal counsel developer fees, WAC, and SAC.

Associate City Attorney Brekken reported no update.

City Engineer Griffin update on Olson Lake Trail extend sanitary sewer with Oakdale Thursday night meeting Expect to bring feasibility report to council in February. Design and construction standards are expected to be completed in February as well. Monthly transportation meeting coming up.

Planning Director Klatt reported Planning Commission work plan is being developed. Met council wants more info regarding discrepancies between comp plan and amendments to MOU.

Finance Director Bendel reported year end close. Scheduling audit field work. Mailing out December only water bill. Year-end payroll stuff.

Adjourned open meeting at 10:06-- P.M.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

Adam R. Bell, City Clerk

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

RESOLUTION NO. 2013-05

**ENABLING RESOLUTION ESTABLISHING THE ECONOMIC DEVELOPMENT
AUTHORITY OF THE CITY OF LAKE ELMO, MINNESOTA UNDER
MINNESOTA STATUTES, SECTION 469.090 THROUGH 469.1082**

BE IT RESOLVED BY, The City Council of the City of Lake Elmo, Minnesota, as follows:

1. Recitals. The City of Lake of Lake Elmo is authorized pursuant to Minnesota Statutes, 469.090 through 469.1082 (the Economic Development Act), to establish an economic development authority for the City and the Council desires to do so in order to promote certain, economic, commercial, housing, and / or industrial development and redevelopment goals and objectives. The City has caused notice of a public hearing on the establishment by the City of an economic development authority to be published in a newspaper of general circulation in the City once each week for two consecutive weeks, and pursuant to such notice, a public hearing on the proposal has been held by the Council on the date hereof, at which hearing all persons desiring to present their oral or written comments on the proposal were given an opportunity to do so.
2. Establishment of Economic Development Authority. Pursuant to the Economic Development Authority Act, the Council hereby establishes an economic development authority for the City to be known as the Economic Development Authority of the City of Lake Elmo, Minnesota (the "EDA"). The EDA shall be governed by a board of commissioners thereof consisting of seven members, two who shall be members of the City Council. Each Commissioner who is a member of the City Council shall cease to be a Commissioner effective at such a time as he or she is no longer a member of the Council. Five members shall be real property owners, in good standing, from within the jurisdictional boundary of the City of Lake Elmo that be appointed by the Mayor with Council approval. Terms shall be staggered as follows: (1) member serves a one-year term; (2) members serve a two-year term, (2) members serve a three-year term.
3. Staffing. The City Administrator shall act as the Executive Director of the City of Lake Elmo Economic Development Authority.
4. Powers. The EDA shall have all limited powers granted to an economic development authority pursuant to the Economic Development Authority Act, as the same may be amended or supplemented. The City of Lake Elmo City Council pursuant to Minnesota Statutes 469.092 places the following operational control on the EDA:

- 1 The sale of all bonds or obligation issued by the EDA must be approved by the City Council before issuance;

2. The EDA follows the budget process for City departments as provided by the City as implemented by the City Council and Mayor;
3. All official actions of the EDA must be consistent with the adopted comprehensive plan of the City, and any official controls or oversight by the City implementing the comprehensive plan;
4. The City Council may by resolution require the EDA to transfer any portion of reserves generated by activities of the EDA that the City Council determines is not necessary for the successful operation of the authority to the debt service fund of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.

SECTION 2. Effective Date

This resolution shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE 5TH DAY OF FEBRUARY, 2013.

(Seal)

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 02/05/2013

CONSENT

ITEM #: 3

MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$403,579.68

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 \$403,579.68. 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	\$ 9,862.27	Payroll Taxes to IRS & MN Revenue 1/24/2013
ACH	\$ 5,433.37	Payroll Retirement to PERA 1/24/13
DD4381 – DD4400	\$ 26,031.34	Payroll Dated 1/24/13 (Direct Deposit)
1709-1812	\$ 6,240.00	Library Card Reimbursement 2/5/13
39479-39546	\$ 346,560.82	Accounts Payable 2/5/13
39474-39478	\$ 9,451.88	Manual Checks 1/31/13
TOTAL	\$ 403,579.68	

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 \$403,579.68.

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 February 5th, 2013, Disbursements as

Presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 2/5/2013

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: 01/31/2013 - 3:29 PM
Batch: 012-01-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANCOM ANCOM Communications, Inc.										
34438	01/11/2013	239.40	0.00	02/05/2013	Radio Holders		-			No 0000
101-420-2220-43230	Radio									
	34438 Total:	239.40								
	ANCOM Total:	239.40								
ARAM Aramark, Inc.										
629-7656684	01/03/2013	24.78	0.00	02/05/2013	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7656684 Total:	24.78								
629-7658474	01/07/2013	43.75	0.00	02/05/2013	City Hall Floor mat & linen		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7658474 Total:	43.75								
629-7661424	01/10/2013	24.78	0.00	02/05/2013	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7661424 Total:	24.78								
629-7666192	01/17/2013	24.78	0.00	02/05/2013	uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7666192 Total:	24.78								
629-7668026	01/21/2013	178.83	0.00	02/05/2013	Monthly Rug Service Station #2		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7668026 Total:	178.83								
629-7668027	01/21/2013	43.79	0.00	02/05/2013	Linen City Hall		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7668027 Total:	43.79								
629-7668028	01/21/2013	176.81	0.00	02/05/2013	Monthly Rug Service Station #1		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg									
	629-7668028 Total:	176.81								
	ARAM Total:	517.52								
ASPENMI Aspen Mills, Inc.										
130159	01/09/2013	85.93	0.00	02/05/2013	Probie Uniforms		-			No 0000
101-420-2220-44170	Uniforms									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	130159 Total:	85.93								
130160	01/09/2013	42.50	0.00	02/05/2013	Probie Pants		-		No	0000
101-420-2220-44170	Uniforms									
130160	01/09/2013	84.50	0.00	02/05/2013	Probie Medic Boots		-		No	0000
101-420-2220-42080	EMS Supplies									
	130160 Total:	127.00								
130161	01/09/2013	52.71	0.00	02/05/2013	Probie Uniforms		-		No	0000
101-420-2220-44170	Uniforms									
	130161 Total:	52.71								
	ASPENMI Total:	265.64								
BATTYPL Batteries Plus Woodbury, Corp										
032-767420	01/10/2013	92.94	0.00	02/05/2013	V-Box battery		-		No	0000
101-430-3125-44040	Repairs/Maint Eqpt									
032-767420	01/10/2013	84.95	0.00	02/05/2013	Laptop Battery		-		No	0000
101-430-3100-42000	Office Supplies									
	032-767420 Total:	177.89								
	BATTYPL Total:	177.89								
BECKER Becker Fire and Safety, LLC										
758	01/09/2013	26.80	0.00	02/05/2013	Annual Fire Extingisher inspection-c.h.		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	758 Total:	26.80								
759	01/09/2013	154.38	0.00	02/05/2013	Annual Fire Ext. inspection		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	759 Total:	154.38								
760	01/09/2013	356.51	0.00	02/05/2013	Fire Extinguisher annual inspect		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	760 Total:	356.51								
	BECKER Total:	537.69								
BERTELSON Bertelson's										
wo-822314-1	01/02/2013	127.99	0.00	02/05/2013	Admin Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
wo-822314-1	01/02/2013	38.46	0.00	02/05/2013	Building & tax		-		No	0000
101-420-2400-42000	Office Supplies									
wo-822314-1	01/02/2013	12.61	0.00	02/05/2013	Finance		-		No	0000
101-410-1520-42000	Office Supplies									
wo-822314-1	01/02/2013	-38.46	0.00	02/05/2013	Building - Return plus tax		-		No	0000
101-420-2400-42000	Office Supplies									
	wo-822314-1 Total:	140.60								
wo-822510-1	01/03/2013	92.50	0.00	02/05/2013	Admin-2cases of paper		-		No	0000
101-410-1320-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
wo-828522-1	01/28/2013	92.50								
101-410-1320-42000	Office Supplies	89.01	0.00	02/05/2013	Admin		-	No		0000
wo-828522-1	01/28/2013	117.58	0.00	02/05/2013	building		-	No		0000
101-420-2400-42000	Office Supplies	206.59								
wo-828522-1	Total:	439.69								
BERTELSON	Total:									
CAPACITY Capitol City										
1252010	01/09/2013	50.00								
101-420-2220-44330	Dues & Subscriptions	50.00	0.00	02/05/2013	2013 dues		-	No		0000
1252010	Total:	50.00								
CAPACITY	Total:	50.00								
CARQUEST Car Quest Auto Parts										
2055-278951	01/08/2013	134.08	0.00	02/05/2013	Brake pads 07-1		-	No		0000
101-430-3100-44040	Repairs/Maint Eqpt	134.08								
2055-278951	Total:	29.22	0.00	02/05/2013	Grease Coupler.elec. connectors		-	No		0000
2055-2796888	01/17/2013	57.33	0.00	02/05/2013	oils		-	No		0000
101-430-3100-42120	Fuel, Oil and Fluids	86.55								
2055-2796888	Total:	220.63								
CARQUEST	Total:									
CENTURY CenturyLink										
01/28/2013	02/07/2013	120.33	0.00	02/05/2013	Phone Service - Library		-	No		0000
206-450-5300-43210	Telephone	35.95	0.00	02/05/2013	Internet Service - Library		-	No		0000
01/28/2013	02/07/2013	156.28								
206-450-5300-43250	Internet	156.28								
01/28/2013	Total:									
CENTURY	Total:									
CONLEYMO Conley Morgan										
1/15	01/15/2013	68.75	0.00	02/05/2013	Cable Operations - 1/15/13 5 hours		-	No		0000
101-410-1450-43620	Cable Operations	68.75								
1/15	Total:	68.75								
CONLEYMO	Total:	68.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYHUGO City of Hugo										
01-13	01/22/2013	86.00	0.00	02/05/2013	building inspector services		-		No	0000
101-420-2400-43150	Inspector Contract Services									
01-13	01/22/2013	26.64	0.00	02/05/2013	building inspector- mileage		-		No	0000
101-420-2400-43050	Plan Review Charges									
	01-13 Total:	112.64								
	CTYHUGO Total:	112.64								
CTYOAKDA City of Oakdale										
201301183530	01/18/2013	130.12	0.00	02/05/2013	#3530 Oil Change, Wipers, Batteries CV1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201301183530 Total:	130.12								
201301183531	01/18/2013	75.00	0.00	02/05/2013	Trailer Wiring		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201301183531 Total:	75.00								
201301183532	01/18/2013	235.81	0.00	02/05/2013	#3532 Strobe on B1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201301183532 Total:	235.81								
201301183533	01/18/2013	56.85	0.00	02/05/2013	#3533 Engine Heater on CV2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201301183533 Total:	56.85								
	CTYOAKDA Total:	497.78								
DADSPLUM Dad's Plumbing LLC										
jan-13	01/02/2013	262.00	0.00	02/05/2013	emergency servicing of plugged sewer		-		No	0000
206-450-5300-44010	Repairs/Maint Bldg									
	jan-13 Total:	262.00								
	DADSPLUM Total:	262.00								
DELTA Delta Dental Of Minnesota										
5037216	01/15/2013	675.95	0.00	02/05/2013	February 2013 Dental Coverage		-		No	0000
101-000-0000-21706	Medical Insurance									
	5037216 Total:	675.95								
	DELTA Total:	675.95								
DVS DVS Renewal										
1/30/13	01/30/2013	21.00	0.00	02/05/2013	Public Works Vehicle Registration		-		No	0000
101-430-3100-44300	Miscellaneous									
	1/30/13 Total:	21.00								
	DVS Total:	21.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FASTENAL MNOAK2870	01/02/2031	430.81	0.00	02/05/2013	Hardware		-		No	0000
101-430-3100-42210	Equipment Parts									
	MNOAK2870 Total:	430.81								
	FASTENAL Total:	430.81								
FERGUSON Ferguson Waterworks, Inc #2516										
8839	01/10/2013	927.93	0.00	02/05/2013	Water Main Repair Clamps		-		No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	8839 Total:	927.93								
jan-13	01/10/2013	3,044.45	0.00	02/05/2013	Water Meters		-		No	0000
601-494-9400-42300	Water Meters & Supplies									
	jan-13 Total:	3,044.45								
	FERGUSON Total:	3,972.38								
FOCUS Focus Engineering, Inc.										
486	01/30/2013	1,134.82	0.00	02/05/2013	Transportation & Traffic Systems		-		No	0000
409-480-8000-43030	Engineering Services									
486	01/30/2013	112.50	0.00	02/05/2013	Street Maintenance		-		No	0000
409-480-8000-43030	Engineering Services									
486	01/30/2013	1,084.00	0.00	02/05/2013	Municipal Aid System		-		No	0000
409-480-8000-43030	Engineering Services									
486	01/30/2013	395.07	0.00	02/05/2013	Cap Improvement Planning		-		No	0000
409-480-8000-43030	Engineering Services									
486	01/30/2013	67.50	0.00	02/05/2013	2013 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services									
486	01/30/2013	383.50	0.00	02/05/2013	Trunk Highway 36 Corridor Planning		-		No	0000
409-480-8000-43030	Engineering Services									
486	01/30/2013	29.50	0.00	02/05/2013	State Hwy 5 Traffic Mgmt & Safety		-		No	0000
409-480-8000-43030	Engineering Services									
	486 Total:	3,206.89								
486/487	01/30/2013	3,536.24	0.00	02/05/2013	General Engineering - General		-		No	0000
101-410-1930-43030	Engineering Services									
486/487	01/30/2013	1,643.50	0.00	02/05/2013	General Engineering - Planning		-		No	0000
101-410-1910-43030	Engineering Services									
	486/487 Total:	5,179.74								
488	01/30/2013	630.00	0.00	02/05/2013	General Engineering - VRA\Building		-		No	0000
101-420-2400-43030	Engineering									
488	01/30/2013	677.50	0.00	02/05/2013	General Engineering - VRA\Planning		-		No	0000
101-410-1910-43030	Engineering Services									
488	01/30/2013	180.00	0.00	02/05/2013	General Engineering - VRA\Cap Proj-Parks		-		No	0000
404-480-8000-43030	Engineering Services									
488	01/30/2013	337.50	0.00	02/05/2013	General Engineering - VRA\PW		-		No	0000
101-430-3100-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
488	01/30/2013									
601-494-9400-43030	Engineering Services	1,285.44	0.00	02/05/2013	General Engineering - VRA\Water		-	No		0000
488	01/30/2013									
602-495-9450-43030	Engineering Services	140.50	0.00	02/05/2013	General Engineering - VRA\Sewer		-	No		0000
488	01/30/2013									
603-496-9500-43030	Engineering Services	1,587.00	0.00	02/05/2013	General Engineering - VRA\Surface Water		-	No		0000
488 Total:		4,837.94								
490	01/30/2013									
409-480-8000-43030	Engineering Services	45.00	0.00	02/05/2013	Sanctuary		-	No		0000
490 Total:		45.00								
491	01/30/2013									
413-480-8000-43030	Engineering Services	1,013.14	0.00	02/05/2013	Lake Elmo Area Village Eng. Support		-	No		0000
491 Total:		1,013.14								
492	01/30/2013									
420-480-8000-43030	Engineering Services	400.50	0.00	02/05/2013	10th Street Infrastructure Planning		-	No		0000
492 Total:		400.50								
493	01/30/2013									
419-480-8000-43030	Engineering Services	270.00	0.00	02/05/2013	Demontreville Highlands Area Street Impr		-	No		0000
493 Total:		270.00								
494	01/30/2013									
409-480-8000-43030	Engineering Services	1,220.00	0.00	02/05/2013	Olson Lake Trl Sewer Exten Feasibility		-	No		0000
494	01/30/2013									
409-480-8000-43030	Engineering Services	45.00	0.00	02/05/2013	Old Village Municipal Sanitary Sewer		-	No		0000
494 Total:		1,265.00								
496	01/30/2013									
409-480-8000-43030	Engineering Services	2,777.32	0.00	02/05/2013	Keats Ave Street 57%		-	No		0000
496	01/30/2013									
601-494-9400-43030	Engineering Services	2,095.18	0.00	02/05/2013	Keats Ave Watermain		-	No		0000
496 Total:		4,872.50								
497	01/30/2013									
203-490-9070-43030	Engineering Services	236.00	0.00	02/05/2013	Lennar 194 West Corridor		-	No		0000
497 Total:		236.00								
498	01/30/2013									
409-480-8000-43030	Engineering Services	2,623.00	0.00	02/05/2013	L.E Ave Infrastructure on I94 to 30th		-	No		0000
498 Total:		2,623.00								
499	01/30/2013									
409-480-8000-43030	Engineering Services	742.50	0.00	02/05/2013	Water system funding activies (Deeds)		-	No		0000
499 Total:		742.50								
500	01/30/2013									
601-494-9400-43030	Engineering Services	400.50	0.00	02/05/2013	Supply Well & Pumphouse 4		-	No		0000
500 Total:		400.50								
FOCUS Total:		25,092.71								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
FRANZ Franz Repographics 114778 01/08/2013 101-410-1910-42000 Office Supplies		441.50	0.00	02/05/2013	Plotter Ink		-	No		0000
	114778 Total:	441.50								
114893 01/10/2013 101-410-1910-42000 Office Supplies		123.01	0.00	02/05/2013	Plotter Paper and Supplies		-	No		0000
	114893 Total:	123.01								
	FRANZ Total:	564.51								
FXL FXL, Inc. Feb-13 01/30/2013 101-410-1320-43100 Assessing Services		2,000.00	0.00	02/05/2013	Assessment Services		-	No		0000
	Feb-13 Total:	2,000.00								
	FXL Total:	2,000.00								
GIBSONJU Gibson Judy 1/12 01/12/2013 206-450-5300-42500 Library Collection Maintenance		72.35	0.00	02/05/2013	4 books - approved 1-9-13		-	No		0000
	1/12 Total:	72.35								
	GIBSONJU Total:	72.35								
HOLIDAYC Holiday Credit Office jan - 15 01/15/2013 101-420-2220-42120 Fuel, Oil and Fluids		360.53	0.00	02/05/2013	Fuel		-	No		0000
	jan - 15 Total:	360.53								
	HOLIDAYC Total:	360.53								
IAFC IAFC Membership 1/14 01/14/2013 101-420-2220-44330 Dues & Subscriptions		229.00	0.00	02/05/2013	2013 dues		-	No		0000
	1/14 Total:	229.00								
	IAFC Total:	229.00								
KLMENG KLM Engineering, Inc. 4744 01/17/2013 803-000-0000-22900 Deposits Payable		1,200.00	0.00	02/05/2013	Plan Review for Sprint Antenna Mods		-	No		0000
	4744 Total:	1,200.00								
	KLMENG Total:	1,200.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
LEAGMN League of MN Cities											
168648	01/31/2013	6,958.00	0.00	02/05/2013	Membership dues 2012-2013		-			No	0000
101-410-1110-44330	Dues & Subscriptions	6,958.00									
	168648 Total:	6,958.00									
	LEAGMN Total:										
MARONEYS Maroney's Sanitation, Inc											
458653	01/04/2013	108.32	0.00	02/05/2013	Waste Removal - City Hall		-			No	0000
101-410-1940-43840	Refuse	47.68	0.00	02/05/2013	Waste Removal - Fire		-			No	0000
458653	01/04/2013	207.82	0.00	02/05/2013	Waste Removal - Public Works		-			No	0000
101-420-2220-43840	Refuse	207.82	0.00	02/05/2013	Waste Removal - Parks		-			No	0000
458653	01/04/2013	48.12	0.00	02/05/2013	Waste Removal - Library		-			No	0000
101-430-3100-43840	Refuse	619.76									
101-450-5200-43840	Refuse	619.76									
458653	01/04/2013										
206-450-5300-43840	Refuse										
	458653 Total:	619.76									
	MARONEYS Total:										
MARVS Marv's Professional Tools											
256610	01/10/2013	4.88	0.00	02/05/2013	3/8 socket		-			No	0000
101-430-3100-42400	Small Tools & Minor Equipment	4.88									
	256610 Total:	4.88									
	MARVS Total:										
MC&FOA Finance Officers Assoc. of MN Muni											
Jan-13	01/25/2013	35.00	0.00	02/05/2013	Adam - Membership Fee		-			No	0000
101-410-1320-44370	Conferences & Training	35.00	0.00	02/05/2013	Cathy - Membership Fee		-			No	0000
Jan-13	01/25/2013	70.00									
101-410-1520-44370	Conferences & Training	70.00									
	Jan-13 Total:	70.00									
	MC&FOA Total:										
MENARDSO Menards - Oakdale											
11340	01/16/2013	19.96	0.00	02/05/2013	chlorine Supply repair parts		-			No	0000
601-494-9400-42270	Utility System Maintenance	19.96									
	11340 Total:	19.96									
	MENARDSO Total:										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MES Municipal Emergency Svs. Inc. 00373801-SNV 01/07/2013 101-420-2220-42400 Small Tools & Equipment 00373801-SNV Total: MES Total:		401.69 401.69 401.69	0.00	02/05/2013	Rescue Gloves, glove straps		-	No		0000
METRO MU Metropolitan Municipalities Associ 36 01/11/2013 101-410-1110-44330 Dues & Subscriptions 36 Total: METRO MU Total:		3,381.00 3,381.00 3,381.00	0.00	02/05/2013	Membership Dues - Jan 2013 to Dec 2013		-	No		0000
MURRAYCA Murray Cameron jan-13 01/25/2013 206-430-5300-42500 Library Collection Maintenance jan-13 Total: MURRAYCA Total:		152.12 152.12 152.12	0.00	02/05/2013	books for the collection, approved 1-19		-	No		0000
NAMERICA North American Salt Company 70917022 01/04/2013 101-430-3125-42290 Sand/Salt 70917022 Total: 70917719 01/07/2013 101-430-3125-42290 Sand/Salt 70917719 Total: 70926489 01/22/2013 101-430-3125-42290 Sand/Salt 70926489 Total: 70927963 01/24/2013 101-430-3125-42290 Sand/Salt 70927963 Total: NAMERICA Total:		5,351.20 5,351.20 4,447.72 4,447.72 1,919.23 1,919.23 5,498.47 5,498.47 17,216.62	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	02/05/2013 02/05/2013 02/05/2013 02/05/2013 02/05/2013 02/05/2013 02/05/2013 02/05/2013	Road Salt Road Salt Bulk Coarse Salt-HWY Bulk Coarse Salt - HWY		- - - - - - - -	No No No No No No No No		0000 0000 0000 0000 0000 0000 0000 0000
NCPERS 566200-NCPERS Minnesota 5662213 01/30/2013 101-000-0000-21708 Other Benefits 5662213 Total: NCPERS Total:		112.00 112.00 112.00	0.00	02/05/2013	feb 2013 deductions		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NEXTEL Nextel Communications										
761950227-118	01/18/2013	127.79	0.00	02/05/2013	cell phone service - administration		-	No		0000
101-410-1940-43210	Telephone									
761950227-118	01/18/2013	130.05	0.00	02/05/2013	cell phone service - fire dept		-	No		0000
101-420-2220-43210	Telephone									
761950227-118	01/18/2013	50.07	0.00	02/05/2013	cell phone service - building dept		-	No		0000
101-420-2400-43210	Telephone									
761950227-118	01/18/2013	35.35	0.00	02/05/2013	cell phone service - pub works dept		-	No		0000
101-430-3100-43210	Telephone									
761950227-118	01/18/2013	75.37	0.00	02/05/2013	cell phone service - parks dept		-	No		0000
101-450-5200-43210	Telephone									
761950227-118	01/18/2013	64.60	0.00	02/05/2013	cell phone service - taxpayer service		-	No		0000
101-410-1450-43210	Telephone									
761950227-118	01/18/2013	18.20	0.00	02/05/2013	cell phone service - planning dept		-	No		0000
101-410-1910-43210	Telephone									
761950227-118 Total:		501.43								
NEXTEL Total:		501.43								
NORTHSEC Northland Securities, Inc.										
3113	01/08/2013	1,125.00	0.00	02/05/2013	Continuing Disclosure Report		-	No		0000
101-410-1520-44300	Miscellaneous									
3113 Total:		1,125.00								
NORTHSEC Total:		1,125.00								
NORTHTOO Blue Tarp Financial										
563053647	01/08/2013	123.12	0.00	02/05/2013	Tools		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
563053647 Total:		123.12								
56305915	01/11/2013	42.83	0.00	02/05/2013	Ratchet Straps V-Box Spreader		-	No		0000
101-430-3120-42210	Equipment Parts									
56305915 Total:		42.83								
NORTHTOO Total:		165.95								
OAKDRC Oakdale Rental Center										
10086478	01/28/2013	11.75	0.00	02/05/2013	Propane-Zamboni		-	No		0000
101-450-5200-42120	Fuel, Oil and Fluids									
10086478 Total:		11.75								
10086564	01/23/2013	11.75	0.00	02/05/2013	Propane - Zamboni		-	No		0000
101-450-5200-42120	Fuel, Oil and Fluids									
10086564 Total:		11.75								
OAKDRC Total:		23.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PITNEY Pitney Bowes										
486892	01/03/2013	131.10	0.00	02/05/2013	Postage Machine Ink		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	486892 Total:	131.10								
	PITNEY Total:	131.10								
REEDKATR Reed Katrina										
Jan31-13	02/01/2013	96.00	0.00	02/05/2013	Daycare expense reimbursement		-	No		0000
101-000-0000-21710	Health HSA									
	Jan31-13 Total:	96.00								
	REEDKATR Total:	96.00								
ROGERS Rogers Printing Services, Corp										
19127	01/15/2013	2,228.34	0.00	02/05/2013	3600 newsletters		-	No		0000
101-410-1450-43090	Newsletter									
	19127 Total:	2,228.34								
	ROGERS Total:	2,228.34								
SAMSCULUB Sam's Club										
1/11	01/11/2013	92.20	0.00	02/05/2013	Rehab Supplies, water coffee, papertowel		-	No		0000
101-420-2220-44300	Miscellaneous									
1/11	01/11/2013	155.92	0.00	02/05/2013	Printer Cartridges		-	No		0000
101-420-2220-42000	Office Supplies									
1/11	01/11/2013	39.97	0.00	02/05/2013	Water for city hall, hand san		-	No		0000
101-410-1320-44300	Miscellaneous									
	1/11 Total:	288.09								
	SAMSCULUB Total:	288.09								
STILLMED Stillwater Medical Group										
31614	01/03/2013	100.00	0.00	02/05/2013	2nd Hep B, Gimple, Supan		-	No		0000
101-420-2220-43050	Physicals									
	31614 Total:	100.00								
	STILLMED Total:	100.00								
STRIPE Stripe Right Inc, Midwest										
1109	01/03/2013	450.00	0.00	02/05/2013	Lot Striping - Fire		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
1109	01/03/2013	115.00	0.00	02/05/2013	Lot Striping - City Hill		-	No		0000
101-430-3100-44030	Repairs/Maint Imp Not Bldgs									
	1109 Total:	565.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TCJS Twin City Janitor Supply		565.00								
145707 01/28/2013										
101-420-2220-42400 Small Tools & Equipment		146.03	0.00	02/05/2013	Floor Squeegees		-	No		0000
145707 Total:		146.03								
TCJS Total:		146.03								
TDS TDS Metrocom - LLC										
651-779-8882 01/13/2013		139.66	0.00	02/05/2013	Analog Lines- Fire		-	No		0000
101-420-2220-43210 Telephone										
651-779-8882 01/13/2013		221.31	0.00	02/05/2013	Analog Lines- public works		-	No		0000
101-430-3100-43210 Telephone										
651-779-8882 01/13/2013		129.51	0.00	02/05/2013	Analog Lines- lift station alarms		-	No		0000
602-495-9450-43210 Telephone										
651-779-8882 01/13/2013		45.38	0.00	02/05/2013	alarm-well house #2		-	No		0000
601-494-9400-43210 Telephone										
651-779-8882 Total:		535.86								
TDS Total:		535.86								
TRKUTI Truck Utilities Inc.										
248677 01/11/2013		39.54	0.00	02/05/2013	V-Box Spreader Control Cables		-	No		0000
101-430-3120-42210 Equipment Parts										
248677 Total:		39.54								
248829 01/17/2013		39.54	0.00	02/05/2013	Spreader control wires 01-1		-	No		0000
101-430-3120-42210 Equipment Parts										
248829 Total:		39.54								
249225 01/25/2013		28.83	0.00	02/05/2013	Hyd. Hose and fitting 04-1		-	No		0000
101-430-3120-42210 Equipment Parts										
249225 Total:		28.83								
TRKUTI Total:		107.91								
VANGADOR Vang Adora										
1/15 01/15/2013		55.00	0.00	02/05/2013	Cable Operation 1/15 (4hours)		-	No		0000
101-410-1450-43620 Cable Operations										
1/15 Total:		55.00								
VANGADOR Total:		55.00								
WAS-SHER Washington County										
74365 01/11/2013		634.22	0.00	02/05/2013	2013 Code Red Fee		-	No		0000
101-420-2100-43150 Law Enforcement Contract										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
74365 Total:		634.22								
WAS-SHER Total:		634.22								
WATERCON Water Conservation Svs Inc.										
3659	01/21/2013	661.60	0.00	02/05/2013	Water Main Break3650 Iaveme& 10906 33rd		-		No	0000
601-494-9400-44300	Miscellaneous	661.60								
3659 Total:		661.60								
WATERCON Total:		661.60								
WEEKSEND Weeks-End Signs & Graphics										
1757	01/28/2013	53.43	0.00	02/05/2013	Chlorine Room Danger Sign		-		No	0000
601-494-9400-45200	Building and Structures	53.43								
1757 Total:		53.43								
WEEKSEND Total:		53.43								
XCEL Xcel Energy										
51-4572945-7	02/01/2013	32.33	0.00	02/05/2013	Street Lights - Jamely		-		No	0000
101-430-3160-43810	Street Lighting	32.33								
51-4572945-7 Total:		32.33								
51-6429583-8	02/01/2013	17.84	0.00	02/05/2013	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility	17.84								
51-6429583-8 Total:		17.84								
XCEL Total:		50.17								
YOCUM Yocum Oil Company, Inc.										
215129	01/08/2013	1,386.67	0.00	02/05/2013	Bulk Tanks Oil Fill		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids	1,386.67								
215129 Total:		1,386.67								
215217	01/16/2013	160.69	0.00	02/05/2013	Bulk Oil Tanks		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg	160.69								
215217 Total:		160.69								
YOCUM Total:		1,547.36								
Report Total:		76,117.17								

Accounts Payable To Be Paid Proof List

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Batch: 012-12-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Aramark, Inc. 629-7620116	11/12/2012	38.22	0.00	02/05/2013	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7620116	Total:	38.22								
629-7639337	12/10/2012	36.25	0.00	02/05/2013	Monthly Rug - Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7639337	Total:	36.25								
629-7648945	12/24/2012	178.83	0.00	02/05/2013	Monthly Rug Service, Station 2		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7648945	Total:	178.83								
629-7648947	12/24/2012	176.81	0.00	02/05/2013	Monthly rug service, Station 1		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7648947	Total:	176.81								
ARAM Total:		430.11								
ASPENMI Aspen Mills, Inc.										
129739	01/25/2013	1,039.15	0.00	02/05/2013	Shirts for Dept.		-	No		0000
101-420-2220-44170	Uniforms									
129739	Total:	1,039.15								
130760	12/31/2012	102.45	0.00	02/05/2013	Probie Uniforms		-	No		0000
101-420-2220-44170	Uniforms									
130760	12/31/2012	84.50	0.00	02/05/2013	Probie Medic Boots		-	No		0000
101-420-2220-42080	EMS Supplies									
130760	Total:	186.95								
ASPENMI Total:		1,226.10								
BERTELSO Bertelson's										
wo-805431-1	10/15/2012	339.64	0.00	02/05/2013	admin-8cases of paper		-	No		0000
101-410-1320-42000	Office Supplies									
wo-805431-1	Total:	339.64								
BERTELSO Total:		339.64								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BRO Brodart 280951 206-450-5300-42000 Office Supplies 280951 Total: BRO Total:	01/07/2013	85.53 85.53 85.53	0.00	02/05/2013	Plastic Wrap for books supplies		-	No		0000
CTYOAKDA City of Oakdale 2012122835056 12/28/2012 101-420-2220-44040 Repairs/Maint Eqpt 2012122835056 Total: CTYOAKDA Total:		96.41 96.41 96.41	0.00	02/05/2013	Repair Temp Sensor on CV2		-	No		0000
EMERGAPP Emergency Apparatus Maint. INC 65477 12/31/2012 101-420-2220-44040 Repairs/Maint Eqpt 65477 Total: EMERGAPP Total:		551.91 551.91 551.91	0.00	02/05/2013	Repair Pump controls on B2		-	No		0000
GIBSONJU Gibson Judy bookend 10/11/2012 206-450-5300-42500 Library Collection Maintenance bookend Total: GIBSONJU Total:		81.17 81.17 81.17	0.00	02/05/2013	Bookends		-	No		0000
LHB LHB 120205.00-1 12/10/2012 101-410-1110-44370 Conferences & Training 120205.00-1 Total: LHB Total:		2,500.00 2,500.00 2,500.00	0.00	02/05/2013	Energy Review Fee		-	No		0000
MEYERSEW Meyer Sewer Service, Inc 55423 12/31/2012 206-450-5300-44010 Repairs/Maint Bldg 55423 Total: MEYERSEW Total:		150.00 150.00 150.00	0.00	02/05/2013	pumping septic		-	No		0000
NEWMAN Newman Signs, Inc. TI-0257571 01/04/2013 101-430-3100-42260 Sign Repair Materials TI-0257571 Total:		2,300.83 2,300.83	0.00	02/05/2013	Sign Material		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NEWMAN Total:		2,300.83								
TKDA TKDA, Inc.										
2012003742	01/04/2013	9,858.71	0.00	02/05/2013	Keast MSA Street (57%)		-		No	0000
409-480-8000-43030	Engineering Services									
2012003742	01/04/2013	7,437.28	0.00	02/05/2013	Keats Trunk Watermain (43%)		-		No	0000
601-494-9400-43030	Engineering Services									
2012003742 Total:		17,295.99								
TKDA Total:		17,295.99								
WAS-SHER Washington County										
73947	12/30/2012	84.00	0.00	02/05/2013	Code Red 11/30/12 336 mins		-		No	0000
101-420-2100-43150	Law Enforcement Contract									
73947 Total:		84.00								
74400	01/15/2013	242,157.65	0.00	02/05/2013	Jul - Dec 2012 Police Services		-		No	0000
101-420-2100-43150	Law Enforcement Contract									
74400 Total:		242,157.65								
WAS-SHER Total:		242,241.65								
WASHCONS Washington Conservation Dist.										
2553	12/31/2012	554.25	0.00	02/05/2013	4th quarter billing for shared educator		-		No	0000
603-496-9500-44370	Conferences & Training									
2553 Total:		554.25								
WASHCONS Total:		554.25								
WEIR D Weir Dick										
670443	01/04/2013	400.00	0.00	02/05/2013	Snowplow contract, approved 11-14-12		-		No	0000
206-450-5300-43150	Contract Services									
670443 Total:		400.00								
WEIR D Total:		400.00								
XCEL Xcel Energy										
51-5356323-8	01/28/2013	2,190.06	0.00	02/05/2013	Well 1 & 2		-		No	0000
601-494-9400-43810	Electric Utility									
51-5356323-8 Total:		2,190.06								
XCEL Total:		2,190.06								
Report Total:		270,443.65								

Accounts Payable To Be Paid Proof List

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Batch: 011-12-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANIMALHU Animal Humane Society 1094 101-420-2700-43150 Contract Services	12/31/2012	175.63	0.00	01/17/2013	Animal Impound Fees		-	No		0000
1094 Total:		175.63								
ANIMALHU Total:		175.63								
LEAGMN League of MN Cities 12/12/2012 101-410-1320-44330 Dues & Subscriptions	12/31/2012	128.16	0.00	01/17/2013	MN City/Cty Mgmt Association Dues		-	No		0000
12/12/2012 Total:		128.16								
LEAGMN Total:		128.16								
Report Total:		303.79								

Accounts Payable To Be Paid Proof List

User: JOAN Z

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Batch: 010-01-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HUMANRIG League of MN Human Rights Com										
41244	01/10/2013	100.00	0.00	01/17/2013	2013 Dues		-			No 0000
101-410-1320-44330	Dues & Subscriptions	100.00								
	41244 Total:	100.00								
	HUMANRIG Total:	100.00								
	Report Total:	100.00								

Accounts Payable Computer Check Proof List

User: joan z

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Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: PROVANTA 6595162	Provantage Tablet & Accessories for Engine 2	2,970.67	01/31/2013	Check Sequence: 1 101-420-2220-42400	ACH Enabled: No
	Check Total:	2,970.67			
	Total for Check Run:	2,970.67			
	Total Number of Checks:	1			

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 01/31/2013 - 10:16 AM

Batch: 015-01-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PROVANTA Provantage 6595063	01/31/2013	2,970.67	0.00	01/31/2013	Tablet & Accessories Engine #1		-			0000
101-420-2220-42400 Small Tools & Equipment		2,970.67								
6595063 Total:		2,970.67								
PROVANTA Total:		2,970.67								
Report Total:		2,970.67								

Accounts Payable To Be Paid Proof List

User: joan z
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 Batch: 014-01-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PROVANTA Provantage 5765274	01/30/2012	3,106.75	0.00	01/31/2013	Tablet and accessories for CV2		-			0000
101-420-2220-42400 Small Tools & Equipment		3,106.75								
5765274 Total:		3,106.75								
PROVANTA Total:		3,106.75								
Report Total:		3,106.75								

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/05/2013

CONSENT

ITEM #: 4

MOTION Consent Agenda

AGENDA ITEM: Approve EMWREP Agreement

SUBMITTED BY: Alyssa MacLeod, Taxpayer Relations and Communications Coordinator

REVIEWED BY: Dean Zuleger, City Administrator
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: As part of the Consent Agenda, the City Council is requested to consider approval of agreement between Washington Conservation District and Members of the 2013-2015 East Metro Water Resource Education Program.

STAFF REPORT: The City of Lake Elmo joined the East Metro Water Resource Education Program in 2007 and continued participation in 2009. Members of the program include Washington County, several watershed organizations and a number of cities partially or wholly within Washington County. These entities have partnered in an effort to collaborate in efficiently and effectively educating the citizens of the Twin Cities east metro area about water resource, storm water, and groundwater management in order to improve water quality. These educational services are a requirement of the National Pollutant Discharge Elimination System / State Disposal System (NPDES/SDS) General Permit administered by the Minnesota Pollution Control Agency (MPCA).

Continued membership in the program will provide for the continued delivery of the following types of educational services: Coordinate and implement East Metro Water Resource Education Program including presentations, workshops, in-field training, demonstration projects, and published materials; maintain web-based educational material; prepare annual education report (which meets MS4 requirements). These efforts are coordinated with "watershed partners" in an effort to minimize overlap and maximize effectiveness in educating the public.

BUDGET IMPACT: The annual contribution amount for the City of Lake Elmo is \$2,225 (Partner contributions will be reviewed and adjusted on an annual basis, as needed). The annual contribution for 2012 was \$2,217.

RECOMMENDATION: It is recommended that the City Council approve the agreement between Washington Conservation District and Members of the 2013-2015 East Metro Water Resource Education Program. No specific motion is needed as this is recommended to be part of the overall approval of the *Consent Agenda*.

ATTACHMENTS:

1. 2013-2015 agreement between Washington Conservation District and Members of the East Metro Water Resource Education Program.

**AGREEMENT BETWEEN
WASHINGTON CONSERVATION DISTRICT
AND MEMBERS OF THE 2013-2015
EAST METRO WATER RESOURCE EDUCATION PROGRAM**

A. PARTIES

This Agreement is made and entered into by Washington Conservation District, hereinafter referred to as HOST, and members of the East Metro Water Resource Education Program, hereinafter referred to individually as a PARTNER. A PARTNER is defined as an entity that executes this agreement, and this Agreement provides for the withdrawal or addition of PARTNERS to the East Metro Water Resource Education Program. Eligible PARTNERS include watershed organizations and municipalities partially or wholly within Washington County.

B. PURPOSE

WHEREAS, the PARTNER and the HOST have a common objective of educating the citizens of the Twin Cities east metro area about water resource, stormwater, and groundwater management in order to improve water quality; and

WHEREAS, the PARTNER has identified a need for education assistance; and

WHEREAS, 9 watershed organizations in Washington County have education components in their respective watershed management plans; and

WHEREAS, 23 communities, including multiple watersheds and the County, in Washington County are required to obtain a Municipal Separate Storm Sewer System (MS4) Permit from the Minnesota Pollution Control Agency (MPCA), which requires nonpoint source pollution education; and

WHEREAS, the PARTNER agrees it is in its best interest to define its respective responsibilities and obligations; and

WHEREAS, the PARTNER agrees that collaborative efforts are needed to more effectively and efficiently deliver water resource education and meet MS4 permit education requirements; and

WHEREAS, the PARTNER requests assistance from the HOST to implement the policies specified in MINN. STAT. §§ 103A.206; and

WHEREAS, the HOST is authorized to enter agreements to provide such assistance pursuant to MINN. STAT. §§ 103C.331, SUBD. 3 and 7.

NOW, THEREFORE, the PARTNER agrees as follows:

C. TERM OF CONTRACT

The term of this agreement shall be from January 1, 2013 to December 31, 2015 unless extended or terminated earlier as provided herein.

D. MEMBERSHIP STRUCTURE

In accordance to the program goals of collaboration and partnership, entities may become a PARTNER by signing the Signature Page at the end of this Agreement. A new PARTNER shall apply to the HOST and sign a separate contract and its signature page shall be attached to the original document. The HOST will coordinate with each PARTNER, update the project budget, and distribute it to each PARTNER.

Each PARTNER will assign a member to the Steering Committee of the East Metro Water Resource Education Program. This Committee will assist the Shared Water Resource Educator and HOST to prepare the Annual Workplan, Annual Budget, and Annual Report. A Membership Summary will be included in the Annual Report prepared by the HOST.

E. SCOPE OF SERVICES

The HOST will perform for the PARTNER the services and furnish and deliver work products generally described in Exhibit A, attached and made part of this agreement. Services for a specific PARTNER will be defined in the Annual Workplan developed as described in Exhibit A. PARTNER-specific services will constitute approximately 15% of the total Annual Workplan. Eighty-five (85) percent of the total Annual Workplan will be committed to shared, multi-jurisdictional benefit educational activities.

F. COST

In full consideration for services under this agreement, the PARTNER shall provide its portion of the annual costs to the HOST in accordance with the executed Signature Page at the end of this Agreement. The total annual budget for the program is as shown in Exhibit B with contributions outlined in Paragraph G. If all PARTNER contributions total less than the Total Budget, educational material expenses not otherwise paid for will not be incurred. PARTNER's annual contribution may be increased from the amount stated in the Signature Page at the end of the Agreement only with approval of PARTNER's governing body.

In the case that overall contributions of funding from all of the PARTNERS exceeds the budget in Exhibit B by less than 20%, the excess contributions will be used to fund additional educational materials or support staff. Once the revised overall funding contribution from all of the PARTNERS exceeds the budget in Exhibit B by 20%, the PARTNERS have the option of having their proportional amount of the excess budget refunded or can direct the funds to be used for EMWREP activities.

G. FUNDING STRUCTURE

Each PARTNER is suggested to contribute annually in accordance with the following funding structure:

County: \$11,000/year
Small Watershed Districts (Taxable Market Value < \$1 Billion): \$11,000/year
Medium Watershed Districts (TMV \$1-5 Billion): \$16,750/year
Large Watershed Districts (TMV >\$5 Billion): \$22,000/year
Watershed Management Organizations: \$5,500/year
Large MS4 Cities: \$2,225/year (Population > 5,000)
Small MS4 Cities: \$560/year (Population < 5,000)

In-kind matches from existing educational staff from within partner organizations are also encouraged. The WCD shall provide \$11,000 of in-kind match to the program per year. As shown in Exhibit B, PARTNER contributions will be reviewed and adjusted on an annual basis, as needed.

H. PAYMENTS

1. The services in Exhibit A provided by the HOST will be billed in accordance to Exhibit B. Invoices will be sent on a quarterly basis and will summarize the work performed. Invoices are payable within 60 days.
2. Office supplies, in-house reproduction expenses, and transportation are included in the overhead noted above. Out source reproduction, special bulk mailings and other direct costs beyond the actual current budget as established in accordance with the Annual Workplan (the combined

contributions of each PARTNER) noted in Paragraph F are to be reimbursed at actual cost with prior approval from the PARTNERS.

I. EQUAL EMPLOYMENT OPPORTUNITY- CIVIL RIGHTS

During the performance of this Agreement, the HOST agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance, criminal record, creed or national origin, be excluded from full employment rights in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service, or activity under the provisions of and all applicable federal and state laws against discrimination including the Civil Rights Act of 1964.

J. STANDARDS

The HOST shall comply with all applicable Federal and State statutes and regulations as well as local ordinances now in effect or hereafter adopted. Failure to meet the requirements of the above may be cause for cancellation of this contract effective the date of receipt of the Notice of Cancellation.

K. DATA PRIVACY

All data collected, created, received, maintained, or disseminated, or used for any purpose in the course of the HOST's performance of the Agreement is governed by the Minnesota Government Data Practices Act, Minnesota 1984, Section 13.01, et seq. or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy. The HOST agrees to abide by these statutes, rules and regulations and as they may be amended.

L. AUDITS, REPORTS, AND MONITORING PROCEDURES

The HOST will:

1. Maintain records that reflect all revenues, cost incurred and services provided in the performance of the Agreement.
2. Agree that the County, the State Auditor, or legislative authority, or any of their duly authorized representatives at any time during normal business hours, and as often as they may deem reasonably necessary, shall have access to the rights to examine audit, excerpt, and transcribe any books, documents, papers, records, etc., and accounting procedures and practices of the HOST which are relevant to the contract. The annual audit conducted for the Washington Conservation District that includes EMWREP activities.

M. INDEMNITY

No party to this Agreement agrees to be responsible for the acts or omissions of another, its agents, officials, contractors or employees within the meaning of Minnesota Statutes section 471.59, subdivision 1a. Each PARTNER and HOST will hold harmless, defend and indemnify all other parties to this Agreement, their officers, board members, employees and agents for any and all damage, liability, cost or claim (including reasonable attorneys' fees) to the extent it is the result of its negligent act or of another action or inaction that is the basis for its liability in law or equity. The PARTNER agrees to provide proof of contractual liability insurance upon request. This paragraph does not constitute a waiver or otherwise diminish, any statutory or common law defense, immunity or limit on liability any PARTNER or HOST may enjoy as against any third party.

N. INDEPENDENT CONTRACTOR

It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting the HOST as the agent, representative, or employee of PARTNER organization for any purpose or in any manner whatsoever. The HOST is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

The HOST represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of the HOST or other person, while engaged in the performance of any work or services required by the HOST under this Agreement, shall have no contractual relationship with the PARTNER and shall not be considered employees of the PARTNER.

O. MODIFICATIONS

Any material alteration or variation shall be reduced to writing as an amendment and signed by the parties. Any alteration, modification, or variation deemed not to be material by written agreement of the HOST and the PARTNER shall not require written approval. Contract extensions will be handled as a material alteration.

P. MERGER

It is understood and agreed that the entire agreement of the parties is contained here, except as modified during the term of the Agreement by a writing under Paragraph O above concerning a non-material change, and that this contract supersedes oral agreements and negotiations between the parties relating to this subject matter. All items referred to in this contract are incorporated or attached and deemed to be part of the contract.

Q. TERMINATION

This Agreement will commence when executed by HOST and all PARTNERS and will continue until terminated. The Agreement will commence with respect to each additional PARTNER on that PARTNER'S execution of a signature page acceding to the terms of the Agreement. This Agreement will terminate immediately upon completion of the activities enumerated herein and the program duration expires. Any party to this Agreement may withdraw participation on an agreement-year basis with 60 days written notice to HOST prior to the annual anniversary date of the Agreement, with the actual termination date falling on the anniversary date. Pro-rated contributions will be returned to the terminated or terminating PARTNER. The HOST will promptly notify all PARTNERS of any PARTNER'S termination. Termination by any one PARTNER will not constitute the termination of this Agreement. If HOST determines that PARTNER termination has resulted in inadequate funds to deliver the work products generally described in Exhibit A, the HOST will terminate the Agreement effective the anniversary date unless adequate funds can be procured. Termination by the HOST will constitute termination of this Agreement in whole and pro-rated contributions will be returned to each PARTNER.

R. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

All property of the HOST or a PARTNER used, acquired or created in the performance of work under this Agreement, including documents and records of any kind, shall remain the property of the HOST and the PARTNER providing the property. The HOST and PARTNERS shall jointly own and each party has the individual right to use, sell, license, publish, or otherwise disseminate any product developed in whole or in part during the performance of work under this Agreement. Durable goods purchased by the HOST, such as office equipment and computers, shall remain the property of the HOST.

**CONTRACT BETWEEN
WASHINGTON CONSERVATION DISTRICT
AND MEMBERS OF THE
EAST METRO WATER RESOURCE EDUCATION PROGRAM**

HOST: **Washington Conservation District**

PARTNER: **City of Lake Elmo**

Annual Contribution Amount: **\$2,225**

Contract start date: **January 1, 2013**

IN TESTIMONY WHEREOF the parties have duly executed this agreement by their duly authorized officers.

APPROVED:

PARTNER

HOST

BY: _____

BY: _____

Board Chair

Date

Title

BY: _____

BY: _____

WCD Manager

Date

Title

Approval as to form and execution:

Date

EXHIBIT A

SCOPE OF SERVICES EAST METRO WATER RESOURCE EDUCATION PROGRAM

HOST responsibilities:

1. Hire, employ and supervise the Water Resource Educator/s that will successfully serve the education needs as prescribed herein.
2. Obtain financial reimbursement from each PARTNER as prescribed in this agreement.
3. Work in good faith to achieve the goals identified in this agreement.
4. Maintain a strict accounting of all financial transactions.
5. Develop and disseminate annual summaries of accomplishments and budgetary analysis to partners of the East Metro Water Resource Education Program.
6. Provide office space, office furniture, computer, transportation, and phone. Equipment purchased by the HOST will remain the property of the HOST following the term of this agreement.

PARTNER responsibilities:

1. Provide a single representative to the Steering Committee of the East Metro Water Resource Education Program. This person shall actively participate in the Steering Committee and assist in employee selection, Annual Workplan Development, and other tasks as needed.
2. Provide funds for the East Metro Water Resource Education Program described herein.
3. Provide appropriate and timely feedback to the HOST manager regarding the performance of the Water Resource Educator/s.
4. Share equipment, staff, and educational resources to facilitate Education Program planning and implementation.
5. As initiated by the HOST, discuss the progress of the Water Resource Educator/s and agree to take any action that is appropriate to ensure the successful fulfillment of project objectives.
6. Work with the Water Resource Educator/s to ensure that services are being used to address high priorities at the local level.

Water Resource Educator/s responsibilities:

1. Prepare, coordinate, and revise East Metro Water Resource Education Program Plan annually with the Steering Committee of the East Metro Water Resource Education Program.
2. Review and advise watershed district PARTNERS annually on educational aspects of their watershed district plans.
3. Develop annual plan of work with the Steering Committee of the East Metro Water Resource Education Program. Workplan will reference Washington County MS4 education programs and watershed district PARTNERS education plans.
4. Implement annual work plan, including planning, implementing, evaluating, and reporting on such anticipated activities as presentations, workshops, in-field training, demonstration projects, and published materials.
5. Pursue grants and other funding sources to enhance the East Metro Water Resource Education Program.
6. Coordinate with "Watershed Partners" and other entities conducting water resource education efforts to minimize overlap and maximize effectiveness.
7. Maintain educational information for web-based East Metro Water Resource Education Program.
8. Presents papers as appropriate at professional meetings within Minnesota.
9. Prepare annual education report (which meets MS4 requirements) and conduct shared MS4 annual meetings for participating East Metro Water Resource Education Program members

**EXHIBIT B
BUDGET**

Shared Water Resource Education Program - Washington Conservation District Annual Budget

Staff Support (2650 hours/year)	Materials	Total
\$119,780	\$6,000	\$125,780

MEMBERSHIP STRUCTURE AND FUNDING CONTRIBUTIONS*

* PARTNER contributions will be reviewed and adjusted on an annual basis, as needed and in accordance with the terms of the Agreement.

PARTNER	Annual Contribution
SWWD	\$22,000
VBWD	\$16,750
BCWD	\$16,750
CLFLWD	\$16,750
CMSCWD	\$11,000
RWMWD	\$11,000
RCWD	\$2,225
Washington County	\$11,000
MSCWMO	\$5,500
Cottage Grove	\$2,225
Forest Lake	\$2,225
Lake Elmo	\$2,225
Stillwater	\$2,225
Dellwood	\$560
Willernie	\$560
West Lakeland Twp	\$560
Woodbury	\$2,225
	\$125,780.00



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/05/2013

CONSENT

ITEM #: 5

MOTION

AGENDA ITEM: Water Supply Well No. 4 – Authorize Preparation of Plans and Specifications

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Mike Bouthilet, Public Works
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider authorizing the preparation of plans and specifications for the construction of the Production Well No. 4.

STAFF REPORT: Construction of Water Supply Well No. 4 is needed to supplement the supply capacity of the city's municipal water system in order to satisfy peak summer demands and support further expansion of the water system customer base from new growth and development. The need for Well No. 4 is documented in the City's 2030 Comprehensive Water System Plan and has been programmed in the DRAFT 2013-2017 Water Infrastructure Capital Improvement Program. Its construction will be required before additional subdivisions or major water users are added to the system. Construction of Water Supply Well No. 4 will allow the City to be responsive to development opportunities. It also provides existing water customers with adequate backup supply should issues arise with existing municipal wells.

Test Well No. 4 was completed in February of 2012 to confirm adequate production capacity and water quality for the proposed well site near 50th Street N and Lake Elmo Avenue. Upon the successful completion of Test well No. 4, a 1.38 Acre Site was purchased at 11250 50th Street North to locate the new Well and Pumphouse. The site includes a shared driveway with the property located directly north and contains adequate space to provide setback distances in accordance with the well criteria established by the Minnesota Department of Health.

To continue with the implementation of Water Supply Well No. 4, the preparation of plans and specifications for the Production Well will need to be authorized by the City Council.

Production Well No. 4 will be designed and constructed as a Jordan Formation well with the following goals:

1. A Production Well that produces a water supply meeting all primary safe drinking water standards, including safe standards for perflourochemicals (PFCs).
2. A Production Well that produces a high quality drinking water that will not require secondary treatment facilities such as clarification and filtration.
3. A High Capacity Production Well in excess of 1,000 gallons per minute (gpm).

Following completion of Production Well No. 4, or near its completion, it is anticipated that a staff will recommend that the City Council authorize the preparation of plans and specifications for the construction of Pump House No. 4 to be constructed under a separate contract. A third contract will be commissioned for a new 12-inch diameter trunk connecting watermain from the well location to connect with the existing watermain near the intersection of Lake Elmo Avenue and 43rd Street N.

FUNDING: Project costs for the Design and Construction of Production Well No. 4, Pump House No. 4 and the Lake Elmo Avenue Connecting Trunk Watermain are all incorporated into the City's \$1.0 Million DEED Water System Grant Agreement. It is a requirement of the DEED Grant that the City provide a match of \$1.0 Million, anticipated to be funded through bond proceeds. Combined with the Keats Trunk Watermain Extension, the City will be constructing almost \$2.6 million in water infrastructure projects. The state's obligation to fund the DEED Grant shall terminate if the entire Grant has not been disbursed by December 31, 2014.

RECOMMENDATION: Staff is recommending the City Council authorize preparation of plans and specifications for Production Well No. 4 in accordance with the DRAFT 2013-2017 Water Infrastructure Capital Improvement Program.

ATTACHMENTS:

1. DRAFT 2013-2017 Water Infrastructure Capital Improvement Program
2. Project Schedule
3. Preliminary Site Plan

CITY OF LAKE ELMO
2013 - 2017 CAPITAL IMPROVEMENT PLAN

DRINKING WATER SYSTEM IMPROVEMENTS

IMPROVEMENT PROJECT	2013	2014	2015	2016	2017	FUTURE	TOTAL
Water Supply Well No. 4 and Pumphouse No. 4	\$900,000						\$900,000
Well No. 4 Connecting Trunk Watermain	\$600,000						\$600,000
Keats Avenue Trunk Watermain	\$1,050,000						\$1,050,000
Inwood Ave Trunk Watermain and Booster Station [Booster Station to 10th St N]	\$2,210,000						\$2,210,000
Inwood Avenue Trunk Watermain [10th St N - Eagle Pt]	\$780,000						\$780,000
Western I94 Corridor [Inwood to Keats]: Segment 5 12" Trunk Watermain		\$400,000					\$400,000
Village Parkway Trunk, Phase 1 [Development driven]				\$400,000			\$400,000
Village Parkway Trunk, Phase 2 39th Street Trunk [Development driven]					\$600,000		\$600,000
Old Village Trunk Watermain Replacement along Lake Elmo Avenue from 30th St to TH5			\$900,000				\$900,000
Trunk Watermain along Lake Elmo Avenue from 30th St to Hudson Blvd				\$2,775,000			\$2,775,000
Elevated Tank No. 1A (@ 9,500 Total Water Population)			\$1,600,000				\$1,600,000
Well No. 5 (@ 9,700 Total Water Population)						\$960,000	NA
WATER SYSTEM Totals	\$5,540,000	\$400,000	\$2,500,000	\$3,175,000	\$600,000	NA	\$12,215,000
<i>Potential Outside Funding Sources</i>	<i>\$1,000,000</i>	<i>\$260,000</i>	<i>\$0</i>	<i>\$260,000</i>	<i>\$390,000</i>		<i>\$1,910,000</i>
	<i>DEED Grant</i>	<i>Developer</i>		<i>City Oversize</i>	<i>City Oversize</i>		

PROJECT SCHEDULE
PRODUCTION WELL NO. 4
PROJECT NO. 2013.125

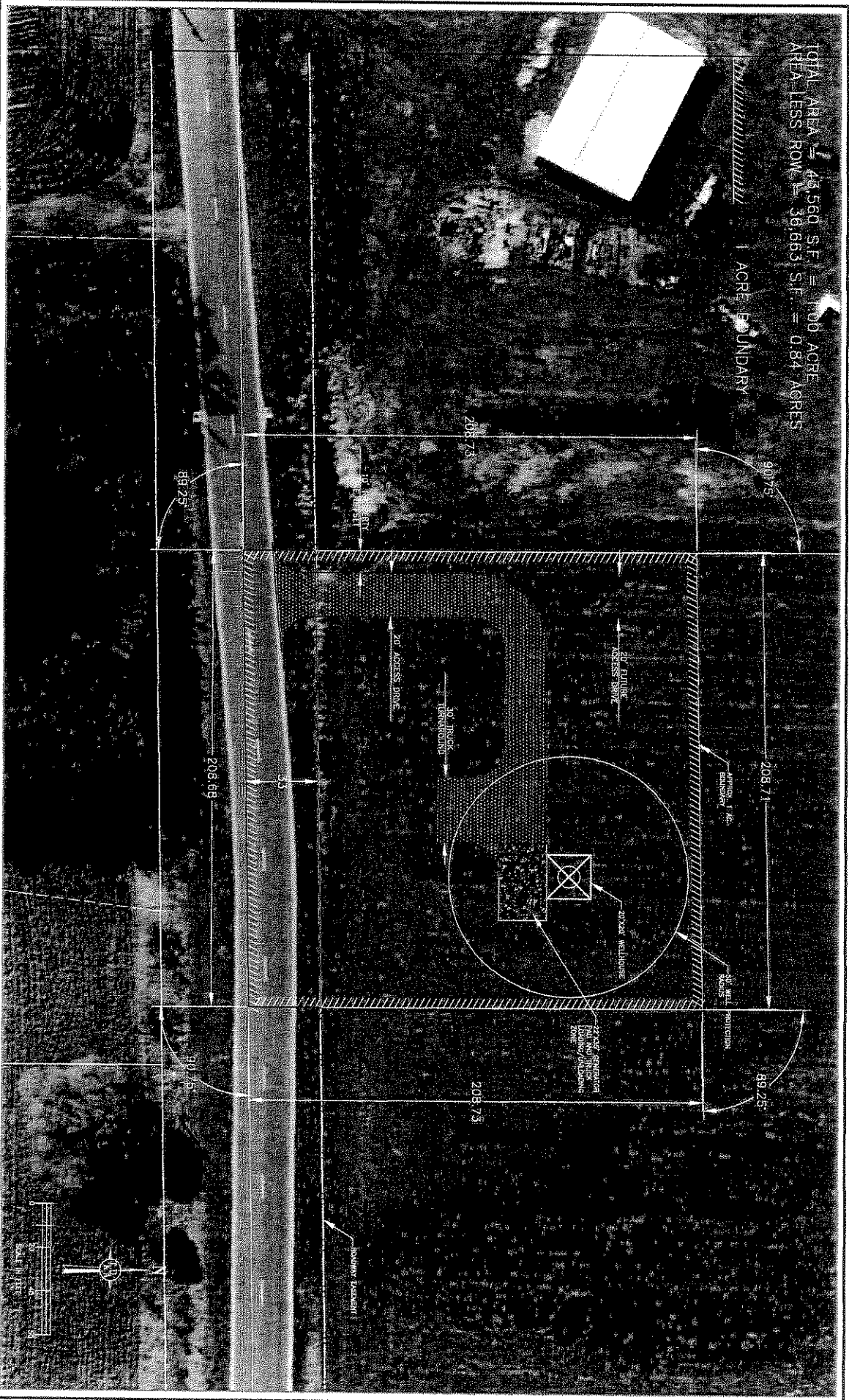
FOCUS ENGINEERING, inc.

Cara Geheren, P.E.	651.300.4261
Jack Griffin, P.E.	651.300.4264
Ryan Stempski, P.E.	651.300.4267
Chad Isakson, P.E.	651.300.4283

February 5, 2013	Council authorizes the Preparation of plans and specifications.
February 11, 2013	Project kickoff meeting.
April 2, 2013	Approve Plans and Specifications and Authorize Advertisement for Contractor Bids. (estimated 8 weeks)
May 2, 2013	Accept Contractor Bids
May 7, 2013	Contract Award.
May 10, 2013	Process and send out Contract Documents.
May 24, 2013	Receipt of Contractor's Bonds / Legal Review.
May 28, 2013	Conduct Pre-construction Meeting and Issue Notice to Proceed.
October 11, 2013	Production Well Contractor Work is substantially complete (estimated 19 weeks).
October 25, 2013	Final Completion Date. Record As-builts; Testing Results; and Close-out Documents.

TOTAL AREA = 43,560 S.F. = 1.00 ACRE
 AREA LESS ROW = 36,663 S.F. = 0.84 ACRES

1 ACRE BOUNDARY



LAKE ELMO, MINNESOTA
 4/14/2011

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/05/2013

CONSENT

ITEM #: 6

MOTION

AGENDA ITEM: Production Well No. 4 – Award Production Well Engineering Contract

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Mike Bouthilet, Public Works
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving Task Order No. 2 for Advanced Engineering and Environmental Services, Inc. (AE2S) to perform design and construction engineering services for Production Well No. 4 in an estimated not to exceed amount of \$28,500.

STAFF REPORT: The City Engineer is recommending that the City retain the Professional Services of AE2S for the design and construction engineering services for the new Production Well No. 4. AE2S is one of several firms in the City's Consultant Pool for Engineering Support Services, specifically in the area of Water System expertise. The City Engineer has reviewed the scope of services and associated fees to ensure that the costs are reasonable while maintaining a level of service necessary for a quality project.

RECOMMENDATION: Staff is recommending approval of Task Order No. 2 for AE2S to provide design and construction engineering services for Production Well No. 4 for an estimated not to exceed amount of \$28,500.

ATTACHMENTS:

1. Advanced Engineering and Environmental Services – Task Order No. 2

In accordance with ARTICLE 1 of the Master AGREEMENT between the City of Lake Elmo ("CITY") and *Advanced Engineering and Environmental Services, Inc.* ("ENGINEER"), dated **August 14, 2012** ("AGREEMENT"), the ENGINEER agrees to provide Professional Engineering Support Services as follows:

PRODUCTION WELL NO. 4

PROJECT OVERVIEW: The Project includes Design and Construction Phase Engineering Services for the Production Well No. 4 improvements.

The City of Lake Elmo is constructing a new water supply well to meet the growing water supply demands from the community and to provide redundancy. Test Well No. 4 was completed in February of 2012 to confirm adequate production capacity and water quality for the proposed well site near 50th Street N and Lake Elmo Avenue. Upon the successful completion of Test well No. 4, a 1.38 Acre Site was purchased at 11250 50th Street North to locate the new Well and Pumphouse. The site includes a shared driveway with the property located directly north and contains adequate space to provide setback distances in accordance with the well criteria established by the Minnesota Department of Health.

Following completion of Production Well No. 4, or near its completion, it is anticipated that a Well House will be designed and constructed under separate contract. A third contract will be commissioned for a new 12-inch diameter trunk connecting watermain from the well location to connect with the existing watermain near the intersection of Lake Elmo Avenue and 43rd Street N.

Production Well No. 4 will be designed and constructed as a Jordan Formation well with the following goals:

1. Production Well that produces a high quality drinking water meeting all State safe water quality drinking standards, including safe standards for perfluorochemicals (PFCs).
2. Production Well that produces a high quality drinking water that will not require secondary treatment such as filtration (acceptable concentration levels of iron and manganese).
3. High Capacity Production Well in excess of 1,000 gpm.

To determine the water quality and capacity concerns, Test Well No. 4 was completed in February of 2012 and a report of the results was prepared by SEH, Inc. The specific information collected from the test well is as follows:

1. Depth from surface to bottom of sand and gravel (top of Prairie du Chein Group) is 79 feet.
2. Depth from surface to bottom of Prairie du Chein Group (top of Jordan Formation) is 190 feet.
3. Depth from surface to bottom of Jordan Formation (top of St. Lawrence Formation) is 282 feet.

4. Initial static water level in test well was 41 feet.
5. 6-inch steel casing was installed to 210 feet.
6. Available drawdown estimated to be 165 feet.
7. Pumping water level at 300 gpm was estimated to reach equilibrium at 60 feet resulting in 19 feet of drawdown.
8. Specific capacity estimated to be approximately 15 gpm per foot of drawdown.
9. Iron: 0.363 mg/l (Secondary MCL 0.30 mg/l).
10. Turbidity: 4.9 NTU (MCL 0.3 NTU).
11. PFCs: Results are all below recommended HRLs and do not appear to be present in the proposed location.

SERVICES TO BE PROVIDED BY ENGINEER: Advanced Engineering and Environmental Services, Inc. (AE2S) shall provide the following Professional Engineering Services:

Design Phase Services

1. Attend a project kick-off meeting with City staff.
2. Provide assistance in obtaining a Conditional Use Permit from the City of Lake Elmo, Minnesota, if required.
3. Meet at the well site with Minnesota Department of Health (MDH) personnel for preliminary approval of well set-back distances.
4. Prepare a preliminary set of drawings that include General, and Civil. Drawings will be sufficiently detailed to understand project, but will lack details required of construction.
5. Prepare a preliminary list of specifications that cover the project. Specification format will meet the approval of the City of Lake Elmo and will include Lake Elmo standard general conditions and contract forms.
6. Prepare preliminary opinion of probable construction cost.
7. Review preliminary documents with City personnel at a preliminary design progress meeting and make changes as required.
8. Prepare final construction drawings and specifications based upon final/modified preliminary design documents. Final set of drawings and specifications shall include General and Civil drawings.
9. Prepare preliminary wellhead protection area delineation for the new well.
10. Prepare Part 1 and Part 2 of the wellhead protection plan for the new well.
11. Update the preliminary opinion of probable cost to reflect any modifications made during final design.
12. Review final construction documents with City personnel at a final design progress meeting and make changes as required.
13. Submit two (2) copies of the final bidding documents, and wellhead protection information to the Minnesota Department of Health (MDH) for review. Respond to questions and comments from the MDH and receive approval for the drawings and specifications.
14. Submit four (5) copies of the final bidding documents to the City Engineer and one copy in electronic format (PDF).
15. Assist City in consultations with governmental agencies.
16. Print construction drawings and specifications (Bidding Documents).

17. Distribute Bidding Documents to prospective bidders.
18. Maintain planholders list.
19. Respond to bidder questions.
20. Issue addenda to bidding documents, if required.
21. Attend bid opening, and prepare bid tabulation sheets.
22. Evaluate bids and prepare contract award recommendation letter.

Construction Phase Services

1. Organize, coordinate, and jointly lead pre-construction conference and regular monthly progress meetings during construction. Provide and distribute meeting minutes.
2. Assist the City in procuring testing services as defined in the Contract Documents.
3. Provide one time construction staking for the well.
4. Review Contractor submittals (shop drawings) for products and equipment.
5. Issue contract document clarifications as required.
6. Process contract change order requests, if required.
7. Review contractor-submitted construction progress schedules.
8. Process contractor pay requests.
9. Provide periodic construction observation by design team members during construction of the well and during test pumping operations.
10. Provide Substantial Completion inspection and punch list for Contractor and issue Certificate of Substantial Completion when appropriate.
11. Provide Final Completion inspection for Contractor and issue Certificate of Final Completion when appropriate.
12. Review final submittal from Contractor with respect to conformance with the contract documents.
13. Process final pay requests and project close-outs.
14. Provide record drawings based upon Contractor's mark-up and field observation.

CITIES RESPONSIBILITIES: The City (or its Consultant) will provide the following:

1. Coordination with the public and presentation(s) to the City Council.
2. Provide as-built drawings for existing utilities and topography at proposed well site.
3. Provide necessary easements and easement information, if required.
4. Provide interface and authorization from state agencies, such as the Department of Natural Resources (DNR), Department of Health (MDH), Valley Branch Watershed District (VBWD), and Minnesota Pollution Control Agency (MPCA) with respect to the ability to construct and operate the proposed wells in the proposed locations.
5. Provide answers to specific project questions, provide requested information and make decisions regarding project direction during the course of the project.
6. Provide review, comments, and approval of preliminary and final design document submittals.
7. Pay all permit and plan review fees for agencies as required for review and approval of Project components.
8. Pay all costs associated with Advertisement for Construction Bids.
9. Attend bid opening.

10. Attend pre-construction conference and construction progress meetings.
11. Procure necessary testing services as defined by Contract Documents and bare cost associated with required testing.

TIMES FOR RENDERING SERVICES: ENGINEER shall perform its services and provide deliverables in accordance with the following schedule:

- Preliminary Design: February 28, 2013
- Final Design: March 26, 2013
- Authorize Advertisements for Bids: April 2, 2013
- Contract Award: May 7, 2013
- Substantial Completion: October 11, 2013
- Final Completion: October 25, 2013

Note that the project schedule is dependent on timely receipt of information required from the City.

CITY'S REPRESENTATIVE AND CONTRACT ADMINISTRATION: The CITY's representative with respect to services rendered by ENGINEER under this TASK ORDER shall be the City Engineer. Project correspondence must be addressed to:

Jack Griffin, P.E., City Engineer
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
651.300.4264
Email: Jack.griffin@focusengineeringinc.com

COMPENSATION: Compensation to ENGINEER shall be on an hourly rate basis using the hourly billing rates provided in the ENGINEER's Proposal for the work, in a not to exceed amount of \$28,500. An outline of the primary scope items is provided in the following table:

- | | |
|--------------------------------|----------|
| 1. Design Phase Services | \$17,800 |
| 2. Construction Phase Services | \$10,700 |

Payment for Services shall be in accordance with ARTICLE 3.2 of the Master AGREEMENT. Invoices should be sent to the attention of the City Engineer.

TASK ORDER ASSUMPTIONS: The tasks and estimated fees presented in this proposal are based upon the following assumptions:

1. Work will be completed within the City's property, right-of-way, or on easements provided by the City.
2. This proposal does not include amending the City's Water Appropriation Permit.

3. Periodic field construction observation by project design team members for construction of the Production Well No. 4 assumes periodic site visits of not more than 30 hours total.

APPROVAL AND ACCEPTANCE: Approval and Acceptance of this Task Order, including the attachment(s) listed above, shall incorporate this document as part of the AGREEMENT. ENGINEER is authorized to begin performance of services upon receipt of a copy of this Task Order signed by CITY.

The Effective Date of this Task Order is **FEBRUARY 5, 2013**.

ADVANCED ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.

CITY OF LAKE ELMO, MINNESOTA

By _____

(Authorized Principal of the Firm)

By _____

City Administrator

MAYOR & COUNCIL COMMUNICATION

DATE: 2/05/2013

CONSENT

ITEM #: 7

MOTION

AGENDA ITEM: Creation of Administrative Committees / Finance, Human Resources

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Mike Pearson

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: To further improve the operations of the City of Lake Elmo government, the City Council will create two administrative committees under the general provisions of the Lake Elmo Code of Ordinances. The Finance Committee will serve as a regular audit committee of the City Council. The Human Resources Committee will serve as the personnel policy and staffing committee of the City of Council. The creation of both Committees are also part of the previously adopted 2013 Plan of Work.

BACKGROUND INFORMATION: Most statutory cities in Minnesota are organized with a committee structure that encompasses six main areas: Finance, Public Works, Public Safety, Human Resources, Parks and Land Use (aka Planning Commission). For the most part, the Lake Elmo City Council has taken in upon itself to act as a Committee of the Whole in the area of Finance, Public Works, Public Safety and Parks – often using regular Council Meetings to accomplish the work of traditional municipal committees. This type of oversight has led to longer meetings, and perhaps, cursory reviews of critical issues in each of these four disciplines.

As a result, key areas such as the adoption of Government Accounting Standard Board principles, including the construction of a Comprehensive Audit and Financial Report (CAFR), which are industry standards, have not been completed. In addition, until recently a thorough examination of human resource policies have not taken place. This has led Council to rely on a limited staff resource and expertise to make decisions in this area.

STAFF REPORT: With the City of Lake Elmo poised to embark on a period of mandated growth, it is paramount that its financial procedures and staffing be aligned properly. It is the staff's opinion that two administrative committees be established to oversee these two important functions. The Finance Committee, with membership of (2) Council Members, and (3) members of the community with financial experience (preferably accountants), will function as a monthly audit committee and help develop financial policies as the City entertains the cost of growth. The Finance Committee will be staffed by the Finance Director. The Human Resources Committee, with membership of (2) Council Members, and (3) members of the community with personnel experience, will function as the staffing resources and personnel policy overseers of the City.

The Human Resources Committee will be staffed by the Administrator. Community members of each committee will be appointed by the Mayor with Council approval. Both committees will function in an ad hoc role FY 2013 and if successful will be added as a standing committee in the City Code of Ordinances in FY 2014.

At the January 15th, 2013 City Council Meeting, the establishment of both administrative committees were approved by a unanimous vote. Included in the approval was the provision that the Administrator would draft Committee Guidelines to be presented to the City Council at the February 5th, 2013. The City Administrator reviewed the operations of five surrounding communities (Woodbury, Oakdale, Eagan, Roseville and Hastings) and constructed guidelines that met standard operating procedures of MN municipalities and had practical utility for the current stage of the City of Lake Elmo government. The guidelines are presented as attachments to this memo.

RECOMMENDATION: Based on the aforementioned information, the City Staff recommends the following action:

M/S/P: **To adopt staff proposed guidelines for the Lake Elmo Finance Committee and the Lake Elmo Personnel Committee.**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- 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

ATTACHMENTS:

1. City of Lake Elmo Finance Committee Guidelines
2. City of Lake Elmo Personnel Committee Guidelines

Finance Committee Operating Policies & Procedures

Scope & Purpose: To aid the City Council in the administration of financial operations of the City of Lake Elmo through the regular audit of financial statements, creation & maintenance of relevant/compliant financial policy; and the development of the annual operating budget.

Committee Duties:

- A. Insure the compliance with all Government Accounting Standard Board policies;
- B. In conjunction with Administrator, Department Heads & the Finance Director, develop and present the annual budget first in temporary form for public hearing, and in final form for Council approval;
- C. Monitor expenditures, supervise collection of accounts, and audit tax dollars use for budget;
- D. Investigate and supervise the execution of all City borrowing including the review of offering statements, debt service payments and bond sales – including the selection of a financial advisor;
- E. Oversee the annual audit and development of the Comprehensive Annual Financial Report (CAFR);
- G. Review and recommend the establishment / renewal of user and license fees – including utility fees;
- H. Coordinate supplemental revenue and grant funding with Department Heads, Finance Director and Administrator;
- I. Review requests for non-budgeted or emergency expenditures and make recommendations to the full City Council;
- J. Review any proposed changes in the City's insurance coverage and risk management program;
- K. Oversee and advise on all investment and major fund transfers of the City;
- L. Make recommendations on the issuance and conditions of licenses and franchises;
- M. Supervise the cable television franchise and oversee negotiations relating to such franchise;
- N. Construct and design financial updates and reports to keep the public informed on the use of tax dollars.

Meeting Schedule: The Finance Committee will meet the third Thursday of every month from 6:00- 7:30 PM, or as needed.

Committee Composition: (2) City Council Members
(3) Lake Elmo Residents w/ a background in business of finance

Submitted: February 5, 2013

Personnel Committee

Operating Policies & Procedures

Scope & Purpose: To aid the City Council in the administration of personnel policies and staffing through productivity audits, human resource policies, & procedures, wage & rate administration, benefit review and disciplinary procedures.

Committee Duties:

- A. In conjunction with the City Administrator, recommend human resource policies & procedures that are compliant with state & federal standards to the City Council for adoption;
- B. Maintain the City of Lake Elmo's Employee Handbook and make revisions when necessary;
- C. Monitor the general leave policy such as PTO, holidays, leave of absences, etc.;
- D. Consider and recommend departmental organization, reorganization and staffing levels needed to provide the basic service level prescribed by the City Council;
- E. Periodically review job description and staffing load;
- F. Review any proposed changes to the health/dental, disability, and life insurance policies of the City of Lake Elmo;
- G. Review the City's contribution to PERA and other non-insurance related benefits offered to City employees;
- H. Review, with the Administrator, the performance reviews of Department Heads. In addition, review performance criteria being used for relevancy and productivity;
- I. In conjunction with the Administrator, review and make recommendations regarding promotion, demotion, reassignment and termination of City employees. Review disciplinary matter to insure compliance of policies;

Meeting Schedule: The Personnel Committee will meet every quarter (March, June, September & December on the second Thursday from 6-7:30 PM or as needed.

Committee Composition: (2) City Council Members
(3) Lake Elmo Residents w/ a background in human resources

Submitted: February 5, 2013



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/05/2013

CONSENT

ITEM #: 8

MOTION *as part of the Consent Agenda*

AGENDA ITEM: Therapeutic Massage Licensing Code Amendments; Ordinance 08-067

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED: The current language regulating massage therapy in the City Code requires 500 hours of educational training. Staff is recommending that the City Council, as part of the Consent Agenda, amend the therapeutic massage portion of the City Code to allow those with specified equivalent qualifications to be eligible for licensure.

BACKGROUND INFORMATION & STAFF REPORT: The City of Lake Elmo instituted a city license structure in December of 2012. The City notified those Lake Elmo businesses known at the time to be performing therapeutic massage of the new City licensing requirements. Despite the near universal support for city licensing, several business owners informed staff that the current requirements were difficult to comply with due to the changes in massage therapy education curriculum over the past few decades. There are several massage therapists currently practicing in Lake Elmo, who have done so for several years, but who did not receive the number of classroom hours that current massage program students receive. City Staff also discovered that there were several more businesses and individuals performing massage in Lake Elmo than Staff was previously aware of.

Current City Code only allows a practitioner license to be issued after an applicant provides proof of 500 hours of therapeutic massage training. It was learned that many of those 500 hours are clinical hands-on training. Staff has contacted several of the local educational institutions who provide therapeutic massage training in the area to determine what the current certification/graduation requirements are. Minnesota currently has no State certification for massage. Most of the other states in the region do.

City code currently does afford applicants until January 1, 2014 to obtain the 500 hours of training. However, it was also learned that the majority of the hours earned closer to 500 are hands-on practice. Current practitioners who have been performing massage for the past five years or longer would not benefit from additional hands-on practice or training.

Staff then looked at several of the surrounding communities to identify how those communities handle this issue. It was discovered that those communities with a high number of classroom hour requirements, as does Lake Elmo, also allow for equivalency standards. Based upon this

new information and additional research, Staff believes that additional equivalency standards should be added to Lake Elmo's licensing structure.

The following is a summary of the new language proposed by Ordinance 08-066 regarding educational requirements:

- a) Proof of 500 hours of therapeutic massage training; or
- b) A diploma or certificate of graduation from a comprehensive massage therapy program from an accredited institution or program (an accredited institution or program are also defined in the new language); or
- c) Proof of passing a national certification exam; or
- d) Proof of 100 hours of therapeutic massage training and proof of having practiced massage therapy in the City of Lake Elmo for at least five years immediately preceding the application. This criterion is only allowed until January 1, 2014.

Staff believes that these accommodations for current Lake Elmo businesses and therapists can be made while still effectively maintaining the high level of quality in the standards the City has set forth for licensing therapeutic massage.

RECOMMENDATION: The Staff recommends approval of the proposed amendments to the therapeutic massage licensing chapter in the City Code to allow those with specified equivalent qualifications to be eligible for licensure by taking the following action:

"Move to approve Ordinance 08-067, amending the educational criteria required for a city license for the practice of therapeutic massage in the City of Lake Elmo."

ATTACHMENTS:

1. Ordinance 08-067

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-067

AN ORDINANCE AMENDING THE THERAPEUTIC MASSAGE CHAPTER OF THE BUSINESS REGULATIONS TO REVISE THE EDUCATIONAL CRITERIA REQUIRED FOR A CITY LICENSE FOR THE PRACTICE OF THERAPEUTIC MASSAGE IN THE CITY OF LAKE ELMO

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XI: Business Regulations; Chapter 114: Therapeutic Massage, as follows:

§114.015 DEFINITIONS

As used in this chapter, the following words and terms shall have the meaning stated:

ACCREDITED INSTITUTION. An educational institution currently holding accredited status from the North Central Association of Colleges and Schools (NCA) or another regional accrediting agency approved by the United States Department of Education or is licensed or registered by the state agency having jurisdiction over the school. The accredited institution must also be in compliance with the National Certification Board for Therapeutic Massage and Bodywork or other nationally recognized certification licensing organizations.

ACCREDITED PROGRAM. A professional massage program currently holding accredited status by the Commission on Massage Therapy Accreditation (COMTA), or a comparable national or regional organization which is approved by the United States Department of Education for its accrediting program for compliance with quality and competency standards through a process of periodic peer review and self-study. The accredited program must also be in compliance with the National Certification board for Therapeutic Massage and Bodywork or other nationally recognized certification licensing organization.

§114.06 GENERAL LICENSE RESTRICTIONS.

A. Educational Requirements. Persons applying for a license under this Chapter shall provide, in addition to the general application described later in this Chapter,

1. ~~one of the following: a copy of a diploma or certificate of graduation from a school approved by the state or local government agency having jurisdiction over the school. The minimum acceptable level of training shall be established five hundred (500) practitioner hours. Additionally, each practitioner must be currently certified in the administration of Cardiopulmonary Resuscitation (CPR).~~

- a) Proof of successful completion of a minimum of 500 hours of therapeutic massage training/coursework that includes subjects

of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited institution or program; or

- b) A diploma or certificate of graduation from a comprehensive massage therapy program consisting of the course work stated above in subclause a. issued to the applicant from an accredited institution or an accredited program; or
- c) Proof of passing the National Certification Exam offered by the National Certification Board for Therapeutic Massage and Bodywork or proof of passing the Federation of State Massage Therapy Boards (FSMTB) Massage and Bodywork Licensing Examination (MBLEx); or;
- d) Proof of having completed at least 100 hours of therapeutic massage training/course work that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited institution or program, as defined in section 114.015, Definitions, of this chapter, and has practiced massage therapy in the City of Lake Elmo, for compensation for at least five years immediately preceding the date of the application. This form of eligibility will be accepted until January 1, 2014; and
- e) Such other information as the city shall require; and

- 2. proof of current certification in the administration of Cardiopulmonary Resuscitation (CPR). This certification must remain valid at all times.

SECTION 8. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 9. Adoption Date. This Ordinance 08-067 was adopted on this 5th day of February 2013, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-066 was published on the ____ day of _____, 2013.



MAYOR & COUNCIL COMMUNICATION

DATE: 2/5/2013

CONSENT

ITEM #: 9 – Fiscal Impact \$\$
MOTION

AGENDA ITEM: Financial Planning Services Agreement II with Northland Securities for the purpose of analyzing water, sanitary sewer, and storm water systems in preparation of water main and sewer main extension projects.

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Pearson

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: Expend \$3,000 paid to Northland Securities, Inc. to provide additional financial analysis (including debt service and cost recovery using water and sewer rates) affiliated with the extension of water main to and through the I-94 corridor, and the construction of sewer mains through and the I-94 corridor and north to and through the Old Village.

BACKGROUND INFORMATION: In May, the City Council participated in a workshop on "Utilities and Growth". During the workshop, several options for utilities expansion were discussed that resulted in three basic priorities;

1. Providing water service from municipal wells northeast of Highway 5 to the southern and westernmost parts of the City of Lake Elmo;
2. Provide sanitary sewer service for development throughout the I-94 corridor and north to the Old Village to attempt to meet the needs of the Metropolitan Council / City of Lake Elmo Memorandum of Understanding;
3. Develop a funding plan that allows for the ability to cash flow both expansions by 2014 to eliminate the loss of \$2 million in state funding.

In June, initial analysis was done to determine the fee structure necessary to cover all expansion costs. At that time all numbers were hypothetical.

STAFF REPORT: The engineering staff of Lake Elmo has developed options for "main" utility extension that has an estimated cost of \$12.5 million. With \$2 million dedicated to Lake Elmo by the State of Minnesota, Lake Elmo would have to bond for \$10.5 million (2012 dollars) to build the truck / main infrastructure system to positively affect growth and provide vital clean potable water / sanitary services to existing residents. The Administrator of Lake Elmo has spoken with several public financial advisors and reviewed a 2009 Study from Ehlers to

determine the best financial mix to fund the \$10.5 million. In the course of the investigation, it was determined that Northland Securities, led by former City of Burnsville CFO Tammy Omdahl, was best suited to conduct a financial study that examines debt service requirements, water and sewer access charges, water and sewer rates, developer fees, grant opportunities and factor in a possible settlement / court ruling with 3M to finance utility construction using a 15 year payback schedule w/o negatively impacting the City's credit worthiness.

Now that some firm numbers are in place for actual developing of the I-94 corridor, additional analysis needs to be performed using real numbers.

RECOMMENDATION: Based upon the background information presented, the staff recommends that the City of Lake Elmo City Council:

Motion: **To approve the Financial Planning Agreement between the City of Lake Elmo and Northland Securities for an amount not to exceed \$3,000 for the purpose of updating the pro-formas used to analyze the water and sewer expansions as well as the relevant fees charged for connectivity to each. The funds are to be disbursed equally from the City's undesignated fund balance and the City's Water and Sewer Utility Funds – with funds to be recovered through fees charged as the development occurs.**

ATTACHMENTS:

- 1) Northland Securities Agreement II

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- 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

FINANCIAL PLANNING AGREEMENT

**BY AND BETWEEN
THE CITY OF LAKE ELMO, MINNESOTA
AND
NORTHLAND SECURITIES, INC.**

FINANCIAL PLANNING SERVICES II

This Agreement made and entered into by and between the City of Lake Elmo, Minnesota (hereinafter "City") and Northland Securities, Inc., of Minneapolis, Minnesota (hereinafter "NSI").

WITNESSETH

WHEREAS, the City desires to use the services of NSI for financial planning for the City's water, sanitary sewer, and storm water utility systems, including, planning for user charges and rates (hereinafter "Project").

WHEREAS, NSI desires to furnish services to the City as hereinafter described,

NOW, THEREFORE, it is agreed by and between the parties as follows:

SERVICES TO BE PROVIDED BY NSI

The scope of work to be performed by NSI is based on the following factors:

1. Using updated estimated for growth in service demand, update estimated user charges for water, sanitary sewer, and storm sewer service to ensure adequate operating revenues and reserves are maintained.
2. The analysis of user charges must consider updated future capital improvement plans to be provided by the City's engineering firm.
3. The impacts of revision to prior estimates and changes to user charges on local residents and businesses must be clearly understood and managed.

NSI will undertake the following tasks:

1. Conduct meeting with City Staff and the City's engineering firm to review project objectives, assumptions included in prior analysis, and to collect updated background data, including revised estimates for capital improvement plans.

2. Review background information about water, sanitary sewer, and storm sewer utilities. The City has the responsibility for collecting and providing NSI with information needed to conduct the study. Information sought by NSI includes:
 - a. Current user rate schedules, as adopted for 2013.
 - b. Plans for capital improvements in years 2012 through 2016 (and future years if available) including type of improvement, estimated cost, funding source, and timing.
3. Update the financial model created by NSI for the City for sanitary sewer, water, and storm sewer systems. The updated model will be used to analyze and explain the implications of alternative user charge structures. At a minimum, the model will analyze changes in: operating expenses; system usage; customers; capital improvements; and funding options.
4. Review results. NSI will meet with the City to review results of the analysis.
5. Report initial findings and recommendations. NSI will prepare a memorandum that explains the results of the analysis in Tasks 4-5 and presents a recommended course of action.

This scope of work includes up to two (2) meetings with the City to review results.

COMPENSATION

For the services specified, NSI will be paid an amount not to exceed \$3,000. The amount is based on the estimated number of hours required to complete these tasks at an hourly billing rate of \$160/hour plus reimbursable expenses for travel, printing and mailing. NSI will bill on a monthly basis for actual services performed and reimbursable expenses.

ASSIGNED NORTHLAND EMPLOYEE

The NSI employee responsible for providing services pursuant to this agreement and for the services performed is Tammy Omdal.

SUCCESSORS OR ASSIGNS

The terms and provisions of this Agreement are binding upon and inure to the benefit of the City and NSI and their successors or assigns.

DISCLAIMER

In performing service under this agreement, NSI is relying on the accuracy of information provided by the City and the services provided by Northland are based on current State Law. The parties agree that the Minnesota property tax system and other laws may change and may affect the accuracy and validity of services provided by NSI. NSI will perform its work using the best available information. The City recognizes and accepts that future property values, tax levies and tax rates may vary from the assumptions used by NSI and such changes may affect the work product produced and provided by NSI.

TERM OF THIS AGREEMENT

This Agreement may be terminated by thirty (30) days written notice by either the City or NSI. In the event of early termination by the City, NSI shall provide the City with an itemized hourly statement of services already provided. All billable hours by NSI shall be billed at the stated hourly rates should early termination occur.

Dated this ____ day of January, 2013.

Northland Securities, Inc.

By: JR F. Guelke

City of Lake Elmo, Minnesota

By: _____
City Administrator

MAYOR & COUNCIL COMMUNICATION

DATE: 2/05/2013

CONSENT

ITEM #: 10

MOTION as part of the Consent Agenda

AGENDA ITEM: Appointment of Official City Engineer and City Attorney for 2013

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to appoint an official City Engineer and City Attorney. These officials are contracted for professional engineering and legal advice. These appointments are not specifically required by statute or ordinance, but are consistent with past practice. No specific motion is needed as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: Mr. Jack Griffin of Focus Engineering currently serves as the Official City Engineer and primary provider of professional engineering services. He is supported by Mr. Ryan Stempki. Focus Engineering and the City have an ongoing agreement for professional services effective 7/19/2011. This appointment would be a continuation of that agreement.

Mr. Dave Snyder of Johnson & Turner currently serves as the Official City Attorney for both civil and criminal legal services. Mr. Snyder was last appointed on December 6, 2011. At the last appointment, Mr. Snyder indicated that he would continue his services under the same terms and conditions as the previous agreement from 4/13/2009. This appointment would be a continuation of that the previous agreement.

STAFF REPORT: The City did not solicit additional bids or conduct an RFP for Engineering Services. City Staff is satisfied with the Engineering Services provided by Focus Engineering, and the City Council has not directed formal action to consider an alternative engineering service provider.

However, should the City Council elect to direct for additional solicitation for engineering services; City staff would suggest appointing Mr. Jack Griffin of Focus Engineering as the Official City Engineer for 120 days to allow for preparation and execution of a formal Request for Proposal solicitation and rating process.

In 2010, the City Council consolidated all City legal services under a single contract. As such, no additional solicitation for legal services for 2013 is planned. City Staff is satisfied with the

legal services currently provided, and the City Council has not directed formal action to consider an alternative legal services provider.

However, should the City Council elect to direct for additional solicitation for municipal, civil or criminal legal services, City staff would suggest appointing Mr. Dave Snyder of Johnson & Turner as the City Attorney for all municipal, civil and criminal matters, for 120 days to allow for preparation and execution of a formal Request for Proposal solicitation and rating process.

RECOMMENDATION: Based upon the above background information and Staff Report, it is respectfully recommended that the City Council approve as part of tonight's *Consent Agenda* the appointment of Mr. Jack Griffin, of Focus Engineering, Inc., as the official City Engineer and principal provider of professional engineering services for 2013. In addition, Staff further recommends the appointment of Mr. Dave Snyder, of Johnson & Turner as the Official City Attorney for municipal, civil and criminal matters for 2013.

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. While tabling this item is not recommended, the Council may elect to discuss and modify these recommendations, as desired and provide staff specific direction with how to proceed accordingly.

If removed from the Consent Agenda, the suggested motions are to:

"Move to appoint Mr. Jack Griffin, of Focus Engineering, Inc., as the official City Engineer and principal provider of professional engineering services for 2013."

"Move to appoint Mr. Dave Snyder of Johnson & Turner, P.A. as the official City Attorney and principal provider of both civil and criminal legal services for 2013."

ATTACHMENTS: None

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

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/5/2013

CONSENT

ITEM #: 11

MOTION

AGENDA ITEM: Conditional Use Permit – Raleigh Creek Culvert Removal

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo has received an application for a Conditional Use Permit (CUP) from Valley Branch Watershed District (VBWD) to conduct grading in a floodway in order to remove a culvert located at Raleigh Creek and the former 28th Street. The Planning Commission held a Public Hearing on January 14, 2013 and recommended approval of the CUP. The project is being completed at the request of the City in response to requests by nearby residents to mitigate instances of flooding in the area due to blockages in the culvert during sub-freezing temperatures.

BACKGROUND INFORMATION:

The area surrounding the culvert located at Raleigh Creek and the former 28th Street has experienced flooding due to blockages caused by ice. The VBWD has previously attempted to remedy this situation by deicing the culvert through various methods. These efforts have proved ineffective and costly. In order to remedy this situation, the VBWD has determined to remove the culvert to respond to the complaints of nearby property-owners.

The Planning Commission held a Public Hearing at its meeting on January 14, 2013. Mr. Nathan Campeau, the VBWD engineer, explained that the work would be completed at a time when the creek bed is dry to minimize problems related to erosion control. With this consideration in mind, the work could be undertaken during the winter before the snow melts, or in late summer. During the Public Hearing, Mr. Jim Palecek, Mr. Glen Wichelmann and Mr. Thomas Regan, three residents of the area, spoke in favor of the project. After the Public Hearing, the Planning Commission voted unanimously to recommend approval of the CUP.

STAFF REPORT:

The grading that is to occur is intended to return the creek to its original pre-culvert cross-section or natural vegetative state. As part of the VBWD's application, they have submitted a grading plan to detail the parameters of the grading work. Additional details can be found in the VBWD application materials, as well as the City Engineer Report (1/7/13). Per the Engineer's comments, Staff will work with VBWD if any difficulties arise as part of the grading project. In addition, the applicant should be cognizant of the other comments found in the Engineer's report, including notification of adjacent property owners, required erosion control efforts, and notification of any significant tree removal.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval of the Conditional Use Permit by taking the following action:

“Move to approve Resolution 2013-06, approving the Conditional Use Permit allowing the Valley Branch Watershed District to conduct grading in a floodplain to facilitate the removal of a culvert located at Raleigh Creek and the former 28th Street, as recommend by the Planning Commission.”

ATTACHMENTS:

1. Resolution 2013-06
2. Planning Commission Report, 1-14-13
3. VBWD CUP Application
4. City Engineer's Report, 1-7-13

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 2013-06

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VALLEY
BRANCH WATERSHED DISTRICT TO ALLOW GRADING IN A
FLOODPLAIN TO FACILITATE THE REMOVAL OF A CULVERT LOCATED
AT RALEIGH CREEK AND FORMER 28TH STREET NORTH.**

WHEREAS, the Valley Branch Watershed District have requested a Conditional Use Permit to allow for grading activity within a floodway.

WHEREAS, the grading activity is intended to facilitate the removal of a culvert located at Raleigh Creek and the former 28th Street North.

WHEREAS, the City Engineer issued a report dated January 1/7/2013, highlighting the City's expectations related to the Raleigh Creek culvert removal project.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on January 14, 2013, and reviewed and recommended approval of the Conditional Use Permit to allow for grading within a floodway.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves the Conditional Use Permit requested by the Valley Branch Watershed District to remove the culvert located at Raleigh Creek and the former 28th Street North.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THE
FIFTH DAY OF FEBRUARY, 2013.**

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

City of Lake Elmo Planning Department
Conditional Use Permit Request

To: **Planning Commission**

From: Nick Johnson, City Planner

Meeting Date: **January 14, 2013**

Applicant: **Valley Branch Watershed District**

Owner: City of Lake Elmo and Valley Branch Watershed District

Location: **Raleigh Creek and Former 28th Street**

Introductory Information

<i>Application Summary:</i>	The City of Lake Elmo has received an application for a Conditional Use Permit from the Valley Branch Watershed District to conduct grading work within a floodplain. The proposed grading is part of a project to remove a culvert and road section located at Raleigh Creek and the former 28 th Street. The project is being completed at the request of the City to mitigate problems with flooding in the area caused by inadequate flowage by the culvert. The end goal of the project is to return the creek to its original vegetative state or cross-section.
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<i>Property Information:</i>	The project site is located to the northwest of Eagle Point Lake on 4 properties, including property owned by the Valley Branch Watershed District, City of Lake Elmo, and Jon and Carol Duerschler, on which the VBWD has a surface water drainage easement. The project will be completed to the west of the intersection of Jamley Ave. N. and 28 th St. N. The area to the northwest of the culvert has experienced significant flooding due to the flowage being clocked by ice during periods of below freezing temperatures.
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<i>Applicable Codes:</i>	Section 152.04 Floodway District. States that "Extraction and storage of sand, gravel, and other materials" in a floodway is a Conditional Use.
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Findings & General Site Overview

<i>Site Data:</i>	<i>Existing Use:</i> Public Right-of-Way (ROW) <i>Property Identification Numbers (PID):</i> 21.029.21.14.0005
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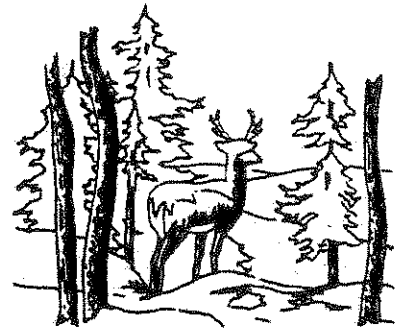
Application Review:

<i>CUP/Grading</i>	As part of the project to remove the culvert at Raleigh Creek, the VBWD will conduct
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Review:	grading work intended to return Raleigh Creek back to its original cross section or vegetative state. This will allow for the flooding that was caused by blockages in the culvert to be mitigated. As part of the application, the VBWD has noted that there will be no increase in the 100-year flood elevation on either side of the culvert. As the project has been requested by the City, Staff will work with the VBWD to ensure that no negative impacts will result to adjacent property owners. The comments outlined in the City Engineer's Report (1/11/13) should be followed to ensure that no negative impacts occur. Please refer to the Engineer's report for additional information surrounding the Raleigh Creek culvert removal.
Conditional Use Permit Conclusions:	<p>Based on the above analysis and Staff review, Staff is recommending that the Planning Commission recommend approval of the CUP based on the following:</p> <ol style="list-style-type: none">1. The proposed project is being completed at the request of the City.2. The applicant has submitted a grading plan that meets with the requirements of the City Code.
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:	None
Conclusion:	<p>The applicant is seeking approval to conduct grading within a floodplain in order to remove a culvert and road section located at Raleigh Creek and the former 28th Street.</p> <p>Staff Rec: Staff is recommending that the Planning Commission recommend approval of the request for a Conditional Use Permit in order to complete the City requested project of culvert removal at Raleigh Creek.</p>

cc: John Hanson, Barr Engineering
Nathan Campeau, Barr Engineering
David Bucheck, Valley Branch Watershed District

December 6, 2012



Mr. Nick Johnson, City Planner
City Hall
3800 Laverne Avenue N
Lake Elmo, MN 55402

Re: Land Use Application for 28th Street Culvert Removal

Dear Mr. Johnson:

Valley Branch Watershed District is submitting the enclosed Land Use Application for the removal of the culvert and road located at 28th Street and Raleigh Creek in Lake Elmo. The enclosed figures show the location of the culvert and describe the proposed work. The work includes:

1. Removal and disposal of asphalt pavement over the former 28th Street
2. Excavation and disposal of road subgrade
3. Removal and disposal of existing culvert and aprons
4. Grading to restore stream channel to match Raleigh Creek cross section upstream and downstream of road
5. Placement of 6 inches of topsoil
6. Seeding and site restoration
7. Erosion control

The following information is submitted pertaining to Section G of the Lake Elmo Code of Ordinances, Excavation and Grading Permits.

1. **Legal description of the property:** Project is located in the public right of way of Ivy Ave N and/or 28th Street N, west of Jamley Ave N, east of 27th St. Court N. Parcel Number 21.029.21.14.0005, Section 21, Township 029, Range 021.
2. **Required fee by Chapter 70 of Uniform Building Code:** Waived for public project
3. **Evidence of ownership:** City-Owned (see enclosed property map)
4. **Existing and Proposed final grades:** Existing Valley Branch Watershed District Stream Crossing Details sheet from 1987 (enclosed). Proposed grades will match existing on each side of the creek, 3 horizontal to 1 vertical (3:1) maximum slopes.
5. **Survey showing location and elevation of all roads, utilities and structures:** Enclosed map and culvert detail sheet show location of roads and the stormsewer
6. **Tree Survey showing all trees 6" caliper or larger:** No large trees will be removed
7. **Landscape and site restoration plan:** See enclosed map for description of the proposed work
8. **A development concept plan:** N/A
9. **A drainage plan which includes engineering work for stormwater retention:** N/A
10. **Erosion Control Plan indicating type and location of erosion measures:** See enclosed map for description of the proposed work



DAVID BUCHECK • LINCOLN FETCHER • DALE BORASH • JILL LUCAS • EDWARD MARCHAN

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

www.vbwd.org

11. **Traffic Analysis showing how materials will be removed from site:** Construction traffic will travel along 28th Street North.
12. **Soil borings and maps:** Soils borings are not available; however soil samples from the area were taken and tested to determine disposal methods. The soil samples were found to be generally clean and have been accepted for disposal at two landfills.
13. **Other info required by city:** N/A
14. **Schedule of building construction:** N/A
15. **Hours of operation:** 7 a.m. to 6 p.m. Mon to Friday
16. **Duration of activity:** 3 weeks

If you have any further concerns please do not hesitate contacting me at (952) 832-2854 (ncampeau@barr.com) or John Hanson at (952) 832-2622 (jhanson@barr.com).

Sincerely,



Nathan Campeau, P.E.
Barr Engineering Company
Engineer for the Valley Branch Watershed District

Enclosures

1. Land Use Application
2. Washington County Parcel Map
3. Figure 1: Site Map and Project Description
4. Project 1007 Plansheet and Details

c: VBWD Managers

Fee \$ 0

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- | | | |
|---|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input type="checkbox"/> Minor Subdivision | <input type="radio"/> 01 - 10 Lots |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | <input type="radio"/> 11 - 20 Lots |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="radio"/> 21 Lots or More |
| <input checked="" type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Excavating & Grading Permit |
| | | <input type="checkbox"/> Appeal |
| | | <input type="checkbox"/> PUD |

APPLICANT: Valley Branch Watershed District P.O. Box 838, Lake Elmo, MN 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-748-4230
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Valley Branch Watershed District P.O. Box 838, Lake Elmo, MN 55042
(Name) (Mailing Address) (Zip)

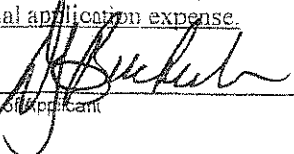
TELEPHONES: 651-748-4230
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description):
Parcel Number 21.029.21.14.0005, Section 21 Township 029, Range 021

DETAILED REASON FOR REQUEST: City of Lake Elmo has requested this culvert and road be removed.

*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.

 12/13/12
Signature of Applicant Date

Signature of Applicant Date

From: [Nathan Campeau](#)
To: [Nick Johnson](#); [John P. Hanson](#);
[Ryan Stempski](#);
cc: [Nathan Campeau](#);
Subject: RE: Raleigh Creek Culvert
Date: Friday, January 04, 2013 5:00:56 PM

Nick-

Our intention is to work around all large trees, although it is probable that a few of the smaller volunteers will need to be removed to facilitate the grading. In addition, there is a chance that a tree or two around 4-8" in diameter (older volunteer trees) may need to be removed. If that is the case, what would be the procedure for removing those older volunteer trees from the City's property?

Here's a brief narrative of the proposed work:

Along Raleigh Creek, the Valley Branch Watershed District (VBWD) is proposing to remove the former 28th Street crossing and the associated culvert and restore the channel cross section to match the up- and downstream geometry. This will remove a restriction to flow in the channel. The work involves removal of the asphalt surface of the former 28th Street, excavation and disposal of approximately 225 tons of material, removal and disposal of a 73-inch arch pipe and flared end sections, final grading to match the existing channel cross section, seeding and installation of erosion control blanket over the disturbed areas, and installation of a biolog along the toe of the channel for erosion control. The work will be performed when Raleigh Creek is dry in order to minimize the risk of erosion. Underbrush and some smaller volunteer trees will be removed, although care will be taken to minimize impacts to trees.

Please let me know if you need any more information.

Thank you,

Nathan Campeau, PE, CFM

Water Resources Engineer

Minneapolis office: 952.832.2854 | cell: 612.710.8140

<mailto:ncampeau@barr.com>

www.barr.com

resourceful. naturally.

Parcel Number: 21.029.21.14.0005

Property Address:

LAKE ELMO, MN

Class: EXEMPT

Legal Description:

PT SE 1/4 OF NE 1/4 COM AT NE COR OF SE 1/4 OF NE 1/4
THENCE S ALONG SEC LINE A DIST OF 15.1 FT THENCE S 62
DEG 40'W A DIST OF 38.6 FT TO PT OF BEG OF THIS
DESCRIPTION THEN S 62 DEG 40'W A DIST OF 159.9 FT
THENCE S 17 DEG 20' EAST A DIST OF 56.2 FT THENCE NORTH
62 DEG 21' EAST A DIST OF 150.8 FT THENCE NORTH & PAR TO
SD SEC LINE BY 16.5 FT A DIST OF 33.4 FT THENCE NORTH 40
DEG 32'W A DIST OF 27.4 FT TO PT OF BEG ALSO A STRIP OF
LAND 33 FT WIDE ALONG NORTH LINE OF LAND HEREBY
CONVEYED & EXTENDED EAST TO A PT 16.5 FT WEST OF
NORTH & SOUTH SEC LINE BETWEEN SEC 21 & 22 WHICH IS
HEREBY CONVEYED & RESERVED FOR RD PURPOSES
SECTION 21 TOWNSHIP 029 RANGE 021

Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2012	\$2,700	\$0	\$0	\$2,700
2011	\$2,700	\$0	\$0	\$2,700
More Years...				

Land Information

Lot Type	Square Feet	Acres
Lump Sum	15,178	0.348



1 inch = 100 feet



Figure 1

28TH ST CULVERT REMOVAL
Valley Branch Watershed District
Lake Elmo, MN

- Work Includes:
- Remove 32 feet of 73" RCPA and 2 aprons
 - Remove gravel road
 - Grade to match existing channel dimensions with a 3:1 max slope
 - Place 6" of topsoil
 - Install seed mix 270 at 120 lbs. per acre
 - Install Category 2 erosion control blanket on all disturbed surfaces

Proposed 2-ft Contours

Existing 2-ft Contours

Construction Limits

Drainage Easement

Parcels

Raleigh Creek

1 inch = 30 feet

0 15 30 Feet

Grading Plan

28TH ST CULVERT REMOVAL

Valley Branch Watershed District

Lake Elmo, MN

Bio-log will be installed along the toe of the channel in all disturbed areas. The work will be performed when the creek is dry.

Parcel information from Wash County GIS Viewer.

Proposed 2-ft Contours

Existing 2-ft Contours

Construction Limits

Drainage Easement

Parcels

Raleigh Creek

1 inch = 30 feet

0 15 30 Feet

Grading Plan

28TH ST CULVERT REMOVAL

Valley Branch Watershed District

Lake Elmo, MN

Bio-log will be installed along the toe of the channel in all disturbed areas. The work will be performed when the creek is dry.

Parcel information from Wash County GIS Viewer.

Duerscherl Property

Estimated Surface Water
Drainage Easement

Proposed 28th Street Culvert Removal

Construction Access

28th Street

City Street ROW

Berns Property

County Property

Valley Branch
Properties

City Property

Comparison of Floodings Elevations on Raleigh Creek With and Without 28th Street Culvert

12/23/2012

Node	Description	Controlling Event	Controlling 100-Year Elevation (ft)		
			Culvert In	Culvert Out	Difference
RLE-15.1	153 Feet Upstream of 28th	Rain	908.0	907.9	-0.1
28TH-ST-U	Upstream of 28th	Rain	907.6	907.6	0.0
28TH-ST-D	Downstream of 28th	Rain	907.5	907.5	0.0
28TH-ST-D.1	515 Feet Downstream of 28th	Rain	907.2	907.0	-0.2
RL20PATHHU	742 Feet Downstream of 28th	Rain	907.0	907.0	0.0
RL20PATHHD	772 Feet Downstream of 28th	Rain	905.9	905.9	0.0
PATH_H.1	956 Feet Downstream of 28th	Rain	904.8	904.8	0.0
RLE-20	1140 Feet Downstream of 28th	Rain	902.9	902.9	0.0
RL20PATHD	1170 Feet Downstream of 28th	Rain	900.5	900.5	0.0
PATH_I.1	1548 Feet Downstream of 28th	Snowmelt	900.3	900.3	0.0
EPL-1D	1752 Feet Downstream of 28th	Snowmelt	900.3	900.3	0.0
EPL-1A	2210 Feet Downstream of 28th	Snowmelt	900.3	900.3	0.0
EPL-1	Eagle Point Lake: 3401 Feet Downstream of 28th	Snowmelt	900.3	900.3	0.0
EPL-6	Eagle Point Lake: 4469 Feet Downstream of 28th	Snowmelt	899.7	899.7	0.0

Negative values indicate that the culvert removal results in a water surface decrease

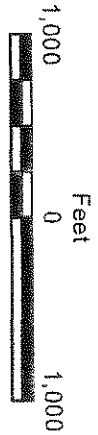


Legend

- Streams
- Parcels



1 inch = 1,000 feet



100-Year Surface Change

28TH ST CULVERT REMOVAL
Valley Branch Watershed District
Lake Elmo, MN

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
Chad Isakson	651.300.4283

Date: January 7, 2013

To: Nick Johnson, City Planner
Cc: Ryan Stempski, P.E., Assistant City Engineer

Re: City of Lake Elmo
VBWD 28th Street Culvert Removal

From: Jack Griffin, P.E., City Engineer

We have received updated materials for the Conditional Use Permit and Excavating & Grading Permit application for the VBWD 28th Street Culvert Removal. The following items were received in addition to the items identified in the December 26, 2012 Memo prepared by Jack Griffin, City Engineer:

- 28th Street Culvert Grading Plan received via email on December 27, 2012.
- Project Narrative received via email on January 4, 2013.

We have reviewed the application materials and have the following comments:

1. The applicant has provided the limits of construction and has indicated that all work will be contained within public rights-of-way or VBWD easements. Property Owner notifications regarding the construction activity is the responsibility of the VBWD.
2. The applicant has provided a proposed grading plan and project narrative describing the nature of the work to be completed. Accordingly the applicant is indicating that there are no utilities, structures or trees that will be disturbed as a result of the project with the exception of the 28th Street 73-inch arch culvert, flared end sections and the overlying bituminous road.
3. No significant trees are to be damaged or removed. Should any significant trees need to be removed during construction, they must be clearly identified and reviewed by the City of Lake Elmo prior to removal.
4. The applicant has submitted hydraulic calculations indicating that there will be no negative floodplain impacts to adjacent properties, both upstream and downstream from the project.
5. Implementation and enforcement of erosion and sediment control meeting city standards will be the responsibility of VBWD throughout the project. The VBWD is required to re-establish vegetation for disturbed areas.



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/5/13

CONSENT

ITEM #: 12

RESOLUTION NO. 2013-07

AGENDA ITEM: Christ Lutheran Church Lot Size Variance – 3549 Lake Elmo Ave N

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick M. Johnson, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a variance request from Christ Lutheran Church, 11194 36th Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North. The split is intended to allow the church to retain ownership of the majority of the parking lot on this site while selling the building to another party along with a small portion of the existing parking area. A variance is needed because the resulting parcels of 0.42 acres (building plus small parking area) and 0.27 acres (larger parking area on northern portion of site) are well below the minimum lot size requirement of one and a half acres in this district and would also not meet the minimum lot width requirements of the district.

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

“Move to approve Resolution 2013-07 approving a variance to allow Christ Lutheran Church to split its parcel at 3549 Lake Elmo Avenue into two separate lots that do not meet the minimum requirements of the GB – General Business zoning district for lot area and lot width.”

BACKGROUND INFORMATION: The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission. Should the Council support the Planning Commission recommendation for approval of the request, the attached resolution reflects the findings that were adopted by the Commission with one additional condition that has been recommended by Staff.

PLANNING COMMISSION REPORT: The Planning Commission reviewed the variance request at its January 14, 2013 meeting and conducted a public hearing at this time. The Commission received a letter from Kathy Weeks, 3647 Lake Elmo Avenue North, opposed to the granting of the variance. Jim Kelly, as a representative of the church, discussed the rationale behind the request for the lot split. He noted that a potential buyer of the old Lake Elmo Bank building has indicated that they do not need all of the parking that is presently associated with this building.

The Commission discussed the parking situation on the property, and generally supported the variance with a condition that the church allow any future building owners to share the parking area it will retain. The Commission further recommended that this agreement be reciprocal to also allow the church to use the parking that would be retained by the owner of the old bank building.

After further review of the request by Staff, the Council is being asked to consider one additional condition related to the existing storm water retention area that lies adjacent to the proposed boundary between the lots. Because this existing rain garden infiltration area would remain entirely under the ownership of the church and yet collects storm water runoff from the adjacent parking area, a drainage easement should be placed over the infiltration area in order to ensure its continued use and availability for the future owner of the bank building. This additional condition has been drafted as part of the attached resolution of approval.

PLANNING COMMISSION RECOMMENDATION: Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the variance request from Christ Lutheran Church, 11194 36th Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North by undertaking the following action:

“Move to approve Resolution 2013-07 approving a variance to allow Christ Lutheran Church to split its parcel at 3549 Lake Elmo Avenue into two separate lots that do not meet the minimum requirements of the GB – General Business zoning district for lot area and lot width.”

ATTACHMENTS:

1. Resolution 2013-07
2. Planning Commission Report (1/14/13)
3. Application Form
4. Application Narrative
5. Letter from Potential Buyer
6. Location Map
7. Certificate of Survey for Lot Split
8. Letter from Kathy Weeks (3647 Lake Elmo Ave N)

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, MINNESOTA**

RESOLUTION NO. 2013-07

***A RESOLUTION APPROVING A VARIANCE TO ALLOW CHRIST LUTHERAN
CHURCH TO SPLIT AN EXISTING LOT INTO TWO SEPARATE PARCELS THAT DO
NOT MEET MINIMUM LOT SIZE AND WIDTH REQUIREMENTS***

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

WHEREAS, Christ Lutheran Church, 11194 36th Street North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a variance to split the lot at 3549 Lake Elmo Avenue North into two separate parcels that do not meet the minimum area and lot width requirements of the GB – General Business zoning district; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on January 14, 2013; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated February 5, 2013; and

WHEREAS, the City Council considered said matter at its February 5, 2013 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 Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said Section 154.017 have been met by the Applicant.
- 3) That the proposed variance is to split the existing lot at 3549 Lake Elmo Avenue North into two separate parcels that do not meet the minimum area and lot width requirements of the GB – General Business zoning district. The proposed parcels would be 0.42 acres

and 0.27 acres in size, which is under the minimum lot size requirement of 1.5 acres. The proposed parcels would also be 80 and 123.5 feet in length, which is shorter than the minimum requirement of 150 feet.

- 4) That the Variance will be located on property legally described as follows: Lots 39 and 40, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. More commonly known as 3549 Lake Elmo Avenue North.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings: That the proposed use is reasonable because the potential buyer of the former Lake Elmo Bank building has stated that they do not have a need for all of the parking provided on the site. Between the former bank building and the Christ Lutheran Church facility there is an expected amount of parking that will be using this property that will not change due to a change in ownership over a portion of the site.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings: That the applicant's property is unique due to the large amount of parking that exceeds most other off-street parking lots in the downtown village area of Lake Elmo. The Zoning Ordinance does allow for waivers of parking requirements in the GB – General Business District and any future users would need to request such a waiver under if their parking needs exceeded the amount available.*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings: That the proposed lot split will not change the current use of the site for offices and parking. Any potential impacts associated with a lack of parking for the office uses could be mitigated with a shared parking arrangement that allowed any potential building tenants to use the parking area outside of peak Church usage periods.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings: No impacts above and beyond those considered normal for any other business use in the surrounding area would be expected should the variance be granted.*

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, provided the following conditions are met:

1. The Applicant shall execute a shared-parking arrangement with the future owners of the former Lake Elmo Bank Building that will allow any future tenants of this building to use the parking lot to be retained by the Applicant during time periods when the parking lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of the former Lake Elmo Bank Building.
2. The applicant shall provide for a drainage easement across the storm water infiltration area that collects storm water runoff from both of the parcels to be created by the lot split.

Passed and duly adopted this 5th day of February 2013 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

City of Lake Elmo Planning Department
Variance Request

To: **Planning Commission**

From: **Kyle Klatt, Planning Director**

Meeting Date: **1/14/13**

Applicant: **Christ Lutheran Church**

Location: **3549 Lake Elmo Avenue North**

Zoning: **GB – General Business District**

Introductory Information

<i>Application Summary:</i>	The City of Lake Elmo has received an application for a variance from Christ Lutheran Church, 11194 36 th Street North that would allow them to proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North. The split is intended to allow the church to retain ownership of the majority of the parking lot on this site while selling the building to another party along with a small portion of the existing parking area. A variance is needed because the resulting parcels of 0.42 acres (building plus small parking area) and 0.27 acres (larger parking area on northern portion of site) are well below the minimum lot size requirement of one and a half acres in this district.
------------------------------------	--

<i>Property Information:</i>	<p>Christ Lutheran Church acquired the former Lake Elmo Bank property sometime after the bank relocated along State Highway 5, and has previously leased out office space within the building while using the parking lot for people attending church events. This arrangement has worked out fairly well over the past several years because the peak parking demand associated with the office use falls outside of the church's peak parking periods on nights and weekends. The St. Croix Sensory business was in the building for several years, but has since relocated recently leaving the building vacant.</p> <p>The applicant has found a potential buyer for the property, but this buyer has indicated that they will not need all of the parking on the site for their business. As a result, the Church would like to retain ownership of a majority of the parking lot, which would allow them to continue using it as accessory parking for the Church. The Church recently undertook a renovation of the parking lot at 3549 Lake Elmo Avenue North by resurfacing the entire lot and adding a new storm water infiltration feature in the middle of the property. The proposed lot split would keep the rain garden areas under the control of the Church.</p>
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Applicable Codes:	<p>Section 150.017 Variances.</p> <p><u>(A-I) Variances.</u> Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.</p> <p>Section 154.051 General Business District Regulations</p> <p>(C) Minimum District Requirements:</p> <p>Lot Size: 1-1/2 acres (except as required by Interstate Corridor Overlay District, §§ 150.230 - 150.238)</p> <p>Off-Street Parking: (Also See §§ 154.095 and 154.096) The off-street parking requirements for properties located in the Old Village District and south of Minnesota Highway 5 may be waived by the Zoning Administrator upon demonstration that there are no suitable locations to provide off-street parking in a manner that complies with requirements found below and in §§ 154.095 and 154.096.</p>
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Findings & General Site Overview

Site Data:	<p>Lot Size: 37,502 square feet (0.86 acres)</p> <p>Existing Use: Vacant (Former Office Building and Parking Lot)</p> <p>Existing Zoning: GB – General Business District</p> <p>Property Identification Number (PID): 13-029-21-23-0053</p>
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Application Review:

Applicable Definitions:	<p>PRACTICAL DIFFICULTIES “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.</p> <p>UNIQUE CIRCUMSTANCES. The plight of the landowner is due to circumstances unique to the property not created by the landowner</p> <p>VARIANCE. A request for a variance from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter</p>
Variance Review:	<p>The applicant is proposing to split a parcel of land into two separate lots, each of which does not meet the underlying requirements of the Zoning Ordinance for lot size. In addition, the reduction of the number of stalls available for the building on the premises could create a situation in which there is not enough parking available on the remaining building site to meet the minimum parking requirements of the code.</p>

**Variance
Criteria:**

Please note; however, that the BG – General Business District does allow a waiver to the granted for parking in instances where suitable parking is deemed not available. Because of this waiver language, Staff is not reviewing this request as if a separate variance is required to reduce the number of parking stalls associated with the business. Staff also is recommending that the applicant develop a shared parking arrangement with the future owners of the former bank building that will allow the use of these stalls when they are not being used by the Church. Given the differences in peak usage times between the Church and office uses, this should present a reasonable compromise to allow the applicant to retain ownership of some land on the site.

Approval of the variance would otherwise have no immediate impact on the surrounding properties, and the parcel to be retained by the Church would not be considered a buildable parcel due to its significantly substandard size.

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

1. ***Practical Difficulties.*** *A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.*

Under this standard, the City would need to find that the lot split would result in a reasonable use of the property not otherwise permitted under the zoning ordinance. The appropriate findings for this standard would therefore need to note that reducing the parking available to the existing building is reasonable action. Using this standard as a basis, Staff is suggesting that the Planning Commission consider the following:

FINDINGS: That the proposed use is reasonable because the potential buyer of the former Lake Elmo Bank building has stated that they do not have a need for all of the parking provided on the site. Between the former bank building and the Christ Lutheran Church facility there is an expected amount of parking that will be using this property that will not change due to a change in ownership over a portion of the site.

2. ***Unique Circumstances.*** *The plight of the landowner is due to circumstances*

unique to the property not created by the landowner.

In order to demonstrate compliance with this standard, the Planning Commission would need to note those aspects of the applicant's property that would not pertain to other properties within the same zoning classification. Again, Staff is suggesting some findings that could be considered by the Planning Commission as follows:

FINDINGS: That the applicant's property is unique due to the large amount of parking that exceeds most other off-street parking lots in the downtown village area of Lake Elmo. The Zoning Ordinance does allow for waivers of parking requirements in the GB – General Business District and any future users would need to request such a waiver under if their parking needs exceeded the amount available.

3. ***Character of locality.*** *The proposed variance will not alter the essential character of the locality in which the property in question is located.*

A formal set of findings related to this standard is suggested as follows:

FINDINGS: The proposed lot split will not change the current use of the site for offices and parking. Any potential impacts associated with a lack of parking for the office uses could be mitigated with a shared parking arrangement that allowed any potential building tenants to use the parking area outside of peak Church usage periods.

4. ***Adjacent properties and traffic.*** *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.*

No impacts above and beyond those considered normal for any other business use in the surrounding area would be expected should the variance be granted.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending approval of the variance request based on the findings noted in items 1-4 above. Staff is also recommending that this approval include a condition that the Church provide for a shared parking arrangement that will allow for usage of the lot retained by the church during times when the church does not need to use this lot for parking.

***Variance
Conclusions:***

Based on the analysis of the review criteria in City Code and referenced in the preceding section, Staff is recommending **approval** of the applicant's request to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General

Business Zoning District.

Resident Concerns: Staff has received a letter from Kathy Weeks, 3647 Lake Elmo Avenue North, in opposition to the variance. This letter is attached for consideration by the Planning Commission

Additional Information: No additional reviews are required as part of this request. Should the variance be approved, the applicant would be able to proceed with a Minor Subdivision to split off a portion of the parking lot from the remaining building.

Conclusion:

Christ Lutheran Church is seeking approval of a variance that would allow the Church proceed with a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North.

Commission Options:

The Planning Commission has the following options:

- A) Recommend approval of the variance request;
- B) Recommend denial of the variance request;
- C) Table the request and direct staff or the applicant to provide additional information concerning this application.

The deadline for a Council decision on this item is January 26, 2012, which can be extended an additional 60-days if needed.

Rec: Staff is recommending approval of applicant's variance request to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General Business Zoning District based on the findings documented in the above Staff report and provided the following condition is met:

- 1) The applicant shall execute a shared-parking arrangement with the future owners of the former Lake Elmo Bank Building that will allow any future tenants of this building to use the parking lot to be retained by the Church during time periods when the parking lot is not used by the Church.

Denial Motion

To deny the request, you may use the following motion as a guide:

Template:

I move to recommend denial of the request for a variance to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General Business Zoning

District ...*(please site reasons for the recommendation)*

**Approval
Motion**

To approve the request, you may use the following motion as a guide:

Template:

I move to recommend approval of the request for a variance to split the lot at 3549 Lake Elmo Avenue North in a manner that creates two new lots that do not comply with the City's minimum lot size requirements for the GB – General Business Zoning District ...*(or cite your own)*

...with the conditions outlined in the staff report.

cc: James E. Kelly, Board of Administration Chair, Christ Lutheran Church

Fee \$ _____

**City of Lake Elmo
DEVELOPMENT APPLICATION FORM**

- | | | |
|--|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Variance * (See below) | <input type="checkbox"/> Residential Subdivision Preliminary/Final Plat |
| <input type="checkbox"/> Zoning District Amendment | <input checked="" type="checkbox"/> Minor Subdivision | <input type="checkbox"/> 01 - 10 Lots |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> 11 - 20 Lots |
| | | <input type="checkbox"/> 21 Lots or More |
| <input type="checkbox"/> Flood Plain C.U.P. Conditional Use Permit | <input type="checkbox"/> Residential Subdivision Sketch/Concept Plan | <input type="checkbox"/> Excavating & Grading Permit |
| <input type="checkbox"/> Conditional Use Permit (C.U.P.) | <input type="checkbox"/> Site & Building Plan Review | <input type="checkbox"/> Appeal <input type="checkbox"/> PUD |

APPLICANT: Christ Lutheran Church P.O. Box 310 Lake Elmo, MN 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-2881
(Home) (Work) (Mobile) (Fax)

FEE OWNER: Same as above
(Name) (Mailing Address) (Zip)

TELEPHONES: _____
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): _____

3549 Lake Elmo Ave N, Lake Elmo

Lots 29 and 30, County Auditors Plat No. 8

DETAILED REASON FOR REQUEST: See attached letter

***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:

See attached letter

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.

Jim E Kelly 11/26/12
Signature of Applicant Date
Chair, Bd. of Administration

Signature of Applicant Date



11194 36th Street North * Lake Elmo, MN 55042
Phone: 651/777-2881 * Fax: 651/748-0145
Mailing: P.O. Box 310, Lake Elmo, MN 55042

November 27, 2012

Mr. Kyle Klatt
City of Lake Elmo Planner
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Variance and Minor Subdivision, 3549 Lake Elmo Avenue North

Dear Mr. Klatt:

As was discussed in your meeting on October 31, 2012 with Tim Beres and Jim Kelly of Christ Lutheran Church (CLC) of Lake Elmo, CLC currently owns the property at 3549 Lake Elmo Avenue. The property currently consists of two parcels, Parcel 1: a 4,684 square foot single story building and associated 12 stall parking lot and access lanes; and Parcel 2: a 26 stall parking lot and rain garden area. CLC currently utilizes Parcel 1 for church office, meeting, and storage space, and Parcel 2 for weekend and event parking. The current legal description of the property is:

- Parcel 1: The South 40 feet of Lot 29 and all of Lot 30, County Auditor's Plat No. 8, as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota, being in the Village of Lake Elmo, Minnesota. Registered Property Certificate of Title No. 58428.
- Parcel 2: Lot 29 except the south 40 feet thereof, County Auditor's Plat No. 8, Washington County, Minnesota.
- The Parcel ID No. is 130-29-21-23-0053.

The entire property is currently zoned General Business and has been for sale or lease since being vacated by our previous tenant in August 2011. CLC was granted tax exempt status for the property by Washington County in August 2012.

CLC is currently negotiating a possible sale of the property to Mr. Robert McDowell of The McDowell Agency, Inc., a company that conducts pre-employment screening and other investigative services. The company is currently located in St. Paul, Minnesota but is interested in moving to Lake Elmo. An issue that has come up during our negotiations is that the property in its current configuration is too large for Mr. McDowell's business needs and in fact is an impediment to negotiations; a letter to that effect from Mr. McDowell is attached.

To facilitate a possible sale of the property, which would benefit the city by bringing in a new business and adding to the tax base, and to meet the long-term needs of both CLC and The McDowell Agency,

CLC is requesting a variance to City Ordinance 154.051 regarding lot width and minimum acreage of commercially zoned properties in the Old Village area of Lake Elmo. CLC is also requesting a minor subdivision of the property as shown on the attached new survey.

Enforcement of the current City Ordinance regarding minimum lot size and width would limit the ability of CLC to retain long-term control and use of the large parking lot. Because of parking limitations at the main church property located one block to the east, CLC needs the parking lot for use during Sunday services, Wednesday evening education hour, and occasional weddings, funerals, or other events. If the property is not legally divided before a sale, CLC could lose long-term access to the parking lot in the event a future owner does not grant access or redevelops the property. In addition, enforcement of the City Ordinance is impractical because the total property, like many commercial properties in the Old Village, does not meet the 1.5 acre minimum specified in the ordinance. In the future, sanitary sewer service will also make the minimum lot size irrelevant. Enforcement of the 150 foot minimum lot width is also impractical, as the current and future use as a parking lot does not require any particular lot size for access or other reasons.

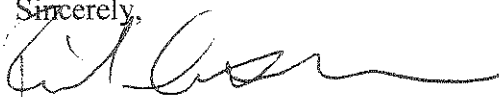
CLC is proposing a minor subdivision of the property along the proposed new lot lines shown on the attached, updated survey by Ulteig Engineers. The proposed new legal description is:

- Tract A: The South 46.00 feet of Lot 29 and all of Lot 30, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota. Contains 18,155 Sq. Ft., or 0.42 Acres, more or less.
- Tract B: That part of Lot 29 lying north of the South 46.00 feet thereof, COUNTY AUDITOR'S PLAT NO. 8, Washington County, Minnesota. Contains 11,760 Sq. Ft, or 0.27 acres, more or less.

By dividing the property along the proposed line, CLC is retaining full ownership and maintenance responsibility of the rain garden installed at the property in 2011. If the requested variance and minor subdivision is granted by the city, CLC is willing to allow the potential buyer of Tract A (and future owners) use of the parking lot during normal business hours as needed. This is consistent with the current use of the property, which is often used as a convenience parking lot by area residents and visitors, and the proposed variance and minor subdivision will not alter the essential character of the neighborhood in any way.

CLC is looking forward to working with the City of Lake Elmo on this issue to facilitate the potential sale of the commercial building property (Tract A) and return it to the tax rolls. Please find attached the completed Development Application Form, verification of ownership, updated survey, application fee, and associated materials. If you have any questions please contact Jim Kelly at 651-201-4910 or Tim Beres at 612-940-8891.

Sincerely,



Richard Sluss
Congregation President
Christ Lutheran Church



THE MCDOWELL AGENCY, INC.
INVESTIGATION & PRE-EMPLOYMENT SCREENING

November 1, 2012

Mr. Kyle Klatt
City of Lake Elmo Planner
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: The McDowell Agency, Inc.
Purchase of 3549 Lake Elmo Avenue Property

Dear Mr. Klatt:

We have been in discussions to purchase the property noted above. A key factor in our discussions has been the parking lot.

Our business does not need the additional parking and removing this from the purchase is a strong motivator for moving this matter forward.

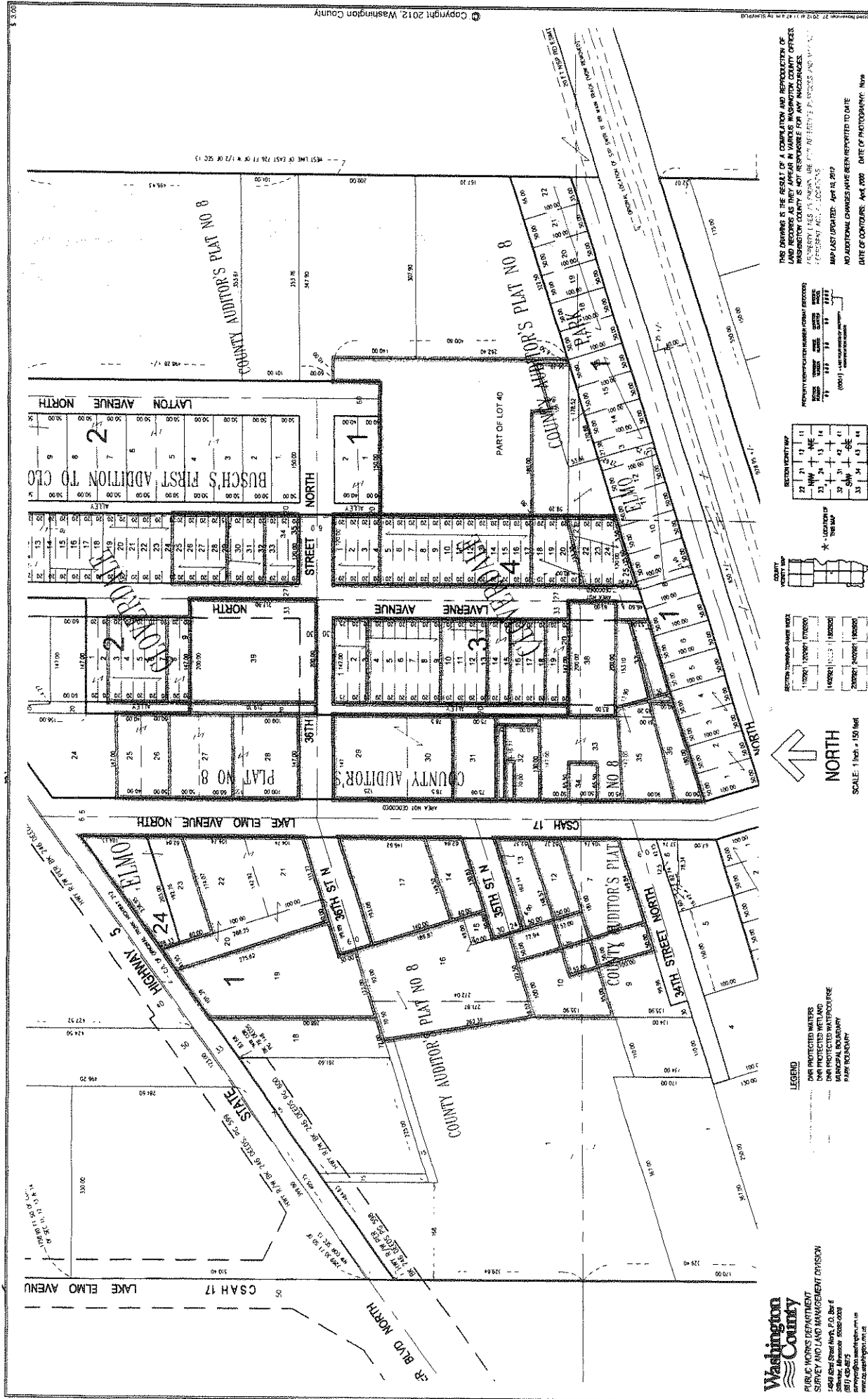
If you have any questions for me or if I can be of additional assistance please feel free to contact me at any time.

Thank you for your time and consideration.

Sincerely,

Robert McDowell

1714 UNIVERSITY AVENUE WEST • ST. PAUL, MN 55104
651-644-3880 • FAX: 651-644-3877
www.mcdowellagency.com



THIS DRAWING IS THE RESULT OF A COMPILED AND REPRODUCTION OF
LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES.
WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES,
INCONSISTENCIES OR OMISSIONS. USE AT YOUR OWN RISK. WASHCO AND WCA
RESERVE ALL RIGHTS.

MAP LAST UPDATED: April 2012


NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE.

DATE OF COURTESY: APRIL 2010 DATE OF PHOTOGRAPHY: NOV

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★ - LOCATION
COUNTY

SECRETARY	112792	120961	070250
SECRETARY	140250	11115	182500
SECRETARY	220000	240761	180250

 NORTH
SCALE: 1 inch = 150 feet

3. 2000年12月1日

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**HUMAN
RESOURCES
MANAGEMENT DIVISION**

Washington Co.
PUBLIC WORKS
SURVEY AND LAND
14945 82nd Street North
Shoreline, Minnesota 55431
(612) 432-8875
surveys@washco.mn.us
www.washco.mn.us

Revised	Date	Description	By

$\text{avg } \text{SE} = \text{SE}(\text{SE})$
 $\text{flag} \text{ "SE" } \text{if } \text{flag} \text{ "SE"}$
 $\text{flag} \text{ "SE" } \leftarrow \text{SE} \cdot 0.13 \cdot \text{avg}$
 $\text{avg} \text{ "SE" } \leftarrow \text{SE}$
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1. The first step is to identify the problem. In this case, the problem is that the system is not working properly.

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¹⁰ The authors would like to thank the referees for their constructive comments and suggestions. The authors would also like to thank the editor for his/her valuable comments and suggestions.

LEGEND

Return Site Web: www.asstc.nrc.gov

MILKING

⊗ FLAG POLE

Submitted by: SEL GUYENBAND Date: 20 / 05 / 2020

SUN CHEN, YU-CHIAO SUN† —————

RESEARCH SIGNIFICANCE

100

3125 02. 6. 68 - 02. 08. 68

I hardly getty that this study. Don or report was prepared my client supervision and that I am a Duke University student.

Approved by _____
 National Executive Committee

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2765 Lexington Ave. N., St. Paul, Minnesota 55105
Phone: 651.415.2000 Fax: 651.415.7001
Blomquist - Coda: Daphn - Denver, Daphn Lakes
Mango - Shore Park - St. Paul, Minnesota

Web: www.usg.com

Certificate of Survey
3549 Lake Elmo Ave. N.
Lake Elmo, MN 55042

Project Number: 12-03958
Date: 11-20-12
Sheet: 1 of 1

76-0892

Date: 1-10-13

Attn: Kyle Klatt, Planning Director

RE: Public Hearing for Variance request by Christ Lutheran Church

From: Kathy Weeks, 3647 Lake Elmo Ave. N.

Dear Mr. Klatt,

I respectfully request the City of Lake Elmo deny the variance request of Christ Lutheran Church to subdivide the parking facilities of the commercial property of 3549 Lake Elmo Ave. N.

I have no malice towards the Church, but I believe the City would not be acting in the best interests of the tax payers of Lake Elmo to make a commercial building non-conforming and therefore devalue it.

I'm not sure, but wouldn't the city have to rezone the parking area to Public Facilities? If so, that would take the parking lot area out of the commercial zone and for sure commercial use, taking the commercial tax rate out of the City's tax roll, making less tax dollars for the City to use. I don't agree with that type of planning.

I believe that this commercial property would be less valuable to a potential buyer/owner if they did not have enough parking for their employees and customers, and/or have to 'rent' their parking from the church.

I live next to the Church, and it appears for most days that the Church patrons only need extra parking on Sundays and during funerals. Therefore, most days of the week the parking lot would remain unused.

A potential solution: The city owned property kitty-corner to the church, at 3585 Laverne Ave. N. Lake Elmo Regional Art Center, could perhaps be sold to the church, the property is already zoned Public Facilities(?), the house sold and moved, and a parking area created for the church. I don't know if the city is allowed legally to make such a transaction, but it may be an option to investigate - just my 2 cents.

In conclusion, my points are:

1. Making a conforming commercial building into a non-conforming property is in conflict with the best interests of the City.
2. Making a commercial property non-conforming devalues the property, which is not in the best interests of the tax payers.
3. The demand for use of the parking area by the church seems *less than* the demand for use by the potential building owner and future commercial business.

Please consider my comments when making your recommendation to the Planning Commission on Monday evening.

Thank you!



Kathy Weeks

3647 Lake Elmo Ave. N.



MAYOR AND COUNCIL COMMUNICATION

DATE: 02/05/2013

REGULAR

ITEM #: 13

MOTION

AGENDA ITEM: Contractor Licensing Program

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director
Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

In order to more effectively regulate that building activities in Lake Elmo are undertaken by professional and competent contractors, Staff recommends improving the existing contractor licensing program. These improvements include licensing additional trades or types of contractors to cover a wider array of project types.

STAFF REPORT:

The licensing of contractors working in Lake Elmo is in the public's interest and provides the residents with an additional level of protection and competence not currently available. The program is intended to protect the residents of Lake Elmo by promoting quality and ethical practices in construction.

The City Council reviewed the proposed at the meeting on January 15, 2013, and decided to postpone the item to allow for further clarification and discussion. Resulting from the discussion between members of the Council and Staff, some changes were made to the original draft ordinance. These changes include the following:

- Asphalt/concrete and landscaping work no longer requires a contractor license.
- Work within the City's right-of-way (ROW) requires a license, which is consistent with the City's ROW Permit application.
- Property owners who are conducting plumbing work on their property, language removed.

RECOMMENDATION:

Staff recommends that the Council approve the proposed additions to the City's contractor licensing program with the following motion:

“Move to approve Ordinance 08-68, thereby establishing an improved contractor licensing program to set minimum standards related to competency and professionalism in construction activities in Lake Elmo, MN.”

Staff further recommends that the City Council adopt Resolution No. 2013-08 authorizing summary publication of Ordinance 08-68. **This requires a 4/5 vote for passage.**

ATTACHMENTS:

1. Ordinance 08-68
2. Resolution 2013-08

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

ORDINANCE NO. 08-68

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
ESTABLISHING LICENSING REQUIREMENTS FOR CONTRACTORS TO ENSURE
COMPETENCY AND PROFESSIONALISM IN CONSTRUCTION ACTIVITIES IN LAKE ELMO,
MINNESOTA.**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XI:
Business Regulations; Chapter 115: Building Contractors, by adding the following
language:**

§115.01 POLICY. It is deemed in the interest of the public and the residents of the city that the work involved in building, alteration, construction, and the installation of various appliances and service facilities in and for such buildings be done only by individuals that have demonstrated or submitted evidence of their competency to perform such work in accordance with applicable codes and ordinances of the city regulating the same.

§115.02 LICENSE AND PERMIT REQUIRED

A. License Required

1. No person, firm or corporation shall operate, maintain, conduct or engage in the following businesses or work, except in accordance with state statutes, this code and other applicable ordinances of the city.

- a. Demolition- Residential Dwelling, Commercial Structure
- b. Driveway
- c. Excavation
- d. HVAC
- e. Irrigation
- f. Sewer line installer
- g. Water line installer
- h. Sign Installer

i. Right of way

2. This subsection shall not be construed as preventing any such qualified licensee from performing the work by an employee under his/her supervision and control, or by contract with another person qualified to perform the same; provided that the contractor is subject to the control of the licensee, and the licensee is at all times responsible for the work performed. A contractor not subject to the control of a licensee shall be required to obtain a license.

B. *Permit Required.* For each of the businesses or occupations listed in subsection A1 of this section for which the State of Minnesota provides for the registration thereof, permits shall be granted only to holders of a state or city license; except that the owner of any property may perform work when work is performed in accordance with the codes and ordinances of the city, and for such purpose, a permit may be granted to such owner without a license obtained.

§115.03 APPLICATION FOR LICENSE; INSURANCE REQUIREMENTS; ISSUANCE OR DENIAL

A. Contents of Application; Insurance:

1. Applications for a license shall be made on forms provided by the city clerk. On such form, the applicant shall state the following information:
 - a. His/her name, and business and home address; and if the application is made on behalf of a partnership, association or corporation, the name and address of such partnership, association or corporation, and the phone number of the contact person.
 - b. If the proposed licensee is a partnership, the name and home addresses of all partners; or if the proposed licensee is an association or corporation, the names and home addresses of its principal officers and managers and of the owners (not to exceed 10) or the largest shareholders of the business or enterprise.
 - c. Such information as is required to be furnished by ordinance or is reasonably required by the city clerk or other applicable city departments.
2. The application shall include documentation indicating insurance coverage, which shall remain in effect during the license term, and non-cancellation provisions, which provide a minimum of thirty (30) days' notice to the City prior to cancellation, as follows:
 - a. Comprehensive general liability insurance not less than one hundred thousand dollars (\$100,000.00) for injuries including accidental death to any one person,

and subject to the same limit for each person in an amount of not less than three hundred thousand dollars (\$300,000.00) on account of any one accident;

b. Property damage insurance not less than fifty thousand dollars (\$50,000.00) for each accident and not less than one hundred thousand dollars (\$100,000.00) aggregated; and

c. Workers compensation insurance coverage of employees as required by State law.

B. *Signatures Required.* The proposed licensee shall sign the application; or if the proposed licensee is a partnership, an association or corporation, at least one person having power under its bylaws to execute contracts of the association or corporation shall sign.

C. *Renewal Applications.* Applications for renewals of licensee may, in the interest of brevity, substitute for any required information a reference to statements contained in previous applications, which are on file with the city.

D. *Issuance of License.* The license shall be granted by the city clerk, after investigation and positive recommendations from applicable city staff, upon proof of the applicant's qualifications, and compliance with section 115.04 of this chapter.

E. *Denial of License; Appeal.* In the event the city clerk determines that the application does not comply with the ordinance criteria, the report and recommendation of the city clerk and applicable staff shall be referred to the city council, together with the reason or reasons for the proposed denial. A copy of the recommendation shall be supplied to the applicant. The applicant may appear before the city council to respond to the recommendation of denial. The city council shall make the appropriate findings and either issue or deny the license application.

§115.04 STANDARDS FOR LICENSE ISSUANCE; TERM

A. *Standards for Issuance Generally; Term.* Licenses and renewals thereof shall be issued after an investigation and verification of the applicant's qualification and record in the performance and operation of the types of work for which the applicant seeks a license. Licenses shall be issued for one calendar year from January 1 through December 31. New licenses will run from date of issuance through December 31.

B. *Investigation.* All applications for license may be referred to the director of public safety for verification and investigation of the facts set forth in the application. Investigations may include, but not limited to, a driver's license and want/warrants check and/or a criminal history records check on the applicant. The director of public safety may cause to be made such investigation of the information requested in section 115.03 of this chapter.

C. *Standards for Denial.* Licenses and renewals therefore may be denied by the city council for any of the following reasons:

1. Failure to complete the application or file the required license fee or insurance policy.
2. Misstatement in the application.
3. Failure to comply with special conditions required by statute or ordinance for issuance of a license.
4. Violations of licensing ordinances by applicant, or suspension or revocation licenses held by the applicant in the city or elsewhere.
5. Violation of any state statute or city code provision which creates a threat to the public peace, health, safety and welfare.
6. Disregard and violation of the building, housing, sanitary, health, and fire laws of the state, county, or city.
7. Any conduct which is contrary to the public interest, including, but not limited to, fraud, misrepresentation, or other dishonest or deceitful conduct.

§115.05 LICENSE FEE; EXEMPTION. The annual fee for license shall be established by ordinance of the city council from time to time. No license fee shall be required of any person, firm or corporation, pursuant to this section, who, by state law, is required to attain standards of competency or experience as a prerequisite to engaging in such craft or profession; provided that the person shall provide evidence to the city that the individual, firm or corporation has a license in good standing from the state, and further provides proof of insurance in effect through the term of license issued by the state.

§115.06 SUSPENSION OR REVOCATION OF LICENSE

A. *Grounds for suspension or revocation.* If any licensee violates or is in default of complying with any condition, requirement, duty or rule of conduct imposed on him/her by any statute or ordinance, or if any one or more of the following

conditions exist, the city clerk may initiate proceedings before the city council to suspend or revoke the licensee's license:

1. If the applicant for a license or renewal thereof knowingly made any false statements in the application for a license.
2. When the applicant has violated any state statute or city code provision which creates a threat to the public peace, health, safety and welfare.
3. When there is disregard and violation of the building, housing, sanitary, health and fire laws of the state, county or city.
4. For failure to notify the city of any change in control of ownership, management or business name or location within thirty (30) days of such change.
5. Conducting a building contracting business in any name other than the one for which the contractor is licensed.
6. Any conduct which is contrary to the public interest, including, but not limited to, fraud, misrepresentation or other dishonest or deceitful act.

B. Procedures for Suspension or Revocation. Procedures for suspension or revocation shall be as follows:

1. The licensee shall be provided with notice of the reasons for any proposed suspension or revocation. The notice shall provide the licensee with an opportunity to explain the rationale for the proposed suspension or revocation.
2. The licensee shall be notified in advance of the date, time, place and purpose of the council meeting where the action on the license will be considered. The licensee shall have an opportunity to be heard at the meeting. After making appropriate findings, the council may continue the license in effect, impose conditions on the license or revoke the license.

§115.07 EXEMPTIONS FROM PROVISIONS. No license will be required under this chapter in the following circumstances:

- A. For public service corporations performing work upon or in connection with their own property, except as may be provided by other provisions of this code.
- B. For manufacturers for work incorporated with equipment as a part of the manufacturing, except as provided in other provisions of this code.

§115.08 EFFECT ON LIABILITY. This chapter shall not be construed to affect the responsibility or liability for any party owning, operating, or installing the work

described in this chapter for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the licensing of persons engaged in such work.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-68 was adopted on this fifth day of February 2013, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-68 was published on the ____ day of _____, 2013.

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

RESOLUTION NO. 2013-08

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-68
BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-68, an ordinance to add Chapter 115 – Building Contractors; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-068 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-68, which represents a revision to the City Code, specifically establishing additional licensing requirements for contractors to ensure competency and professionalism in construction activities in Lake Elmo. The adopted additions include:

- Specification of what types of work require contractor licensure
- Specification of what types of work require city licensing
- Process and requirements for obtaining a contractor license
- Suspension and revocation of license procedures
- Fees and exemptions from the provisions.

The full text of Ordinance No. 08-68 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: _____, 2013.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR AND COUNCIL COMMUNICATION

DATE: 2/05/2013

REGULAR

ITEM #: 14

MOTION

AGENDA ITEM: Approval of City Credit Card Policy

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

Approve the Credit Card Use Policy for the City of Lake Elmo to document the rules and expectations for City card users.

BACKGROUND INFORMATION:

Historically there was one City credit card that was used for all City purchases. This made it very difficult to pay for many incidental charges which are approved in the budget and necessary in the day to day operations of the City (i.e. ordering or picking up supplies and parts, on-line conference enrollment, business related travel, etc.). The policy outlines that all members of the City Management team would have their own independent cards which would roll up into a global City account so that each user would be clearly responsible for their own expenditure activity. These cards will be obtained through Lake Elmo bank and as such there will be no annual fee or cost to the City.

RECOMMENDATION:

It is recommended that the City Council approve the Credit Card Policy so that all credit card users clearly understand the responsibilities that go along with their use of those cards and sign an acknowledgement form to document their acceptance of those terms:

“Move to approve the Lake Elmo Credit Card Policy dated 2/5/2013”

MAYOR & COUNCIL COMMUNICATION

DATE: February 5, 2012

REGULAR

ITEM #: 15

MOTION

AGENDA ITEM: Re-designation of Park Commission Members

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Pearson

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

To elevate Park Commission Alternate Member Shane Weis to a Regular Standing Member for the purpose of serving as Chairman and assigning Park Commission Regular Member Judith Blackford to Alternate Member.

BACKGROUND INFORMATION:

At the January 22, 2013 Lake Elmo Park Commission meeting, no regular member of the body wished to assume the Chairmanship for outgoing Pamela Hartley. However, alternate member Shane Weis agreed to Chair the Commission if eligible. To facilitate this change in office, regular member Judith Blackford gracefully agreed to assume Shane Weis's alternate status. The Park Commission then unanimously voted for Shane Weis as Chairman of the Park Commission.

STAFF REPORT:

As it is the Mayor's purview, with Council affirmation to appoint Park Commission members, it appropriate for the City Council to affirm the administrative action of the Park Commission to elect Shane Weis as Chairman as a regular member and to affirm the re-designation of Judith Blackford as an Alternate Member.

RECOMMENDATION:

Based upon the background information presented, the staff recommends that the City of Lake Elmo City Council:

Motion: **To affirm the Park Commission re-designation of Shane Weis as a regular member of the Park Commission hereby allowing him to assume the role of Chairman;**

To re-designate Judith Blackford as an alternate member of the Park Commission.

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Administrator
- 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

MAYOR AND COUNCIL COMMUNICATION

DATE: 02/05/2013

REGULAR

ITEM # 16

MOTION

AGENDA ITEM: Adoption of the Administrative citation fee schedule
SUBMITTED BY: Rick Chase, Building Official

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director
Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED: Section 10.99(E)(2) of the Lake Elmo City Code requires the adoption by resolution of a schedule of fines for the administrative citation program. The administrative citation language was adopted in July of 2010. The action requested is intended to implement the administrative citations program by adopting the associated fee schedule.

STAFF REPORT: The proposed fee schedule of administrative fines considers the type of violation, the severity, and the number of times the property is non-compliant within a year period. As certain properties continue to remain in a state of non-compliance, fines may increase depending on the context of the violation and period of non-compliance. The increase of fee is to help reduce the number of repeat offenses by the same owner. The administrative citation ordinance was adopted by the City Council in July of 2010 as a means to address property maintenance and safety issues.

RECOMMENDATION: *Staff recommends that the council move to approve the proposed addition to the city code with the following motion:*

“Move to approve Resolution 2013-09, thereby approving the administrative citation fee schedule.”

ATTACHMENTS:

1. Resolution 2013-09
2. Administrative Citation Fee Schedule

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 2013-09

**A RESOLUTION ADOPTING THE ADMINISTRATIVE CITATION FEE
SCHEDULE FOR THE CITY OF LAKE ELMO.**

WHEREAS, the City of Lake Elmo adopted an administrative citation program in 2010 to address property maintenance and safety concerns.

WHEREAS, the City of Lake Elmo is required to adopt a fee schedule for administrative citations per §10.99 of the Lake Elmo City Code.

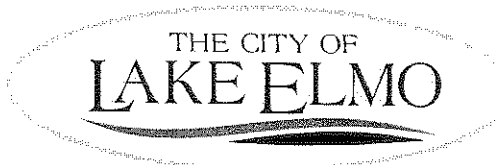
NOW, THEREFORE, BE IT RESOLVED the Lake Elmo City Council adopts the fee schedule for administrative citations.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
5TH DAY OF FEBRUARY, 2013.**

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk



ADMINISTRATIVE CITATION FEE SCHEDULE

Fines for General Code Violations are as follows:	
1 st offense	\$100.00 for each violation
2 nd offense	\$200.00 for each violation within one year from the first citation
3 rd offense	\$500.00 for each violation within one year from the first citation
Fines for Building and Safety Code Violations are as follows:	
1 st offense	\$100.00 for each violation
2 nd offense	\$500.00 for each violation within one year from the first citation
3 rd offense	\$1000.00 for each violation within one year from the first citation
4th offense or subsequent offenses may be subject to criminal prosecution or any other legal remedy available to the City. An administrative citation may also be issued independently or concurrent to any other legal action taken by the City.	



MAYOR AND COUNCIL COMMUNICATION

DATE: 02/05/2013

REGULAR

ITEM #: 17

MOTION Ord. 08-069

AGENDA ITEM: Adoption of Amended 2013 Fee Schedule; Ordinance 08-069, An Ordinance Amending Schedule of Municipal Fees for Services

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

Due to changes approved by Council to the Lake Elmo City Code, it is necessary to amend the City's fee schedule regarding services the city provides. The City Council is requested to consider approval of Ordinance 08-069, An Ordinance Amending Schedule of Municipal Fees for Services.

STAFF REPORT:

It is incumbent upon the City to continually and regularly review the Municipal Fee Schedule to ensure that it is in compliance with the state and local law. Please find the proposed 2013 Amended Fee Schedule prepared with input from staff reflecting the most current city licensing, permit fees, and service costs.

The fee schedule revisions and amendments being proposed reflect the following changes from the previous version of the City of Lake Elmo Fee Schedule:

- Contractor Licensing Changes
- Update the Fire Inspection fees
- Incorporation of Administrative Citations

RECOMMENDATION

It is recommended that the City Council affirmatively consider adopting Ordinance No. 08-069 approving the 2013 fee schedule. The suggested motion to do so is as follows:

"Move to adopt the attached Ordinance 08-069, An Ordinance Amending Schedule of Municipal Fees for Services, as presented herein."

Alternatively, the City Council does have the authority to further discuss, deliberate and amend this proposed schedule, prior to taking action. While tabling this action is not recommended, if changes are made by the Council, the appropriate action following such changes would be:

“Move to adopt Ordinance No. 08-069 approving the 2013 Fee Schedule, as presented [and modified] herein.”

ATTACHMENT:

- 1) Ordinance 08-069, An Ordinance Amending Schedule of Municipal Fees for Services
- 2) 2013 City of Lake Elmo Fee Schedule
- 3) Fee Modifications Summary

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....Finance 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**

ORDINANCE NO. 08-069

AN ORDINANCE SETTING MUNICIPAL FEES FOR CALENDAR YEAR 2013

The Lake Elmo City Council hereby adopts the following fee schedule for calendar year 2013 and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A – 2013 Fee Schedule

ADOPTION DATE: Passed by the Lake Elmo City Council on the 5th day of February, 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

EFFECTIVE DATE: This ordinance shall become effective immediately upon adoption and publication.

PUBLICATION DATE: Published on the _____ day of _____ 2013.

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Accessory Bldg forward of Primary Structure (\$154.092)	\$200.00		Planning
Administrative Citations			Administration
General Code Violations:			Administration
1 st offense	\$100.00 per violation		Administration
2 nd offense within one year from the first citation	\$200.00 per violation		Administration
3 rd offense within one year from the first citation	\$500.00 per violation		Administration
4 th offense or subsequent offenses may be subject to criminal prosecution or any other legal remedy available to the City. An administrative citation may also be issued independently or concurrent to any other legal action taken by the City.			
Building and Safety Code Violations:			Administration
1 st offense	\$100.00 per violation		Building
2 nd offense within one year from the first citation	\$500.00 per violation		Building
3 rd offense within one year from the first citation	\$1000.00 per violation		Building
4 th offense or subsequent offenses may be subject to criminal prosecution or any other legal remedy available to the City. An administrative citation may also be issued independently or concurrent to any other legal action taken by the City.			
Amateur Radio Antenna	\$875.00		Building
Appeal (to Board of Adjustment and Appeals)	\$150.00		Planning
Assessment Search	\$15.00/ search		Administration
Building Demolition			Administration
Residential	\$200.00	Plus \$5.00 Surcharge (State Mandated)	Building
Commercial	\$300.00		Building
Burning Permit			Fire
Residential	\$45.00		Fire
Commercial	\$80.00		Fire
Illegal Burn	see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Certificate of Zoning Compliance			Planning
Accessory Structures < 120 SF	\$75.00		Planning
Fence (less than 6')	\$75.00		Planning
Swimming Pool	\$75.00		Planning
Comprehensive Plan Amendment	\$1,300.00		Planning
Conditional Use Permit (CUP)			Planning

City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
New	\$1,050.00	Witness Communication Facilities Fee \$500.00. Flood	Planning
Amended	\$500.00	Plain Ordinance Fee Escrow \$500.00.	Planning
Contractor License Fees			
Demolition	\$50.00		Licensing
Driveway	\$50.00		Licensing
Excavator	\$50.00		Licensing
HVAC	\$50.00		Licensing
Irrigation	\$50.00		Licensing
Sewer/Water Line Installer	\$50.00		Licensing
Sign Installer	\$50.00		Licensing
Solid Waste Hauler	\$120.00		Licensing
Tree Contract	\$70.00		Licensing
Copy Services (Paper/Electronic)			
Copies (B&W)	\$0.25 per page		Administration
Copies (Color)	\$0.50 per page		Administration
Copies (B&W) 11x17	\$1.00 per page		Administration
Copies (Color) 11x17	\$2.00 per page		Administration
GIS Scaled Aerial	\$15.00		Administration
City Street Maps (36x40)	\$20.00		Administration
Existing Maps	\$5.00		Administration
Custom (Per Hour Rate)	\$70.00		Administration
Plan Size Maps (Larger than 11x17)	\$20.00		Administration
Development Standards Specs/Details	\$55.00		Administration
Code Book	\$160.00		Administration
Code Book Sections 1,2,4,6-12,14	\$12.00		Administration
Code Book Section 3	\$52.00		Administration
Code Book Sections 5 & 13	\$27.00		Administration
Comprehensive Plan	\$125.00		Administration
OP Ordinance	\$12.00		Administration
Parks Plan	\$80.00		Administration
Culverts in Developments with Rural Section			
	\$160.00		Administration
Daycare Inspection Fee			
	\$60.00	Plus \$5.00 Surcharge (State Mandated) Plus 1% of Value. Minimum \$100.00	Fire
Dog License	\$20.00		Licensing

City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Service Dogs License	\$5.00		Licensing
(Dogs with special training to assist individuals with disabilities)			Licensing
Duplicate License or Tag	\$1.00		Licensing
First Impound- Unlicensed Dog	\$60.00		Licensing
First Impound- Licensed Dog	\$42.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Cat	\$42.00		Licensing
Subsequent dog/ cat impound	\$85.00		Licensing
Driveway			Planning
Residential	\$70.00		Planning
Commercial	\$160.00		Planning
Easement Encroachment			Planning
Electronic Fund Withdrawal/Bill Payment	\$100.00	Staff & Recording Fee	Administration
Erosion Control	Fee + Trans. Charge		Engineering
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Engineering
Excavating & Grading \geq 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500.00	Engineering
Excavating & Grading \geq 400 cubic yards	\$500.00	\$500.00 fee escrow plus security \$1,500.00 per acre with \$1,500 minimum.	Engineering
False Alarms (12 Month Period)* (*1-3 no charge)			Fire
Residential			Fire
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			Fire
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Fire Alarm Systems (new or rework including low voltage systems)	1.2% of value	plus \$5.00 surcharge; Minimum \$100	Fire
Flood Plain District Delineation	\$500.00		Planning
Fuel Tank Removal (Underground)	\$100.00	Plus \$5.00 Surcharge (State Mandated)	Administration
Fuel Tank Install	2% of value of work	Minimum \$100.00	Administration
HVAC			Administration
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus \$5.00 Surcharge (State Mandated)	Building
Commercial	\$60.00/unit	Up to 3 units or 1% of total valuation, whichever is greater. Plus Surcharge (State Mandated)	Building

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Interim Use Permit (IUP)			
Fee			Planning
Renewal	\$1,050.00		Planning
AG Sales/Entertainment	\$300.00		Planning
Liquor License	\$250.00		Planning
Club On-Sale Intoxicating	\$100.00		Licensing
On-Sale Intoxicating	\$1,500.00		Licensing
Off-Sale Intoxicating	\$200.00		Licensing
Off-Sale Non-Intoxicating	\$150.00		Licensing
On-Sale Intoxicating- 2nd Building	\$750.00		Licensing
On-Sale Non-Intoxicating	\$100.00		Licensing
On-Sale Investigation	\$350.00		Licensing
On-Sale Sunday Intoxicating	\$200.00		Licensing
Temporary Non-Intoxicating	\$25.00		Licensing
Wine	\$300.00		Licensing
Lot Line Adjustment	\$325.00		Licensing
Manufactured Home Parks			Planning
Fee	\$1,000.00		Planning
New	\$1,200.00	Plus \$2,500.00 Fee Escrow	Planning
Move home out of the city	\$200.00	Plus \$5.00 Surcharge (State Mandated)	Building
Move home into the city	\$200.00	Plus \$5.00 Surcharge (State Mandated)	Building
Massage Therapy Premises License			Licensing
Application Fee	\$100.00		Licensing
Investigation Fee	\$100.00		Licensing
Massage Therapy Practitioner License			Licensing
Application Fee	\$50.00		Licensing
Investigation Fee	\$25.00		Licensing
Massage Therapy Premises License Renewal	\$50.00		Licensing
Massage Therapy Practitioner License Renewal	\$25.00		Licensing
Massage Therapy License Amendment	\$50.00		Licensing
Minor Subdivision	\$525.00		Planning
Moving House or Primary Structure into City	\$520.00	Plus security w/amount to be determined by the City w/recommendation from building official	Administration

City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Moving Accessory Structure into City	\$305.00	Plus security to be determined by the City w/recommendation from building official	Administration
Other Inspections and Fees			
Inspection outside of business hours	\$70.00 (2 Hr. Minimum)		Building
Re-inspection Fees Assessed	\$50.00 per hour		Building
Inspections with no fee assigned	\$50.00 per hour		Building
Construction Escrow	\$5,000.00	Or determined by Building Official	Building
Cancelled Permits	\$25.00		Building
Work without Permit	see notes	Investigative fee to equal permit fee	Building
Park Dedication (up to 3 lots)	\$3,600.00 per lot	Four or more lots per \$153.14	Planning
Parking Lots			Engineering
New Commercial	\$175.00	\$500 Fee Escrow. Security \$1,500.00 per acre with \$1,500.00 minimum.	Engineering
Existing Commercial	\$200.00		Engineering
Platting			
Sketch Plan Review (Subdivision)	\$500.00		Planning
Concept Plan (OP Development)	\$1,250.00	\$2,000.00 Fee Escrow	Planning
Preliminary Plat (and OP Preliminary Plan)	\$1,850.00	\$5,000.00 Fee Escrow	Planning
Final Plat (and OP Final Plan)	\$1,250.00	\$8,000.00 Fee Escrow (City will retain escrows to reimburse review costs for each stage of development review)	Planning
Planned Unit Development			Planning
General Concept Plan	\$1,250.00	\$2,000.00 Fee Escrow	Planning
Development Stage Plan	\$1,850.00	\$5,000.00 Fee Escrow	Planning
Final Plan	\$1,250.00	\$8,000.00 Fee Escrow (City will retain escrows to reimburse review costs for each stage of development review)	Planning
Plumbing			Planning
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus \$5.00 Surcharge (State Mandated)	Administration
Commercial	\$60.00/unit	Up to 3 units or 1% of total valuation, whichever is greater. Plus Surcharge (State Mandated)	Building
Private Roads (Permitted only in AG zone)	\$150.00		Engineering
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00		Planning
Retaining Walls over 4'	\$150.00	Plus \$5.00 State Surcharge	Building
Right-of-Way Permit			Engineering

City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Annual Registration	\$200.00	\$5,000.00 Security	Engineering
Excavation Permit	\$275.00 + \$.60/foot		Engineering
Joint Trench Permit (per lot per utility)	\$100.00		Engineering
Obstruction Permit	\$275.00		Engineering
Permit Extension	\$100.00		Engineering
Delay Penalty (per calendar day)	\$25.00		Engineering
Roofing	\$150.00	Plus \$5.00 State Surcharge	Building
SAC Charge (per REC unit) (Sewer Availability Charge)	\$5,935.00	Per REC Unit: \$2,435.00 to Met Council; \$3,500.00 to City	Engineering
Scaled Aerial Drawing	\$15.00		Planning
Sewer Connection Charge	\$300.00		Engineering
Sewer Lateral Benefit Charge	\$5,800.00		Engineering
Sewer Rate	\$4.50/1,000 Gal		Administration
201 Off-Site Maintenance Fee	\$75.00/unit/quarter		Administration
Siding	\$150.00	Plus \$5.00 State Surcharge	Building
Signs			Planning
Permanent	\$180.00		Planning
Temporary	\$75.00		Planning
Temporary Renewal	\$25.00		Planning
Re-Inspection Fee	\$25.00		Planning
Site Plan Review	\$980.00		Planning
Special Event Permit	\$75.00		Planning
Sprinkler System (Inspection Fee)	1.2% of value	plus \$5.00 surcharge; Minimum \$100	Fire
Sprinkler System (Re-Inspection Fee)	\$50.00		Fire
Surface Water			Administration
Residential	\$50.00		Administration
Non-Residential (Commercial etc.)	\$50.00	Utility rate factor per code	Administration
Vacations (Streets or Easements)			Planning
Easements	\$515.00	\$500.00 Fee Escrow	Planning
Streets	\$515.00	\$500.00 Fee Escrow	Planning
Variance	\$750.00		Planning
Video Reproduction	\$35.00		Administration
Water Availability Charge (WAC)	\$3,900.00		Engineering
Water Equipment/Set up			Administration
Meter + Connection Charge (3/4" or less)	\$440.00		Administration

City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Driveway Curb Stop Lid	\$100.00	Additional fees apply to larger sized meters	Administration
Disconnect Service	\$80.00		Administration
Reconnect Service	\$80.00		Administration
Water Lateral Benefit Charge	\$5,800.00		Engineering
Water Usage			Administration
Residential - Quarterly Rate	\$25.00 Base		Administration
Residential - Plus Rate per 1,000 Gallons			Administration
Plus Rate for 0-15,000 Gallons	\$2.14		Administration
Plus Rate for 15,001-30,000 Gallons	\$2.86		Administration
Plus Rate for 30,001-50,000 Gallons	\$3.77		Administration
Plus Rate for 50,001-80,000 Gallons	\$5.00		Administration
Plus Rate for 80,001 + Gallons	\$6.63		Administration
Water Usage			Administration
Commercial - Quarterly Rate	\$25.00 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	\$3.11		Administration
Plus Rate for 15,001 - 30,000 Gallons	\$3.26		Administration
Plus Rate for 30,001 - 50,000 Gallon	\$3.77		Administration
Plus Rate for 50,001 - 80,000 Gallons	\$5.00		Administration
Plus Rate for 80,001 + Gallons	\$6.63		Administration
Water Usage		For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Quarterly Rate	\$25.00 Base		Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 -30,000 Gallons	\$3.11		Administration
Plus Rate for 30,001 - 50,000 Gallons	\$3.26		Administration
Plus Rate for 50,001 + Gallons	\$4.00		Administration
Water Usage			Administration
Delinquent Accounts	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	\$61.20 1st 5,000 Gal	Plus \$3.26/additional 1,000 gallons	Administration
Swimming Pool Fill	\$61.20 1st 5,000 Gal	Plus \$3.26 per 1,000 gallons and \$15.00/hr labor	Administration
Wind Generator	\$850.00	\$2,000.00 Fee Escrow	Planning
Wireless Communication Permit	\$500.00	\$6,000.00 Fee Escrow	Planning

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Zoning Amendment (Text or Map)	\$1,245.00		Planning
Definition of Terms			
<p>* Fee Escrow: City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.</p> <p>** Security: City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo</p>			

2013 FEE SCHEDULE MODIFICATIONS SUMMARY

Asphalt/Concrete License	Item and fee deleted
Fire Suppression License	Item and fee deleted
Landscaping License	Item and fee deleted
Fire Alarm Systems	Fee changed from "\$60; plus \$5.00 surcharge; plus 1% of value" to "1.2% of value; plus \$5.00 surcharge; Minimum \$100"
Sprinkler System (Inspection Fee)	Fee changed from "2% of value" to "1.2% of value; plus \$5.00 surcharge; Minimum \$100"
Fines for General Code Violations are as follows:	
1 st offense	\$100.00 for each violation
2 nd offense	\$200.00 for each violation within one year from the first citation
3 ^d offense	\$500.00 for each violation within one year from the first citation
Fines for Building and Safety Code Violations are as follows:	
1 st offense	\$100.00 for each violation
2 nd offense	\$500.00 for each violation within one year from the first citation
3 ^d offense	\$1000.00 for each violation within one year from the first citation
4 th offense or subsequent offenses may be subject to criminal prosecution or any other legal remedy available to the City. An administrative citation may also be issued independently or concurrent to any other legal action taken by the City.	