



*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 Council Meeting

Tuesday, January 5, 2016 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

Agenda

A. Call to Order/Pledge of Allegiance

B. Approval of Agenda

C. Approval of Minutes

✓ November 17, 2015

D. Public Comments/Inquiries

E. Presentations

F. Consent Agenda

✓ 2. Approve Payment of Disbursements

✓ 3. Designate Official Depositories of Funds; **Resolution 2016-01**

✓ 4. Designate Official Publication Newspaper of Record

5. Reappoint Planning Commissioners

✓ 6. Reappoint Parks Commissioners

✓ 7. Appoint City Engineer

✓ 8. Approve Conversion of Part Time Contractor to Part Time Employee

9. Approve Planning Department Staffing Proposal

10. ~~Approve Posting Vacant Part Time Fire Department Position~~ TO HR

11. Appoint City Attorney - Prosecution

12. ~~Approve Driveway Encroachment and Maintenance Agreement~~ postponed

G. Regular Agenda

13a. Gold Line BRT – **Resolution 2016-02**

14. Appoint Acting Mayor

15. Appoint City Attorney – General Counsel

16. ~~OP Ordinance Discussion~~ postpone to workshop

H. Council Reports

I. Staff Reports and Announcements

J. Adjourn



MAYOR & COUNCIL COMMUNICATION

DATE: January 5, 2016
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$476,690.90

SUBMITTED BY: Patty Baker, Accountant

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$476,690.90

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$476,690.90. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

BACKGROUND INFORMATION/STAFF REPORT: The City of Lake Elmo has the fiduciary responsibility to conduct normal business operations. 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	\$ 11,000.95	Payroll Taxes to IRS & MN Dept of Revenue 12/23/15
ACH	\$ 5,798.67	Payroll Retirement to PERA 12/23/15
DD6874-DD6884	\$ 29,866.13	Payroll Dated (Direct Deposits) 12/23/15
43741-43790	\$ 349,900.11	Accounts Payable Year End Run 12/31/15
43791-43813	\$ 80,125.04	Accounts Payable 1/05/16
TOTAL	\$ 476,690.90	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$476,690.90.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 12/28/2015 - 1:26 PM

Batch: 006-12-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALDEN PO Alden Pool & Municipal Supply 15562 601-494-9400-42270 Utility System Maintenance	11/12/2015	103.00	0.00	12/28/2015	Maintenance Supplies		-	No		0000
15562 Total:		103.00								
ALDEN PO Total:		103.00								
AMERICAN American Eng and Testing, Inc. 69876 409-480-8000-43030 Engineering Services	11/30/2015	6,679.50	0.00	12/28/2015	2015.120 Eagle Point Blvd		-	No		0000
69876 Total:		6,679.50								
AMERICAN Total:		6,679.50								
BDI BDI 6885577 101-430-3100-42400 Small Tools & Minor Equipment	12/10/2015	96.18	0.00	12/28/2015	Tools		-	No		0000
6885577 Total:		96.18								
6887966 101-430-3100-42210 Equipment Parts	12/11/2015	66.85	0.00	12/28/2015	Sprockets		-	No		0000
6887966 Total:		66.85								
BDI Total:		163.03								
BERTELSON Bertelson's WO-163473-1 101-420-2400-42000 Office Supplies	12/09/2015	111.25	0.00	12/28/2015	Supplies		-	No		0000
WO-163473-1 Total:		111.25								
BERTELSON Total:		111.25								
C A C Companion Animal Control, LLC Nov - 15 101-420-2700-43160 Impounding	11/30/2015	500.00	0.00	12/28/2015	Animal Control - November 2015		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Nov - 15	11/30/2015	150.00	0.00	12/28/2015	Impoundment 7am - 7pm		-	No		0000
101-420-2700-43160	Impounding									
Nov - 15	11/30/2015	180.00	0.00	12/28/2015	Impoundment 7pm-7am		-	No		0000
101-420-2700-43160	Impounding									
	Nov - 15 Total:	830.00								
	C A C Total:	830.00								
CARQUEST Car Quest Auto Parts										
2055-366606	12/14/2015	31.32	0.00	12/28/2015	Parts - repairs		-	No		0000
601-494-9400-44030	Repairs/Maint Imp Not Bldgs									
	2055-366606 Total:	31.32								
	CARQUEST Total:	31.32								
CENTPOW Century Power Equipment										
675726	12/09/2015	53.15	0.00	12/28/2015	Tools		-	No		0000
101-450-5200-42400	Small Tools & Minor Equipment									
	675726 Total:	53.15								
	CENTPOW Total:	53.15								
COMCAST Comcast										
	11/27/2015	7.90	0.00	12/28/2015	Monthly service		-	No		0000
101-420-2220-44300	Miscellaneous									
	Total:	7.90								
	COMCAST Total:	7.90								
CORNELL Cornell Mike										
	12/14/2015	1,002.40	0.00	12/28/2015	VCOS - hotel expense reimbursement		-	No		0000
101-420-2220-44370	Conferences & Training									
	Total:	1,002.40								
	CORNELL Total:	1,002.40								
CTYOAKDA City of Oakdale										
November	11/30/2015	1,771.55	0.00	12/28/2015	Water meter - South Pit 11/01-12/01/15		-	No		0000
601-494-9400-43820	Water Utility									
	November Total:	1,771.55								
	CTYOAKDA Total:	1,771.55								
CTYOAKDP City of Oakdale										
201512084979	11/30/2015	236.24	0.00	12/28/2015	Mount computer stand Ladder 1		-	No		0000
101-420-2220-44040	Repairs/Maint Eqpt									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
201512084979 Total:		236.24								
CTYOAKDP Total:		236.24								
<hr/>										
DELTA Delta Dental Of Minnesota										
January 2016	12/15/2015	1,651.50	0.00	12/28/2015	January 2016 Premium		-	No		0000
101-000-0000-15500	Prepaid Items									
January 2016 Total:		1,651.50								
DELTA Total:		1,651.50								
<hr/>										
ECMPUBLI ECM Publishers, Inc										
286660	12/13/2015	211.50								
101-450-5200-44300	Miscellaneous		0.00	12/28/2015	Ad for rink attendant		-	No		0000
286660 Total:		211.50								
ECMPUBLI Total:		211.50								
<hr/>										
Enright Enright Robert										
Bonus	12/15/2015	25.00	0.00	12/28/2015	Bonus		-	No		0000
101-410-1450-43620	Cable Operations									
Bonus Total:		25.00								
Bonus - B	12/15/2015	25.00	0.00	12/28/2015	Bonus		-	No		0000
101-410-1450-43620	Cable Operations									
Bonus - B Total:		25.00								
Cable	12/15/2015	55.00	0.00	12/28/2015	PC 12/14/15		-	No		0000
101-410-1450-43620	Cable Operations									
Cable Total:		55.00								
Cable - B	12/15/2015	55.00	0.00	12/28/2015	CC 12/15/15		-	No		0000
101-410-1450-43620	Cable Operations									
Cable - B Total:		55.00								
Enright Total:		160.00								
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FASTENAL Fastenal Company										
MNOAK12267	12/14/2015	38.08	0.00	12/28/2015	Parts		-	No		0000
101-430-3100-42210	Equipment Parts									
MNOAK12267 Total:		38.08								
FASTENAL Total:		38.08								
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FLIR FLIR Commerical Systems										
9200687788	12/07/2015	1,598.00	0.00	12/28/2015	2x Thermal Cameras		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
9200687788 Total:		1,598.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	FLIR Total:	1,598.00								
GKSERVIC G&K Services										
1182439568	12/09/2015	34.20	0.00	12/28/2015	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	1182439568 Total:	34.20								
1182451062	12/16/2015	34.20	0.00	12/28/2015	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	1182451062 Total:	34.20								
	GKSERVIC Total:	68.40								
GREATAM Great America Financial										
18013364	12/16/2015	396.49	0.00	12/28/2015	Copier Maintenance		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	18013364 Total:	396.49								
	GREATAM Total:	396.49								
HOLIDAYC Holiday Credit Office										
12/15/2015		65.23	0.00	12/28/2015	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	Total:	65.23								
	HOLIDAYC Total:	65.23								
HOTSY HotsyMinnesota.com										
50598	12/14/2015	778.20	0.00	12/28/2015	Building repairs		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
	50598 Total:	778.20								
	HOTSY Total:	778.20								
HRCON H & R Const. Co.										
15751	12/09/2015	7,131.00	0.00	12/28/2015	Guardrail repairs		-	No		0000
101-430-3120-43150	Contract Services									
	15751 Total:	7,131.00								
	HRCON Total:	7,131.00								
JOHNSON& Johnson & Turner Attorneys										
46405	12/09/2015	472.00	0.00	12/28/2015	Massage License Renewals		-	No		0000
101-410-1320-43040	Legal Services									
	46405 Total:	472.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
46771	12/09/2015	195.00	0.00	12/28/2015	3M Litigation		-	No		0000
101-410-1320-43040	Legal Services									
	46771 Total:	195.00								
46783	12/09/2015	1,100.00	0.00	12/28/2015	Lennar		-	No		0000
803-000-0000-22910	Developer Payments									
	46783 Total:	1,100.00								
46803	12/09/2015	540.00	0.00	12/28/2015	Ryland/Hammes		-	No		0000
803-000-0000-22910	Developer Payments									
	46803 Total:	540.00								
46804	12/09/2015	65.00	0.00	12/28/2015	Burgess matter		-	No		0000
101-410-1320-43040	Legal Services									
	46804 Total:	65.00								
46805	12/09/2015	760.00	0.00	12/28/2015	Hans Hagen		-	No		0000
803-000-0000-22910	Developer Payments									
	46805 Total:	760.00								
46841	12/09/2015	490.00	0.00	12/28/2015	Arbor Glen		-	No		0000
803-000-0000-22910	Developer Payments									
	46841 Total:	490.00								
46978	12/09/2015	4,512.50	0.00	12/28/2015	Prosecution		-	No		0000
101-420-2150-43045	Attorney Criminal									
	46978 Total:	4,512.50								
46979	12/09/2015	192.00	0.00	12/28/2015	Riley Bros Litigation		-	No		0000
101-410-1320-43040	Legal Services									
	46979 Total:	192.00								
47003	12/09/2015	3,966.50	0.00	12/28/2015	Civil Matters		-	No		0000
101-410-1320-43040	Legal Services									
	47003 Total:	3,966.50								
47004	12/09/2015	682.00	0.00	12/28/2015	Halycon Cemetery		-	No		0000
803-000-0000-22910	Developer Payments									
	47004 Total:	682.00								
47005	12/09/2015	167.50	0.00	12/28/2015	Schiltgen Pond		-	No		0000
101-410-1320-43040	Legal Services									
	47005 Total:	167.50								
	JOHNSON& Total:	13,142.50								
KUNDE Kunde Forestry										
1103	12/08/2015	6,300.00	0.00	12/28/2015	Sunfish Lake Park		-	No		0000
404-480-8000-43050	Other Park Ded Prof Services									
	1103 Total:	6,300.00								
	KUNDE Total:	6,300.00								
LARSON Larson Diesel Service, Corp										
151105015	12/28/2015	2,883.04	0.00	12/28/2015	MN Dot inspections repairs		-	No		0000
101-430-3100-44040	Repairs/Maint Eqpt									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
151105018	151105015 Total: 11/05/2015	2,883.04								
101-430-3100-44040	Repairs/Maint Eqpt	176.21	0.00	12/28/2015	MN Dot inspections repairs		-	No		0000
151105022	151105018 Total: 11/05/2015	176.21								
101-430-3100-44040	Repairs/Maint Eqpt	211.93	0.00	12/28/2015	MN Dot repairs inspection		-	No		0000
	151105022 Total: LARSON Total:	211.93 3,271.18								
Lillie Newspapers Inc. Lillie Suburban										
Acct 007148	11/30/2015	23.81	0.00	12/28/2015	Notices		-	No		0000
101-410-1320-43510	Legal Publishing	23.81								
	Acct 007148 Total: Lillie Total:	23.81 23.81								
MARONEYS Maroney's Sanitation, Inc										
605594	12/10/2015	112.94	0.00	12/28/2015	Trash - City Hall		-	No		0000
101-410-1940-43840	Refuse	49.71	0.00	12/28/2015	Trash - Fire		-	No		0000
605594	12/10/2015	216.67	0.00	12/28/2015	Trash - PW		-	No		0000
101-420-2220-43840	Refuse	216.67	0.00	12/28/2015	Trash - Fire		-	No		0000
605594	12/10/2015	49.89	0.00	12/28/2015	Trash - Library		-	No		0000
206-450-5300-43840	Refuse	645.88								
	605594 Total: MARONEYS Total:	645.88 645.88								
MENARDSO Menards - Oakdale										
92912	12/05/2015	143.06	0.00	12/28/2015	Supplies		-	No		0000
101-450-5200-42150	Shop Materials	143.06	0.00	12/28/2015	Replacement ice melt container		-	No		0000
93313	12/10/2015	4.74								
101-420-2220-42400	Small Tools & Equipment	4.74	0.00	12/28/2015	Water filters		-	No		0000
93328	12/11/2015	29.96	0.00	12/28/2015	Water - North Building		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg	29.96	0.00	12/28/2015			-	No		0000
94169	12/22/2015	21.96								
101-410-1940-44300	Miscellaneous	21.96								
	94169 Total:	21.96								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MENARDSO Total:		199.72								
MILLEREX Miller Excavating, Inc.										
Pay Req 4	11/30/2015	248,523.00	0.00	12/28/2015	Eagle Point Blvd		-		No	0000
409-480-8000-43030	Engineering Services	248,523.00								
Pay Req 4 Total:		248,523.00								
MILLEREX Total:		248,523.00								
MSAPROF MSA Professional Services, Inc										
7	12/10/2015	4,688.25	0.00	12/28/2015	Inwood Booster Station		-		No	0000
601-494-9400-43030	Engineering Services	4,688.25								
7 Total:		4,688.25								
MSAPROF Total:		4,688.25								
PIONEERP Pioneer Press										
1015520397	10/30/2015	884.60	0.00	12/28/2015	Public Hearing Notices		-		No	0000
101-410-1320-43150	Contract Services	884.60								
1015520397 Total:		884.60								
1115520397	11/30/2015	570.70	0.00	12/28/2015	Public Hearing Notices		-		No	0000
101-410-1320-43150	Contract Services	570.70								
1115520397 Total:		570.70								
PIONEERP Total:		1,455.30								
POMPS Pump's Tire Service, Inc.										
210202923	11/18/2015	2,334.68	0.00	12/28/2015	Repair equipment		-		No	0000
101-430-3125-44040	Repairs/Maint Eqpt	2,334.68								
210202923 Total:		2,334.68								
210212597	12/16/2015	1,784.44	0.00	12/28/2015	Repair Equipment		-		No	0000
101-430-3100-44040	Repairs/Maint Eqpt	1,784.44								
210212597 Total:		1,784.44								
POMPS Total:		4,119.12								
RIVRCOOP River Country Cooperative										
11/30/2015		110.98	0.00	12/28/2015	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids	110.98								
Total:		110.98								
RIVRCOOP Total:		110.98								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
RONHEINS Ron Heins Electric 2015-1006 101-000-0000-32280 Electrical Permit Revenue 2015-1006 Total:	12/07/2015	148.50	0.00	12/28/2015	Refund void permit 2015-1006		-	No		0000
Surcharge 101-000-0000-20801 Building Permit Surcharge Surcharge Total:	12/07/2015	148.50 1.00	0.00	12/28/2015	Refund surcharge		-	No		0000
Void Fee 101-000-0000-32280 Electrical Permit Revenue Void Fee Total:	12/07/2015	1.00 -25.00	0.00	12/28/2015	Fee for void permit - per schedule		-	No		0000
RONHEINS Total:		-25.00 124.50								
SAFEFAST Safe-Fast, Inc. INV 162403 101-430-3100-44170 Uniforms INV 162403 Total:	12/18/2015	115.15	0.00	12/28/2015	Shop clothes		-	No		0000
SAFEFAST Total:		115.15								
SAMSClub Sam's Club 101-410-1940-44300 Miscellaneous 12/09/2015	12/07/2015	44.01	0.00	12/28/2015	Coffee & supplies - City Hall		-	No		0000
101-420-2220-42000 Office Supplies 12/09/2015		60.56	0.00	12/28/2015	Batteries, supplies		-	No		0000
101-420-2220-44010 Repairs/Maint Bldg 12/09/2015		17.61	0.00	12/28/2015	Cleaning supplies		-	No		0000
101-420-2220-44040 Repairs/Maint Eqpt Total:		8.50 130.68	0.00	12/28/2015	Charging cord storage		-	No		0000
SAMSClub Total:		130.68								
SEH Short Elliott Hendrickson, Inc 307224 409-480-8000-43030 Engineering Services 307224 Total:	12/03/2015	5,182.36	0.00	12/28/2015	2016 Street Drainage & Utility Improvmt		-	No		0000
307474 601-494-9400-43030 Engineering Services 307474 Total:	12/07/2015	5,182.36 5,297.67	0.00	12/28/2015	Inwood Water tower		-	No		0000
SEH Total:		5,297.67 10,480.03								
SELECTAC SelectAccount 1131798 101-410-1520-43150 Contract Services	12/08/2015	4.22	0.00	12/28/2015	Participant fee 12/01-12/31/15		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
1131798 Total: 4.22		4.22								
SELECTAC Total: 4.22		4.22								
<hr/>										
SHANECON ShaneCon, Inc										
12/07/2015										
206-450-5300-44010	Repairs/Maint Bldg	14,090.00	0.00	12/28/2015	Meeting room renovation		-	No		0000
Total:		14,090.00								
SHANECON Total:		14,090.00								
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STCHEMIC State Chemical Solutions										
97480645	09/28/2015	363.80	0.00	12/28/2015	Orange - gel		-	No		0000
101-430-3120-42240	Street Maintenance Materials	363.80								
97480645 Total:		363.80								
STCHEMIC Total:		363.80								
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TDS TDS Metrocom - LLC										
651-779-888/2	12/13/2015	90.51	0.00	12/28/2015	Analog lines - Fire		-	No		0000
101-420-2220-43210	Telephone	211.69	0.00	12/28/2015	Analog lines - PW		-	No		0000
651-779-888/2	12/13/2015	83.56	0.00	12/28/2015	Analog lines - Lift station alarms		-	No		0000
101-430-3100-43210	Telephone	43.78	0.00	12/28/2015	Alarm Well house 2		-	No		0000
651-779-888/2	12/13/2015	429.54								
601-494-9400-43210	Telephone	429.54								
651-779-888/2 Total:		429.54								
TDS Total:		429.54								
<hr/>										
TKDA TKDA, Inc.										
002015004060	12/11/2015	77.67	0.00	12/28/2015	Eagle Point Blvd		-	No		0000
409-480-8000-43030	Engineering Services	77.67								
002015004060 Total:		9,459.42								
002015004092	12/14/2015	9,459.42	0.00	12/28/2015	Eagle Point Blvd		-	No		0000
409-480-8000-43030	Engineering Services	9,537.09								
002015004092 Total:		9,537.09								
TKDA Total:										
<hr/>										
TMOBILE T Mobile										
947226095	12/11/2015	21.34	0.00	12/28/2015	SCADA Line		-	No		0000
601-494-9400-43210	Telephone	21.34								
947226095 Total:		21.34								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
		21.34								
	TMOBILE Total:									
TOOLGUY The Tool Guy, LLC										
11115	12/01/2015	12.34	0.00	12/28/2015	Tools		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	11115 Total:	12.34								
11389	12/01/2015	47.99	0.00	12/28/2015	Tools		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	11389 Total:	47.99								
11656	12/01/2015	171.90	0.00	12/28/2015	Tools		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	11656 Total:	171.90								
11659	12/01/2015	96.97	0.00	12/28/2015	Tools		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	11659 Total:	96.97								
	TOOLGUY Total:	329.20								
TRKUTI Truck Utilities Inc.										
292645	12/16/2015	125.21	0.00	12/28/2015	Parts		-	No		0000
101-430-3125-42210	Equipment Parts									
	292645 Total:	125.21								
	TRKUTI Total:	125.21								
VERIZON Verizon Wireless										
9757082336	12/10/2015	35.01	0.00	12/28/2015	Wireless charges		-	No		0000
101-420-2220-43210	Telephone									
	9757082336 Total:	35.01								
	VERIZON Total:	35.01								
WASHTAX Washington County										
2016	12/22/2015	250.00	0.00	12/28/2015	Wash County Website Renewal		-	No		0000
101-410-1520-44330	Dues & Subscriptions									
	2016 Total:	250.00								
	WASHTAX Total:	250.00								
WASRADIO Washington County										
82433	12/16/2015	309.06	0.00	12/28/2015	4th quarter radio usage		-	No		0000
101-430-3100-43230	Radio									
	82433 Total:	309.06								
82434	12/16/2015	3,914.76	0.00	12/28/2015	1/4ly user fee for 800 MHz radios		-	No		0000
101-420-2220-43230	Radio									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POnLine #
82434 Total:		3,914.76								
WASRADIO Total:		4,223.82								
WENDT Wendt Kevin										
12/1/15 Meeting	12/14/2015	1,012.50	0.00	12/28/2015	Parliamentarian Expense - 12/1 CC Meeting		-			No 0000
101-410-1110-44300	Miscellaneous									
12/1/15 Meeting Total:		1,012.50								
WENDT Total:		1,012.50								
Whiteani White Anita										
Cable	12/22/2015	55.00	0.00	12/28/2015	Parks 12/21/15		-			No 0000
101-410-1450-43620	Cable Operations									
Cable Total:		55.00								
Whiteani Total:		55.00								
XCEL Xcel Energy										
1132015	11/30/2015	11.07	0.00	12/28/2015	Utility Services		-			No 0000
101-450-5200-43810	Electric Utility									
1132015	11/30/2015	31.17	0.00	12/28/2015	Utility Services		-			No 0000
101-430-3160-43810	Street Lighting									
1132015	11/30/2015	162.50	0.00	12/28/2015	Utility Services		-			No 0000
602-495-9450-43810	Electric Utility									
1132015	11/30/2015	1,834.39	0.00	12/28/2015	Utility Services		-			No 0000
101-430-3160-43810	Street Lighting									
1132015	11/30/2015	966.41	0.00	12/28/2015	Utility Services		-			No 0000
601-494-9400-43810	Electric Utility									
1132015 Total:		3,005.54								
XCEL Total:		3,005.54								
Report Total:		349,900.11								

Accounts Payable To Be Paid Proof List

User: PattyB

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Batch: 007-12-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMDAHL Chris Amdahl Locksmith, Inc 12099 12/25/2015 101-430-3100-44010 Repairs/Maint Bldg 12099 Total: AMDAHL Total:		244.00 244.00 244.00	0.00	01/05/2016	PW lever lock installation		-		No	0000
ASPENMI Aspen Mills, Inc. 174667 12/22/2015 101-420-2220-44170 Uniforms 174667 Total: ASPENMI Total:		109.90 109.90 109.90	0.00	01/05/2016	Uniform boots - Jorgensen		-		No	0000
CARDMEMB Cardmember Service 12202015 12/20/2015 101-430-3100-44300 Miscellaneous 12202015 12/20/2015 101-420-2220-44300 Miscellaneous 12202015 12/20/2015 101-420-2220-42400 Small Tools & Equipment 12202015 12/20/2015 101-410-1450-43180 Information Technology/Web 12202015 12/20/2015 101-430-3100-43180 Information Technology/Web 12202015 12/20/2015 101-420-2400-44370 Conferences & Training 12202015 12/20/2015 101-420-2400-42120 Fuel, Oil and Fluids 12202015 12/20/2015 206-450-5300-42000 Office Supplies 12202015 Total: CARDMEMB Total:		1,198.02 64.26 269.65 45.00 50.00 550.00 175.52 7.81 2,360.26 2,360.26	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016	Misc items Holiday Tool box liners for ladder Constant Contact Software monthly fee Continuing Ed Fuel Supplies		- - - - - - - - - -	No No No No No No No No No No	0000 0000 0000 0000 0000 0000 0000 0000 0000 0000	

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CENTPOW Century Power Equipment 676531 12/18/2015 101-420-2220-42400 Small Tools & Equipment 676531 Total: CENTPOW Total:		1,254.86 1,254.86 1,254.86	0.00	01/05/2016	Replacement cut off saw		-	No		0000
CENTURYL CenturyLink 12192015 12/19/2015 206-450-5300-43210 Telephone 12192015 12/19/2015 206-450-5300-43250 Internet 12192015 Total: CENTURYL Total:		109.72 115.00 224.72 224.72	0.00 0.00	01/05/2016 01/05/2016	Phone Service - Library Internet Service - Library		- -	No No		0000 0000
COLEMER Colemer Jamie 12/28/2015 101-450-5200-44170 Uniforms Total: COLEMER Total:		79.99 79.99 79.99	0.00	01/05/2016	Work boots reimbursement		-	No		0000
CTYSTPAU City of St. Paul 13197 12/02/2015 101-430-3120-42240 Street Maintenance Materials 13197 Total: CTYSTPAU Total:		452.08 452.08 452.08	0.00	01/05/2016	Asphalt		-	No		0000
DWINC D.W. INC. 210594 12/23/2015 101-420-2220-44040 Repairs/Maint Eqpt 210594 Total: DWINC Total:		39.39 39.39 39.39	0.00	01/05/2016	Repair chain saw		-	No		0000
EMERGREG Emergency Response Solutions 5404 12/15/2015 101-420-2220-42400 Small Tools & Equipment 5404 Total: EMERGREG Total:		1,685.17 1,685.17 1,685.17	0.00	01/05/2016	Drop tand replacement & handle kit		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
H & L H & L Mesabi Corp 94737 12/10/2015 101-430-3125-44040 Repairs/Maint Eqpt 94737 Total: H & L Total:		1,283.07 1,283.07 1,283.07	0.00	01/05/2016	Plow blades		-	No		0000
HDSUPPLY HD Supply Waterworks, Ltd. E546406 12/09/2015 601-494-9400-42270 Utility System Maintenance E546406 12/09/2015 601-494-9400-42300 Water Meters & Supplies E546406 Total: HDSUPPLY Total:		10,460.00 7,920.00 18,380.00 18,380.00	0.00 0.00	01/05/2016 01/05/2016	Sensus upgrade Meters		- -	No No		0000 0000
HUNTELEC Hunt Electric 9962B 12/23/2015 101-000-0000-11500 Accounts Receivable 9962B Total: HUNTELEC Total:		39.50 39.50 39.50	0.00	01/05/2016	Refund check - West Lakeland Property		-	No		0000
KIMMESB Kimmes-Bauer, Inc. 44179 12/21/2015 601-494-9400-43030 Engineering Services 44179 Total: KIMMESB Total:		3,215.00 3,215.00 3,215.00	0.00	01/05/2016	Test Well 4 Abandoning & Sealing		-	No		0000
LENNAR Lennar Family of Builders 2014-278 12/22/2015 803-000-0000-22900 Deposits Payable 2014-278 Total: 2014-306 12/22/2015 803-000-0000-22900 Deposits Payable 2014-306 Total: 2014-745 12/22/2015 803-000-0000-22900 Deposits Payable 2014-745 Total: 2014-800 12/22/2015 803-000-0000-22900 Deposits Payable 2014-800 Total: 2014-801 12/22/2015 803-000-0000-22900 Deposits Payable 2014-801 Total:		5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00 5,000.00	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016 01/05/2016	9804 7th Street 9871 7th Street 9837 7th Street 9785 7th Street - Escrow Release 9811 7th Street		- - - - - - -	No No No No No No No		0000 0000 0000 0000 0000 0000 0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
2014-850	12/22/2015	5,000.00	0.00	01/05/2016	9823 7th Street		-		No	0000
803-000-0000-22900	Deposits Payable									
	2014-850 Total:	5,000.00								
2015-114	12/22/2015	5,000.00	0.00	01/05/2016	9797 7th Street		-		No	0000
803-000-0000-22900	Deposits Payable									
	2015-114 Total:	5,000.00								
	LENNAR Total:	35,000.00								
MENARDSO Menards - Oakdale										
93297	12/10/2015	99.97	0.00	01/05/2016	CO/Gas alarm		-		No	0000
101-410-1940-42230	Building Repair Supplies									
	93297 Total:	99.97								
94036	12/20/2015	105.74	0.00	01/05/2016	Shop supplies		-		No	0000
101-450-5200-42150	Shop Materials									
94036	12/20/2015	149.00	0.00	01/05/2016	Belt sander		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
	94036 Total:	254.74								
94111	12/21/2015	31.78	0.00	01/05/2016	Shop supplies		-		No	0000
101-450-5200-42150	Shop Materials									
	94111 Total:	31.78								
94323	12/23/2015	63.94	0.00	01/05/2016	Building repair supplies		-		No	0000
101-450-5200-42230	Building Repair Supplies									
	94323 Total:	63.94								
	MENARDSO Total:	450.43								
MILLEREX Miller Excavating, Inc.										
20175	12/21/2015	5,283.61	0.00	01/05/2016	Water main break		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	20175 Total:	5,283.61								
	MILLEREX Total:	5,283.61								
RCM RCM Specialties, Inc										
5279	12/18/2015	194.56	0.00	01/05/2016	Emulsion		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	5279 Total:	194.56								
	RCM Total:	194.56								
SPRINT Sprint										
761950227-150	12/15/2015	61.62	0.00	01/05/2016	Cell phone - Admin		-		No	0000
101-410-1940-43210	Telephone									
761950227-150	12/15/2015	378.75	0.00	01/05/2016	Cell phone - Fire		-		No	0000
101-420-2220-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
761950227-150	12/15/2015	44.99	0.00	01/05/2016	Cell phone - Building		-	No		0000
101-420-2400-43210	Telephone							No		0000
761950227-150	12/15/2015	87.45	0.00	01/05/2016	Cell phone - PW		-	No		0000
101-430-3100-43210	Telephone							No		0000
761950227-150	12/15/2015	122.29	0.00	01/05/2016	Cell phone - Parks		-	No		0000
101-450-5200-43210	Telephone							No		0000
761950227-150	12/15/2015	57.04	0.00	01/05/2016	Cell phone - Taxpayer services		-	No		0000
101-410-1450-43210	Telephone							No		0000
761950227-150	12/15/2015	15.35	0.00	01/05/2016	Cell phone - Planning		-	No		0000
101-410-1910-43210	Telephone							No		0000
761950227-150 Total:		767.49								
SPRINT Total:		767.49								
STREETER Streeter & Associates										
8633	12/29/2015	5,000.00	0.00	01/05/2016	Refund Escrow - 11180 50th St		-	No		0000
803-000-0000-22900	Deposits Payable							No		0000
8633 Total:		5,000.00								
STREETER Total:		5,000.00								
TITAN Titan Machinery										
584637-CL	12/22/2015	997.32	0.00	01/05/2016	Repairs		-	No		0000
101-430-3120-43150	Contract Services							No		0000
584637-CL Total:		997.32								
TITAN Total:		997.32								
ZACK Zack's, Inc.										
30938	12/12/2015	506.69	0.00	01/05/2016	Shop supplies		-	No		0000
101-430-3100-42150	Shop Materials							No		0000
30938 Total:		506.69								
ZACK Total:		506.69								
Report Total:		77,568.04								

Accounts Payable To Be Paid Proof List

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Batch: 008-12-2015

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LEASSOC Lake Elmo Associates, LLP Jan 16 101-410-1940-44120 Rentals - Building	12/30/2015	2,461.00	0.00	01/05/2016	January 2016 Rent		-			No 0000
Jan 16 Total:		2,461.00								
LEASSOC Total:		2,461.00								
NCPERS 566200-NCPERS Minnesota 5662915 101-000-0000-21708 Other Benefits	12/30/2015	96.00	0.00	01/05/2016	January 2016 premium		-			No 0000
5662915 Total:		96.00								
NCPERS Total:		96.00								
Report Total:		2,557.00								

DATE: January 5, 2016
CONSENT
Resolution 2016-01
ITEM # 3

AGENDA ITEM: Designate Official Depositories of Funds
SUBMITTED BY: Cathy Bendel, Finance Director
THROUGH: Cathy Bendel, Finance Director
REVIEWED BY: Julie Johnson, City Clerk

SUGGESTED ORDER OF BUSINESS (if removed from Consent):

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

POLICY RECOMMENDER: Finance Director; State law mandates that the City designate Official Depositories of Funds annually.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED:

The City Council is requested to approve Resolution No. 2016-01; Designating the Official Depositories of Funds for 2016. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

“Move to designate Lake Elmo Bank, Wells Fargo Bank, Northland Securities and Morgan Stanley Smith Barney LLC as the official depositories for the City of Lake Elmo for 2016.”

LEGISLATIVE HISTORY:

Pursuant to State Statute 427.01 *et seq*, the City Council is respectfully being asked to designate official depositories for 2016. Based upon past practice as well as current and likely future needs, it is recommended that the following be designated as the official depositories for the City of Lake Elmo for 2016:

- Lake Elmo Bank

- Well Fargo Bank
- Northland Securities
- Morgan Stanley Smith Barney LLC

BACKGROUND INFORMATION (SWOT):

Strengths All financial institutions are financially sound and meet the City's needs for depositories of public funds.

Weaknesses There are no identified weaknesses.

Opportunities Continue to identify opportunities to maximize deposit returns.

Threats There are no identified threats.

RECOMMENDATION:

The City Council is requested to approve Resolution No. 2016-01; Designating the Official Depositories of Funds for 2015. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

"Move to designate Lake Elmo Bank, Wells Fargo Bank, Northland Securities and Morgan Stanley Smith Barney LLC as the official depositories for the City of Lake Elmo for 2016."

ATTACHMENT:

- 1) Resolution No. 2016-01

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

RESOLUTION 2016-01

**A RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORIES OF
FUNDS FOR 2016**

WHEREAS, Minnesota Statutes, Chapter 427, requires the adoption of certain policies and procedures pertaining to the deposit of public funds; and

WHEREAS, the statute also requires the designation of an official depository of funds by a local government each year within 30 days of the beginning of the fiscal year.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the following financial institutions are hereby designated as the Official Depositories of Funds for 2015:

- Lake Elmo Bank
- Well Fargo Bank
- Northland Securities
- Morgan Stanley Smith Barney LLC

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
FIFTH DAY OF JANUARY 2016.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk

DATE: January 5, 2016
CONSENT
ITEM # 4

AGENDA ITEM: Designation of Official Newspaper

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Julie Johnson, City Clerk

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Designation is mandated by state law.

FISCAL IMPACT:

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to designate *The Oakdale-Lake Elmo Review* as the City's official newspaper of record for 2016 and to designate the *St. Paul Pioneer Press* as the alternate official newspaper to be used on an as needed basis. As part of its consent agenda, no specific motion is required. Should council choose to remove this item from its consent agenda, the recommended motion for this action is as follows:

"Move to designate the Oakdale-Lake Elmo Review as the official newspaper of record for 2016 and designate the St. Paul Pioneer Press as the back-up official newspaper on an as needed basis."

LEGISLATIVE HISTORY: Pursuant to Minn. State Statute § 412.831, the City Council is to select an official newspaper of record for legal publications.

From a financial and timeliness perspective, City Staff has had an effective working relationship with *The Oakdale-Lake Elmo Review* as its official newspaper for the past few years. *The Oakdale-Lake Elmo Review* meets all statutory requirements for legal publications, has a reasonable publication schedule/deadline for submission, and its rates for publication are very competitive.

The *St. Paul Pioneer Press* has been the back-up legal publication due to its shorter turn-around for unexpected and time sensitive publication needs. Due to its much quicker publication and vastly greater circulation, the *Pioneer Press* remains a viable back-up option. The City did not receive a proposal from the *Pioneer Press*.

RECOMMENDATION: The City Council is respectfully requested to designate *The Oakdale-Lake Elmo Review* as the City's official newspaper of record for 2016 and to designate the *St. Paul Pioneer Press* as the alternate official newspaper to be used on an as needed basis. As part of its consent agenda, no specific motion is required. Should council choose to remove this item from its consent agenda, the recommended motion for this action is as follows:

“Move to designate the Oakdale-Lake Elmo Review as the official newspaper of record for 2016 and designate the St. Paul Pioneer Press as the back-up official newspaper on an as needed basis.”

AUTHORITY:

2014 Minnesota Statutes

§ 412.831 OFFICIAL NEWSPAPER

“The Council shall, annually at its first meeting of the year, designate a legal newspaper of general circulation in the city as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the council may deem it advisable and in the public interest to have published in this manner.”

ATTACHMENTS:

1. Lillie
2. St. Croix Valley Lowdown

Lillie Suburban Newspapers, Inc.

2515 E. Seventh Avenue
North St. Paul, MN 55109
(651) 777-8800

December 14, 2015

Julie Johnson, City Clerk
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

Dear Ms. Johnson:

Thank you for the opportunity to bid on public notice publication services for the City of Lake Elmo. The *Oakdale-Lake Elmo Review* has been serving the needs of the Lake Elmo area for 44 years, and is pleased to provide ongoing coverage of city government and school issues and community events. Each week we mail over 1600 copies to residents and businesses in the city of Lake Elmo.

Lillie Suburban Newspapers is the oldest weekly newspaper company in the St. Paul area. It was founded in 1938 by the late T. R. Lillie. His grandsons, Jeffery Enright and Ted H. Lillie, are continuing the family tradition of publishing award-winning community newspapers in the St. Paul suburbs.

It is our sincere desire to provide the best possible local news coverage in the Lake Elmo area. Our experienced news staff provides readers with a well-balanced, lively and informative product each week. We realize that Lake Elmo area residents look to us as one of their primary sources of information about city activities and meetings, and we will continue to publish the city's press releases and photos.

Lillie Suburban Newspapers has the official designation of the neighboring communities of North St. Paul, Maplewood and Oakdale, to name a few, as well as the North St. Paul-Maplewood-Oakdale School District.

4 P.M. Thursday is the deadline each week for submitting public notices to our office. Public notices should be directed to Kitty Sundberg, Lillie Suburban Newspapers, 2515 E. Seventh Ave., North St. Paul, MN 55109. Our fax number is 651/777-8288. Notices may also be sent via e-mail to:

legals@lillienews.com

Legal publication rates for minutes, advertisements for bids and other notices are as follows:

\$5.70 per column inch for a one-time publication
\$5.55 per column inch for each additional publication

Thank you for considering the *Oakdale-Lake Elmo Review* as the official legal newspaper for the City of Lake Elmo for 2016. If you have any further questions, don't hesitate to call us.

Sincerely,



Jeffery Enright
Publisher



Ramsey County Review • Maplewood Review • Oakdale-Lake Elmo Review • Review Perspectives
New Brighton Bulletin • Shoreview Bulletin • St. Anthony Bulletin • South-West Review
Roseville-Little Canada Review • Woodbury-South Maplewood Review • East Side Review



4779 Bloom Ave., White Bear Lake, MN 55110 • Phone: 651-407-1200 • Fax: 651-429-1242

December 11, 2015

Ms. Julie Johnson
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

Dear Ms. Johnson:

The *St. Croix Valley Lowdown* wishes to be considered as your designated newspaper for 2016.

We meet all the legal publication requirements under state statutes. Our circulation is audited by Verified Audit Circulation, an independent firm.

We offer submittal of legal notices by mail, fax at (651) 429-1242, or e-mail to legals@presspubs.com. Please clearly identify them as "Legal Notices."

The rate will be \$7.06 per column inch, in 7-point type at 9-lines per inch.

Our deadline for legal notices is Thursday noon for the next Friday's publication.

We look forward to the opportunity to serve you. We welcome any questions or concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carter Johnson', written over a horizontal line.

Carter Johnson
Publisher

A handwritten signature in black ink, appearing to read 'Lisa Graber', written over a horizontal line.

Lisa Graber
Legal Notice Coordinator

Misc: LakeElmo2016.doc

Your Best Source For Community Information

White Bear Press • Vadnais Heights Press • Quad Community Press • Shoreview Press • The Citizen • The Lowdown • North Oaks News
news@presspubs.com ppcomp@presspubs.com marketing@presspubs.com ppcirc@presspubs.com

DATE: January 5, 2016
CONSENT
ITEM # 5

AGENDA ITEM: Planning Commission Re-Appointments
SUBMITTED BY: Joan Ziertman, Planning Program Assistant
THROUGH: Clark Schroeder, Interim City Administrator
REVIEWED BY: Stephen Wensman, City Planner

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

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECCOMENDER: Staff is recommending that the City Council re-appoint Dale Dorschner, Dean Dodson and Tom Kreimer as a Full Voting Members of the Planning Commission, as their respective terms have expired at the end of 2015.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City has received notification from Commissioner Dale Dorschner, Commissioner Dean Dodson and Commissioner Tom Kreimer that they are all are interested in serving an additional three-year term on the Planning Commission. Under the City's Ordinances, all of these members are eligible to serve an additional term.

Staff is recommending that the City Council re-appoint Dale Dorschner, Dean Dodson and Tom Kreimer to the Planning Commission as part of the Consent Agenda. If removed from the Consent Agenda, the recommended action can be approved through the following motion:

“Move to re-appoint Dale Dorschner, Dean Dodson and Tom Kreimer to the Planning Commission to serve an additional three-year term.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Planning Commission consists of 7 Full Voting Members and 2 Alternate Members. Full Voting Members fill established seats or terms on the Planning Commission. Each official term lasts a period of three years. It is also important to note that the terms are staggered to ensure that not all seats or terms expire within the same year. At this time, the roster consists of 7 Full Voting Members and 2 alternates.

Based upon the City's current procedures pertaining to the membership of the Planning Commission, three terms are now officially expired and require reappointment. These terms are filled by Dale Dorschner, Dean Dodson and Tom Kreimer. Per the City's rules, each member of the Planning commission is eligible to serve two three-year terms. As it currently stands, reappointment of Commissioners Dorschner and Dodson would be their first full three-year term, as they were previously finishing out a term for a vacated position. Reappointment of Commissioner Kreimer would be for his second three-year term. The charts in Attachments #3 and #4 should help describe the current and proposed status of the Planning Commission.

SWOT:

Strengths: The three members up for re-appointment are experienced commissioners who are knowledgeable about the role and procedures of the Planning Commission.

Weaknesses: None

Opportunities: Re-appointment of Dale Dorschner, Dean Dodson and Tom Kreimer, supports the membership of the Planning Commission with three experienced Commissioners, thereby helping to fulfill its role as the land use advisory body to the City Council

Threats: Failure to re-appoint these members would reduce the Planning Commission roster to 6 members, which could easily reduce the likelihood for a quorum of the Planning Commission.

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council re-appoint Dale Dorschner, Dean Dodson and Tom Kreimer to the Planning Commission as part of the Consent Agenda. If removed from the Consent Agenda, the recommended action can be approved through the following motion:

"Move to re-appoint Dale Dorschner, Dean Dodson and Tom Kreimer to the Planning Commission to serve an additional three-year term."

ATTACHMENTS:

1. Dale Dorschner Email to Serve Additional Term
2. Dean Dodson Email to Serve Additional Term
3. Tom Kreimer Email to Serve Additional Term
4. Planning Commission Status – 2015
5. Planning Commission Status – Proposed for 2016

Joan Ziertman

From: daledorschner@comcast.net
Sent: Saturday, November 21, 2015 6:29 PM
To: Joan Ziertman
Cc: Dean.dodson@gmail.com; Gary Fields (glfields1@gmail.com); Kathy Haggard (haggardfive@hotmail.com); Rolf Larson (halver@mac.com); toddwilli@comcast.net; Tom Kreimer (tkreimer@comcast.net); Wendy Griffin; Stephen Wensman; dunn86@q.com; Benjamin Gozola, AICP; Clark Schroeder; Julie Johnson; mikepearson1965@yahoo.com; Justin Bloyer; Jill Lundgren; Anne Smith; Julie Fliflet
Subject: Re: Planning Commission Agenda and Packet for 11-23-15 Meeting

I would like to be reappointed

Thx

Sent from my iPhone

On Nov 19, 2015, at 4:14 PM, Joan Ziertman <JZiertman@lakeelmo.org> wrote:

Members of the Planning Commission:

Please find attached a copy of the agenda and packet for the November 23, 2015 Planning Commission meeting. The packet has been mailed out to you this afternoon. I have not had a chance to get the November 9th minutes done yet, but I will get them done for the next meeting.

I have been working on updated zoning code books for everyone, so if you have an old one, please bring it to the meeting and I will get you an updated book. I will try to have those available for each of you at Monday's meeting.

I have also attached an updated list of Planning Commission appointments and terms. We have 3 Commission members whose terms are up at the end of the year, Tom, Dean and Dale. If you are interested in being re-appointed for another term, please send me a quick email stating that you would like to be re-appointed and we will get that on the Council agenda at the first meeting of the year. Thank you!

Joan Ziertman
Planning Program Assistant
651-747-3918
Joan.Ziertman@lakeelmo.org

<Planning Commission Appointments and Terms 12.31.15.pdf>
<11.23.15 Planning Commission Packet.pdf>

Joan Ziertman

From: Dean Dodson <dean.dodson@gmail.com>
Sent: Tuesday, December 01, 2015 6:11 PM
To: Joan Ziertman
Subject: RE: Planning Commission Agenda and Packet for 11-23-15 Meeting

Hi Joan,
Sorry, thought I'd responded... I am interested in serving another 3 year term.
Thanks!
Dean

From: Joan Ziertman [mailto:JZiertman@lakeelmo.org]
Sent: Tuesday, December 1, 2015 1:45 PM
To: 'Dean Dodson' (dean.dodson@gmail.com) <dean.dodson@gmail.com>
Subject: FW: Planning Commission Agenda and Packet for 11-23-15 Meeting

Hi Dean,

I was working on a memo for reappointments for planning commission, but I don't see where I received an email back from you asking to be reappointed. Were you interested in serving another 3 year term? If you could just let me know if you are interested in being reappointed, or if you have decided not to seek reappointment, I would appreciate it.

Joan Ziertman
Planning Program Assistant
651-747-3918
Joan.Ziertman@lakeelmo.org

From: Joan Ziertman
Sent: Thursday, November 19, 2015 4:13 PM
To: 'daledorschner@comcast.net' <daledorschner@comcast.net>; 'Dean.dodson@gmail.com' <Dean.dodson@gmail.com>; 'Gary Fields (glfields1@gmail.com)' <glfields1@gmail.com>; 'Kathy Haggard (haggardfive@hotmail.com)' <haggardfive@hotmail.com>; 'Rolf Larson (halver@mac.com)' <halver@mac.com>; 'toddwilli@comcast.net' <toddwilli@comcast.net>; 'Tom Kreimer (tkreimer@comcast.net)' <tkreimer@comcast.net>; 'Wendy Griffin' <wgriffin@mnwcd.org>; Stephen Wensman <SWensman@lakeelmo.org>; 'dunn86@q.com' <dunn86@q.com>; 'Benjamin Gozola, AICP' <BGozola@sambatek.com>
Cc: Clark Schroeder <CSchroeder@lakeelmo.org>; Julie Johnson <JJohnson@lakeelmo.org>; 'mikepearson1965@yahoo.com' <mikepearson1965@yahoo.com>; Justin Bloyer <jbloyer@lakeelmo.org>; Jill Lundgren <JLundgren@lakeelmo.org>; 'Anne Smith' <annejsmith@msn.com>; Julie Fliflet <JFliflet@lakeelmo.org>
Subject: RE: Planning Commission Agenda and Packet for 11-23-15 Meeting

Members of the Planning Commission:

Please find attached a copy of the agenda and packet for the November 23, 2015 Planning Commission meeting. The packet has been mailed out to you this afternoon. I have not had a chance to get the November 9th minutes done yet, but I will get them done for the next meeting.

I have been working on updated zoning code books for everyone, so if you have an old one, please bring it to the meeting and I will get you an updated book. I will try to have those available for each of you at Monday's meeting.

Joan Ziertman

From: Tom Kreimer <tkreimer@comcast.net>
Sent: Sunday, November 22, 2015 9:41 PM
To: Joan Ziertman
Subject: Re: Planning Commission Agenda and Packet for 11-23-15 Meeting

Hi Joan-

I would like to be re-appointed.

Regards-

Tom Kreimer

From: "Joan Ziertman" <JZiertman@lakeelmo.org>
To: daledorschner@comcast.net, "Dean dodson" <Dean.dodson@gmail.com>, "Gary Fields (glfields1@gmail.com)" <glfields1@gmail.com>, "Kathy Haggard (haggardfive@hotmail.com)" <haggardfive@hotmail.com>, "Rolf Larson (halver@mac.com)" <halver@mac.com>, toddwilli@comcast.net, "Tom Kreimer (tkreimer@comcast.net)" <tkreimer@comcast.net>, "Wendy Griffin" <wgriffin@mnwcd.org>, "Stephen Wensman" <SWensman@lakeelmo.org>, dunn86@q.com, "Benjamin Gozola, AICP" <BGozola@sambatek.com>
Cc: "Clark Schroeder" <CSchroeder@lakeelmo.org>, "Julie Johnson" <JJohnson@lakeelmo.org>, mikepearson1965@yahoo.com, "Justin Bloyer" <jbloyer@lakeelmo.org>, "Jill Lundgren" <JLundgren@lakeelmo.org>, "Anne Smith" <annejsmith@msn.com>, "Julie Fliflet" <JFliflet@lakeelmo.org>
Sent: Thursday, November 19, 2015 4:14:03 PM
Subject: RE: Planning Commission Agenda and Packet for 11-23-15 Meeting

Members of the Planning Commission:

Please find attached a copy of the agenda and packet for the November 23, 2015 Planning Commission meeting. The packet has been mailed out to you this afternoon. I have not had a chance to get the November 9th minutes done yet, but I will get them done for the next meeting.

I have been working on updated zoning code books for everyone, so if you have an old one, please bring it to the meeting and I will get you an updated book. I will try to have those available for each of you at Monday's meeting.

I have also attached an updated list of Planning Commission appointments and terms. We have 3 Commission members whose terms are up at the end of the year, Tom, Dean and Dale. If you are interested in being re-appointed for another term, please send me a quick email stating that you would like to be re-appointed and we will get that on the Council agenda at the first meeting of the year. Thank you!

Joan Ziertman
Planning Program Assistant
651-747-3918
Joan.Ziertman@lakeelmo.org



2015 Planning Commission Appointments and Terms			
Commissioner	Term	Term Expires	Eligible to reapply for 3 year term?
Seat #1: Todd Williams	2	12/31/2017	No
Seat #2: Rolf Larson	1	12/31/2017	Yes
Seat #3: Tom Kreimer	1	12/31/2015	Yes
Seat #4: Dale Dorschner	*	12/31/2015	Yes (Eligible to serve two additional terms)
Seat #5: Dean Dodson	*	12/31/2015	Yes (Eligible to serve two additional terms)
Seat #6: Kathy Haggard	1	12/31/2016	Yes
Seat #7: Gary Fields	*	12/31/2016	Yes (Eligible to serve two additional terms)
1 st Alternate: Wendy Griffin	N/A	N/A	N/A
2 nd Alternate: Susan Dunn	N/A	N/A	N/A

*Denotes that the current term fills a previous vacancy.



2016 Planning Commission Appointments and Terms (proposed)			
Commissioner	Term	Term Expires	Eligible to reapply for 3 year term?
Seat #1: Todd Williams	2	12/31/2017	No
Seat #2: Rolf Larson	1	12/31/2017	Yes
Seat #3: Tom Kreimer	2	12/31/2018	No
Seat #4: Dale Dorschner	1	12/31/2018	Yes
Seat #5: Dean Dodson	1	12/31/2018	Yes
Seat #6: Kathy Haggard	1	12/31/2016	Yes
Seat #7: Gary Fields	*	12/31/2016	Yes (Eligible to serve two additional terms)
1 st Alternate: Wendy Griffin	N/A	N/A	N/A
2 nd Alternate: Susan Dunn	N/A	N/A	N/A

*Denotes that the current term fills a previous vacancy.

DATE: January 5, 2016
REGULAR
ITEM # 6

AGENDA ITEM: Reappointment of Park Commission Members

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Clark Schroeder, Interim Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCity Clerk/Assistant City Administrator
- Report/Presentation.....City Clerk/Assistant City Administrator
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECOMMENDER: City Code, Staff

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to reappoint Shane Weis and Mary Frick to the Lake Elmo Park Commission. Based on staff research, both were serving their first term that have expired on December 31, 2015. Staff recommends reappointment to a second 3 year term for each individual. If removed from the Consent Agenda, the motion for this action is as follows:

“Move to reappoint Shane Weis and Mary Frick to the Lake Elmo Park Commission for a three year term.”

LEGISLATIVE HISTORY: Pursuant to Lake Elmo City Code, Park Commissioners are appointed to 3 year terms by the City Council. Park Commissioner’s terms are staggered so that all members’ terms do not expire at the same time. Two commissioners have terms that expired on December 31, 2015. In order to fill out the Park Commission roster, two members must now be appointed/reappointed. As there have been no new applicants, it is recommended that both current Park Commissioners be reappointed.

RECOMMENDATION: The City Council is respectfully requested to reappoint Shane Weis and Mary Frick to the Lake Elmo Park Commission. Based on staff research, their terms have

expired as of December 31, 2015. Staff recommends reappointment to another 3 year term for each individual. If removed from the Consent Agenda, the motion for this action is as follows:

“Move to appoint Shane Weis and Mary Frick to the Lake Elmo Park Commission for a three year term.”

AUTHORITY:

City Code Section 32.082

COMPOSITION

The Parks Commission shall consist of 7 members and 2 alternate members. The voting members shall be appointed by the City Council for a 3-year term. Voting members may not serve more than 2 consecutive terms. Appointment to an additional term(s) will be considered with the available applicant pool. Alternate members shall be appointed to serve until there is a vacancy on the Parks Commission. The City Council shall appoint a first alternate and a second alternate who shall become voting members in the order of their appointment. In its discretion, the City Council may adjust the lengths of terms of office for Parks Commission members so that no more than one-half of the terms expire in any given year.

DATE: January 5, 2016
CONSENT
ITEM # 7

AGENDA ITEM: Appointment of City Engineer

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Staff

FISCAL IMPACT: \$2.00 per hour billing rate increase for Senior Municipal Engineer III effective January 1, 2016.

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to reappoint an official City Engineer. This official is contracted for professional engineering services. This appointment is not specifically required by statute or ordinance, but is consistent with past practice. However, if Council chooses to remove this item from Consent, the recommended motion is as follows:

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

LEGISLATIVE HISTORY: Mr. Jack Griffin of Focus Engineering currently serves as the Official City Engineer and primary provider of professional engineering services. 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.

BACKGROUND INFORMATION (SWOT):

Strengths Mr. Griffin is familiar with the City and its current needs. Focus Engineering currently meets the city's engineering services needs at satisfactory levels.

Weaknesses City needs may change and other or additional services may be required. No proposals were sought or received from other parties.

Opportunities All contracting parties should look to identify areas where the City can save money or maximize services provided.

Threats There are no specific identifiable threats. As with all contract services, parties may terminate the services and the City would need to find a replacement.

RECOMMENDATION: The City Council is respectfully requested to appoint an official City Engineer. This official is contracted for professional engineering services. If the Council chooses to remove this item from Consent, the recommended motion is as follows:

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

FOCUS ENGINEERING, inc.

December 21, 2015

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

Mr. Clark Schroeder, Interim City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: FOCUS Standard Hourly Rate Schedule
City of Lake Elmo, Minnesota

Via Email

Dear Clark:

Attached please find a copy of our Standard Hourly Rate Schedule to be used for 2016. FOCUS has not increased billing rates since we started business and began serving Lake Elmo in July 2011. For the first time, the 2016 Hourly Rate Schedule reflects a billing rate increase for myself from \$118 per hour to \$120 per hour (about 1.7%) while continuing to keep the billing rates for Ryan, Chad and Frank unchanged.

Other changes to note includes the staff addition of Mark Scholle who is working primarily in the City of Victoria and the addition of a Project Engineer category with a billing rate of \$72 per hour. This category may be filled at some point in 2016 should one or more of our Graduate Engineers receive their Professional Engineering license.

We appreciate the continued opportunity to serve the City of Lake Elmo. Please contact me should you have any questions or concerns.

Sincerely,



John (Jack) W. Griffin, P.E.
Principal, Senior Municipal Engineer

Enclosure

Cc: Cathy Bendel, Finance Director
Julie Johnson, City Clerk

FOCUS ENGINEERING, inc.

Standard Hourly Rate Schedule

Standard Hourly Rates include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.

Sr. Municipal Engineer III – Jack Griffin	\$120 / hour
Sr. Municipal Engineer II – Cara Geheren	\$112 / hour
Sr. Municipal Engineer I – Mark Scholle	\$105 / hour
Municipal Engineer II – Ryan Stempksi	\$90 / hour
Municipal Engineer I – Chad Isakson	\$80 / hour
Project Engineer	\$72 / hour
Graduate Engineer – Amanda Groh	\$65 / hour
Graduate Engineer – Frank Borich	\$65 / hour

Reimbursable Expenses Schedule

- Vehicle Mileage reimbursed at the current Federal IRS Rate.
- Outside professional and technical services billed to the Engineer plus 10%.
- Identifiable printing and reproduction costs when incurred in the direct performance of the City's work.
- Other expenses for items and services as may be required by the City to fulfill the terms of a specific authorization.

MAYOR & COUNCIL COMMUNICATION

DATE: January 5, 2016
CONSENT
ITEM 8
MOTION

AGENDA ITEM: Approve Conversion of Part Time Contractor to Part Time Employee

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Julie Johnson, City Clerk

REVIEWED BY: Cathy Bendel, Finance Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Clerk
- Report/Presentation City Clerk
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECOMMENDER: City Clerk

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: To approve the HR Committee recommendation to convert the part-time employee in the Accountant position from a contractor to a part-time employee.

LEGISLATIVE HISTORY: There have been a number of changes to the FLSA laws and one relates to the use of contracted employees. The HR Committee reviewed all contractors to determine if the City is at any risk of not being in compliance with current FLSA laws. Their recommendation was that Patty Baker, the part-time Accountant for the City should be reclassified to an employee.

BACKGROUND INFORMATION (SWOT):

Strengths	Patty has been working for the City for 2 years and is a strong resource for the City Staff.
Weaknesses	None
Opportunities	Patty can cover many functions within the Finance Department and is an invaluable resource to the Finance Director and City Management. She also backs up the front desk and building department as needed.
Threats	Potential non-compliance with current FSLA laws.

RECOMMENDATION: Staff recommends moving ahead with conversion of the part-time accountant position from a contractor to an employee status effective 1/1/2016.

ATTACHMENTS:

None

MAYOR AND COUNCIL COMMUNICATION

DATE: 1/5/16

CONSENT

ITEM #: 9

MOTION

AGENDA ITEM: Approve Planning Department Staffing Proposal

SUBMITTED BY: Clark Schroeder

THROUGH: Clark Schroeder

REVIEWED BY: Julie Johnson

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Staff
- Report/Presentation..... Staff
- 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

SUMMARY AND ACTION REQUESTED: Hire Stephen Wensman for Community Development Director/Planning Director at a salary of \$72,000 per year with benefits. By default, this creates a vacancy for a city planner. Staff recommends that we advertise, interview, and recommend for employment a new City Planner.

BACKGROUND AND STAFF REPORT: City Council authorized the Interim City Administrator to advertise, recruit, and recommend for employment a Community Development Director. Interviews were had and staff is recommending Mr. Stephen Wensman be promoted to this position at the above stated salary and that the city council direct staff to advertise, interview and recommend for employment a new city planner. There was a suggestion by two city council members to change the title of the Community Development Director to Planning Director. If the responsibilities, oversight, job description, and salary are not changed, staff have no objections concerning this possible title change.

RECOMMENDATION: *If removed from consent the following motions should be made.*

If council so pleases, a motion could be made as followed.

“Motion to change the title of Community Development Director to Planning Director with no change in the responsibilities, oversight, job description, or salary”

“Motion to promote Stephen Wensman to Planning Director at a salary of \$72,000 per year.” *and*

“~~Motion to~~ direct city staff to advertise, interview, and recommend for employment a new City Planner.”



MAYOR & COUNCIL COMMUNICATION

DATE: January 5, 2016
CONSENT
ITEM 10
MOTION

AGENDA ITEM: Approve Posting Vacant Part Time Fire Department Position

SUBMITTED BY: Greg Malmquist, Fire Chief

THROUGH: City Administrator

REVIEWED BY: City Administrator

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Fire Chief
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Fire Chief

FISCAL IMPACT: None, filling vacant position

SUMMARY AND ACTION REQUESTED: To move ahead with the hiring process for the PT Administrative Assistant positon vacancy.

LEGISLATIVE HISTORY: At a previous Council Meeting, the current PT Administrative Assistant, Mike Cornell was hired fulltime with Public Works, thus creating the vacancy.

BACKGROUND INFORMATION (SWOT):

Strengths Ensure adequate staffing to maintain current level of service and productivity.

Weaknesses Limited to number of potential qualified applicants as the position is designed for a daytime Firefighter/Responder.

Opportunities

Fill the vacancy ASAP to allow for a transitional period and training by Mike Cornell.

Threats

Administrative and day to day support work for fire department would be impacted, (station and vehicle maintenance, required record keeping and data entry, inspections, training) to name a few.

RECOMMENDATION: Staff recommends moving ahead with filling the vacancy.

ATTACHMENTS:

- Job Description

LAKE ELMO FIRE DEPARTMENT JOB DESCRIPTION

PART TIME FIREFIGHTER/ADMINISTRATIVE ASSISTANT

The Position of Lake Elmo Firefighter/Administrative Assistant shall operate within the boundaries as set forth in the Departmental Policy and Standard Operating Guidelines and shall answer directly to the Command Officers and ultimately the Chief.

The work schedule for this Part Time Position shall be flexible and be capped at 20 hours per week.

QUALIFICATIONS:

- High school diploma or general education degree (GED).
- Valid drivers license
- State Certified Firefighter I and II
- State Certified HazMat Operations Level
- State Certified First Responder
- Current Certification in Rescuer CPR
- Meet any additional requirements as stated in the Lake Elmo Fire Department Job Description for Firefighter.
- Current Lake Elmo FAO status (Fire Apparatus Operator) (see Policy 3-205, FIRE ENGINEER) or obtain FAO status within 18 months of hiring.

RESPONSIBILITIES:

Perform duties of a Lake Elmo Firefighter.

Perform a variety of clerical and administrative work in keeping official records, data entry, providing administrative support to the fire command staff.

Working knowledge in the operation of various office equipment, (copier, fax, scanner, phones, etc.)

Working knowledge in the operation of computers, Microsoft Office and its components, (Word, Excel, Publisher, etc.).

Perform basic maintenance of department vehicles.

Perform basic Station Duties needed to maintain Fire Stations.

Provide station coverage during Chief's absence.

ESSENTIAL DUTIES:

Respond to emergency calls

Drive and operate all vehicles in fleet.

Perform data entry to ensure compliance with NFIRS reporting to the State of MN (Image Trend) in a timely manner.

Enter and maintain department records in Image Trend and Firehouse as required.

Assist with creating and maintaining pre plans of commercial business in Lake Elmo

Assist with maintaining Inspection Program of commercial business in Lake Elmo

SUMMARY:

This position shall report directly to the Chief or designee.

During scheduled work hours employee shall not earn or receive credit for the following:

- Relief Association
- Call Percentage



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/5/16
REGULAR
ITEM #: 11
MOTION

AGENDA ITEM: Appoint City Attorney - Prosecution
SUBMITTED BY: Clark Schroeder
THROUGH: Clark Schroeder
REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Staff
- Report/Presentation..... Staff
- 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

PUBLIC POLICY STATEMENT APPONTMENT OF PROSECUTION CITY ATTORNEY

SUMMARY AND ACTION REQUESTED:

Appointment of Prosecution City Attorney needs to be done with an effective start date of 1/6/16

BACKGROUND AND STAFF REPORT: A RFP was sent out requesting services for a City Attorney and Prosecution Services. The city received 3 responses, two for City Attorney and one for Prosecution Attorney. The single response for Prosecution services was Eckberg and Lammers. Interviews were had with council and council has the proposals detailing services and costs. Council is encouraged to pick Eckberg and Lammers for Prosecution City Attorney.

RECOMMENDATION:

Staff recommend appointing Eckberg Lammers as Prosecution Attorney.

ATTACHMENT(S): Proposal for Legal Services from Eckberg Lammers



City of Lake Elmo
December 14, 2015

**Response to Request for Proposals for
Criminal Prosecutorial Legal Services**

Submitted By:
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.
1809 Northwestern Avenue
Stillwater, Minnesota 55082
Telephone: (651) 439-2878

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GENERAL INFORMATION

Brief History of Firm

Our law firm of Eckberg Lammers (officially Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.) was established by Lyle Eckberg, who began the practice of law in 1946. Since its founding, we have served as civil, prosecuting, and special counsel for numerous municipalities throughout the State of Minnesota. Our firm has grown at a relatively constant rate in employees and revenues in the past 65-plus years, and currently operates as a professional limited liability partnership under the laws of the State of Minnesota. Our main office is located in Stillwater, Minnesota.

In addition to our firm's significant representation of municipal and public sector clients, we maintain a general practice, representing both businesses and individuals. We have found that these varied practice areas provide greater depth in the legal services we provide to our municipal clients.

Number of Attorneys; Areas of Practice

Eckberg Lammers currently employs 16 attorneys.

Rebecca S. Christensen	Criminal Prosecution , Municipal Law
Thomas J. Weidner	Criminal Prosecution , Civil Litigation
Joe Van Thomme	Criminal Prosecution , Municipal Law
Thomas L. Lehmann	Criminal Prosecution , Municipal Law, Civil Litigation
Mark J. Vierling	Municipal Law, Civil Litigation, Family Law, Estate Planning
Sean P. Stokes	Family Law, Criminal Defense
Nicholas J. Vivian	Municipal Law, Banking and Finance, Business Organization
Shannon H. Enright	Estate Planning, Trust and Probate
Andrew J. Pratt	Municipal Law, Public Finance, Real Estate
Kevin S. Sandstrom	Municipal Law, Civil Litigation, Workers' Compensation
Daniel P. Bakken	Banking and Finance, Civil Litigation, Business Organization
Amanda E. Prutzman	Civil Litigation, Banking and Finance
Lida Bannink	Business and Individual Law
Katie Kranz	Business and Individual Law
Michael L. McCain	Municipal Law, Labor and Employment, Bus. Organization
Ben M. Klocke	Banking and Finance, Business Organization

The following attorneys are criminal prosecutors:

We take a team approach to municipal prosecution. Our team consists of two full time prosecutors, two prosecutors that devote a major portion of their practice to prosecution and three full time support staff.

Rebecca S. Christensen

- Criminal Prosecution: 100% of her practice devoted to criminal prosecution; law enforcement liaison for civil and criminal actions, including municipal code enforcement.
- Area of Focus: law enforcement training, Twin City Organized Retail Crime Alliance (TCORCA); Tubman Family Alliance, prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; municipal code enforcement and Crime Free Multi-Housing.
- Prosecution Experience: more than seven years in municipal prosecution.

Joe Van Thomme

- Criminal Prosecution: 100% of his practice devoted to criminal prosecution; prosecutes at all arraignment, pretrial, omnibus, contested/evidentiary hearings and jury trials.
- Area of Focus: law enforcement training; vehicle forfeitures; appeals; prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; civil and criminal municipal code enforcement.
- Prosecution Experience: more than five years in municipal prosecution.

Thomas J. Weidner

- Criminal Prosecution: Supervising Partner of prosecution department; continues to devote 20% of practice to court appearances.
- Area of Focus: law enforcement training; law enforcement and community policy and protocol development; trial skills development; prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; municipal code enforcement and Crime Free Multi-Housing training for building officials and property managers.
- Prosecution Experience: more than 25 years in municipal prosecution.

Thomas R. Lehmann

- Criminal Prosecution: lead prosecutor for the Cities of Mendota and Lilydale.
- Area of Focus: prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; municipal code enforcement and Crime Free Multi-Housing; municipal nuisance issues; works with school districts on issues related to school policies and procedures for interaction between students and law enforcement.
- Prosecution Experience: more than 25 years in municipal prosecution

Support Personnel: Knowledge, Skills, Abilities and Expertise

The firm employs more than 23 support staff consisting of paralegals, legal assistants, law clerks, administrative and receptionist employees. The firm has a loyal, stable staff base that has steadily grown with the firm. All positions are filled with experienced employees who possess the knowledge and depth necessary to meet the needs of the firm's municipal clients.

Our criminal prosecution department has one full-time paralegal, Rachel Seely, and two full-time prosecution assistants, Jessica Mertz, and Emma Hause.

Our support personnel coordinates case scheduling, organization, pre-trial and trial discovery compliance, victim/witness coordination, officer court appearance notifications, technical support and conflict searches.

Eckberg Lammers also employs a fulltime office administrator to attend to day-to-day business along with two bookkeepers, nine paralegals, eight legal assistants and two receptionists.

Due to the extensive breadth and depth of criminal prosecution experience within our firm, no staffing changes are proposed should the firm be awarded the criminal prosecution contract. Simply stated, we will have no problem handling the volume of work associated with providing comprehensive criminal prosecution services of the City of Lake Elmo based upon the strength of the infrastructure already in place.

Eckberg Lammers views its municipal representation as a collective, and not an individual, effort. Therefore every attorney and member of the support staff that is knowledgeable in municipal law will likely assist in the City's legal representation at one time or another.

Office Locations

Our Firm's primary office is located at 1809 Northwestern Avenue in Stillwater. Our Firm's main office number is (651) 439-2878, and its main fax number is (651) 439-2923. Direct phone numbers and email addresses for the attorneys proposed to work with the City are listed on each attorney's Statement of Qualification attached to this Response. Eckberg Lammers also maintains an office in Hudson, Wisconsin, at 430 Second Street, and in New Richmond, Wisconsin, at 105 South Knowles Avenue. All attorneys proposed to work with the City are located at the main Stillwater office.

Use of Technology and Research Capabilities

Our prosecution department maintains a case management system separate from the rest of our firm for both privacy and efficiency. The computer systems used by our prosecutors and staff provide maximum security and systems control. We maintain "paperless" files which allow all our prosecutors and staff to access case files from any location, whether we are in court or at a police department. All attorneys have secure, remote laptop and smart-phone access to case file documents.

Our attorneys utilize laptop computers for all court appearances, which allows for efficient e-mail communication and research capability, including immediate access to Minnesota Department of Public safety records, MNCIS and Westlaw. This practice facilitates consistent and efficient communication and work product.

Eckberg Lammers transitioned from a "paper library" to an electronic library approximately 20 years ago. Our firm contracts with Westlaw to provide each of our attorneys with instant access to a number of Westlaw libraries; including Court of Appeals reported and unreported decisions, Minnesota Statutes Annotated, Attorney General Opinions, and more. Having Westlaw Next access facilitates our firm's attorneys to perform instant, automated searches necessary to obtain the information needed expeditiously and thoroughly.

In addition to this automated library, each attorney has access to the hard bound, Minnesota Statutes in their office together with the soft cover West's Minnesota Criminal Law Handbooks. Eckberg Lammers also maintains a set of Minnesota Statutes Annotated, *McQuillin on Municipal Corporations*, and a number of other municipal prosecution publications and treatises that are relevant and necessary. Our attorneys subscribe to instant reporting services and attorney list-serves provided by the League of Minnesota Cities and the Minnesota State Bar Association. These services allow for timely peer discussion of criminal prosecution matters and distribute all Minnesota Court of Appeals and Minnesota Supreme Court decisions as they are reported.

Eckberg Lammers has been a pioneer in the use of technology among its peers in the criminal prosecution field. Our firm's prosecution department was a part of Washington County's initial Beta test group for e-charging and e-filing, we have been e-charging criminal complaints since 2010. Our firm partnered with the Anoka County Sheriff's Office to make the City of East Bethel the first municipality in Anoka County for which the Sheriff's Office completed e-charging. We worked with Rice County Court Administration to prepare the court for filing. Our firm has realized substantial efficiencies for its prosecution clients in Dakota, Washington, Rice and Anoka Counties through this process. Our firm works with its municipal clients to ensure that all e-charging requirements established by the State of Minnesota and the Bureau of Criminal Apprehension are followed, and our prosecutors will continue to use the most up-to-date technology while working with the City of Lake Elmo for e-charging all eligible criminal complaints.

Malpractice Claims

Our Firm, nor its attorneys, have had any sanctions imposed, findings of neglect, or related disciplinary actions taken against it by the Minnesota Lawyers Professional Responsibility Board, the Minnesota State Bar Association, or any other malpractice claims asserted. There is one action pending or currently under review by the State Ethics Board regarding the action stated below.

Our Firm has never been sued by a client or a non-client municipality. There have been no malpractice claims filed against the Firm in the last 20 years. For the few malpractice claims that were filed more than 20 years ago, no claim proceeded to trial and the Firm was not liable for any alleged malpractice.

Felony Convictions

None of the attorneys at Eckberg Lammers have been convicted of a felony-level offense.

Prosecutorial Misconduct

In 2014, a criminal defendant filed a prosecutorial misconduct case against our firm and its attorneys. The case was dismissed based upon a failure to state a claim for which relief may be granted. The defendant has appealed the ruling; however that appeal has not yet been heard by the Appellate Court.

Statement of Municipal Billings

The percentage of Municipal billings as part of our firms overall billing for 2014 was 17.4% and 2015 is 22.9%, percentage based on the first eleven months of 2015.

Malpractice Insurance Coverage

Our Firm's professional liability carrier is Minnesota Lawyers Mutual. The insurance policy contains limits of liability of \$3,000,000 per claim and \$5,000,000 in the aggregate.

Statement of Civil Rights Compliance

Eckberg Lammers observes all federal and state mandated employment practices. Our Firm also observes all civil rights and human rights laws.

Attorney Qualifications: Your Prosecution Team

Eckberg Lammers offers a unique, team approach to municipal prosecution. We have four experienced municipal attorneys who will provide comprehensive prosecution services to the City of Lake Elmo. This structure allows for competent, efficient prosecution services inside the courtroom and out. Given our team approach one or more of our experienced prosecutors and/or staff will be available to provide timely assistance.

Eckberg Lammers believes that each case requires an experienced attorney's attention, so that a measured response is consistently provided. We understand that prosecution is not a "one size fits all" proposition. Our attorneys are skilled negotiators as it relates to resolving criminal cases prior to trial and will do so when appropriate, always with public safety and the goals of the City in mind. When cases cannot be resolved, our attorneys are confident litigators before a judge or jury.

Rebecca Christensen is a prosecutor for our firm's prosecution clients. Like the other prosecutors, Rebecca has taken on prosecution assignments for other municipalities as a conflict prosecutor, namely in the Cities of Forest Lake, Cottage Grove, Scandia, and West St. Paul.

Rebecca has more than seven years of experience as a municipal prosecutor at the law firms of Eckberg Lammers and Grannis & Hauge, P.A. At Grannis & Hauge, Rebecca prosecuted for the Cities of Eagan and Mendota Heights for five years.

Rebecca is actively involved in the Tubman Alliance Systems and Service Integration Think Tank, which is a board that facilitates discussions and policy implementation regarding current policies and procedures as they relate to the protection of domestic abuse victims and sentencing structures designed to reduce domestic abuse recidivism.

Rebecca is an active member of the Twin Cities Organized Retail Crime Alliance (TCORCA), which is a collaboration of law enforcement, prosecutors and asset protection representatives from area retailers who work collaboratively to combine resources in an effort to improve the sharing of information on chronic offenders. Rebecca attends quarterly and annual trainings and conferences with the organization. This organization crosses jurisdictional lines and works in partnership to identify and criminally prosecute repeat offenders.

Joe Van Thomme will also provide prosecution services to the City. Joe joined our firm in March 2014, after spending more than four years at an Anoka County firm as a lead prosecutor. At that firm, Joe was lead prosecutor for the Cities of Ramsey, Bethel and Nowthen, and also represented the Town of Linwood on civil municipal matters.

Since joining Eckberg Lammers, Joe prosecutes for all of our firms prosecution clients. Joe actively advises municipalities and their police agencies on vehicle forfeitures, administrative law and is actively involved in criminal and civil ordinance enforcement issues.

Joe has been on the Minnesota State Bar Association's Criminal Law Section for the past six years. In 2013, Joe was elected Chair of that organization, which has several hundred members and a focus on training criminal law lawyers and monitoring changes in the law.

Joe regularly coordinates trainings and educational materials for both lawyers and police agencies, and is the primary author of the firm's "Ask Your Prosecutor" newsletter. The newsletter is distributed on a monthly basis to 22 law enforcement agencies and municipalities and covers substantive and timely topics related to law enforcement and prosecution. Joe also prepares and distributes case law updates to all agencies, when relevant.

Joe is an educator and coach for law students in the Advocacy and Moot Court program at Hamline University School of Law.

Thomas J. Weidner will also provide prosecution services to the City. Tom has led the prosecution team for more than 20 years. He has served as the Supervising prosecutor for the Cities of Woodbury, Northfield, Faribault, Bayport, Oak Park Heights, Grant, Lake St. Croix Beach, Mahtomedi, Lakeland, St. Mary's Point, Hugo, Marine on St. Croix and Lake Elmo.

Tom has also served as a special prosecutor in conflict situations for the Cities of Stillwater, Maplewood, Forest Lake, Cottage Grove, Oakdale and St. Paul Park. Tom has extensive trial experience. In addition to his substantial prosecution duties, Tom maintains a private practice in civil litigation.

Tom has focused on the development and implementation of the use of technology in prosecution. By innovating "paperless" file systems, electronic scheduling and the transfer of electronic reports and evidence, our firm has been able to offer more effective prosecution services at a lower cost to our municipal clients and correspondingly reduced the pressure on police staff resources.

Thomas R. Lehmann will also provide prosecution services to the City. Tom has been a prosecutor for over 25 years and is currently the chief prosecutor for the Cities of Lilydale and Mendota. Before beginning his own law firm, Tom prosecuted for the Cities of South St. Paul, West St. Paul, Inver Grove Heights and Sunfish Lake. Tom has also taken on numerous prosecution assignments for other municipalities as a special counsel during conflicts, including the Cities of Eagan, Mendota Heights, South St. Paul, Inver Grove Heights, West St. Paul and Wayzata. On the civil side of his municipal practice, Tom is the City Attorney for the Cities of Mendota Heights and Mendota, and Lilydale.

Statements of Qualification for Rebecca Christensen, Tom Weidner, Joe Van Thomme and Thomas Lehmann are attached to the end of this Response. All attorneys proposed to provide prosecution services to the City are fulltime Eckberg Lammers employees.

Current and Previous Municipal Law Experience

Eckberg Lammers has historically maintained a significant focus in municipal and public-sector practice and, since its inception, has been one of the leading municipal law firms in the Twin Cities Metropolitan Area and beyond. Our firm currently serves as criminal prosecutors to the following cities:

- City of Woodbury
- City of Mendota
- City of Lilydale
- City of Northfield
- City of Faribault
- City of Mahtomedi
- City of Oak Park Heights
- City of Grant
- City of Bayport

- City of Lake St. Croix Beach
- City of St. Mary's Point
- City of East Bethel

Our law firm currently serves as civil municipal general counsel to the following cities:

- City of Woodbury
- City of Mendota
- City of Lilydale
- City of East Bethel
- City of Mendota Heights
- City of Wyoming
- City of Oak Park Heights
- City of Grant
- City of Scandia
- City of Bayport
- City of Montrose
- City of Lake St. Croix Beach
- City of St. Mary's Point
- City of New Richmond, WI

Additionally, in past years, our firm or its attorneys have prosecuted for or provided special services in conflicts of interest and other circumstances to the following communities:

- City of West St. Paul
- City of South St. Paul
- City of Eagan
- City of Mendota Heights
- City of Stillwater
- City of Maplewood
- City of White Bear Lake
- City of Otsego
- City of Cottage Grove
- City of Scandia
- City of Forest Lake
- City of Golden Valley
- City of Lake Elmo
- City of Hugo
- City of Lakeland

Our Firm has not stopped representing any municipality in the last three years. The following are cities the Firm began representing in the last years:

- City of Scandia, 2012

- City of Montrose, 2013
- City of Northfield, 2014
- City of Faribault, 2015

Criminal Prosecution References

City of Woodbury:	Lee Vague, Chief of Police Woodbury City Hall 8301 Valley Creek Road Woodbury, Minnesota 55125 (651) 714-3500 lvague@ci.woodbury.mn.us
City of Oak Park Heights:	Brian DeRosier, Chief of Police P.O. Box 2007 Stillwater, Minnesota 55082-2007 (651) 439-4723 bwderos@cityofoakparkheights.com
City of Bayport:	Laura Eastman, Chief of Police Bayport City Hall 294 Third Street North Bayport, Minnesota 55003 (651) 275-4404 leastman@ci.bayport.mn.us
City of Mendota:	Mike Aschenbrener, Chief of Police 1101 Victoria Curve Mendota Heights, Minnesota 55118 (651) 452-1366 mikea@mendota-heights.com
City of Northfield:	Monte Nelson, Chief of Police 1615 Riverview Drive Northfield, Minnesota 55057 (507) 663-9301 monte.nelson@ci.northfield.mn.us
City of Faribault:	Andy Bohlen, Chief of Police 25 NW 4 th Street Faribault, MN 55021 (507) 334-0920 abohlen@ci.faribault.mn.us

Washington County Sheriff's Office: William Hutton, Sheriff
15015 62nd St. N.
Stillwater, MN 55082
P.O. Box 3801
(651) 430-7601
William.hutton@co.washington.mn.us

Responsibilities to the City

Our primary responsibility to the City is to provide effective, high-quality prosecution services of petty misdemeanor, misdemeanor and gross misdemeanor violations related to criminal, traffic, vehicle forfeiture, appeals and City Code violations as well as provide relevant, related legal advice. Our prosecutors will attend all court appearances as scheduled in district court, and will draft complaints, schedule officer appearances, provide training and education to law enforcement, staff and zoning enforcement actions.

Our prosecution team will provide monthly case law updates by way of a monthly newsletter to distribute to the City in an effort to keep all parties fully informed and up-to-date on criminal law and procedure issues. Our prosecutors place an emphasis on law enforcement input when making charging decisions and will communicate directly with officers and personnel regarding charging decisions along with the City, as appropriate. This practice has proven to strengthen the partnership and effectiveness of the prosecutor and the City.

Our prosecution team strives to make ourselves available when issues may arise. Our prosecutors are available to law enforcement and personnel by cell phone and email at all times and make it a priority to respond promptly. Each prosecutor has 24/7 mobile phone access and are readily accessible to law enforcement agents and City personnel, as needed. We encourage City staff and law enforcement to contact us with any questions that arise, as they arise. We frequently receive questions relating to code enforcement, statute interpretation, Rules of Criminal Procedure, process and policy, along with requests for case updates and trial prep questions from our agencies.

Several of the benefits to having a team of four prosecutors include: one prosecutor is typically in the office, available to answer questions and resolve issues while the other prosecutors are in court and less available; and when a prosecutor is unavailable due to illness, vacation or trial others provide seamless representation.

Conflict of Interest

Eckberg Lammers has no conflicts of interest with providing the City of Lake Elmo comprehensive prosecution services.

The potential for conflicts of interest always exists. The firm maintains a conflict protocol and client registry as required under existing ethics standards for that purpose. In the event a conflict presents itself, the firm would promptly notify the affected parties as we are professionally required to do, and we would assist in making the necessary referral and transition the file to other counsel in an efficient manner.

City/City Attorney Relationship

Civil and criminal representation has long been a major emphasis at Eckberg Lammers. Our Firm's municipal attorneys pride themselves on taking a collaborative approach with City staff, law enforcement and public officials, and always put a priority on responding to all inquiries. Additionally, our Firm consistently takes a proactive approach to representation, alerting its municipal clients to legal trends on the horizon so each municipality can structure its affairs accordingly. Our Firm's civil and criminal attorneys are therefore available outside of business hours and are willing to spend additional time as is necessary to fully serve the needs of the City. It is our policy that all phone calls and email inquiries from City staff and officials are returned the same business day, or immediately on the next business day (if the inquiry is received late in the day or after business hours). All attorneys are available to the City by office phone, cellular phone, e-mail and facsimile transmission. Recorded voice messaging or the opportunity to speak to support staff and leave a personal message with a live person is provided as well. Our Firm has regular office hours from 8:00 a.m. until 5:00 p.m. The prosecution department opens at 7:00 a.m.

Communication is critical to establishing essential relationships between law enforcement, staff and personnel. We excel at ensuring communication is timely, clear and directed to the appropriate person. Tasks are coordinated in a manner which sets response parameters and timelines. Eckberg Lammers consistently strives to provide clear and comprehensive communication, and follow up is made to ensure that work product is received, understood and timely applied.

Our prosecution case management software is LENS. This same program is utilized by the Washington County Attorney's Office. This system affords us maximum flexibility on file storage and retrieval as well as calendaring, electronic reminders, conflict management and off-site access. Microsoft Outlook and email systems are state-of-the-art and interface within LENS and Ms. Piggy and mobile phones for trial and case management. Within this case management system, the Firm tracks each project and matter with a step-by-step "to do" list allowing deadlines to be established and met.

Our Firm's computer systems are used by attorneys and staff daily on and off-site for work, yet provide maximum security and systems control. All attorneys have laptop access and smart-phone access to email documents as needed. We share, edits and finalizes documents with our municipal clients on a daily basis. Our prosecutors consistently delivering such timely communication and work product is a source of pride for Eckberg Lammers.

Criminal Prosecution Fees

We propose a monthly flat fee retainer that encompasses all of the proposed prosecution services. The firm will prosecute all matters outlined in the Request for Proposals within the monthly retainer fee described below. The only matter excluded from the retainer is criminal appellate work, which is not included in the retainer and will be billed hourly, as described in the table below. As such, the City of Lake Elmo can be assured that the flat fee retainer will be the total bill in most months (supplemented by hard costs described below).

	2016	2017	2018	2019	2020
Retainer Fee (monthly amount)	\$42,000	\$43,260	\$44,550	\$45,800	\$48,000
Hourly – Attorneys*	\$185	\$185	\$200	\$200	\$205
Hourly -- Paralegals	\$90	\$90	\$100	\$100	\$110
Hourly -- Law Clerks	\$90	\$90	\$90	\$90	\$90

* The hourly rates for all attorneys will be the same.

Miscellaneous Billing Matters

As described throughout this Response, Eckberg Lammers will provide prosecution services to the City at a convenient, cost-effective monthly flat fee. Accordingly, the efficiency and savings generated by this arrangement will be passed on to the City by eliminating the need for a redundant monthly billing summary of the services provided within the flat fee.

In the event that there are additional costs to be billed to the City beyond the monthly retainer, the firm will provide the City with a detailed summary of those costs. Legal assistant and secretary services are never charged. Minimum hourly billing for appeals will be in increments of .10 hours.

Hard Costs

The following charges are passed through at cost:

- Courier or Delivery Charges
- Process Server Fees
- Court Reporter Transcription Fees
- Postage

As part of the firm's comprehensive flat fee prosecution services, no charges are ever imposed for phone calls. The firm encourages City staff, law enforcement and personnel to contact any of our prosecuting attorneys without the budgetary concerns. If a phone call evolves into a project or work item, that item will be covered by the flat fee

retainer agreement. The firm has found this approach to be welcomed by cities, as it provides for unfettered legal advice without imposing financial pressure on the city.

CONCLUSION

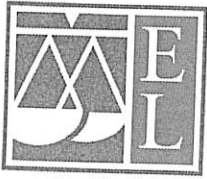
The breadth and depth of our firm's longstanding experience in representing municipal clients makes Eckberg Lammers uniquely qualified to provide superior, cost-effective prosecution services to the City of Lake Elmo. Our firm has demonstrated an ability and willingness to maintain close, effective working relationships with its municipal clients. We have enjoyed tremendous success prosecuting for cities of all sizes due to its strong infrastructure and skilled, capable attorneys. The commitment of the prosecution team and support staff to our clients allow us to deliver the services requested. We welcome the opportunity to provide comprehensive criminal prosecution services to the City of Lake Elmo.

Respectfully submitted this 14th day of December, 2015.

**ECKBERG, LAMMERS, BRIGGS, WOLFF
& VIERLING, P.L.L.P**

By: 

Thomas Weidner



STATEMENT OF QUALIFICATION



Rebecca S. Christensen

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2131
rchristensen@eckbergammers.com

Education

- Bachelor of Arts, *Cum Laude*, 2004
University of St. Thomas, Saint Paul, Minnesota
- Juris Doctor, 2007
William Mitchell College of Law, Saint Paul, Minnesota

Professional Experience

Prior to joining Eckberg Lammers in 2012, Ms. Christensen was an attorney and lead prosecutor for another suburban municipal law firm. Ms. Christensen handles all aspects of criminal prosecution activity for the cities of Woodbury, Oak Park Heights, Bayport, East Bethel, Grant, Faribault and Northfield, Minnesota. As part of this comprehensive practice, Ms. Christensen provides law enforcement training and is the primary liaison to law enforcement agencies, maintaining open and constant communication with police chiefs, police officers and city staff. This ensures that all parties are involved in each phase of the criminal case from the initial charging decisions, through contested evidentiary and probable cause hearings, probation violations and jury trial verdicts.

Practice Areas

- Criminal Prosecution
- Municipal Law

Professional Organizations

- Minnesota State Bar Association, Anoka County Prosecutors Association, 19th District Bar Association, Minnesota Women Lawyers – Washington County, Rice County Bar Association, Tubman Alliance Systems and Service Integration Think Tank, Twin Cities Organized Retail Crime Association



STATEMENT OF QUALIFICATION



Joe D. Van Thomme

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2106
jvanthomme@eckbergglammers.com

Education

- Bachelor of Arts, 2006
University of Minnesota, Minneapolis, MN
- Juris Doctor, 2009
Hamline University School of Law, St. Paul, MN

Professional Experience

Mr. Van Thomme specializes in criminal prosecution for the Cities of East Bethel, Woodbury, Northfield, Faribault, Bayport, Oak Park Heights and several other suburban and exurban communities. Mr. Van Thomme handles everything from initial charging to trial and verdict, along with contested evidentiary hearings and probation violations. Mr. Van Thomme is also a court-appointed attorney in Anoka County representing parents in child protection and termination of parental rights matters. Finally, Mr. Van Thomme works in civil municipal areas as an assistant attorney, advising cities regarding vehicle forfeitures, administrative law and ordinance enforcement issues.

Mr. Van Thomme joined Eckberg Lammers in March 2014. He was selected as an "Up and Coming Attorney" by *Minnesota Lawyer* in 2013.

Practice Areas

- Municipal Law – Criminal Prosecution
- Municipal Law – Civil Representation
- General Civil Litigation

Professional Organizations

- Minnesota State Bar Association, Washington County Bar Association, 19th District Bar Association, Hennepin County Bar Association



STATEMENT OF QUALIFICATION



Thomas J. Weidner

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2119
tweidner@eckbergammers.com

Education

- Bachelor of Arts, 1985
Augsburg College, Minneapolis, MN
- Juris Doctor, January 1990
William Mitchell College of Law, St. Paul, MN

Professional Experience

Mr. Weidner joined the firm in 1990 and concentrated his practice in the areas of criminal prosecution services and civil litigation. Mr. Weidner serves as a prosecutor for the Cities of Woodbury, Faribault, Bayport, Grant, Lake St. Croix Beach, Mahtomedi, and St. Mary's Point. Mr. Weidner also has a unique perspective on various municipal issues, as a member of the Stillwater City Council. Mr. Weidner's litigation practice is concentrated primarily in the areas of plaintiffs' negligence and liability cases.

Practice Areas

- Criminal Prosecution
- Civil Litigation

Professional Organizations

- Board of Governors Minnesota State Bar Association 1997-2004
- Ethics Committee Member 19th District Bar Association 1999-2005
- Past President, 19th District Bar Association
- Former President of the American Heart Association, St. Croix Valley Division
- Member of the Washington County City Prosecutors Association
- President of the Stillwater Community Foundation
- Member of the Minnesota Trial Lawyers Association
- Member of the City of Stillwater City Council 1997-2000
- Washington County Sentence to Service Advisory Board 2000-present
- Washington County Bar Association, 19th District Bar Association



STATEMENT OF QUALIFICATION



Thomas R. Lehmann

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2133
tlehmann@eckbergglammers.com

Education

- Bachelor of Science, *Cum Laude*, 1984
Concordia College, Moorhead, Minnesota
- Juris Doctor, 1987
William Mitchell College of Law, Saint Paul, Minnesota

Professional Experience

Mr. Lehmann's diverse practice includes representing municipalities, businesses and individuals. Since 1989, Mr. Lehmann has served as City Attorney for the City of Mendota. Mr. Lehmann also serves as the city prosecutor and assistant civil attorney for the City of Lilydale, and recently was appointed as the City Attorney for the City of Mendota Heights. Mr. Lehmann has worked for suburban municipal-focused law firms in the past, and owned his own firm, Lehmann & Lutter, for many years. Mr. Lehmann joined Eckberg Lammers in January 2013.

Practice Areas

- Municipal Law – General Municipal, Ordinances/Resolutions, Contracts, Trial Activity
- Business and Commercial Law
- Business Transactions/Business Litigation
- Employment Law
- Real Estate
- Wills and Trusts/Family Law

Professional Organizations

- Chairman, Stillwater Public Schools, Minnesota State Bar Association, Minnesota Association for Justice



MINNESOTA LAWYERS MUTUAL

INSURANCE COMPANY

DECLARATIONS

Policy Number 2184 32

333 South Seventh Street, Suite 2200; Minneapolis, MN 55402
(612) 341-4530 (800) 422-1370 fax (800) 305-1510

LAWYERS PROFESSIONAL LIABILITY POLICY (THIS IS A CLAIMS-MADE POLICY – READ CAREFULLY)

Item 1.

Named Insured:

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP
Attorney's Title of Stillwater

Office Address:

1809 Northwestern Ave S
Stillwater, MN 55082

Item 2.

Policy Period:

9/12/2015

to

9/12/2016

(the Effective Date)

(the Expiration Date)

12:01 A. M., standard time at the address of the Named Insured stated herein

Item 3.

Limits of Liability:

\$3,000,000.00

Per Claim

\$5,000,000.00

Aggregate

Item 4.

Deductible Amount:

\$10,000.00

Per Claim

Item 5.

Total Number of Lawyers: 17

Total Premium: \$46,492.00

Item 6.

Applicable Forms and Endorsements:

MLM-019 (11-13) Prior Acts Retroactive Date, MLM-032 (11-13) Minnesota Changes, MLM-048 (11-13) Specific Entity Exclusion, MLM-064 (11-13) Individual Prior Acts Exclusion, MLM-2000 (11-13) Policy Form

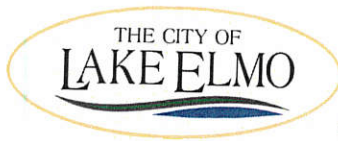
In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

John J. Bowden, Secretary

Kristina Simmons, Authorized Agent

Paul M. Ablan, President



MAYOR & COUNCIL COMMUNICATION

DATE: 1/5/16
REGULAR
ITEM 13

AGENDA ITEM: Gateway Corridor Route and Station Locations in Lake Elmo

SUBMITTED BY: Clark Schroeder

THROUGH: Jan Lucke

REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Jan Lucke, Washington County
- Report/Presentation.....Jan Lucke, Washington County
- Questions from Council to Staff Mayor Facilitates
- Discussion Mayor & City Council

POLICY RECCOMENDER:

Staff

POLICY BEING SET:

Three possible options have been identified as a potential route for the Gateway Corridor between Lake Elmo Avenue and Manning Avenue. The action is to identify the preferred route between Lake Elmo Avenue and Manning Avenue.

FISCAL IMPACT:

None. The City of Lake Elmo is not committing to any fiscal responsibilities for the proposed action, beyond the already approved money for a market analysis of the I-94 corridor.

SUMMARY AND ACTION REQUESTED:

Three options have been identified as a potential route for the Gateway Corridor between Lake Elmo Avenue and Manning Avenue. The action is to identify the preferred route among the three options in the form of a resolution of support (attached). Details on the process and technical considerations are included in the following pages. The action is NOT a vote to construct the corridor, rather to amend the locally preferred alternative (LPA) that is already in the Metropolitan Council Transportation Policy Plan.

The LPA action is a statement of support from each community to confirm they are in agreement with the proposed route and type of transit. A statement of support means that each community is willing to assess in more detail what transit could mean for their community. This includes investigating scenarios for land uses and development around each transit station.

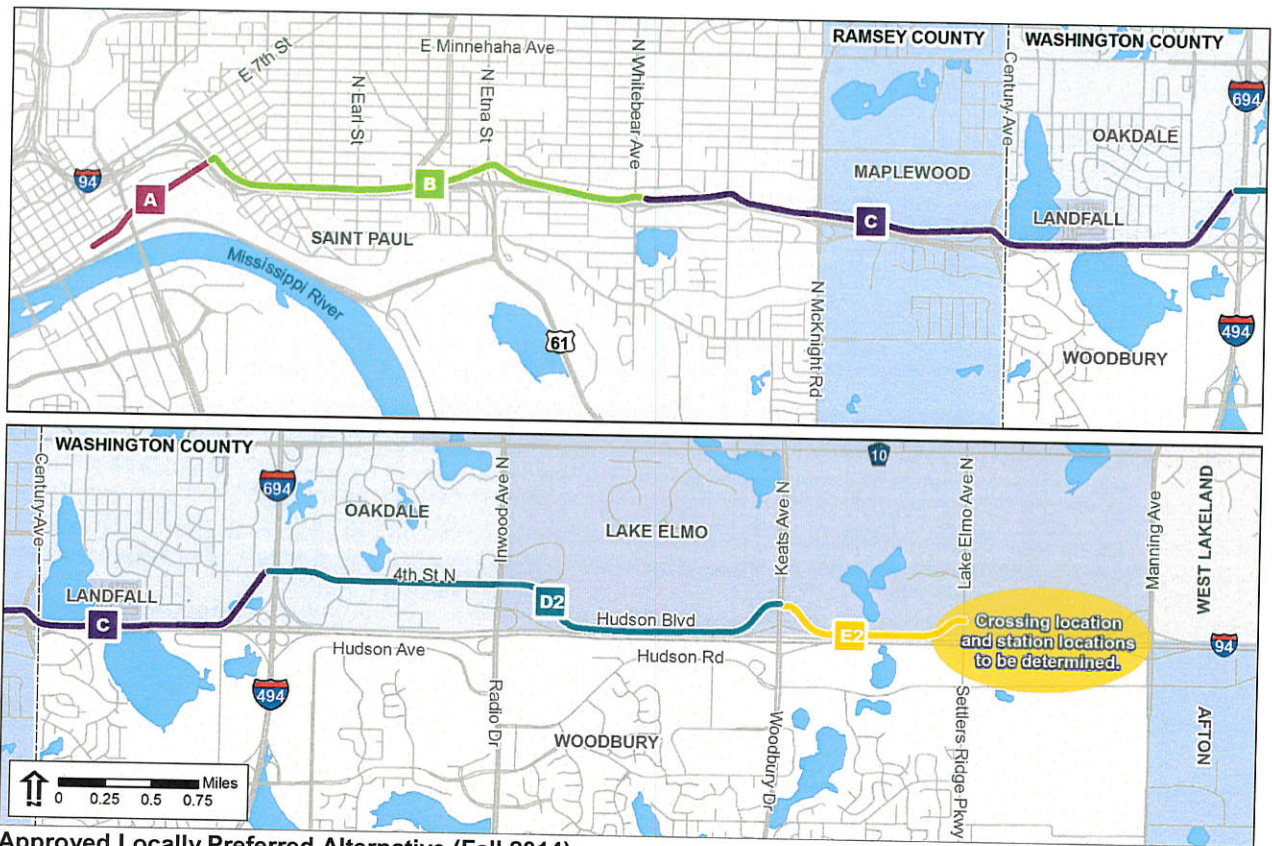
Lake Elmo will have access to support in developing such scenarios. The Gateway Corridor was recent awarded a \$1 million grant from the Federal Transit Administration (FTA) Transit Oriented Development Pilot Program allowing for more support and collaboration on decisions that will be made related to the transit stations in 2016 and 2017. In addition, the Gateway Corridor is fortunate to be undertaking this process with the support of East Metro Strong, a public-private partnership of businesses, cities, and counties working together to bring more and better transit investment to the East Metro. Lake Elmo is currently engaged in an East Metro Strong-supported study; East Metro Strong will provide an update on this work at the January 5, 2016, City Council meeting.

If approved by all cities and counties in the corridor, the complete LPA will be included as one of the routes in the Gateway Corridor Draft Environmental Impact Statement submitted to the Federal Transit Administration in February 2016 for technical and legal review and released for public comment in summer 2016. The preferred alignment would also be included in the next phase of study to take place over a 24-month period between mid-2016 to mid-2018 that would bring the project from its current 1% design to approximately 30% design and include robust station area planning.

Background

In September 2014, based on technical, policy and community input, the Locally Preferred Alternative (LPA) was identified for the Gateway Corridor project. The Gateway Corridor will provide for a dedicated guideway for Bus Rapid Transit (BRT) from Union Depot in Saint Paul to Manning Avenue generally along the I-94 corridor. The far eastern portion of the LPA was depicted as a 'yellow bubble' generally on the Hudson Road-Hudson Boulevard alignment that crosses to the south side of I-94 somewhere between Lake Elmo Avenue/Settlers Ridge Parkway and Manning Avenue. The yellow bubble area is called the E-Segment. This route option was not finalized due in part to the fact that Metro Transit had not yet determined the location of an express bus park-and-ride facility that is being planned in the vicinity of Manning Avenue and I-94. Local partners also wanted to have further conversations with elected officials, property owners, and stakeholders before this section was finalized.

All Gateway Corridor cities and counties, including Lake Elmo, adopted a resolution for the LPA with a yellow bubble generally on the Hudson Road-Hudson Boulevard alignment in fall 2014 (Attachment 1). This same LPA was adopted by the Metropolitan Council as part of the 2040 Transportation Policy Plan in February 2015, with the expectation that the route in Segment E would be further analyzed and refined over the next year. A map of the LPA that was adopted in fall 2014 is below.



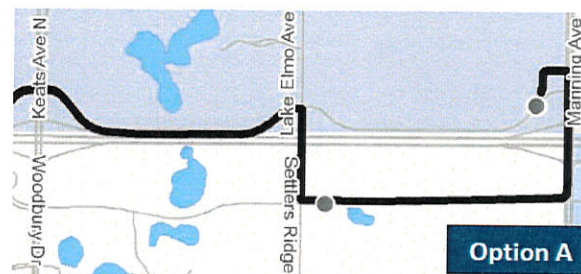
Approved Locally Preferred Alternative (Fall 2014)

Technical Analysis

Over the past year, additional analysis and coordination has taken place so the preferred route could be refined to determine a more defined route between Lake Elmo Avenue/Settlers Ridge Parkway and Manning Avenue. Key factors considered in the refined LPA include cost, flexibility, ridership, economic development potential, and operational efficiency/system integration. Several proposed routes were considered by the Technical Advisory Committee (TAC), Community Advisory Committee (CAC), and Policy Advisory Committee (PAC) taking these factors into consideration. The following options were considered for inclusion in the refined LPA process. You will note that the station locations remain constant in each option.

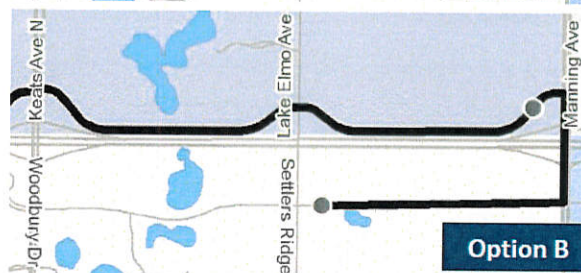
Option A

The route crosses I-94 on the existing Lake Elmo Avenue/Settlers Ridge Parkway overpass in mixed traffic, where there is a proposed station location in Woodbury. The route then heads east on Hudson Road to Manning Avenue. The route goes north on Manning Avenue in mixed traffic to Hudson Boulevard to the end/start of the line station location in Lake Elmo. This station location also coincides with the proposed location of the Metro Transit express bus park-and-ride.



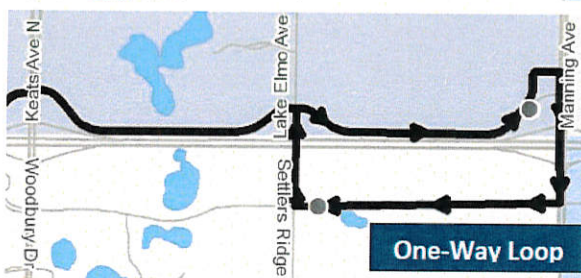
Option B

The route stays north of I-94 in Lake Elmo along Hudson Boulevard to Manning Avenue, where there will be a station location (as well as the express bus park and ride). It then travels south on Manning Avenue in mixed traffic, then west along Hudson Road to the end/start of the line station location near Settlers Ridge Parkway in Woodbury.



Option C

This route involves a one-way loop whereby the route stays north along Hudson Boulevard in Lake Elmo to Manning Avenue, then heads south into Woodbury on Manning Avenue in mixed traffic. It then heads west on Hudson Road to Settlers Ridge Parkway, where there is a station location. It then goes north across the freeway into Lake Elmo turning east onto Hudson Boulevard, to the end/start of the line station location near Manning Avenue.



Option C was eliminated from an operational perspective, as loops have been proven to cause confusion to riders and Metro Transit has refused to accept any additional loop routes given these challenges.

Options A and B were compared against each other using the following metrics: lowest travel time to Union Depot, lowest cost for Segment E, highest ridership gain, and overall transit rider experience.

Based on the analysis and the metrics noted above, Option A was selected as the preferred alignment for the purpose of holding the public hearing and receiving comments. Option A had the lowest travel time from Union Depot, the lowest relative cost, the highest ridership gain, and a better overall transit rider experience. This option was recommended by the CAC, TAC and the PAC for public comment.

Details of the analysis are in Attachment 2 and will be included in the presentation to the Council.

Public Input and the Locally Preferred Alternative (LPA) Approval Process

The PAC and Gateway Corridor Commission recommended the refined LPA be released for public comment on August 13, 2015. At the public hearing on September 10, 2015, held at Woodbury City Hall, the public was provided an opportunity to comment on the proposed route. Additional comments were accepted at an open house in Lake Elmo on August 19, 2015 and via email or mail through September 24, 2015. The cities of Lake Elmo and Woodbury (note: Woodbury acted on 12/9/15) and the Washington County Regional Railroad Authority are now asked to provide resolutions of support for the refined LPA, so that it can be forwarded to the Metropolitan Council for adoption into the Transportation Policy Plan. All comments received can be found here:

<http://thegatewaycorridor.com/documents/2015/2015%20LPA%20Comments.pdf>

After the Gateway Corridor Commission, Cities of Lake Elmo and Woodbury, and Washington County pass resolutions to confirm the LPA the information will then be sent to the Metropolitan Council and an administrative amendment will be done on the TPP.

Additional Considerations for the Action

What a “yes” vote means:

- Does not come with an implicit or explicit expectation for future action.
- Continues down a path of providing a transportation alternative for those that live in Lake Elmo and cannot drive, including seniors and persons with disabilities, or choose not to drive.
- Allows Lake Elmo to continue to explore a range of residential and commercial development opportunities/visions in the Old Village and along I-94 and test whether the market place can deliver those opportunities/visions with or without a transit investment.
- Distinguishes Lake Elmo from other communities that are trying to attract high quality commercial development.
- Provides more options to work with the residential and commercial market and through those options have more control over Lake Elmo’s destiny
- Includes Lake Elmo in the Draft Environmental Impact Statement to be submitted to the Federal Transit Administration in February 2016 for technical and legal review and released for public comment in Summer 2016. Also includes Lake Elmo in the next phase of study to take place over a 24-month period between mid-2016 to mid-2018 to bring the project from its current 1% design to approximately 30% design.
- Does not change the accepted Metropolitan Council residential forecast of 18,200 residents, 7,100 households, and 3,800 jobs in 2040. The total of existing and approved but not yet constructed households are below the forecasts, as are residents and jobs. Taking into account the roughly 1850 housing units approved by the city there are roughly 2200 more housing units that would need to be planned for by 2040. These housing units will be planned in both sewerred as well as non-sewerred areas of the city and will need to be accounted for in the 2018 comp plan. The housing units which will be planned for sewerred areas of the city will need to have a density of at least 3 units per acre on average. The transit area planning densities would need to meet the Met Council expected densities; this density could be made up of employment, students, residential or a combination of any of them. Finally, the Met Council expects the city to plan for sufficient land to accommodate forecasted growth and land to meet the Cities affordable housing allocation through 2040.

What a “no” vote means:

- Removes Lake Elmo from consideration of all day bus rapid transit service and forecloses on the exploration of the benefits and protections bus rapid transit service may

bring Lake Elmo.

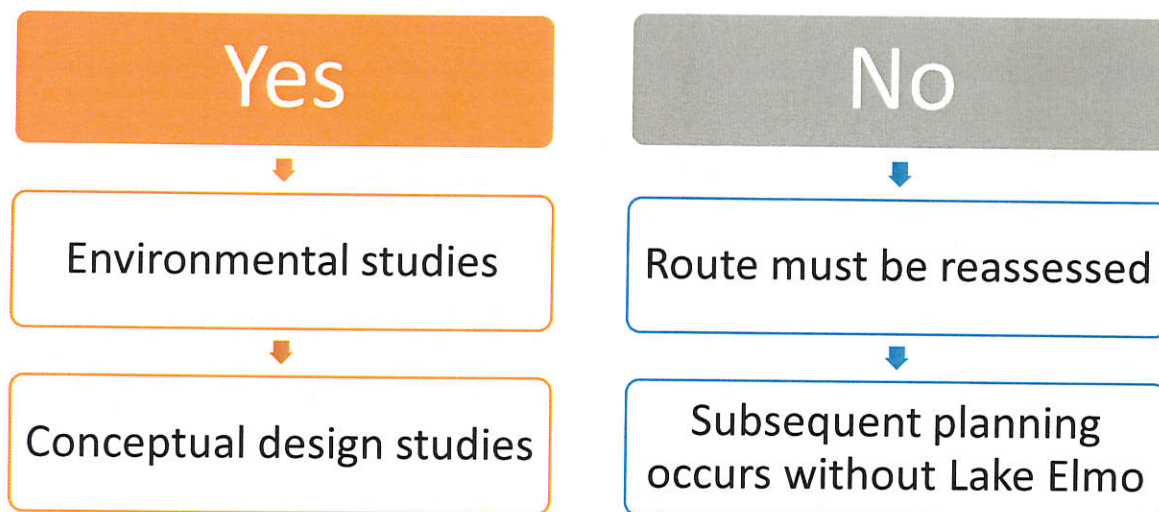
- Because the East Metro Strong-supported study is to help study issues related to transit, stopping consideration of transit would also result in termination of the contract with East Metro Strong and payment of 20% of costs incurred to date.

The discussions held with the City as part of the East Metro Strong-supported study raised—and began exploring—a variety of issues that will affect Lake Elmo's future. The loss of the planned work supported by East Metro Strong and the loss of access to the support available through the FTA grant together would mean the loss of substantial resources which would help the Lake Elmo understand these issues and shape its response to them.

- Delays submittal of the Draft Environmental Impact Statement to the Federal Transit Administration while the Gateway Corridor takes time to establish a route and termini that the remaining local partners support.

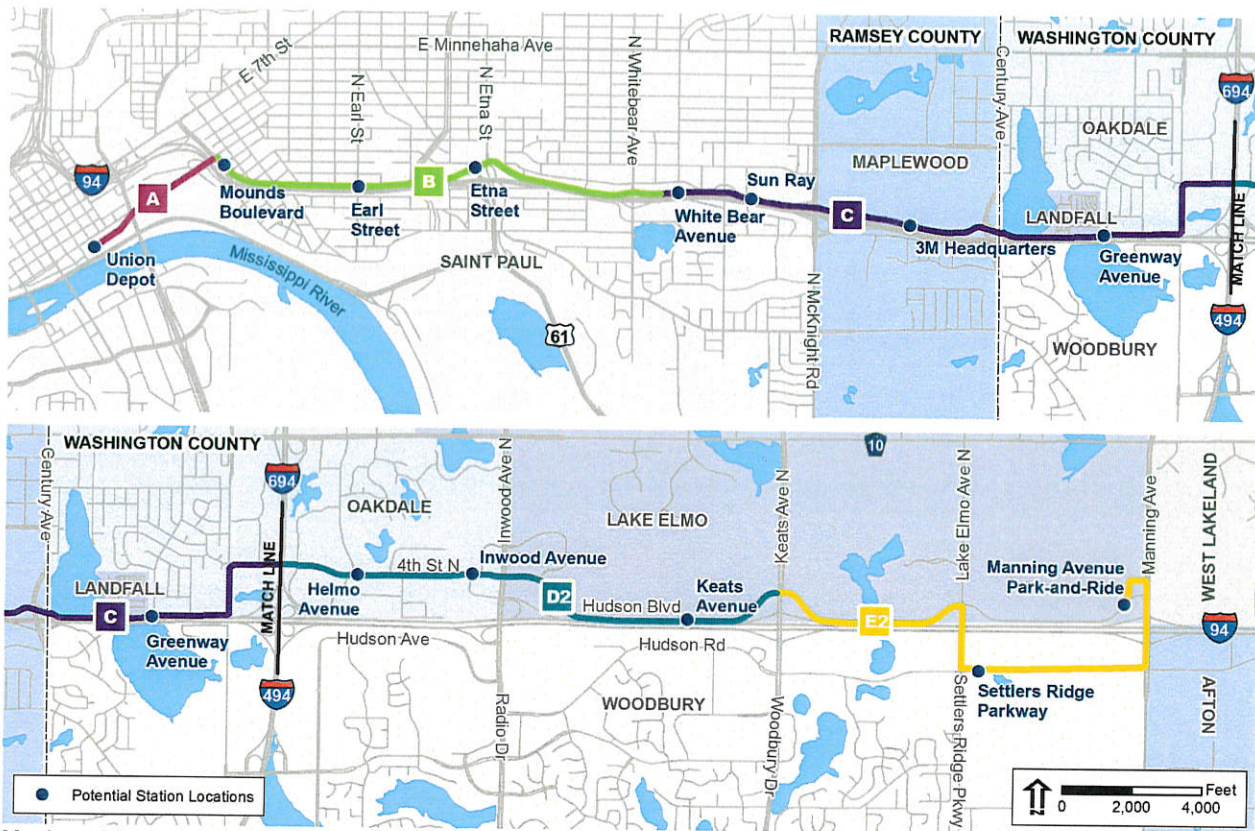
Summary: Yes and No

Voting yes or no on studying the "E2" Gateway Corridor rapid transit alignment



RECOMMENDATION:

A resolution transmitting the city of Lake Elmo's support for the locally preferred alternative – segment E alignment refinement in Lake Elmo and Woodbury to the Gateway Corridor Commission, WCRRA and Metropolitan Council.



Updated Locally Preferred Alternative (Recommended by PAC November 2015)

ATTACHMENTS:

1. City of Lake Elmo Resolution No. 2014-71 Support for the Locally Preferred Alternative
2. Analysis for route options in Lake Elmo and Woodbury
3. Resolution 2016-2 Support for LPA -E2

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

RESOLUTION 2016-02

**A RESOLUTION TRANSMITTING THE CITY OF LAKE ELMO'S SUPPORT FOR THE LOCALLY PREFERRED ALTERNATIVE
SEGMENT E ALIGNMENT REFINEMENT IN LAKE ELMO AND WOODBURY TO THE GATEWAY CORRIDOR
COMMISSION, WCRRA AND METROPOLITAN COUNCIL**

WHEREAS, the Gateway Corridor is a proposed project that will provide for transit infrastructure improvements in the eastern portion of the Twin Cities, and;

WHEREAS, the Gateway Corridor is located in Ramsey and Washington Counties, Minnesota, extending approximately 12 miles, and connecting downtown Saint Paul with its East Side neighborhoods and the suburbs of Maplewood, Landfall, Oakdale, Lake Elmo, and Woodbury, and;

WHEREAS, the Gateway Corridor Project received the important Presidential designation as a Federal Infrastructure Permitting Dashboard Project, and;

WHEREAS, resolutions of support for BRT Alternative A-B-C-D2-E2 were provided by the PAC, GCC, each of the Gateway Corridor cities, and Ramsey and Washington County Regional Railroad Authorities in 2014, and;

WHEREAS, the Gateway Corridor (Gold Line) was officially included in the Metropolitan Council's 2040 Transportation Policy Plan, and;

WHEREAS, the LPA alignment from Lake Elmo Avenue/Settlers Ridge Parkway to Manning Avenue required further refinement to determine the crossing location of I-94, and;

WHEREAS, several alignment and station location configurations were prepared and assessed from Lake Elmo Avenue to Manning Avenue, and;

WHEREAS, the TAC, in a technical advisory role to the PAC, provided the following input on the LPA Alignment refinement between Lake Elmo Avenue/Settlers Ridge Parkway and Manning Avenue:

- BRT Alignment A-B-C- D2-E2, which on the east end begins and ends at the ^{proposed} Manning Avenue park and ride in Lake Elmo, travels on Manning Avenue to Hudson Road, proceeding on Hudson Road to Settlers Ridge Parkway, with a station in the vicinity of Settlers Ridge, then proceeding north on Settlers Ridge to Hudson Boulevard in Lake Elmo. The LPA alignment from this point west remains unchanged.

WHEREAS, a public hearing was held on September 10, 2015 in Woodbury on the preliminary LPA alignment refinement, at which time four comments were received, and;

WHEREAS, the comment period on the LPA refinement remained open through September 24, 2015, during which time 26 comments were received

NOW THEREFORE BE IT RESOLVED that the City of Lake Elmo has taken into consideration the technical information on each of the alignment options for the segment of the LPA between Lake Elmo Avenue/Settlers Ridge and Manning Avenue, along with the TAC and public input and identifies BRT Alternative A-B-C-D2-E2 (*see map on page 3*) which on the east end begins and ends at the proposed Manning Avenue park and ride in Lake Elmo, travels on Manning Avenue to Hudson Road, proceeding on Hudson Road or in the vicinity of Hudson Road to Settlers Ridge Parkway, with a station in the vicinity of Settlers Ridge, then proceeding north on Settlers Ridge to Hudson Boulevard in Lake Elmo as the refined LPA alignment in Lake Elmo and Woodbury. The LPA alignment from this point west remains unchanged, and;

BE IT FURTHER RESOLVED that the City of Lake Elmo commits to working with the Washington County Regional Railroad Authority (WCRRA), on behalf of the Gateway Corridor Commission, and the Metropolitan

Council to address the comments submitted by agencies, adjacent communities, the business sector, and the following areas of particular importance to the City of Lake Elmo

1. . The ownership and maintenance responsibilities of Hudson Boulevard were recently turned back to the City of Lake Elmo from MnDOT. If Hudson Boulevard is expanded to accommodate a BRT guideway or additional travel lanes for the exclusive use of buses it may increase the demands on the City to properly maintain the roadway. The City of Lake Elmo requests analysis of appropriate jurisdictional control over Hudson Boulevard and robust consideration of a possible turn back to Washington County.
2. Maintaining access for current land owners along Hudson Boulevard and planning for access for future development needs to be part of a functional ingress –egress policy. The City of Lake Elmo requests the development of an access management plan for Hudson Blvd. that is supported by property owners, the City of Lake Elmo and Washington County.
3. The City of Lake Elmo supports an easterly station in the proximity of the NW corner of Manning Avenue and I-94 to support economic development, including job creation, tax value, and traffic efficiency associated with the creation of a business park as guided by the City's Comprehensive Plan. Incorporating a Gateway station in Lake Elmo will require station area planning resources to ensure that Lake Elmo is maximizing economic development potential and ridership. The City Lake Elmo requests thorough analysis of economic development potential to assist in guiding the placement of Gateway stations in the corridor segment from Keats Avenue to Manning Avenue as well as planning resources from the Gateway Corridor Commission and Washington County to assist with transit oriented development/station area planning.
4. Lake Elmo Avenue serves as an important access point to downtown Lake Elmo. Due to the proximity of the road to both the Lake and developed neighborhoods, future expansion is constrained through the downtown area and the roadway cannot functionally handle additional growth in the regional movement of traffic beyond what is currently forecasted. The City of Lake Elmo recognizes that while the Gateway Corridor project will likely not preclude an interchange in this location, it would like to take this opportunity to state to Washington County, the Minnesota Department of Transportation and the Federal Highways Administration that an interchange is NOT desired in this location.
5. Safety and security at BRT stations for transit patrons and surrounding businesses and neighborhoods is very important to Lake Elmo. BRT Stations should be designed to be safe and secure environments that incorporate design elements to deter crime such as good lighting, visibility, security monitoring. The City of Lake Elmo requests a safety and security plan to ensure that adequate resources are provided at a regional and local level to effectively address safety and security concerns at Gateway Corridor facilities.

NOTE: THE PLACEHOLDER FOR CITY OF LAKE ELMO TO IDENTIFY PARTICULAR AREAS OF IMPORTANCE IN RESOLUTION IS OPTIONAL. CITY SPECIFIC ITEMS COULD ALSO BE ADDRESSED THROUGH SEPARATE TRANSMITTAL.

BE IT FURTHER RESOLVED that this resolution adopted by the City of Lake Elmo be forwarded to the Gateway Corridor Commission, WCRRA and the Metropolitan Council for their consideration.

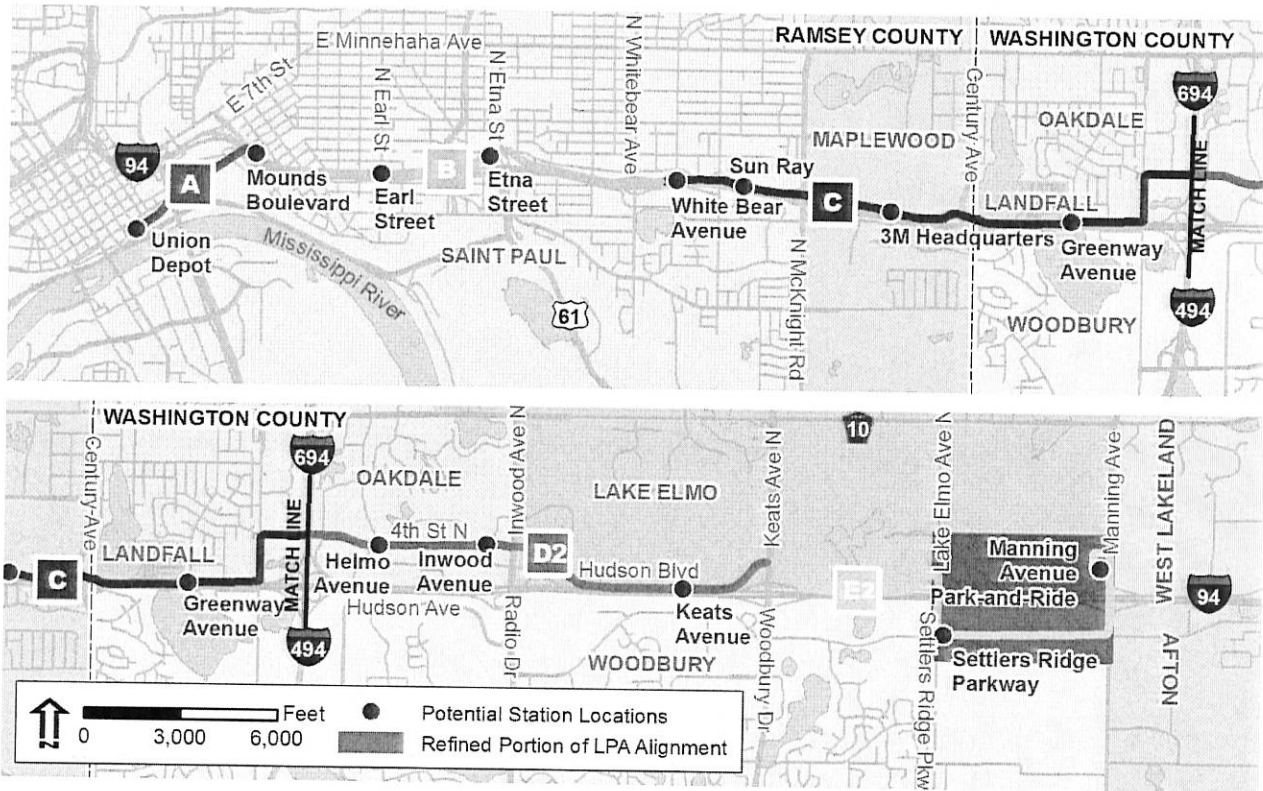
Date: _____

Date: _____

**Attest City
Clerk**

Mayor _____

Refined Locally Preferred Alternative with E-2 end point



Why is the LPA being refined?

In September 2014 based on technical, policy, and community input, the Locally Preferred Alternative (LPA) was identified for the Gateway Corridor project. This alternative was described as bus rapid transit (BRT) generally on the Hudson Road-Hudson Boulevard alignment that crosses to the south side of I-94 between approximately Lake Elmo Avenue and Manning Avenue. The LPA was adopted by the Metropolitan Council as part of the 2040 Transportation Policy Plan in January 2015.

In order to determine the route between Lake Elmo Avenue/Settlers Ridge Parkway and Manning Avenue, additional analysis and coordination has taken place.

What were the key factors in defining the refined LPA?



Cost



Economic development potential



Flexibility



Ridership



Operational efficiency/
system integration

What is the refined LPA alignment?

Multiple routes were studied (see back of handout) and community, technical, and policy input was collected. Based on the information gathered to date, the Policy Advisory Committee made a draft recommendation for public comment that Option A should be included as part of the refined LPA alignment. Option A has the fastest travel time, lowest cost, and highest ridership out of the routes studied.

The refined LPA route is shown on the back of this handout. Station locations are included as reference and are not adopted as part of the LPA.

The LPA refinement is limited to the proposed route from Lake Elmo Avenue to Manning Avenue.

What is the LPA and why is it important?

The Locally Preferred Alternative (LPA) is the transitway alternative that the Cities and Counties in the corridor prefer and expect to be competitive and achieve support at the federal level.

The LPA is a general description of the type of transit that will be used (mode) and the location (route). The LPA definition is general; design specifics and definition of additional elements of the project, including station locations, are decided during subsequent engineering and planning efforts.

What are the next steps?

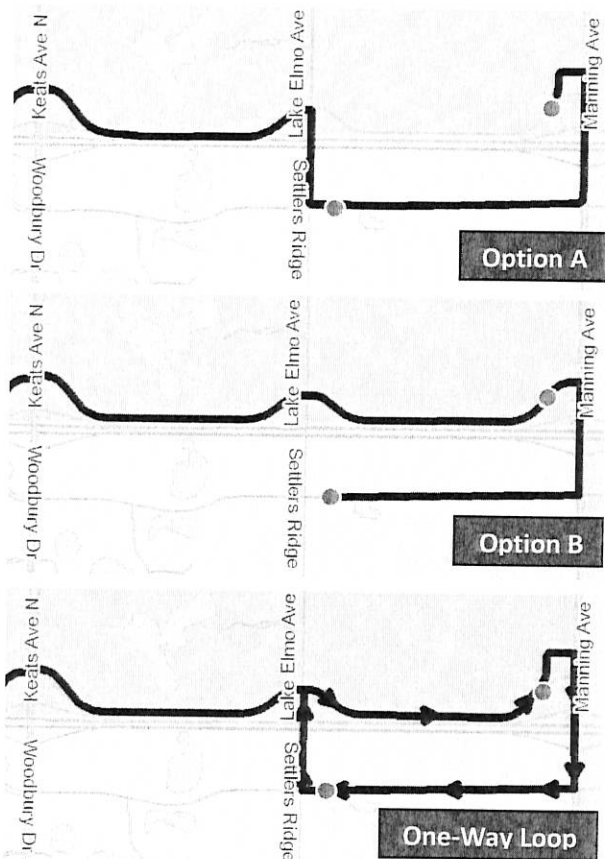
The Gateway Corridor Policy Advisory Committee (PAC) and Gateway Corridor Commission (GCC) recommended the refined LPA for public comment on August 13, 2015. At the public hearing on September 10, 2015, the public will be provided an opportunity to comment on the refined route. Comments will also be accepted via phone, email, or mail through September 24, 2015 (see contact information below). Based on the input received, the PAC and GCC will make a final recommendation at their October 2015 meetings.

Contact Information

If you have questions or would like to submit a comment on the refined LPA, please contact:

Lyssa Leitner, Senior Planner
11660 Myeron Road North
Stillwater, MN 55082
651-430-4300
gatewaycorridor@co.washington.mn.us

Routes Considered Between Lake Elmo Avenue/Settlers Ridge Parkway and Manning Avenue



Metric	Option A	Option B	One-Way Loop
Lowest Travel Time¹	33.2 min	33.5 min	--
Lowest Cost²	\$16.7 million	\$23.5 million	--
Highest Ridership Gain	275 riders	225 riders	--
Overall Transit Rider Experience	Stops at future express bus park-and-ride at Manning Avenue in Lake Elmo	Stops at future express bus park-and-ride at Manning Avenue in Lake Elmo but would backtrack	Loops have been proven to cause confusion for riders
Supported by Technical, Policy, and Community Advisory Committees	Recommended for refined LPA	Not recommended for refined LPA	Not recommended for refined LPA

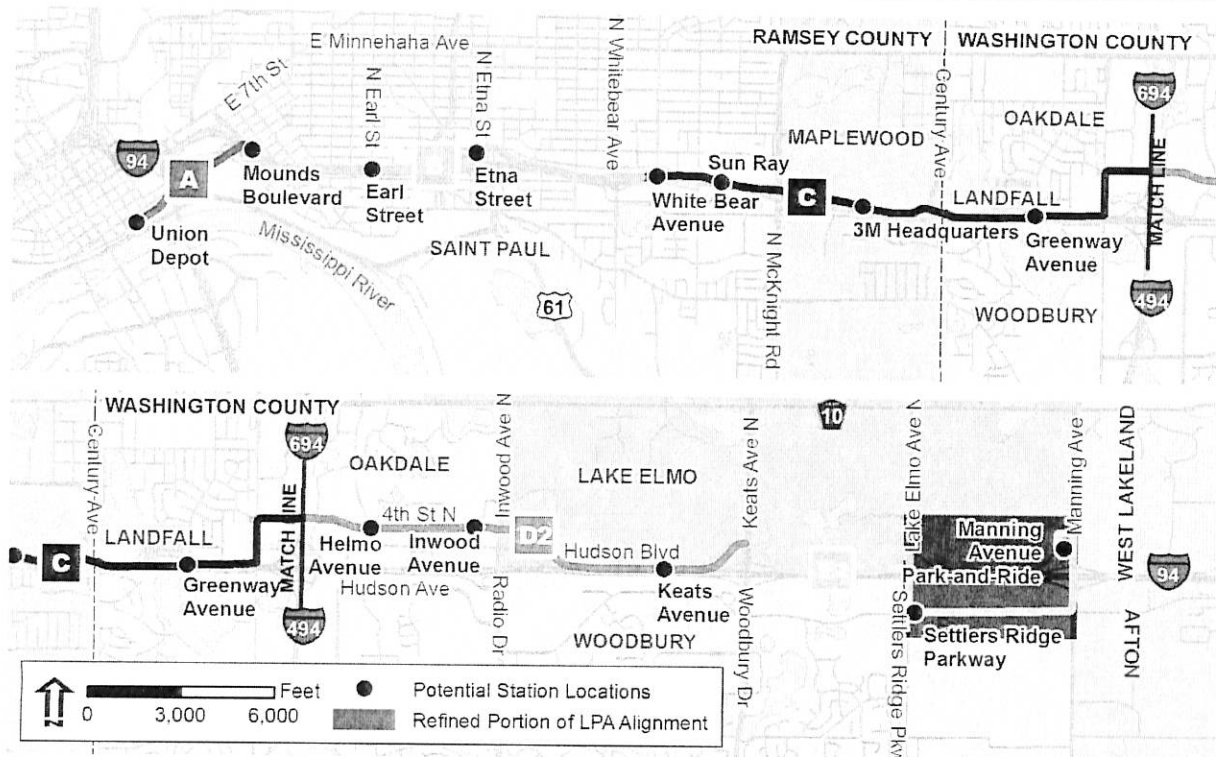
¹ Travel time

to Union Depot

² Cost

represents LPA refinement area only; does not add to overall project cost

Refined Locally Preferred Alternative



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

RESOLUTION NO. 2014-71

**A RESOLUTION TRANSMITTING THE CITY OF LAKE ELMO'S SUPPORT OF THE LOCALLY
PREFERRED ALTERNATIVE (LPA) TO THE RCRA, WCRRA, and METROPOLITAN COUNCIL**

WHEREAS, the Gateway Corridor is a proposed project that will provide for transit infrastructure improvements in the eastern portion of the Twin Cities, and;

WHEREAS, the purpose of the project is to provide transit service to meet the existing and long-term regional mobility and local accessibility needs for businesses and the traveling public within the project area by providing all day bi-directional station-to-station service that compliments existing and planned express bus service in the corridor, and;

WHEREAS, the Gateway Corridor is located in Ramsey and Washington Counties, Minnesota, extending approximately 12 miles, and connecting downtown Saint Paul with its East Side neighborhoods and the suburbs of Maplewood, Landfall, Oakdale, Lake Elmo, and Woodbury, and;

WHEREAS, the Gateway Corridor Commission (GCC), in partnership with the Metropolitan Council and other project stakeholders, completed the Gateway Corridor Alternatives Analysis (AA) Study that in addition to the No-Build alternative recommended one bus rapid transit (BRT) and one light rail transit (LRT) alternative be advanced for further study in the federal and state environmental review process, and;

WHEREAS, the Federal Transit Administration (FTA); the Washington County Regional Railroad Authority (WCRRA), serving on behalf of the GCC; and the Metropolitan Council have initiated the environmental review process for the Gateway Corridor project, with FTA designated as the lead federal agency for this project, and;

WHEREAS, the Gateway Corridor project recently received the important Presidential designation as a Federal Infrastructure Permitting Dashboard Project, and;

WHEREAS, the Gateway Corridor project recently completed the Scoping phase of the environmental process, which resulted with the Policy Advisory Committee (PAC) and the GCC recommending further study of the No-Build alternative, four BRT alternatives operating within a dedicated Guideway (A-B-C-D1-E1, A-B-C-D2-E1, A-B-C-D2-E2, A-B-C-D2-E3) and a managed lane alternative in the Draft Environmental Impact Statement (EIS) at the request of the FTA and Federal Highway Administration (FHWA), and;

WHEREAS, the BRT alignments that advance into the Draft EIS will be further defined and evaluated to minimize impacts to surrounding properties and the I-94 corridor which may include operating in existing lanes with mixed traffic at pinch points where right-of-way is constrained, enhance economic development potential, and reduce capital costs while providing required operating efficiency, with attention to mobility options for environmental justice populations, and;

WHEREAS, through the Scoping process, the PAC and the GCC recommended that the LRT alternative be eliminated from further study due to its higher costs while generating a similar ridership, and;

WHEREAS, the identification of a Locally Preferred Alternative (LPA) is a critical first step in pursuing federal funding for the Gateway Corridor project, and;

WHEREAS, the adoption of the LPA into the Metropolitan Council's Transportation Policy Plan will conclude the FTA Alternatives Analysis process, and;

WHEREAS, the LPA will be one of the Build alternatives identified and studied in the Draft EIS, and;

WHEREAS, the LPA includes the definition of the Gateway Corridor mode and a conceptual alignment which can be refined through further engineering efforts, and;

WHEREAS, the LPA selection process does not replace or override the requirement to fully examine alternatives and determine the adverse impacts that must be avoided or mitigated under the federal and state environmental review process, and;

WHEREAS, the comments submitted by agencies, the business sector, and the public during the Scoping phase, as well as the additional comments received from adjacent communities since the Scoping phase, will be addressed accordingly through the Draft EIS process, and;

WHEREAS, the PAC and GCC each passed resolutions on July 24, 2014 recommending BRT Alternative A-B-C-D2-E2 (*see attached figure*) as the proposed LPA for review at the August 7 PAC sponsored LPA public hearing and inclusion in the Metropolitan Council's Draft 2040 Transportation Policy Plan, and;

WHEREAS, the Gateway Corridor PAC/GCC held a public hearing on August 7, 2014 as part of the LPA decision making process. A total of 35 comments were received through the proposed LPA review process, and;

WHEREAS, the Cities will be working collaboratively and with support from the GCC to complete a market analysis and station area plans for the areas around the BRT Guideway stations as a part of the Draft EIS process, and;

NOW THEREFORE BE IT RESOLVED that the City of Lake Elmo supports the LPA recommendation of the PAC and GCC and identifies the dedicated BRT alternative generally on the Hudson Road – Hudson Boulevard alignment that crosses to the south side of I-94 between approximately Lake Elmo Avenue and Manning Avenue is the Locally Preferred Alternative for the Gateway Corridor project (*see attached figure*).

BE IT FURTHER RESOLVED that the City of Lake Elmo commits to undertaking and developing station area plans with the support of the GCC for the proposed BRT guideway station areas within its jurisdiction based on the results of a market analysis, community input, and Metropolitan Council guidelines and expectations for development density, level of activity, and design.

BE IT FURTHER RESOLVED that through the Draft EIS process the PAC and the GCC will continue to evaluate and focus on transit service connections to the dedicated BRT system (A-B-C-D2-E2), including an efficient feeder bus network, as well as the number and location of stations throughout the Gateway Corridor to maximize service, accessibility, and surrounding economic development opportunities, while minimizing impacts.

BE IT FURTHER RESOLVED that the City of Lake Elmo commits to working with the Washington County Regional Railroad Authority, on behalf of the Gateway Corridor Commission, and the Metropolitan Council to address the comments submitted by agencies, adjacent communities, the business sector, and the public during the Scoping phase, as well as additional comments received during the development of the LPA, through the Draft EIS process, and the following areas of particular importance to the City of Lake Elmo.

1. The ownership and maintenance responsibilities of Hudson Boulevard were recently turned back to the City of Lake Elmo from MnDOT. If Hudson Boulevard is expanded to accommodate a BRT guideway or additional travel lanes for the exclusive use of buses it may increase the demands on the City to properly maintain the roadway. **The City of Lake Elmo requests analysis of appropriate jurisdictional control over Hudson Boulevard and robust consideration of a possible turn back to Washington County.**
2. Maintaining access for current land owners along Hudson Boulevard and planning for access for future development needs to be part of a functional ingress – egress policy. **The City of Lake Elmo requests the development of an access management plan for Hudson Blvd. that is supported by property owners, the City of Lake Elmo and Washington County.**
3. The City of Lake Elmo supports an easterly station in the proximity of the NW corner of Manning Avenue and I-94 to support economic development, including job creation, tax value, and traffic efficiency

associated with the creation of a business park as guided by the City's Comprehensive Plan. Incorporating a Gateway station in Lake Elmo will require station area planning resources to ensure that Lake Elmo is maximizing economic development potential and ridership. **The City Lake Elmo requests thorough analysis of economic development potential to assist in guiding the placement of Gateway stations in the corridor segment from Keats Avenue to Manning Avenue as well as planning resources from the Gateway Corridor Commission and Washington County to assist with transit oriented development/station area planning.**

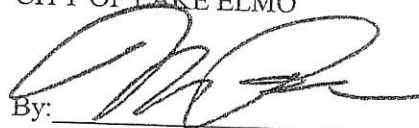
4. Lake Elmo Avenue serves as an important access point to downtown Lake Elmo. Due to the proximity of the road to both the Lake and developed neighborhoods, future expansion is constrained through the downtown area and the roadway cannot functionally handle additional growth in the regional movement of traffic beyond what is currently forecasted. **The City of Lake Elmo recognizes that while the Gateway Corridor project will likely not preclude an interchange in this location, it would like to take this opportunity to state to Washington County, the Minnesota Department of Transportation and the Federal Highways Administration that an interchange is NOT desired in this location.**
5. Safety and security at BRT stations for transit patrons and surrounding businesses and neighborhoods is very important to Lake Elmo. BRT Stations should be designed to be safe and secure environments that incorporate design elements to deter crime such as good lighting, visibility, security monitoring. **The City of Lake Elmo requests a safety and security plan to ensure that adequate resources are provided at a regional and local level to effectively address safety and security concerns at Gateway Corridor facilities.**
6. **The City of Lake Elmo would also support an A-B-C-D2-E3 alignment and continued evaluation as part of the Draft EIS.**

BE IT FURTHER RESOLVED that this resolution adopted by the City of Lake Elmo be forwarded to the Metropolitan Council for their consideration.

Recommended Locally Preferred Alternative – BRT Alternative A-B-C-D2-E2 (Conceptual)

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SIXTEENTH DAY OF
SEPTEMBER 2014.**

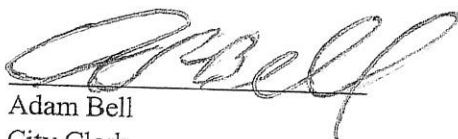
CITY OF LAKE ELMO

By: 

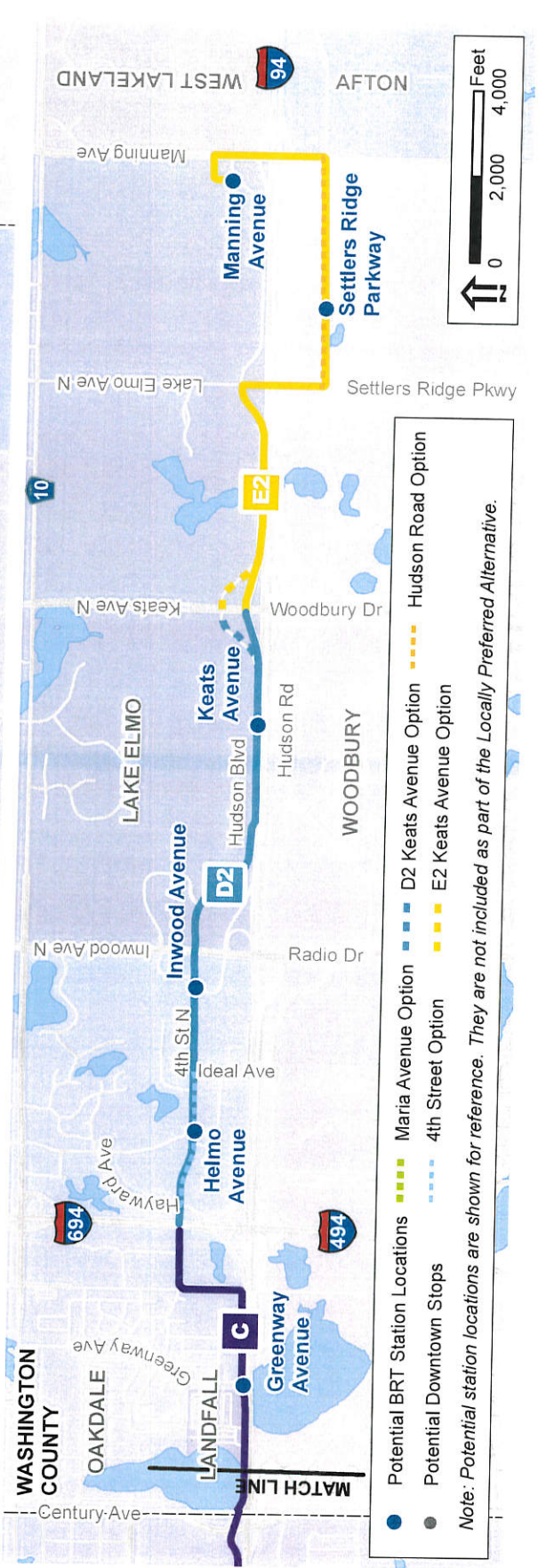
Mike Pearson
Mayor

(Seal)

ATTEST:


Adam Bell
City Clerk

1-5-16
File copy
Agenda item 13





MAYOR & COUNCIL COMMUNICATION

DATE: January 5, 2016
REGULAR
ITEM # 14

AGENDA ITEM: Appointment of 2016 Acting Mayor

SUBMITTED BY: Julie Johnson, City Clerk

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Clark Schroeder, Interim City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: This item is mandated by state statute.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: Pursuant to Minn. State Statute §412.121, the City Council is asked to select an Acting Mayor on the City's behalf, should Mayor Pearson be unavailable or unable to attend a meeting, sign an agreement, or attend functions on behalf of the City. Any member of the council is eligible for this position. The recommended motion to act on this organizational function is as follows:

"Move to appoint Council Member _____ as Acting Mayor for 2016"

LEGISLATIVE HISTORY: Minnesota State Statute § 412.121 reads: "At its first meeting each year the council shall choose an acting mayor from the council members. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies." This requirement is also prescribed in Lake Elmo City Code § 31.01(E)(3). Councilmember Smith was appointed Acting Mayor for 2015.

BACKGROUND INFORMATION (SWOT):

Strengths Appointing an "Acting Mayor" makes the City compliant with state law and provides a back-up for when the mayor is unavailable.
Weaknesses There are no identified weaknesses.
Opportunities The Acting Mayor is able to learn more about running meetings and serving the City/Council in a slightly different role.
Threats There are no identified threats.

RECOMMENDATION: It is recommended that the City Council appoint an Acting Mayor for 2016, pursuant to state statute, by making the following recommended motion:

"Move to appoint Councilmember _____ as Acting Mayor for 2016"

AUTHORITIES:

2014 Minnesota Statutes: § 412.121 ACTING MAYOR

"At its first meeting each year the council shall choose an acting mayor from the council members. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies."

Lake Elmo, MN Code of Ordinances (2008): § 31.01 MEETINGS

(E) *Initial meeting.* At the first regular Council meeting in January of each year, the Council shall:

(3) Choose 1 of the Council Members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the Office of Mayor, until a successor has been appointed and qualifies;



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/5/16

REGULAR

ITEM #: 15

MOTION

AGENDA ITEM: Appoint City Attorney - General Counsel

SUBMITTED BY: Clark Schroeder

THROUGH: Clark Schroeder

REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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

PUBLIC POLICY STATEMENT APPOINTMENT OF CITY ATTORNEY

SUMMARY AND ACTION REQUESTED:

Appointment of City Attorney needs to be done with an effective start date of 1/6/16

BACKGROUND AND STAFF REPORT: An RFP was sent out requesting services for a City Attorney and Prosecution Services. The city received 3 responses, two for City Attorney and one for Prosecution Attorney. The two law firms which submitted proposals for City Attorney are Callies Law and Kennedy & Graven. Interviews were held with council and council has the proposals detailing services and costs. Council is encouraged to pick one of these two law firms to be City Attorney.

RECOMMENDATION:

As the City Attorney reports directly to the Council, Staff have no recommendation concerning this appointment.

ATTACHMENT(S): Proposals from Callies Law and Kennedy & Graven

**KENNEDY & GRAVEN,
CHARTERED**

**PROPOSAL FOR
CITY ATTORNEY SERVICES**

CITY OF LAKE ELMO

Contact Person: Sarah J. Sonsalla

Date: December 11, 2015



**470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402**

E-mail: SSonsalla@kennedy-graven.com

Telephone: (612) 337-9305

Facsimile: (612) 337-9310

www.kennedy-graven.com

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CITY ATTORNEY SERVICES PROPOSAL

A. Indication of City Attorney Representation

Kennedy & Graven, Chartered presents this proposal relating to City Attorney (civil) services only.

B. Firm Background

1. Brief history of the firm including nature of the firm's practice.

Kennedy & Graven, Chartered is the largest law firm in Minnesota that practices primarily local government law.

The firm was founded in 1973 with a practice in local government law, public finance, and development. In 1989, members of a leading local government law firm, LeFevere, Lefler, Kennedy, O'Brien & Drawz, P.A., joined the firm. Since 1989, Kennedy & Graven has expanded and diversified its representation of public sector clients to include school districts and townships.

Kennedy & Graven practices in all major areas of local government law relating to cities, including:

- General Counsel
- Economic Development and Redevelopment
- Eminent Domain
- Municipal Finance
- Municipal Licensing
- City Code Enforcement
- Employment Law/Labor Relations
- Joint Powers
- Legislative
- Ordinance Codification and Ordinance Updating
- Real Estate
- Tax Increment Financing
- Zoning and Land Use
- Telecommunications, Gas and Electric, Utilities and Franchise Law
- Public Bidding and Construction Law
- Environmental and Superfund Law
- Municipal Litigation

2. Number of attorneys, including number of partners and associates and areas of specialty.

The firm has 31 attorneys and over 95 percent of the firm's work is related to local government law. Twenty-one attorneys are shareholders, six attorneys are associates and four are of-counsel.

3. Provide the overall capabilities, qualifications, training, and areas of expertise for each of the principals, partners, and associates of the law firm including the length of employment for each person and his/her area of specialization.

Exhibit 1 contains a list of the firm's attorneys and their respective practice areas.

Detailed resumes for each of the firm's attorneys are available at www.kennedy-graven.com.

4. Support personnel including number and expertise.

Our firm has seven paralegals and one law clerk. When it is more efficient and economical for the City, certain work may be assigned to the law clerk or paralegals working under the direct supervision of the responsible attorney. Certain activities encompassed by this proposal, such as the initial drafting of condemnation petitions, routine litigation and public finance documents, and routine real estate matters may be assigned to one or more of the following paralegals:

Real Estate Paralegals

Nancy England - over 25 years of experience

Michael Ferro - over 10 years of experience as an attorney and paralegal

Cathy Rocklitz - over 35 years of experience

Public Finance Paralegals

Mel Davis - one year of experience

Ellen Gerdts - over 4 years of experience

Kim Ganley - over 20 years of experience

Litigation Paralegal

Toni Decker - over 20 years of experience

In addition to the paralegals mentioned above, our firm has 14 support staff employees performing administrative, accounting, and secretarial work. A firm administrator oversees the day-to-day administration of the firm.

5. Office organization and support capabilities.

Kennedy & Graven is a professional corporation. The firm is run by an executive committee which consists of five member shareholders. A full-time office administrator is responsible for

the implementation of the directives from the executive committee and board of directors, and for overseeing the day-to-day operations of the firm. Secretaries are assigned to designated attorneys. Law clerks and paralegals are available to all attorneys on an as-needed basis.

6. Office Location(s).

Kennedy & Graven has one main office and two satellite offices. The offices are located at the following addresses:

Minneapolis:

470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
(800) 788-8201 toll free
(Main Office)

St. Paul:

Lawson Commons
380 Saint Peter Street, Suite 750
Saint Paul, MN 55102
(651) 294-3589 telephone
(by appointment)

St. Cloud:

501 West Germain Street
Suite 320
St. Cloud, MN 56301
(320) 240-8200 telephone
(by appointment)

7. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically.

The firm uses technology in a variety of ways to increase efficiency and effectiveness.

One important use of technology is a centralized document management system. The firm uses EdocsDM. This allows every user in the firm to easily find and access any document. This database includes all of the firm's documents since 1997.

The firm uses the Office 2010 software suite.

The firm uses a program called Prolaw for all time, billing and administrative management of matters.

The firm uses Egnyte brand file transfer protocol, if needed, for the sending and uploading of large or numerous documents.

The firm primarily uses WestlawNext for computerized legal research with an inclusive subscription containing all major sources relevant to municipal law. The firm maintains certain specialty publications in house or electronically and also has access to the extensive legal research materials of the Hennepin County Law Library, which is located adjacent to our office in Minneapolis.

8. Statement of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.

None.

9. **Identify any attorneys with the firm who would be working directly with the City of Lake Elmo who have been found guilty of a felony.**

None.

10. **Identify any attorneys with the firm who would be working directly with the City of Lake Elmo who have been accused of prosecutorial misconduct.**

None.

11. **Statement of 2014 billings for municipal work as a percentage of total 2014 billings.**

In 2014, approximately 95 percent of the firm's billings were related to municipal work.

12. **Describe malpractice insurance coverage: carrier, limits, and exemptions.**

The firm carries professional liability insurance with Westport Insurance Companies in the amount of \$5,000,000 per claim/aggregate with industry standard exclusions only.

13. **Statement of compliance with federal and state laws respecting civil rights.**

Kennedy & Graven is in compliance with federal and state laws respecting civil rights. Kennedy & Graven is an equal opportunity employer and has an established affirmative action plan and equal employment opportunity plan. The firm has been certified by the State of Minnesota as having an approved affirmative action plan. The firm has adopted a specific AA/EEO Policy Statement and a Policy Statement Prohibiting Sexual Harassment in the Workplace. Copies of these policies are available to the City upon request.

C. Attorney Qualifications

Kennedy & Graven uses a collective approach to legal services.

The designated City Attorney is the chief contact person with the client and personally handles much of the City's legal work; however, the City is able to work with any of the firm's attorneys. A second attorney is often designated as Assistant City Attorney to provide backup and be a second point of contact for the City. The City Attorney asks for the City's consent to assign certain specific matters to another attorney in the firm if the City Attorney believes it is more efficient for the City to do so. The designated City Attorney would retain overall responsibility to ensure that the needs of the City are being met.

The economy in the firm's services comes from the depth and breadth of experience of its attorneys. Most of the attorneys have developed unique knowledge and experience in a

particular area (e.g., data practices, public contracting, special assessments, Open Meeting Law, etc.). Through the use of a team approach, the firm takes maximum advantage of these experiences. In many instances, a short intraoffice conference avoids what could otherwise require hours of research. In a similar manner, the firm's representation of many local government entities often means that an attorney at the firm reviewed an issue previously for a different client and has the experience, knowledge, and information to quickly and efficiently respond to the City.

The firm proposes that Sarah J. Sonsalla be designated City Attorney and that Andrew J. Biggerstaff be Assistant City Attorney.

1. Sarah J. Sonsalla - Proposed City Attorney

Please see **Exhibit 2** for a resume of Sarah J. Sonsalla.

a. Academic training and degrees.

Sarah earned a Bachelor of Arts degree with highest honors from the University of Wisconsin – La Crosse with degrees in Political Science and Philosophy. She received her J.D. degree from the University of Minnesota Law School in 2001. While in law school, Sarah was the Executive Editor of the Minnesota Intellectual Property Review.

b. Bar Admission and License Number.

Sarah was admitted to the Minnesota State Bar in 2001. Her attorney license number is 0313464.

c. Background and experience including prior municipal experience

Sarah Sonsalla is currently the City Attorney for the cities of Lake City and Sandstone. She is also general counsel to Local Government Information Systems (LOGIS), a joint powers intergovernmental consortium of Minnesota local government units that provides technology services. Sarah also serves as an assistant city attorney for the cities of Oakdale, Faribault, New Prague, Minnetrista, Medina, Shakopee, Kenyon, Mantorville and Mounds View.

Sarah has over 14 years' experience in representing cities and townships. She joined Kennedy & Graven in 2005 and was elected shareholder in 2009. While at Kennedy & Graven, over 90 percent of Sarah's time has been spent on municipal/local government-related matters. Prior to joining Kennedy and Graven, Sarah worked for four years as an associate for a local law firm where she practiced in municipal law, labor and employment law and real estate. During that time, she served as the assistant city attorney for two cities (Maplewood and Taylors Falls) and the assistant township attorney for two townships (White Bear and Grey Cloud Island). She also represented numerous property owners in eminent domain proceedings and represented Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320 and the Minnesota State High School League.

Sarah has significant experience in drafting and reviewing ordinances, resolutions, contracts and agreements and attending all types of city council, commission and staff meetings. Some of her recent projects have included drafting shoreland and flood plain ordinances, drafting zoning regulations; drafting development agreements, reviewing public improvement contracts and associated insurance certificates and performance and payment bonds, drafting law enforcement services contracts, bringing hazardous building/nuisance abatement actions, reviewing and drafting joint powers agreements, drafting public notices, and drafting resolutions.

Sarah also has significant real estate experience including the drafting of real estate documents such as purchase agreements and easements and bringing quiet title actions, proceedings subsequent, and Torrens registration actions.

Sarah also has litigation experience and has provided litigation assistance to several of the firm's municipal clients and the League of Minnesota Cities Insurance Trust on a variety of matters including bankruptcy, hazardous buildings, eminent domain, land use, vehicle forfeitures, and construction law. Her litigation experience includes drafting pleadings and discovery, attending depositions, drafting motions and memoranda of law and drafting appellate briefs, including a Minnesota Supreme Court brief involving a condemnation matter.

d. List of Litigation as lead attorney

Ms. Sonsalla has been involved in the following litigation matters:

Greenfield: Jill Krout, Howard Veldhuizen, and Mark Lee, Individually v. City of Greenfield (2010-2011), three City council members sought damages for the release of certain data by City staff. The City prevailed in the matter and no damages were awarded.

Various hazardous building actions, quiet title actions, Torrens proceedings subsequent and registration proceedings have been asserted (Minneapolis, Faribault, Kenyon, Mounds View, West Concord) and prosecuted to conclusion to correct hazardous buildings, nuisances, code deficiencies and title matters.

Various litigation matters involving Department of Public Safety data look-ups, police enforcement issues, etc. have been tendered to the League of Minnesota Cities Insurance Trust for defense in the regular course of each city's business.

e. Professional affiliations

Minnesota State Bar Association, Member
Ramsey County Bar Association, Member
International Municipal Lawyers Association (IMLA), Member
Minnesota Women Lawyers, Member

2. Andrew J. Biggerstaff – Proposed Assistant City Attorney

a. Academic training and degrees

Andrew graduated from Hamline University School of Law, St. Paul, Minnesota with a J.D. cum laude – 2012. His honors include multiple CALI Awards and the position of Associate Editor of the Law Review. Andrew graduated from the University of Minnesota, Duluth with a B.A. in 2008 with honors of Dean's List and a double major in political science and criminology.

b. Bar Admission and License Number.

Andrew was admitted to the Minnesota State bar in 2012. His attorney license number is 393551.

c. Background and experience including prior municipal experience

Since joining the firm, Andrew has assisted in handling a wide array of matters for municipalities across the state. He has worked on issues of land use regulation, public employment, liquor and gambling regulation, data practices, contract drafting, and economic development.

Prior to joining the firm, Andrew was employed for two years with the Minnesota House of Representatives in the non-partisan House Research Department, where he had also previously served as a law clerk. In that role, Andrew assisted elected officials in interpreting and modifying state law. Andrew also worked closely with countless local government officials in drafting proposed legislation to be considered by the legislature. Additionally, Andrew attended and staffed a large number of committee and other meetings to assist elected officials. In that role, Andrew gained specialized experience in local taxation, charitable gaming, alcohol regulation, and various consumer protection matters.

Andrew also worked for the League of Minnesota Cities Insurance Trust while in law school as a litigation law clerk. In that capacity, Andrew assisted on over 15 state and federal lawsuits pending against cities, including assisting in the drafting of a brief to the Minnesota Supreme Court regarding governmental immunities.

Recently, Andrew published an article in the League of Minnesota Cities magazine related to firearms laws with a specific focus on local government authority with regard to firearms. Andrew has also spoken on issues related to alcohol regulation as a panel member for a continuing legal education course. In addition to Andrew's legal experience, he also spent 10 years in the United States Army Reserve, including while in college and law school.

d. List of Litigation as lead attorney

Andrew is currently representing a city in a class action lawsuit related to storm sewer fees. Additionally, he is also currently serving as second chair in a complex construction dispute involving extensive renovations performed at a public elementary school. In the past, Andrew has

hands-on experience assisting in litigating cases dealing with public employment, governmental immunities, § 1983 claims, and land-use challenges.

e. Professional affiliations

Minnesota State Bar Association
Hennepin County Bar Association

3. Other Attorneys Who May Supply Services to the City:

The City Attorney may request that the City allow a matter to be assigned to a particular Kennedy & Graven attorney when another Kennedy & Graven attorney has special knowledge and comprehensive experience in that matter; for example:

Julie Eddington – Review of bond and public finance documents
Doug Shaftel, Peter Mikhail – Condemnation
James Strommen – Litigation, Public Bidding, Construction Law, and Utilities
Bob Alsop – Litigation and Employment Law
Robert Vose – Telecommunications and Cable

4. Indicate current responsibilities of person designated to serve as lead attorney.

Sarah Sonsalla's current primary responsibilities are serving as City Attorney for Lake City, Sandstone and LOGIS. Sarah also serves as an assistant city attorney for the cities of Oakdale, Faribault, New Prague, Minnetrista, Medina, Shakopee, Kenyon, Mantorville and Mounds View.

Sarah Sonsalla is available for council meetings on the first and third Tuesdays of each month, as well as the second Tuesday of each month for the workshop session, if needed. Andrew Biggerstaff is also available as needed during those times.

D. List cities you currently represent and for what type of service.

Please see **Exhibit 3** for a list of many of the firm's represented clients.

E. List cities you began representing in the last three years and cities you stopped representing in the last three years.

The firm began representing as primary city attorney for the following clients: Hopkins, Osseo, Lake City and Mantorville. The firm stopped representing Greenfield and Montrose.

F. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities.

Please see **Exhibit 4**.

G. Describe the firm's view of its responsibilities to the City in the providing of legal services.

The firm works closely with the council and staff of its cities to provide services as needed to assist the city to accomplish its goals. We work hard to promptly respond to requests for assistance and are able to rely on the many decades of experience within the firm to provide assistance in an efficient and cost-effective manner.

H. Copy of current Malpractice/liability Insurance Certificate.

A copy of the certificate of insurance is attached in **Exhibit 5**.

I. Conflict of Interest.

- 1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.**

Kennedy & Graven is not aware of any client it represents, or has represented, that would cause a conflict in the firm's ability to provide legal services to the City.

The firm represents the City of Oakdale which is contiguous to the City of Lake Elmo. The firm is not aware of any conflicts or disputes between the two cities.

- 2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.**

One attorney in the firm represents The Pentom Land Company and Pratt Construction, Inc. in a limited amount of matters, none of which are in cities that the firm represents. To the firm's knowledge, neither of these clients have any connection to real estate in Lake Elmo. The work that our firm does for these clients is approximately one percent of the firm's total billings. We make it clear to these clients that we will not represent them in any matter relating to a city that we represent.

- 3. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.**

Kennedy & Graven has a computerized conflict-checking system that is used to identify potential conflicts. The system maintains a database containing the names of all clients of the firm and any opposing parties. This database is checked each time that the firm opens a new matter as to potential new clients and adverse parties. This avoids the development of actual conflict, but if an actual conflict exists, or would exist, the firm would not proceed unless both clients consented.

J. City/City Attorney Relationship.

1. **Describe how you would structure the working relationship between the City Attorney and the City Council, City Administrator, Department Heads and other staff members.**

The City Attorney would typically work closely with the City Administrator and staff to provide services as directed by the Administrator and requested by staff. The approach of how that is done varies by City for a variety of reasons, including how the City Administrator prefers this to be managed.

The interaction with the elected and appointed officials of the City depends in large part on how the members of these respective bodies determine their roles and responsibilities in light of pending issues having significant legal importance. While the City Attorney typically works most closely with the City Administrator and staff, we would have a practice of encouraging elected and appointed officials to communicate directly with us when an issue requiring legal analysis arises.

2. **Define the standard timeframes for response by the City Attorney to direction and/or inquiry from the City Council or City Administrator.**

The City Attorney is usually available to answer calls directly or respond to voicemails the same day. Response to e-mails and requests for letters will vary depending on the extent of time needed to develop a response. However, most e-mails are responded to within a day or two if they are not urgent.

3. **Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.**

The firm can provide written status reports to the City on all projects, requests and litigation on a monthly or other basis as requested by the City.

K. Fees.

1. **Hourly rate.**

The firm is open to proposing a retainer amount if specifically requested by the City.

The hourly rate for City Attorney and other attorneys working on general municipal work is \$155 per hour. Paralegal rates are \$115 per hour and law clerk rates are \$80 per hour for all matters. These rates apply to all matters identified in the City's Request for Proposals, unless specifically identified below.

- a) Commenced litigation, administrative and condemnation proceedings: \$185/hr.
- b) Development, redevelopment and tax increment matters: \$215/hour.
- c) Bond counsel services fees (if applicable) billed at rates customarily charged by the firm.

2. The City is open to exploring alternative fee arrangements other than the retainer or hourly rate. Indicate any alternate billing arrangements you would be willing to consider and under what circumstances they would be most appropriate.

The firm is open to alternative fee arrangements after discussion with the City. For example, council meeting attendance and staff meeting attendance could each be a pre-set flat fee.

3. Firms shall indicate all other costs and reimbursables including travel (per mile), telephone, printing, photocopying, etc.

The firm will bill its out-of-pocket costs for such things as postage, photocopying, filing fees and witness fees, and similar items.

Photocopying:	\$.10 per page
Mileage:	IRS-approved reimbursement rate
Westlaw or Lexis fees:	\$3.00 per minute
Other charges such as:	Actual cost charged
Messenger service	
Express mail	
Filing fees	

4. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence, and personal conferences.

The minimum increment of time billed for each service including phone calls, correspondence and personal conferences is six minutes.

The Firm's billing statements would meet the requirements as listed in the City's Request for Proposal.

CONCLUSION

We appreciate the opportunity to provide our proposal to you. We believe that we can provide high quality and timely legal services to the City.

KENNEDY & GRAVEN, CHARTERED

Dated: December 11, 2015



By: 
Sarah J. Sonsalla / 

EXHIBIT 1

ATTORNEY LIST

The firm has 31 attorneys. Twenty-one are shareholders; six are associates and four are of-counsel. Complete resumes of all of the firm's attorneys are available on our website at www.kennedy-graven.com. The following is a summary of each attorney's areas of practice and representative clients:

Robert A. Alsop <i>Shareholder</i>	29 years experience; Employment Law, Housing Law, Litigation (Scott County CDA, Belle Plaine)
Ronald H. Batty <i>Shareholder</i>	34 years experience; Economic Development & Redevelopment, Municipal Law (Medina, Minnetrista)
Andrew M. Biggerstaff <i>Associate</i>	3 years experience; Municipal law, Litigation
Jenny S. Boulton <i>Shareholder</i>	16 years experience; Economic Development & Redevelopment, Municipal Bonds, Public Finance (Elk River, Meeker County EDA)
Stephen J. Bubul <i>Of Counsel</i>	26 years experience; Economic Development & Redevelopment, Municipal Bonds, Public Finance (Crystal HRA, St. Louis Park, Burnsville)
Robert C. Carlson <i>Of Counsel</i>	41 years experience; Business Law
Julie Eddington <i>Shareholder</i>	18 years experience; Municipal Bonds, Public Finance (Minneapolis, Wanamingo)
Gina A. Fiorini <i>Associate</i>	5 years experience; Municipal Bonds, Public Finance
Troy J. Gilchrist <i>Shareholder</i>	23 years experience; Municipal Law, Township Law (Denmark Township, Greater Bemidji Area Joint Planning Board)
Kyle R. Hartnett <i>Associate</i>	10 years experience; Municipal Law, Township Law
Martha N. Ingram <i>Shareholder</i>	10 years experience; Economic Development & Redevelopment, Municipal Bonds, Public Finance (St. Louis Park EDA, Jordan)
Charles L. LeFevre <i>Of Counsel</i>	39 years experience; Municipal Law (Rosemount, Brooklyn Center)
Sofia E. Lykke <i>Associate</i>	5 years experience; Public Finance, Government Bonds, Conduit Bonds and Economic Development
Robert J. Lindall <i>Shareholder</i>	45 years experience; Eminent Domain, Environmental Law, Real Estate Law (Bloomington, Minneapolis)

Gregory S. Madsen <i>Shareholder</i>	32 years experience; Employment Law, School Law (Minnetonka Schools, Watertown-Mayer Schools)
Melissa J. Manderschied <i>Shareholder</i>	8 years experience; Municipal Law (Robbinsdale, Mound, Brooklyn Park)
Peter G. Mikhail <i>Shareholder</i>	20 years experience; Litigation (LMCIT, St. Paul, Mound, Brooklyn Park)
Michael T. Norton <i>Of Counsel</i>	36 years experience; Municipal Law, Economic Development & Redevelopment, Real Estate Law (Crystal, Victoria)
Timothy R. Palmatier <i>Shareholder</i>	20 years experience; School Law (Anoka Public Schools, Minnetonka Public Schools)
Scott J. Riggs <i>Shareholder</i>	20 years experience; Municipal Law, Real Estate Law, Township Law (Faribault, Kenyon, Mounds View, New Prague)
Doug Shaftel <i>Associate</i>	11 years experience; Real Estate Law, Condemnation, Environmental Law (Minneapolis, West St. Paul)
Sarah J. Sonsalla <i>Shareholder</i>	13 years experience; Real Estate Law, Employment Law, Municipal Law (LOGIS, Lake City, Sandstone,)
James M. Strommen <i>Shareholder</i>	31 years experience; Litigation, Public Utility Law (Suburban Rate Authority, LMCIT)
James J. Thomson <i>Shareholder</i>	38 years experience; Municipal Law (Brooklyn Park, Shakopee, LMCIT)
Mary D. Tietjen <i>Shareholder</i>	17 years experience; Employment Law, Municipal Law, Litigation (Montrose, New Brighton, Rosemount)
Susan E. Torgerson <i>Shareholder</i>	28 years experience; Litigation, School Law (North St. Paul Schools, Hibbing School District)
John Utley <i>Shareholder</i>	37 years experience; Municipal Bonds, Public Finance (Minneapolis, Bloomington)
Robert J.V. Vose <i>Shareholder</i>	20 years experience; Municipal Law, Public Utility Law (Belle Plaine, Pine Island, Oak Grove, Independence)
Maggie R. Wallner <i>Shareholder</i>	26 years experience; Employment Law, Litigation, School Law (Stillwater School District, Eden Prairie School District)
Larry M. Wertheim <i>Shareholder</i>	38 years experience; Real Estate Law (Lifetime Fitness, Inc.)
Adam C. Wattenbarger <i>Associate</i>	1 year experience; Municipal law, School Law, Litigation

EXHIBIT 2
ATTORNEY RESUMES



Sarah J. Sonsalla

MUNICIPAL LAW, REAL ESTATE,
LABOR AND EMPLOYMENT LAW

J.D. (Dean's List), University of Minnesota Law School, 2001
B.A. (Highest Honors), Philosophy and Political Science,
University of Wisconsin-La Crosse, 1998

PRIMARY PRACTICE AREAS

Sarah Sonsalla is a Shareholder at Kennedy & Graven. Sarah has over 13 years' experience in representing cities and townships. Sarah is currently the city attorney for the cities of Lake City and Sandstone and general counsel for Local Government Information Systems (LOGIS), a joint powers entity. Sarah has significant experience in drafting and reviewing ordinances, resolutions, and contracts and attending all types of city council, town board, commission and staff meetings. Sarah also has significant real estate experience including drafting real estate documents such as purchase agreements, easements, and deeds and bringing quiet title actions, proceedings subsequent actions and Torrens registration actions.

BACKGROUND

Sarah received her B.A. in Philosophy and Political Science from the University of Wisconsin – La Crosse in 1998. She received General Honors along with Departmental Honors in Philosophy and Political Science. In 2001, Sarah received her J.D. from the University of Minnesota Law School. During law school, Sarah served as the Executive Editor of the *Minnesota Intellectual Property Review*. After law school, Sarah practiced for four years at a law firm in St. Paul as an associate attorney, practicing primarily in the areas of municipal law, labor and employment law, and real estate before joining Kennedy & Graven as an associate attorney in 2005.

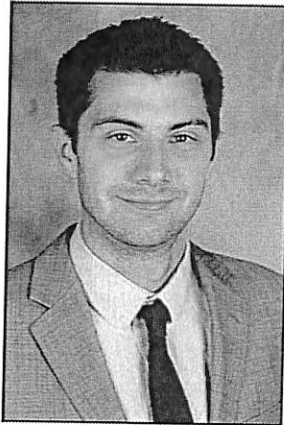
MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

Sarah is a member of the Minnesota State Bar Association, Ramsey County Bar Association, the International Municipal Lawyers Association (IMLA) and Minnesota Women Lawyers. Sarah served as a member of the Second Judicial District Ethics Committee from 2003-2007. Sarah presently serves on the Ramsey County Bar Association's Youth & The Law Committee and mentors law students at the University of St. Thomas Law School.

PERSONAL

Sarah enjoys running, biking, and downhill skiing. She also enjoys playing the trumpet and has participated in many different bands. Sarah lives in Woodbury with her husband and two children.

"Working with local governments is very rewarding for me because the projects that I work on have the potential to benefit not only a select group of people, but the general public. In working with local governments, I have found that all of my colleagues at Kennedy & Graven are great resources due to their extensive knowledge of local government law. This allows me to serve our clients efficiently and effectively."



Adam C. Wattenbarger

MUNICIPAL LAW, SCHOOL LAW

J.D. (magna cum laude), University of Minnesota Law School, 2014

B.S. (High Distinction), University of Nebraska-Lincoln, 2009

PRIMARY PRACTICE AREAS

Adam Wattenbarger is an associate at Kennedy & Graven, Chartered, and practices in the areas of municipal law and school law.

BACKGROUND

Adam is a recent graduate of the University of Minnesota Law School. Prior to joining Kennedy & Graven as an associate, Adam spent a year clerking for Chief Justice Lorie Gildea on the Minnesota Supreme Court. As a clerk he assisted the Chief Justice with research and writing on a variety of important cases and legal issues before the Court. During law school, Adam gained experience working as a law clerk for Kennedy & Graven. He was also an articles editor for the Minnesota Law Review and the assistant head writer for T.O.R.T., the law school musical. Prior to law school, Adam received his B.S. in secondary education from the University of Nebraska-Lincoln, and spent time in the classroom student teaching and substituting.

PERSONAL

Adam lives in Minneapolis with his wife Micaela. He enjoys watching TV and going to movies, and tries to stay active by running and occasionally playing tennis and racquetball.

"I greatly enjoy working with local governments and school districts to resolve the legal issues they face as they serve their students, citizens, and employees. I am honored and excited to be a part of the team at Kennedy & Graven and to have the opportunity to do this important and rewarding work."

EXHIBIT 3

REPRESENTATIVE CITIES / TOWNS / OTHER ENTITIES

Designated City Attorney for the following cities:

City of Belle Plaine	City of New Brighton
City of Brooklyn Center	City of New Prague
City of Brooklyn Park	City of Oak Grove
City of Cokato	City of Oakdale
City of Crystal	City of Osseo
City of Faribault	City of Pine Island
City of Franklin	City of Rice
City of Hopkins	City of Richfield
City of Independence	City of Robbinsdale
City of Kenyon	City of Rosemount
City of Lauderdale	City of Sandstone
City of Lake City	City of Shakopee
City of Mantorville	City of Victoria
City of Medina	City of Wahkon
City of Minnetrista	City of Watson
City of Mound	City of West Concord
City of Mounds View	City of Wilton
City of Nerstrand	

General Counsel to Economic Development Authorities, Housing and Redevelopment Authorities, and Port Authorities in the following municipalities:

Belle Plaine	Lino Lakes
Bloomington	Marshall
Brainerd	Medina
Brooklyn Center	Minnetrista
Brooklyn Park	Monticello
Burnsville	Mound
Chanhassen	Richfield
Columbia Heights	Robbinsdale
Crystal	Rosemount
Faribault	St. Louis Park
Kenyon	Sandstone
Lake City	Shakopee

Special Counsel or Bond Counsel to dozens of counties, cities, joint powers organizations, and other public bodies, including the following sample:

County of Washington	City of Minneapolis
County of Ramsey	City of Bloomington
County of Wright	City of Woodbury
County of Goodhue	City of Marshall
County of Crow Wing	City of New Prague
County of Nicollet	City of Eveleth

City of Blackduck
City of Burnsville
City of Cokato
City of Columbia Heights
City of Duluth
City of Dundas
City of Hopkins

City of Minnetonka
City of Owatonna
City of Rochester
City of Saint Paul
City of Staples
City of West Saint Paul
City of Inver Grove Heights

General Counsel to Special Purpose Entities:

Cable Commissions:

Apple Valley, Rosemount, Farmington
Lake Minnetonka
Quad Cities
Arlington, Gaylord, Winthrop, Gibbon
Southern Minnesota

Other JPAs:

Lake Minnetonka Conservation District
Local Government Information Systems
(LOGIS)
Suburban Rate Authority (SRA)
Minnesota Valley Transit Authority

Watershed Management Commissions:

Lower Rum River
Middle Mississippi River
Middle St. Croix
Shingle Creek
Vadnais Lakes
West Mississippi

Townships in Minnesota:

List available upon request.

School Districts in Minnesota:

List available upon request.

Finally, the firm provides tax increment, bond counsel, development and redevelopment, and other legal services to dozens of other cities, counties, port authorities, EDAs, and HRAs on an as-requested basis.

EXHIBIT 4

CLIENT REFERENCES

The following are client references:

Sam Griffith, City Administrator
City of Sandstone
119 4th Street
Sandstone, MN 55072
(320) 245-5241

Services: Sarah J. Sonsalla

Kari Schreck, City Clerk
City of Lake City
205 West Center Street
Lake City, MN 55041
(651) 345-6812

Services: Sarah J. Sonsalla

Mike Garris, Executive Director
LOGIS
5750 Duluth Street
Golden Valley, MN 55422
(763) 543-2699

Services: Sarah J. Sonsalla

Michael Barone, City Administrator
City of Minnetrista
7701 County Road 110W
Minnetrista, MN 55364
(952) 241-2510

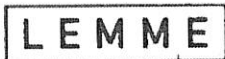
Services: Sarah J. Sonsalla

Bob Streetar, Community Development Director
City of Oakdale
1584 Hadley Avenue North
Oakdale, MN 55128
(651) 730-2806

Services: Sarah J. Sonsalla

EXHIBIT 5

CERTIFICATE OF INSURANCE



Insurance Brokers
and Consultants

Integro

a division of Integro USA Inc.
111 West Campbell Street, 4th Floor
Arlington Heights, IL 60005

VERIFICATION OF INSURANCE

ISSUED TO: **Minneapolis Public Housing Authority**
1001 Washington Avenue North
Minneapolis, MN 55401-1043

We, the undersigned Insurance Brokers, hereby verify that First Specialty Insurance Corporation, with an A.M. Best rating of A+, XV has issued the following described Professional Liability Insurance, which is in force as of the date thereof-

PROFESSIONAL LIABILITY INSURANCE

NAME OF INSURED: Kennedy & Graven, Chartered, and others as more fully described in the Policy.

POLICY NUMBER: FNA337999003603

PERIOD OF INSURANCE: 12:01 a.m. October 1, 2015 to 12:01 a.m. October 1, 2016

SUM INSURED: \$5,000,000 Each claim and in the aggregate including costs, charges and expenses

SUBJECT TO ALL TERMS, CONDITIONS AND LIMITATIONS OF THE POLICY

This document is furnished to you as a matter of information only and is not insurance coverage. Only the formal policy and applicable endorsements offer a comprehensive review of the coverage in place. The issuance of this document does not make the person or organization to whom it is issued an additional insured, nor does it modify in any manner the contract of insurance between the Insured and the Insurer. Any amendment, change or extension of such contract can only be effected by specific endorsement attached thereto. Should the above described Policy be cancelled before this expiration date thereof, we will endeavor to mail 30 days written notice to the Certificate Holder named above, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its Agents or Representatives.

Issued at Chicago, Illinois

Date: October 22, 2015

Lemme, a division of Integro USA Inc.

Per:


Catherine Kuehl
Senior Vice President

December 10, 2015

Clark Schroeder
Interim City Administrator
City of Lake Elmo
3800 Laverne Avenue N.
Lake Elmo, MN 55042

Re: RFP for City Attorney

Dear Mr. Schroeder:

Callies Law is pleased to submit a response to the City of Lake Elmo's request for proposals for City Attorney.

Paula Callies has worked as a city attorney for over twenty-five years. She has the legal experience and relationship skills necessary to assist the City as it grapples with some significant local development issues and staff transitions. Ms. Callies understands the complex issues a city faces in today's environment and is a zealous advocate for her clients.

I would welcome the opportunity to meet with council and staff to discuss my qualifications further.

Thank you for your consideration.

Sincerely,


Paula A. Callies

Encl. (7 copies of RFP)

**PROPOSAL FOR
CITY ATTORNEY LEGAL SERVICES
CITY OF LAKE ELMO**

Callies Law, PLLC
The Colonnade, Suite 1000
5500 Wayzata Boulevard
Minneapolis, MN 55416
(763)546-8020
(763) 545-0834 Fax
pcallies@callies-law.com

Contact Person: Paula A. Callies

Date: December 10, 2015

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I. GENERAL INFORMATION

A. FIRM BACKGROUND

Callies Law, PLLC was established by attorney Paula Callies in 2003. Ms. Callies has over 25 years' experience providing legal services to Minnesota cities. She currently serves as the city attorney for the City of Loretto (since 2001) and the City of Dundas (since 2008). Callies Law has not begun, nor stopped representing any cities within the last three (3) years. Callies Law occasionally represents other cities in matters where the regular city attorney has a conflict of interest. As part of her regular law practice, Ms. Callies also represents individuals in connection with local government issues and civil legal matters.

Ms. Callies has significant experience working with growing communities, as well as those that are more fully developed. Prior to starting her own firm in 2003, Ms. Callies worked as an attorney with two law firms specializing in municipal law and litigation. Previous assignments include serving as: city attorney for the City of Red Wing and the Red Wing Port Authority, assistant city attorney for the cities of Maple Grove, Dayton, Shakopee, Brooklyn Park, Crystal and serving as defense counsel appointed by the League of Minnesota Insurance Trust to represent cities and local government officials in land use matters. The range of issues that Ms. Callies has worked with includes, but is not necessarily limited to:

- Drafting ordinances and resolutions, including city code amendments
- Zoning and development matters, including negotiation and drafting of development contracts, planned unit development agreements and related resolutions.
- Tax increment financing
- Review, negotiation and drafting of various contracts for city services, equipment and real estate matters
- Condemnation and eminent domain proceedings
- Personnel matters and employment termination
- Land use litigation and 42 U.S.C 1983 civil rights claims

Ms. Callies was the lead prosecuting attorney for the City of Red Wing and the City of Dayton from approximately 1989 through 1993 and continued as a supervising prosecutor until 2001. Her experience as a prosecutor helps to inform her broad understanding of the scope of issues that a city faces on a routine basis.

Paula Callies has never been found guilty of a felony, nor been accused of prosecutorial misconduct.

Callies Law has not had any malpractice or ethics claims taken against it, or against Paula Callies.

Callies Law complies with federal and state laws respecting civil rights.

Callies Law has the broad, sophisticated legal experience desired by municipal clients to effectively represent them in the many diverse issues of a city. Callies Law provides responsive, high quality and cost-effective legal services. Paula Callies routinely collaborates with other professionals and consultants, such as planners and engineers, who provide services to a city and is cognizant of these other practice areas.

B. OFFICE

Callies Law is located at the intersection of I-394 and Xenia/Park Place in The Colonnade building in Golden Valley, just west of Highway 100 and downtown Minneapolis. The address is 5500 Wayzata Boulevard, Suite 1000, Minneapolis, MN 55416. Telephone: 763-546-8020. Fax: 763-545-0834. Email: pcallies@callies-law.com.

Callies Law uses up-to-date and current technology and computerized research. The firm is fully capable of sharing and editing documents electronically.

C. PERCENTAGE OF BILLINGS FOR MUNICIPAL WORK

In 2014, the percentage of billings by Callies Law for municipal work was approximately 38% of total billings. To date in 2015, the percentage of billings for municipal work is approximately 35%.

D. RESPONSIBILITY TO CITY

As city attorney, a law firm serving in that capacity is representing the City as a whole. Thus, if Callies Law is appointed as the city attorney for the City of Lake Elmo, it is the City of Lake Elmo that is the client, not any individual council member or staff person. Of course, the City acts through its elected representatives and administrative personnel. It is important for the city attorney to have a good, trusting work relationship with such persons so that the city's goals may be accomplished. The longevity that Callies Law has had with its client cities demonstrates that the firm is able to strike the appropriate balance when working with the various perspectives of council members and staff and provide effective legal counsel.

E. CITY/CITYATTORNEY RELATIONSHIP

1. There is no "one" right way to structure the working relationship between the city attorney, City Council, City Administrator, Department Heads and other staff members. In my experience, the process generally flows more smoothly if specific requests for legal service or response come through the City Administrator, or department heads, or as a result of council direction during a council meeting, depending on the circumstances. With this process, the city

maintains control over the legal budget and there is less opportunity for misunderstanding in communication about the request. Callies Law is very open to discussing the specifics of the structure for our working relationship if appointed as city attorney in order to best address the needs of Lake Elmo.

2. Under normal circumstances, Callies Law will respond to phone call inquiries within two (2) hours and usually within less time. The response time to complete a particular project will vary depending on the scope and type of request. In a typical scenario, Callies Law follows-up with a phone call as soon as reasonably possible upon receipt of a request, to discuss what is needed and develop an action plan.

3. Callies Law will provide routine oral reports at council meetings concerning the status of projects, requests and litigation. If representing the city in litigation, or other special matters, Callies Law provides regular written memoranda or correspondence to communicate the status of matters.

II. REFERENCES

1. John McCarthy, City Administrator
City of Dundas
jmcarthy@dundas.us
City Hall: (507) 620-1152 Mobile: (218) 244-1152
2. Kent Koch, Mayor
City of Loretto
kkoch@ci.loretto.mn.us
Mobile: 763-286-7138
3. Randall Seaver, Attorney at Law
Fuller Seaver Swanson & Kelsch
Burnsville, MN 55337
(952) 890-0888, ext. 2
rseaver@fssklaw.com
4. Kent Torve, Former Mayor, City of Loretto
ktorve@wenck.com
(763) 479-4209
5. Shirley Slater-Schulte, Former Administrator, City of Dayton
sschulte@ci.albertlea.mn.us
(507) 377-4335

III. FEES

Callies Law is proposing the following fee arrangement:

Callies Law proposes to charge a monthly availability retainer fee (“retainer fee”) in the amount of **\$4,200 per month**, which total sum is payable regardless of the number of hours of legal service provided under the retainer. The retainer fee is considered to be the property of Callies Law upon payment of the fee and is not held in trust to be applied against future billings.

Services to be covered by the monthly retainer fee include those items listed in the City’s RFP, Paragraph VI for City Attorney. However, services listed below as “Non-Retainer Services” are not included within the monthly retainer fee and will be billed separately.

Non-Retainer Services:

- Ongoing regular attendance at Planning Commission meetings and other City Board, Commission or Committee meetings.
- Defending and representing the City in litigation and legal actions and claims; lawsuits; court proceedings including, but not limited to code enforcement matters; and administrative hearings.
- Land acquisition matters.
- Condemnation/ eminent domain actions.
- Legal work billed to escrow accounts, or third-party reimbursed matters such as, but not limited to planning matters and MSA 429 projects (special assessment), or matters otherwise not charged to the City’s General Fund.

Items billed for “non-retainer services” will be billed at the rate of \$200/hour.

Callies Law bills in 1/10 hour increments. We do not charge for routine photocopying, postage or faxes. If a particular project involves above-average, or extensive photocopying or mailing and delivery expenses requiring the use of outside services, the City will be billed at our cost. Ordinarily, Callies Law does not bill for online research, unless a special project requires extensive research services, in which case the City will be charged at cost. Filing fees, witness and expert fees and other expenses are also billed at cost. Mileage is billed at the ordinary rate set by government regulations. However, there is no charge for mileage for attendance at City Council and other meetings that are included within the monthly retainer.

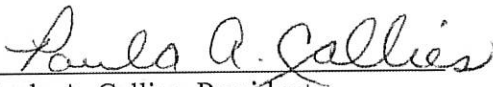
IV. CONFLICT OF INTEREST STATEMENT

1. Callies Law does not currently represent, nor has it represented any client where representation may conflict with its ability to serve as City Attorney for the City of Lake Elmo

Note: Paula Callies, Callies Law represented property owners Bernard & Loella Nass, Robert Buberl/Buberl Recycling and Thomas & Patricia Bidon against the City of Lake Elmo in 2012-13, which case resulted in the subject land being detached from the City of Lake Elmo.

2. Callies Law does not represent any real estate developers.
3. Callies Law has a computerized database of all clients and regularly reviews its client lists to identify and resolve conflicts of interest. Callies Law also uses a file opening checklist to identify potential conflicts. If potential conflicts are identified, Callies Law will immediately discuss the issues with its clients in order to arrive at a resolution and withdraw from representation where conflicts of interest necessitate this action

Dated: 12-10-2015


Paula A. Callies, President
Callies Law, PLLC

APPENDIX

PAULA A. CALLIES
The Colonnade, Suite 1000
5500 Wayzata Boulevard
Minneapolis, MN 55416
Phone: (763) 546-8020
pcallies@callies-law.com

EDUCATION

J.D., cum laude, 1989, William Mitchell College of Law, St. Paul, MN

M.S.W., 1977, University of Wisconsin-Milwaukee

B.S.S.W., 1975, University of Minnesota, Minneapolis, MN

EMPLOYMENT HISTORY

2003 to present	Callies Law, PLLC, Minneapolis, MN Owner
2001 to 2003	Kennedy & Graven, Chartered, Minneapolis, MN Attorney
1989 to 2001	Hoff, Barry & Kuderer, P.A., Eden Prairie, MN Partner

PROFESSIONAL ARTICLES AND PRESENTATIONS

"Nuisance Smoke and Outdoor Furnaces"
City Attorney Conference, Government Training Services, February 2015

"Liquor: Ballfields, Community Events and Special Circumstances"
City Attorney Conference, Government Training Services, February 2010

"Mental Health and Civil Commitment: A Defense Attorney's Perspective"
MWL With Equal Right, Fall 2004, Volume XXVIII, Issue II

"Road and Access Law in Minnesota"
National Business Institute, November 2004

"Variances, Conditional Use Permits and Non-Conforming Uses"
Lorman Business Institute, October 2003

"Basic Concepts in Code Enforcement"
City Attorney Conference, Government Training Services, February 2003

"Attorney Ethics in Civil Commitment Proceedings"
HCBA Commitment Defense Project Continuing Legal Education, 2002

"Civil Commitment and Administration of Intrusive Treatment"
MEDS/PDN, May 2001

"Commitment Law"
MABAT, October 2000

"Federal Law and Local Towing Regulations"
City Attorney Conference, Government Training Services, February 2000

"Liability of City Officials for Land Use Decisions"
Minnesota State Bar Association Continuing Legal Education, 1993

SELECTED APPELLATE COURT REPRESENTATION

Ralph A. Fredlund, et al v. Eureka Township, A14-0945
(Minn. Ct. App. April 27, 2015)

Vigstol v. Isanti County Board of Commissioners, A13-2162
(Minn. Ct. App. December 8, 2014)

Bridgewater Township v. City of Dundas, A13-0704
(Minn. Ct. App. December 23, 2013)

City of Lake Elmo v. Bernard Nass, A12-2008
(Minn. Ct. App. July 15, 2013)

Buberl Recycling & Compost, Inc. v. Chisago County, A08-1958,
(Minn. Ct. App. Sept.1, 2009)

Gold Nugget Development, Inc. v. City of Monticello, 2001 WL 683488
(Minn. Ct. App. Jun. 19, 2001)

Rockford Tp. v. City of Rockford, 608 N.W.2d 903 (Minn. Ct. App. 2000)

Muller Family Theatres v. McMenemy, 2000 WL 2623
(Minn. Ct. App. Jan. 4, 2000)

SJ&F Enterprises, Inc. v. City of Winsted, 1998 WL 345436
(Minn. Ct. App. June 30, 1998)

Northern States Power Co. v. Commissioner of Revenue, County of Goodhue, City of Red Wing, 1996 WL 611134 (Minn. Tax Ct. Oct. 17, 1996)

Universal Circuits, Inc. v. Cedar Creek Constr. Co., 1996 WL 589100

Robbins v. City of Wayzata, 1995 WL 25223 (Minn. Ct. App. Jan. 24, 1995)

State v. Stumpf, 481 N.W.2d 887 (Minn. Ct. App. 1992)

BAR ADMISSIONS AND PROFESSIONAL MEMBERSHIPS

State Bar of Minnesota, 1989

State Bar of Wisconsin, 2001

U.S. District Court, Minnesota, 1990

Hennepin County Bar Association, CLE Oversight Committee, Chair 2009 to 2011

Hennepin County Bar Association, Eminent Domain Committee, Chair 2005

COMMUNITY SERVICE

Tasks Unlimited, Inc., Current Board Chair

Lake Minnetonka Excelsior Rotary Club

Hennepin County Adult Mental Health Advisory Council, Chair 2003 to 2008

Shorewood City Council Member, 2005 to 2008

Shorewood Park Commissioner, 2001 to 2004

Shorewood Planning Commissioner, 1998 to 2001



MINNESOTA LAWYERS MUTUAL

INSURANCE COMPANY

DECLARATIONS

Policy Number 8921 13

333 South Seventh Street, Suite 2200; Minneapolis, MN 55402
(612) 341-4530 (800) 422-1370 fax (800) 305-1510

LAWYERS PROFESSIONAL LIABILITY POLICY (THIS IS A CLAIMS-MADE POLICY – READ CAREFULLY)

Item 1.

Named Insured:

Callies Law, PLLC

Office Address:

5500 Wayzata Blvd Suite 1000
Minneapolis, MN 55416

Item 2.

Policy Period:

11/15/2015

to

11/15/2016

(the Effective Date)

(the Expiration Date)

12:01 A. M., standard time at the address of the Named Insured stated herein

Item 3.

Limits of Liability:

\$1,000,000.00

Per Claim

\$3,000,000.00

Aggregate

Item 4.

Deductible Amount:

\$2,500.00

Per Claim

Item 5.

Total Number of Lawyers: 1

Total Premium: \$2,564.00

Item 6.

Applicable Forms and Endorsements:

MLM-019 (11-13) Prior Acts Retroactive Date, MLM-032 (11-13) Minnesota Changes, MLM-2000 (11-13) Policy Form

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

John J. Bowden, Secretary

Kristina Simmons, Authorized Agent

Paul M. Ablan, President



MAYOR AND COUNCIL COMMUNICATION

DATE: 01/05/2016

REGULAR

ITEM #: 16

MOTION

AGENDA ITEM: OP-Open Space Preservation Ordinance Amendment Discussion

SUBMITTED BY: Stephen Wensman

THROUGH: Clark Schroeder

REVIEWED BY: Ben Gozola

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

On November 4, 2015, the City Council passed a motion, 3-1, directing staff to have the Planning Commission look at changes to the OP Ordinance. Staff held an informational session with the Planning Commission on November 9, 2015 and from the discussion it became apparent that the Planning Commission and the City Council had a divergent vision/goals for the ordinance amendment. Because of the divergent nature of the comments between the Planning Commission and City Council, the Planning staff is requesting clarification and direction from the City Council for the future amendment.

DISCUSSION ITEMS

On November 4, 2015, the City Council briefly discussed several issues related to the OP – Open Space Preservation District and requested that the Planning Commission discuss the ordinance referencing certain aspects of the ordinance. The staff report requested the Planning Commission specifically discuss the following:

- Overall Purpose of the OP District – Review the overall purpose.
- Density – should density be increased?
- Density calculation – Should the density calculations be based buildable or gross land area.
- Buffer zones – what buffer or buffers are appropriate (maintain 200' around RR, but no buffers against adjacent OP's).
- Septic system options.
- Minimum lot size.

- Qualifying property size, i.e. 20 acres vs. 40 acre minimum.
- Lot Design.

On November 9, 2015, the Planning Commission recommended the following:

- No community septic systems.
- 1 acre minimum lot sizes.
- Allow the 50% open space requirement to be based on gross acres, rather than buildable acres.
- Remove lot design criteria (not enforceable).
- Density 18 units per 40 gross acres of buildable land.
- Buffer: supportive of waiving the buffer between OP developments, if potential for OP, then 100' buffer, and potential for berms and trees to buffer in lieu of 100' buffer might be acceptable.
- Remove 4/5th vote to waive requirements to allow more flexibility.

In addition to the Planning Commission comments, staff has identified some additional issues that warrant examination with the ordinance amendment to the OP District regulations. Staff's considerations are as follows:

- Remove redundancies between OP Ord platting requirements and regular subdivision platting requirements.
- Restructure OP Ordinance as a PUD with Overlay Zoning rather than a CUP process.
- Hardcover regulations may need to be updated, depending on the changes.
- Street minimum standards.

SUMMARY AND ACTION REQUESTED:

Staff requests the City Council discuss the divergent goals for the potential ordinance amendment and provide direction to staff for an amendment to the Open Space Preservation Ordinance.

ATTACHMENT(S):

- November 4, 2015 City Council Minutes
- November 9, 2015 Planning Commission Minutes
- Open Space Preservation Ordinance



**City of Lake Elmo
Planning Commission Meeting
Minutes of November 9, 2015**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Dodson, Dorschner, Haggard, Larson, Griffin Kreimer and Williams. Fields joined at 9:15

COMMISSIONERS ABSENT: Fields until 9:15

STAFF PRESENT: City Planner Stephen Wensman

Approve Agenda:

The agenda was accepted as presented.

Approve Minutes: None

Presentation – Public Safety and Response Time

Chief Malmquist presented data regarding public safety and response time. They identify those things that they can control and make the response time quicker. Chief Malmquist went over the County street naming system. It is a grid pattern. This has been complicated with the winding roads in the new developments. The other problem we have in Lake Elmo is the one access point in Developments.

Chief Malmquist also talked about the street widths. He stated that he had sat down with Engineer Griffin and came up with some standards and would like the City Council and Planning Commission to support those standards. Malmquist talked about connectivity. There is a reason that the City put in stubs. These neighborhoods need to be connected for response time. If they are on a call, they may get another one and have to go around to the next one. One argument against connectivity was that it creates a safety issue for children. Malmquist stated that for how dense Cimarron is, there has never been a call for a child being struck by a car.

Chief Malmquist would appreciate the Planning Commission supporting his recommendations for safety issues moving forward.

Business Item – General Discussion of Open Space Preservation Ordinance

City Planner Wensman introduced the topic of the Open Space Preservation Ordinance. There is currently a project in the works, and the City Council thought this would be a good time to discuss if some changes would be appropriate. The topics that have been suggested for discussion are to review the purpose and possible flexibility. Should the density go from 18 to 20 homes per 40 acres? How should the density be calculated and how should the buffer setbacks be dealt with? Should there be a buffer between two OP developments. What should septic system options be? Should community systems be allowed going forward? Should there be a minimum lot size for individual septic? Should we allow the community septic? How should lot design be determined? Should the septic be the most important?

Dorschner stated that we need to decide if we want to stay rural. If that is the case, we need to consider the environment and the impacts of septic if we are not going to have sewer. He would like to hear from U of M or Washington County on what is acceptable.

The Commission likes the OP, but some would like more choice such as RE. Dodson mentioned that with RE, residents would use their property more for things such as gardens etc. In some OP developments, the open space is not accessible or even usable.

Larson would like to talk about the land trust documents as well and what kind of uses would be allowed.

Williams thinks the first sentence of the purpose statement is fine, but would like the second and third sentence to read "This type of development is intended to provide additional flexibility of housing styles in the City. It provides an alternative to large lot, single family housing and will reduce the cost of constructing and maintaining costly infrastructure."

Dodson asked what single family attached would mean. Wensman stated it is 2 or more single family homes that share a common wall.

Haggard would like to add "natural Habitats" and have the first line read "The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, natural habitats and other significant natural features, while allowing residential development consistent with the goals and objectives of the City's Comprehensive Plan."

Planning Commission would like an update from the Minnesota Pollution Control Agency (MPCA) and Washington County regarding septic design and why there are failing systems.

Dodson would like on page 3 Item (2) 4 to change "deed Covenants" to "CIC Declarations".

There was a general discussion regarding septic systems. What type should be allowed and who should oversee. There are several items that need to be discussed, but the Commission would like a presentation from the County and MPCA before a decision would be made on which way to go.

Wensman asked if the Commission felt it was appropriate for septic systems to be located in the preserved open space. Some members thought it was fine, but others wanted to think about it.

Williams is not in favor of increasing the density. The density already reflects a bonus that was intended to stimulate development. The smaller lots already provides a bonus by having fewer roads and infrastructure when the homes are clustered. Dorschner and Dodson do not believe that we should increase the numbers in the rural areas for OP to relieve the numbers in the sewered areas. This is where the higher numbers belong. We need to think about the environment and how we are managing these septic systems. The Planning Commission as a whole is not in favor of increasing density. They also are not in favor of changing the density calculation. They would like to leave it at buildable acres. Wensman stated that buildable land is usually how all developments are measured.

Williams suggested that the Commission consider changing the 50% open space to be based on gross acres vs. buildable acres.

Dodson feels that minimum lot size is linked to the type of septic that it has. Others are interested in what Washington County has to say regarding septic. Williams might like to see larger lots to preserve the rural character in the OP. Kreimer is concerned that the 1 acre for individual well and septic might not be big enough. He feels that there should be a requirement at preliminary plat to prove that the lot perks when they come before them for primary and secondary drainfields and where the house is going to be.

The majority of the Commission still would like to see a 1 acre minimum even with a shared sewer system.

Williams mentioned that there is such a variance in buffer zones because in the past, there was not enough oversight. He would like the existing rules to be enforced.

The Commission was interested in exploring using discretion with the buffers. They would like to explore a possible list of things that could be used for deciding when and how large of a buffer to employ, instead of just requiring one.

Dodson feels that anything less than 40 acres is too small for an OP development, especially if there is a CIC. Other Commissioners felt that anything smaller than 40 acres might require private septic. The Commission wanted the Planning staff to explore if it is even viable to do less than 40 acres for OP. Some thought anything less than 40 acres should possibly be RE.

The Planning Commission discussed the lot design objectives and their relevance. There was no real consensus on this.

Dodson asked that the boulevard landscaping be checked for consistency with our landscaping code. If it is a higher standard we would keep it in, if not we should probably defer to the landscape code.

Williams asked about the impervious surface allowed and thought 20% of gross seemed high and possibly should be buildable.

Williams thinks the review process should follow that of any other development within the City. This section needs to match what we are already doing, or possibly it should be one section for all types of development. Also the wording in 150.179 should probably be changed from "development stage plan" to "Preliminary Plat". 150.183 (2) (e) should also include trails. 150.184 should be reviewed for public hearing and stage requirements. Williams would like to add something to the effect that an application is not complete until all of the City Engineers comments are met. Commissioners would like these met before the preliminary plat moves forward.

Dodson would like "Homeowners Association" changed to "Common Interest Community" wherever it appears in ordinance.

Council Updates – October 20, 2015 Meeting

1. Hammes Plat Extension – Passed

Staff Updates

1. Upcoming Meetings
 - a. November 23, 2015
 - b. December 14, 2015

Commission Concerns

Haggard asked if the staff has a chart regarding all of the developments that have passed and all of the conditions of approval. Have they all been met? How is this tracked? Wensman stated that it is an issue that they are going to be working on.

Dodson stated that Fields, Rolf and he went to a seminar. He went to energy planning which was very interesting and they talked about how this should be part of the planning.

Williams stated that his packet did not arrive until Monday at 5:00. He would like to see packets arrive on Thursdays before the meeting.

Meeting adjourned at 10:15 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
NOVEMBER 4, 2015**

A. CALL TO ORDER

Mayor Pearson called the meeting to order at 6:30 pm.

PRESENT: Mayor Mike Pearson and Council Members Julie Fliflet, Anne Smith, Justin Bloyer, and Jill Lundgren.

Staff present: Interim Administrator Schroeder, City Attorney Snyder, City Engineer Griffin, City Planner Wensman, and City Clerk Johnson.

B. PLANNING COMMISSION INTERVIEW

Susan Dunn was interviewed for a vacancy on the Planning Commission.

Councilmember Bloyer, seconded by Councilmember Fliflet, moved TO APPOINT MAYOR DUNN TO THE PLANNING COMMISSION. MOTION PASSED 5 – 0.

C. PLEDGE OF ALLIGENCE

D. APPROVAL OF AGENDA

Items 4, 7, 9 and 11 were removed from the Consent Agenda and Item 12 was moved to the beginning of the Regular Agenda.

Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED 5 – 0.

E. ACCEPT MINUTES

Minutes of the October 20, 2015 Regular Meeting were accepted as presented.

COUNCIL REPORTS

Mayor Pearson: Thanked Washington County for hosting neighborhood meetings on the Olson Lake Road project, met with owner on 33rd Street regarding right of way concerns, met with Fields of St. Croix residents, announced the upcoming Meeting with the Mayor, noted that the ISD 622 election process went well, and welcomed Stephen Wensman to the City staff.

Councilmember Smith: Met with Ellie Hammes, met with Fields II residents regarding realignment of County Rd. 5, met with Focus Engineering and took calls from developers.

Councilmember Fliflet: Met with residents regarding various issues, noted Kyle Klatt's last day with the City and thanked him for his service, welcomed the new City Planner and thanked Ben Gozola for his high quality work during the transition period. Recognized and thanked the administrative staff team (Patty Baker, Joan Ziertmann, Cathy Bendel, and Julie Johnson) who for the past 6 months have continually stepped up and done whatever was needed with great attitudes.

Councilmember Bloyer: Received a lot of emails from Fields II residents, met with League of Minnesota Cities with Councilmember Fliflet.

Councilmember Lundgren: Met with Fields II residents, thanked staff for meeting with Councilmembers prior to the Council meeting to answer questions and welcomed City Planner Wensman.

PUBLIC COMMENTS/INQUIRIES

Mike Reeves, 11075 14th Street North, commented on City Council effectiveness and interaction with each other, and censure of Councilmember Bloyer.

Christine Nelson commented on her application to serve on the HR Committee and comments made concerning her experience.

PRESENTATIONS

None

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements
3. Approve 404 Lake Elmo Avenue Assessment Agreement
5. Wildflower at Lake Elmo – Approve Release of Grading Security per the Site Grading Agreement
6. Eagle Point Boulevard Street Improvements – Change Order No. 2

Councilmember Bloyer, seconded by Councilmember Smith, moved TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

OTHER CONSENT AGENDA

8. Receive Building Department Report
10. Motion to Request Being Added to the County CIP for 2017

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE OTHER CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

ITEM 12: 2016 STREET IMPROVEMENTS – IMPROVEMENT HEARING, ORDER PREPARATION OF PLANS AND SPECIFICATIONS AND PUBLIC HEARING

City Engineer Griffin provided an introduction of the history of the project and planning. City Engineer Stempski reviewed the project schedule for each of the three portions of the project, providing details on the improvements proposed for each area. Stempski also reviewed the assessable properties and the costs for each neighborhood with the City share and per unit assessment rate for the proposed street project and optional water project.

Councilmember Smith, seconded by Councilmember Bloyer, moved TO OPEN THE PUBLIC HEARING AT 8:00 P.M. MOTION PASSED 5 – 0.

Curt Monteith, 331 Julep, requested clarification on the project area and suggested squaring off the parking area at the park.

Wayne Hector, 5110 Kirkwood, provided a written statement in favor of the project.

David Loos, 3567 Kelvin, spoke in favor of the water main improvement due to pollution from the landfill and plume, adding he is not in favor of the road project unless the water portion is included.

Dick Hedquist, 3440 Kelvin, questioned the expense for the water connection and additional cost for looping.

Bill Rogers, 3490 Kelvin, spoke against the water project and stated the road project should be paid from tax dollars due to City neglect in maintaining the road.

Joe Chaves, 3505 Kelvin, stated that street maintenance has been lacking.

Allen Kristenson, 5230 Kirkwood, spoke in favor of the project.

Councilmember Bloyer, seconded by Councilmember Smith, moved TO CLOSE THE PUBLIC HEARING AT 8:22 P.M. MOTION PASSED 5 – 0.

Discussion was held concerning the water utility portion of the project and funding options. City Engineer Griffin reviewed the 2030 Comprehensive Water System Plan as it relates to the Kelvin project.

Councilmember Bloyer, seconded by Councilmember Smith, moved TO AMEND RESOLUTION 2015-82 TO INCLUDE STONGATE AND KIRKWOOD AREAS AND REMOVE THE KELVIN AVENUE AREA FROM THE PROJECT. MOTION PASSED 5 – 0.

Discussion held concerning the Kelvin Avenue area of the project. Citizen input was considered and allowing payment on the water connection as was done with the Keats Avenue project was discussed. Councilmember Fliflet stated that the road is not well traveled and the project could be postponed.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO ADOPT 2015-82 ORDERING THE 2016 STREET, DRAINAGE AND UTILITY IMPROVEMENTS AND THE PREPARATION OF PLANS AND SPECIFICATIONS AS AMENDED, WITH REMOVAL OF THE 6" WATER MAIN LATERAL TO THE EAST, AND TO AMEND THE WATER LATERAL ASSESSMENT TO \$2,900 WITH AN ADDITIONAL \$2,900 DEFERRED TO THE TIME OF CONNECTION. MOTION PASSED 3 – 2. (Bloyer, Fliflet – Nay)

Councilmember Bloyer stated he was opposed to the motion due to the \$12,000 assessment on the north portion of the project.

City Engineer Griffin reviewed the bids received for engineering design and support services.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT WITH SEH AS RECOMMENDED BY THE CITY ENGINEER. MOTION PASSED 5 – 0.

ITEM 4: APPROVAL FOR GASB 67 & 68 VALUATION ACTUARIAL SERVICES CONTRACT

Councilmember Fliflet reported that it is a new requirement to approve actuarial review on an annual basis.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO APPROVE THE CONTRACT FOR ACTUARIAL SERVICES AND ACCEPT AS AN ANNUAL POLICY NOT REQUIRING CITY COUNCIL APPROVAL EACH YEAR. MOTION PASSED 5 – 0.

ITEM 7: RETAINING WALL FOR LIONS PARK

Interim Administrator Schroeder explained the need for a retaining wall in Lions Park needed to support the trail as a result of a change in grade with the downtown project.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE RETAINING WALL CHANGE ORDER FOR LIONS PARK. MOTION PASSED 5 – 0.

ITEM 9: APPROVE MASSAGE LICENSE RENEWALS

Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE THE LICENSE RENEWAL FOR RENEW AND RECOVER MASSAGE. MOTION PASSED 5 – 0.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO TABLE THE LICENSE RENEWAL FOR NIRVANA MASSAGE & SPA. MOTION PASSED 5 – 0.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO APPROVE THE LICENSE RENEWALS FOR BODY & SOUL AND JENNIFER MERTES. MOTION PASSED 5 – 0.

ITEM 11: REASSIGNMENT OF INWOOD DEVELOPMENT CONTRACTS

Interim Administrator Schroeder reported that M/I Homes is acquiring the assets of Hans Hagen Homes. Schroeder explained that Hans Hagen Homes will continue to construct the homes and there will be no design changes.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO REASSIGN DEVELOPMENT CONTRACTS FROM HANS HAGEN HOMES TO M/I HOMES, LLC. MOTION PASSED 5 – 0.

ITEM 13: HAMMES PLAT EXTENSION

Interim Administrator Schroeder reviewed the request for an extension of the plat approved in 2014. Councilmember Fliflet requested clarification on how the moratorium affects this request. City Attorney Snyder stated that the moratorium does not apply to previously approved plats. Discussion held concerning outstanding special assessments and property taxes.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO EXTEND THE PRELIMINARY AND FINAL PLAT APPROVAL AND DEVELOPMENT CONTRACT FOR TWO YEARS THROUGH OCTOBER 7, 2016 WITH THE CONDITION THAT ALL

SPECIAL ASSESSMENTS BE PAID AT PLAT, AND THAT THE DEVELOPER'S AGREEMENT BE EXECUTED BY A DEVELOPER AS A CONDITION OF RECORDING THE PLAT. MOTION PASSED 3 – 2. (Fliflet, Lundgren – Nay)

Mayor Pearson, seconded by Councilmember Smith, moved THAT ASSESSMENT ARREARAGES AND BALANCE BE PAID WHEN OTHERWISE DUE UNDER THE CONTRACT. MOTION PASSED 3 – 0 – 2. (Fliflet, Lundgren – abstain)

ITEM 14: RFP REQUEST FROM PARKS COMMISSION FOR BALLPARK REDESIGN

Parks Commission Chair Weis explained the scope of the RFP request and presented photos of ball parks in other Minnesota cities. Weis explained that the Parks Commission has placed Lions Park on the Parks Commission CIP and has incurred significant cost for repairs, prompting the need for further planning.

Curt Monteith, 331 Julep, asked for denial of the request and stated that future parks should include long space, not just tot lots.

Barry Weeks, 3647 Lake Elmo Avenue, stated that the ball field is a tradition in the area and is heavily used.

Pam Hartley, 10010 Tapestry, spoke as a Parks Commissioner, stating that the Commission was unanimous in its decision to move forward toward making Lions Park a focal point and asset for the community.

Nadine Obermueller stated she loves Lions Park and baseball is great for the town but the park needs freshening up.

Jerry Kromschroeder, 3517 Lake Elmo Avenue, stated that Lions Park is an icon and anything that can be done to improve it would be a good thing.

Parks Chair Weis discussed a potential timeline for receiving plans and initiating a project.

Councilmember Fliflet, seconded by Councilmember Bloyer, moved TO ISSUE AN RFP FOR ARCHITECTURAL WORK TO REDESIGN THE BALLFIELDS IN THE HISTORIC DOWNTOWN. MOTION PASSED 5 – 0.

ITEM 15: BUILDING DEPARTMENT TRUCK

Interim Administrator Schroeder reviewed bids received for two vehicle options under leasing and purchasing plans. Councilmember Lundgren stated that a leased vehicle would be cheaper for the City in the long run. Councilmember Fliflet stated she is in favor of leasing and allowing staff to turn in leased vehicles for new leased vehicles without City Council approval.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO PURCHASE A 2016 JEEP COMPASS WITH A LOAN FROM LAKE ELMO BANK AT 1.99%. MOTION PASSED 3 – 2. (Fliflet, Lundgren – Nay)

ITEM 16: OP ORDINANCE DEVELOPMENT DISCUSSION

Interim Administrator Schroeder reviewed the general requirements regarding density in the OP zoning district and questions concerning potential revisions. Councilmembers noted restrictions in the current code and potential for improving it.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT THE OP ORDINANCE BACK TO THE PLANNING COMMISSION FOR CONSIDERATION BASED ON THE AREAS IDENTIFIED IN ORDINANCE THAT WERE DISCUSSED BY THE CITY COUNCIL. MOTION PASSED 3 – 1 – 1. (Bloyer – Nay, Pearson – Abstain)

ITEM 17: PARLIAMENTARIAN DISCUSSION

Councilmember Fliflet stated that she would like the Council to hire a parliamentarian to run the City Council meetings while the Council continues to work toward better relations.

Discussion held concerning the current Council meeting procedures and decorum.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT THE ADMINISTRATOR TO HIRE A PARLIAMENTARIAN OF HIS CHOICE FOR THE NEXT COUNCIL MEETING. MOTION PASSED 3 – 1 – 1. (Bloyer – Nay, Pearson – Abstain)

Dale Doerschner – 3150 Lake Elmo Avenue – questioned the cost and effectiveness of hiring a parliamentarian.

ITEM 18: RFP PROCESS FOR ENGINEERING AND LEGAL CONTRACTS

Councilmember Fliflet asked staff to look into the current contracts with City consultants to determine if the City needs to start an RFP process as part of year end planning.

ITEM 19: INTERIM CITY ADMINISTRATOR CONTRACT

City Attorney Snyder stated that he prepared a letter to the Council and provided a copy of the Interim Administrator's contract for Council review. Councilmember Bloyer suggested the City Attorney negotiate with the Interim Administrator for an extension to allow the City time to stabilize. Councilmember Fliflet stated the City needs to finish the process and conduct a search for a permanent Administrator but noted she is against using a search firm. Councilmember Smith stated she is in favor of using a search firm and offered to gather additional information for the next meeting.

ITEM 20: PROFORMA UPDATE

Interim Administrator Schroeder reported on follow up he conducted on questions from the previous Council meeting. Schroeder explained that the document is a very complex, interlinked spreadsheet with issues in calculations that occur after the year 2021. Schroeder reiterated his recommendation from the previous meeting for the City to purchase software from an outside vendor and hire a contractor to input the information to replace use of the spreadsheet.

Wally Nelson, 4582 Lilac Lane, thanked staff for admitting errors in the spreadsheet and offered assistance to the Finance Director and Finance Committee Chair.

STAFF REPORTS AND ANNOUNCEMENTS

Interim City Administrator Schroeder: Attended a library meeting, Washington County municipal water meeting, League of Minnesota Cities Meeting, met with developers, attended an in-service regarding livable communities.

City Clerk Johnson: Reported that the ISD 622 special election went very smoothly with a 25% voter turnout, and thanked City staff and election judges for their help. Attended an HR training last week, preparing for HR Committee meeting Monday, November 9th, posted Community Development Director position opening, interviewing candidates for the Office Administrative Assistant position later in the week, working on license renewals and assisting residents with special assessment questions. Noted City Hall will be closed on Wednesday, November 11th in observance of Veteran's Day.

Meeting adjourned at 12:26 a.m.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk

[Print](#)

Lake Elmo, MN Code of Ordinances

OPEN SPACE PRESERVATION**§ 150.175 PURPOSE.**

(A) The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure.

(B) Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

(Ord. 97-79, passed 5-1-2001)

§ 150.176 INTENT.

(A) It is the intent of the City of Lake Elmo to accomplish the stated purpose of OP by approving a conditional use permit for portions of property currently zoned Agricultural, Rural Residential, and Rural Estate; and by adopting the comprehensive development regulations contained herein.

(B) In return for requiring preserved open space as contained herein; it is the intent of the City of Lake Elmo to allow dwelling unit density that will provide a development density equal to or greater than the prior zoning; AG, Agricultural, RR, Rural Residential, and RE Residential Estate.

(Ord. 97-79, passed 5-1-2001)

§ 150.177 DEFINITIONS.

Unless specifically defined in §§ 150.175 *et seq.*, common definitions, words, and phrases used in §§ 150.175 *et seq.* shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(Ord. 97-79, passed 5-1-2001)

§ 150.178 USE REGULATIONS.

Within OP, the following uses are allowed.

(A) *Permitted uses.*

- (1) Single-family, detached;
- (2) Preserved open space;
- (3) Conservation easements;
- (4) Agriculture;
- (5) Suburban farms;
- (6) Private stables;
- (7) Single-family, attached;
- (8) Townhouses (no more than 25% in any development);
- (9) Wayside stand.

(B) *Accessory uses.* Uses that are typically found accessory to a permitted use.

(C) *Prohibited uses.* All other uses are hereby prohibited.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-006, passed 6-17-2008; Am. Ord. 08-31-A, passed 10-5-2010) Penalty, see § 10.99

§ 150.179 OP CONDITIONAL USE PERMIT REQUIRED.

No property may be developed responsive to §§ 150.175 *et seq.* unless approval is obtained from the City Council following its approval of the concept plan, development stage plan, conditional use permit, and final plan described herein. Applications for Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys, and planning data. Only completed applications shall be referred to the Planning Commission for review.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.

(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of buildable land area shall not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

(2) *Open space easement required.*

(a) *Preserved open space standards.*

1. All preserved open space shall be subject to a conservation easement and used for the purposes as defined by §§ 150.175 *et seq.* The land shall be controlled in 1 or more following manners as determined in the city's sole discretion:

a. Owned by an individual or legal entity who will use the land for preserved open space purposes as provided by permanent conservation restrictions (in accordance with M.S. Ch. 84C.01-.05, as it may be amended from time to time), to an acceptable land trust as approved by the city; and/or

b. Conveyed by conservation easement to the city.

2. Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 10 acres.

3. Parks and recreational facilities shall be provided in addition to preserved open space as specified in the Lake Elmo Parks Plan; and, consistent with the park dedication and fees-in-lieu standards as specified by Chapter 153.

4. The preserved open space land shall be maintained for the purposes for which it was set aside. If preserved open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the city, describing land management practices to be followed by the party or parties responsible for maintaining the preserved open space.

5. Where applicable, a homeowner's association shall be established to permanently maintain all residual open space and recreational facilities. The homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the city if there is lack of the maintenance shall be submitted to the city as part of the documentation requirements of §§ 150.175 *et seq.* for a final plan.

6. Preserved open space parcels uses shall be contiguous with preserved open space or public park, on adjacent parcels.

(b) *Lot design.* Lots shall be designed to achieve the following objectives (listed in order of priority):

1. On the most suitable soils for sub-surface septic disposal;

2. On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for the agricultural use;

3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);

4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan; and

5. Away from woodlands in open fields.

(c) *Structures.* Homes shall be oriented on the site that meets the criteria of rural hamlet. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.

(d) *Buffer zones.* Where a proposed OP development abuts an existing residential development or a parcel of land not eligible for future development under the OP ordinance due to insufficient parcel area, a 200 foot setback shall be provided between the property line of the abutting parcel and any structure or driving surface within the OP development. Driving surfaces that cross the setback area at a 90 degree angle shall be the only exception. Where a proposed OP development abuts an existing OP development, or a land parcel eligible for future development under the OP ordinance, a 100 foot setback from any structure within the proposed OP development and the property line of the abutting parcel may be substituted. The setback substitution shall only be approved when there is existing mature vegetation and/or changes in topography occurring on the site proposed for development; and/or where the OP site developer introduces the physical features that provide an effective year round buffer of the structures proposed for the OP site from existing residences or development. The determination of the buffering effectiveness of existing or introduced physical features that qualify a site for a 100 foot buffer shall be at the sole discretion of the City Council.

(e) *Boulevard landscaping.* Boulevard landscaping is required along all streets to consist of at least 1 tree per every 30 feet or placed in dusters at the same ratio. A landscape plan for the entire site is required and shall consist of at least 10 trees per building site; and trees shall not be not less than 1.5 inch in caliper measured at 54 inches above grade level.

(f) *Pathway.* A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect to a planned or developed pathway on adjacent parcels or to a local road. Pathways shall be linked to the "Old Village" to emphasize the connection between existing and new development. Pathways provided shall be at least equal in length to the sum of the centerline length of all public roads within the development. Pathways shall be constructed of asphalt or concrete in compliance with the standard city design plate for OP trails.

(g) *Densities.* The maximum dwelling unit density shall be 18 units per 40 gross acres of buildable land.

(h) *Minimum district requirements.*

<i>Open Space Preservation District (OP)</i>
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	<i>Single-Family</i>	<i>Townhouse</i>
Maximum Building Height:		
Primary Structure	2 and ½ stories or 35 feet	2 and ½ stories or 35 feet
Accessory Structure	25 feet	1 story or 20 feet, whichever is less
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage: Gross Lot Area	20%. This percentage may be increased to 25% provided a pervious paver or comparable system is installed consistent with the <i>City of Lake Elmo Engineering Standards Manual</i> or storm water mitigation measures are installed to mitigate the runoff created by the additional coverage above the base district amount. All mitigation measures must be approved by the City Engineer.	NA
Minimum Setback Requirements:		
Front Yard	30 feet	20 feet

<i>Open Space Preservation District (OP)</i>		
	<i>Single-Family</i>	<i>Townhouse</i>
Side Yard	15 feet or 10% of lot width, whichever is greater	15 feet or 10% of lot width, whichever is greater
Corner Lot Front	30 feet	30 feet
Corner Lot Side Yard	30 feet	30 feet
Rear Yard	20 feet	20 feet
Buffer Setback	See (d) Buffer zone above See city staff or website for individual requirements	See (d) Buffer zone above See city staff or website for individual requirements
Well From Septic Tank	50 feet	50 feet
Minimum Lot Size:		
Individual Well and Septic System	1 acre	NA

Individual Well and Communal Drainfield	½ acre	8,000 square feet per unit
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(i) *Utilities.*

1. OP developments may be platted to accommodate home site lots with either individual septic tanks and drainfields; or, with individual septic tanks and communal drainfields. Single-family or multiple-family lots under 1 acre shall be constructed with an individual septic tank and a communal drainfield.

2. All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for sewage treatment systems WPC-7080 and its appendices, or the M.P.C.A. standards in effect at the time of installation and septic system regulations of the Lake Elmo Municipal Code.

3. Communal drainfields may be partially or completely located in an area designated as preserved open space provided:

a. The ground cover is restored to its natural condition after installation; and

b. Recreational uses are prohibited above or within 50 feet of communal drainfields, or as approved by the City Engineer.

4. No wetland treatment system shall be allowed within the village green.

(j) *Streets.* Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.

1. Streets shall be designed according to the following standards; pavement shall be 14 to 16 feet wide for 1-way streets; pavement shall be 22 to 24 feet wide for 2-way streets; and the pavement width shall be 22 to 24 feet for streets where homes are located on 1 side of the street.

2. The minimum street right-of-way for 1-way streets shall be 40 feet and the minimum right-of-way for 2-way street shall be 50 feet.

3. Streets shall not be constructed with a rural cross-section.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 97-184, passed 10-3-2006; Am. Ord. 97-199, passed 11-5-2007; Am. Ord. 08-008, passed 8-19-2008; Am. Ord. 08-035, passed 11-16-2010) Penalty, see § 10.99

§ 150.181 HISTORIC PRESERVATION.

Historic structures on the site shall be identified.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.182 OP DEVELOPMENT/CONCEPT PLAN.

(A) *Required submittals; OP development/concept plan.* The applicant shall submit 20 copies of a concept plan for a development of an OP that shall include the following information.

(1) An existing conditions plan which identifies the following (drawn to a scale of 1 inch equal to 100 feet):

- (a) Primary conservation areas;
- (b) Secondary conservation areas;
- (c) Site topography at 2 foot contour interval; and
- (d) Location and description of existing vegetative cover.

(2) A general site plan to include the general location of all platted lots, streets, and open space areas, structures, trails, common open spaces, and parks (drawn to scale of 1 inch equal to 100 feet).

(3) The applicant shall submit a schedule of site characteristics, calculated in acres, which shall include the following.

(a) *Environmental resources.* Include map and calculated acreage of the following:

- 1. Total site;
- 2. Protected wetlands;
- 3. Wetland buffer/setback area;
- 4. 12% - 24% sloped area;
- 5. 25% + sloped area; and
- 6. Woodlands.

(b) *Public improvements.* Include map and calculated acreage of the following:

- 1. Public road right-of-way;
- 2. Drainage way and ponding areas;
- 3. Trails/bikeways and sidewalks (outside of road right-of-way);
- 4. Utility easements; and
- 5. Public parks.

(c) *Proposed development.* Include map and calculated acreage of the following:

- 1. Total residential area;
- 2. Total commercial land area; and
- 3. Total preserved open space.

(d) *A general landscape plan.*

(e) *Statement of intent.* If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to, the following:

1. Ownership, management, and maintenance of defined preserved open space;
2. Maintenance of public and private utilities; and
3. General architectural guidelines for principal and accessory structures.

(f) *Proposed staging plan.*

(g) *Historic preservation plan.* Where applicable, an historic preservation plan for any historic structures on the site.

(B) *Planning Commission review.*

(1) Upon receipt of a completed application for an OP development/concept plan as certified to by the City Planner, the Planning Commission shall review OP development concept plan application at a public hearing preceded by 10-days published notice and 2-weeks mailed notice to the recorded owners of each parcel located within 350 feet of the perimeter of the proposed development.

(2) The Planning Commission shall make its recommendations to the City Council within 30 days of receipt of a complete application, and shall include its findings on the following.

(a) The concept plan is consistent with the goals, objectives, and policies of the Comprehensive Plan.

(b) The concept plan is consistent with the purpose of §§ 150.175 *et seq.*

(c) The concept plan complies with the development standards of §§ 150.175 *et seq.*

(C) *City Council review.* The City Council shall review and approve or deny OP development concept plan within thirty days of the receipt of a completed application. The City Council may also table its review a reasonable time, if necessary to obtain information that will enable the Council to make a reasonable decision, and if the extension is consented to by the applicant on the record. OP development concept plan approval shall require 3 affirmative votes of the City Council.

(D) *Limitation of approval.* Unless an OP development preliminary plan is submitted within 12 months from the date on which the City Council approved the OP development concept plan, the concept plan approval shall expire. The City Council, in its sole discretion, may extend the filing deadline for an OP development preliminary plan and conditional use permit if an application for extension is filed and approved by the City Council before the OP development concept plan approval expires.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND CONDITIONAL USE PERMIT.

(A) *Submittals.* The OP development preliminary plan shall include the following:

- (1) A statement of city action necessary for implementation of the proposed plan;
- (2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:
 - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Washington County);
 - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the development;
 - (c) Location, dimensions, and number of all driveways, entrances, curb cuts, par stalls, loading spaces, and access aisles, and all other circulation elements including bike and pedestrian trails; and the total site coverage of all circulation elements;
 - (d) Location, designation, and total area of all preserved open space;
 - (e) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;
 - (f) Proposed lots and blocks, if any, and numbering system;
 - (g) The location, use, and size of structures and other land use on adjacent properties;
 - (h) Preliminary sketches of proposed landscaping;
 - (i) General grading and drainage plans for the developed OP development in conjunction with a Storm Water Management Plan as identified in § 150.277;
 - (j) The development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than 2 successful test results for each proposed septic disposal area; and
 - (k) Any other information that may have been required by the City Council in conjunction with the approval of the OP development concept plan.
- (3) An accurate legal description of the entire area within the OP development for which development plans approval is sought;
- (4) Architectural and performance standards for the development;
- (5) Preliminary grading and site alteration plan illustrating changes to existing topography and natural vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;
- (6) A preliminary plat prepared in accordance with M.S. Ch. 505, as it may be amended from time to time, Chapter 153 of the Lake Elmo Municipal Code, and other applicable laws;
- (7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures. See also § 150.277 regarding Erosion and Sediment Control Plan requirements; and
- (8) Homeowner's Association documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

(B) *Planning Commission review.* Upon receipt of a complete OP development preliminary plan by the city, as certified as complete by the City Planner, the City Planner shall refer the preliminary plan to the appropriate city staff, consultants, and other review agencies. The Planning Commission shall review the OP development preliminary plan and shall schedule public hearings as required for preliminary plat and conditional use permit review within 30 days of the City Planner's receipt of a completed application and shall make its recommendations to the City Council regarding the preliminary plan, conditional use permit, and preliminary plat.

(C) *City Council review.*

(1) Within 60 days of the city receipt of a complete application, the City Council shall review the OP development preliminary plan, conditional use permit, and the preliminary plat. The OP development plan, conditional use permit, and preliminary plat shall require 3 affirmative council votes for approval.

(2) Upon approval, the City Council shall instruct the City Attorney to draw up an OP development agreement that stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and applicant within 30 days of Council approval of the OP development preliminary plan and conditional use permit.

(D) *Limitation on preliminary plan approval.* Unless a final plan covering the area designated in the preliminary development plan as the first stage of the OP development has been filed within 6 months from the date Council grants approval, or in any case where the applicant fails to file final plans and to proceed with the development according to the provisions of §§ 150.175 *et seq.*, the preliminary development plan and conditional use permit shall expire. The Council may, at its discretion, extend the filing deadline for any final plan when, for good cause shown, the extension is reasonable. In any case where preliminary development plan and conditional use permit approval expires, the concept plan approval and preliminary development plan approval for that portion of the OP development that has not received final plan approval is void.

(Ord. 97-79, passed 5-1-2001; Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 150.184 OP DEVELOPMENT FINAL PLAN.

(A) The purpose of the final plans is to provide a complete, thorough, and permanent public record of the OP development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the OP development process. It shall serve in conjunction with other city ordinances as the land use regulation applicable to the OP development.

(B) (1) *Submittals required.* After approval of the concept plan and preliminary plan for an OP development, the applicant shall submit the following material for review by the city staff prior to the issuance of any building related permits:

- (a) A detailed landscaping plan;
- (b) All easements and restrictive covenants;

- (c) All certificates, seals, and signatures required for the dedication of land and recording of documents;
- (d) General architectural working drawings of all historic structures to be rehabilitated;
- (e) Final engineering plans and specifications for streets, utilities, and other public improvements, together with all required development agreements for the installation of the improvements;
- (f) Any other plans, agreements, or specifications reasonably necessary for the city staff to review the proposed construction; and
- (g) Final plat.

(2) *City Council review.* The final plan is intended only to add administration detail to, and to put in final form, the information contained in the concept plan and the preliminary development plan, and shall conform to the concept plan and preliminary development plan. The city shall review and approve the final plan and final plat within 60 days of receipt of a complete final OP development plan and final plat, as certified as complete by the City Planner.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.185 RECORDING OF FINAL PLAT.

The applicant shall submit to the city the recordable final plat drawings; all easements, deeds, plans, fees, financial security, and the other documentation as may be required by the development agreement within 30 days of final plan and final plat approval by the City Council. The recordable Final Plat, approval resolution, and the other documents that require recording shall be released by the city to the applicant for the recording only upon review and approval by appropriate city staff; and, execution by the applicant and required city officials.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.186 BUILDING AND OTHER PERMITS.

Except as otherwise expressly provided herein, upon receiving written notice from the City Planner that the approved final plan has been recorded and all conditions of approval satisfied, the City Building official may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the approved final plan; provided, however, that no permit shall be issued except upon proper application and after the requirements of all other applicable codes and ordinances have been satisfied.

(Ord. 97-79, passed 5-1-2001)

§ 150.187 LIMITATION ON FINAL PLAT APPROVAL.

Within 18 months after approval of a final plan for OP development, or the shorter time as may be established by the approved development schedule, construction shall commence according to the approved plan. Failure to commence construction within the period shall automatically

render void the OP conditional use permit and all approvals for the final OP development plan. The City Council may at its discretion extend the construction time as necessary when good cause is shown.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.188 METHOD OF AMENDING AN OP CONDITIONAL USE PERMIT.

Any desired change involving structural alteration, enlargement, or intensification of the use, not specifically allowed by the specific terms of a previously passed OP conditional use permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

(Ord. 97-79, passed 5-1-2001) Penalty, see § 10.99

§ 150.189 INFORMATION REQUIREMENTS; ADDITIONS; EXCEPTIONS.

The City Administrator shall maintain a record of all permits issued, including information on the use, locations, conditions imposed, time limits, review dates, and the other information as may be appropriate.

(Ord. 97-79, passed 5-1-2001)

§ 150.190 BUFFER SETBACKS IN OP DEVELOPMENTS.

Buffer setbacks shall be applied from the edge of the open space preservation zoning districts as follows.

<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
St. Croix's Sanctuary	200	50	50	100	
Discover Crossing	200	100	50	100	
Whistling Valley I	25	200	N/A	N/A	
Whistling Valley II	25	100	85	N/A	
Whistling Valley III	50	100	100	N/A	
Farms of Lake Elmo	100	50	100	25	
Prairie Hamlet	200	50	50	100	
Fields of St. Croix I	50	N/A	200	100	
Fields of St. Croix II	N/A	200	200	N/A	N/A
The Homestead	50	50	200	50	
Tapestry at Charlotte's Grove	50	50	200	50	100

Tamarack Farm Estates	100	100	100	100	
Sunfish Ponds	100	100	100	200	
Hamlet on Sunfish Lake	50	100	50	50	
Cardinal Ridge	100	200	50	50	
Wildflower Shoves	100	200	100	200	

<i>Recommended Buffer Setbacks in OP Developments (in feet)</i>					
	<i>North Edge</i>	<i>South Edge</i>	<i>West Edge</i>	<i>East Edge</i>	<i>Exception Parcel(s)</i>
Heritage Farms	50	N/A	N/A	50	N/A
Tana Ridge (Res. 2009-033)	N/A	N/A	50	50	
Parkview Estates (Res. 2009-033)	50; except Lot 9, Block 5 use 20 ft	N/A	N/A	50	
Meyers Pineridge	50	50	100	200	
5010 Keats Ave. (Meyers Pineridge)	0	0	0	0	

(Ord. 08-021, passed 12-15-2009; Am. Ord. 08-034, passed 11-16-2010)

