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NOTICE OF MEETING

City Council Meeting

Tuesday, January 3, 2017 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

A. Call to Order/Pledge of Allegiance

B. Swearing In of New Elected Officials

C. Approval of Agenda

D. Accept Minutes

~~4. December 20, 2016~~

E. Public Comments/Inquires

F. Presentations

G. Consent Agenda

2. Approve Payment of Disbursements and Payroll
3. Designate Official Depositories of Funds-*Resolution 2017-001*
4. Designate Official Publication Newspaper of Record
5. Resolution Designating Data Practice Officials and Approving City's Data Practice Policy - *Resolution 2017-002*
6. Appoint City Attorney (civil and prosecution)
7. Appoint City Engineer
8. Approve 2017 Fee Sheet – *Ordinance 08-162; Resolution 2017-005*
9. Approve Tree Removal from 201 Drainfield, Hill Trail N
10. Approve Downtown Phase 1 & 2 Improvements – Approve Phase 1 Final Reconciliation Payment and Approve Phase 2 Cooperative Agreement Payment No. 1.
11. Approve Hire of Office Administrative Assistant

H. Regular Agenda

12. Appoint 2017 Acting Mayor
13. Appoint Required Officials to Fire Relief Association Board of Trustees
14. Planning Commission Appointments
15. Park Commission Appointments
16. Library Board Appointments
17. Council Committees
18. 2017 Goal Setting Session
19. Chapter 31, Sec 31.04 City Code Amendments regarding Council Agendas-*Ordinance No 08-161, Summary Publication Resolution No 2017-004*
20. Hammes Estates 2nd Addition-Final Plat – *Resolution 2017-003*
21. Lake Erosion Study Revisions
22. City Facilities Use Policy
23. Library Negotiations

I. Council Reports

J. Staff Reports and Announcements

K. Adjourn

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
DECEMBER 20, 2016**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Pearson called the meeting to order at 7:00 pm.

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

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Finance Director Bendel, Planning Director Wensman, and City Clerk Johnson.

APPROVAL OF AGENDA

Councilmember Smith, seconded by Councilmember Lundgren moved TO APPROVE THE AGENDA.

Councilmember Bloyer, seconded by Mayor Pearson, moved TO AMEND THE PRIMARY MOTION BY POSTPONING ITEM 18, "APPROVE EMPLOYEE BENEFIT EMPLOYER/EMPLOYEE COST SHARE POLICY," TO A FUTURE MEETING. Motion passed 3 – 2. (Fliflet, Smith – nay)

Mayor Pearson, seconded by Councilmember Bloyer, moved TO AMEND THE PRIMARY MOTION BY POSTPONING ITEM 30, "EMPLOYEE HANDBOOK," TO A FUTURE AGENDA.

Primary motion to approve the agenda as amended passed 5 – 0.

ACCEPT MINUTES

Minutes of the November 15, 2016 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

Dave Moore, 8680 Stillwater Boulevard N., questioned why the Maintenance Advisory Committee was not asked to review the plow truck purchase and commented on the parking lot access at Fire Station 1.

Barry Weeks, 3647 Lake Elmo Avenue, commented on the length of the Council Meeting Agenda and noted that in past years the agendas were not as long.

PRESENTATIONS

Finance Director Bendel presented the Comprehensive Annual Financial Report award, noting this was the third time the City received the award.

City Administrator Handt presented a Certificate of Appreciation to Councilmember Anne Smith for her 12 years of service on the City Council.

CONSENT AGENDA

2. Approve Payment of Disbursements
3. Accept November 2016 Financial Statements
4. Accept November 2016 Assessor's Report
5. Accept November 2016 Building Department Report
6. Accept November 2016 Fire Department Report
7. Accept November 2016 Public Works Department Report
8. Authorize Certification to the WA Cty Auditor – Delinquent Water Bills – *Resolution 2016-109*
9. Termination of Existing Contract and Approve New Contract with Washington County Sheriff's Office
10. Adopt Employee Recognition Policy
11. Approve 2017 Meeting Schedule
12. Private Development Projects – Approve Security Reduction
13. CSAH 15 & 10th Street Intersection – Approve Cooperative Agreement Payment No. 5 (FINAL)
14. Inwood Booster Station – Approve Change Order No. 3
15. Inwood Booster Station – Approve Pay Request No. 7
16. Inwood Water Tower (No. 4) – Approve Pay Request No. 7
17. Approve Boulder Ponds 2nd Addition Final Plat and PUD Extension – *Resolution 2016-110*
- ~~18. Approve Employee Benefit Employer/Employee Cost Share Policy~~
19. Accept Village Area AUAR Update
20. Approve Open Gov

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 5-0.

ITEM 21: Approve Diedrich Property Zoning Map Amendment

Planning Director Wensman reviewed the background and location of the parcels to be rezoned to be consistent with the Comprehensive Plan and the preliminary plat.

Mayor Pearson, seconded by Councilmember Lundgren, moved TO APPROVE ORDINANCE 08-159 APPROVING A ZONING MAP AMENDMENT FOR THE PROPERTY KNOWN AS DIEDRICH PROPERTY PRELIMINARY PLAT, PID# 36.029.21.32.0002 FROM RURAL DEVELOPMENT TRANSITIONAL TO URBAN MEDIUM DENSITY RESIDENTIAL AND PID# 36.029.21.32.0034 FROM URBAN LIMITED DENSITY RESIDENTIAL TO URBAN MEDIUM DENSITY RESIDENTIAL. Motion passed 5 – 0.

Planning Director Wensman also noted that the applicant requested a waiver of the fees for the rezoning. Council consensus was not in favor of the request.

ITEM 22: Revise Comprehensive Plan to Meet Population Targets and Growth Plan

Planning Director Wensman reviewed the Met Council forecasts and the City's MUSA sewer areas. Wensman reported that Councilmember Fliflet requested the Council discuss revising the City's Comprehensive Plan to meet the 2015 population targets and growth targets.

Councilmember Bloyer, seconded by Councilmember Lundgren, moved TO REFER THIS ISSUE TO THE PLANNING COMMISSION FOR DISCUSSION.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO AMEND THE PRIMARY MOTION TO REFER THE ITEM TO THE PLANNING COMMISSION AND INCORPORATE THE REVISED POPULATION TARGETS AND TIMELINE AS ESTABLISHED BY THE MET COUNCIL. Motion passed 5 – 0.

Primary motion as amended passed 5 – 0.

ITEM 23: 2017-2021 Capital Improvement Plan

Councilmember Bloyer moved TO MOVE ITEM 23 TO THE END OF THE AGENDA. Motion died – no second.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE CAPITAL IMPROVEMENT PLAN AS RECOMMENDED BY THE FINANCE COMMITTEE. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 24: Old Village Phase 3 Street and Utility Improvements – Public Hearing; Order Preparation of Plans and Specs

City Engineer Griffin reviewed the scope of the project, assessment methodology, and typical estimated sewer cost for a residential property. Griffin reported on the neighborhood meeting held and provided a summary of comments and questions from those in attendance. Griffin reviewed two options for the Laverne Avenue area and project findings and recommendations.

Mayor Pearson, seconded by Councilmember Smith, moved TO OPEN THE PUBLIC HEARING. Motion passed 5 – 0.

No comments were presented.

Councilmember Lundgren, seconded by Councilmember Smith, moved TO CLOSE THE PUBLIC HEARING. Motion passed 5 – 0.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO ADOPT RESOLUTION 2016-111 ORDERING THE OLD VILLAGE PHASE 3: STREET, DRAINAGE AND UTILITY IMPROVEMENTS AND THE PREPARATION OF PLANS AND SPECIFICATIONS AND INCLUDE DESIGN/BIDDING FOR THE EXTENSION OF MUNICIPAL WATER SERVICES TO 3825 LAKE ELMO AVENUE FOR FUTURE

CONSIDERATION TO BE AWARDED WITH THE CONSTRUCTION CONTRACT FOR THE PROJECT. Motion passed 4 – 1. (Bloyer – nay)

Councilmember Smith, seconded by Mayor Pearson, moved TO APPROVE A PROFESSIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES CONTRACT TO SEH, INC. IN THE NOT TO EXCEED AMOUNT OF \$119,500 FOR OPTION 1 AND APPROVE A GEOTECHNICAL SERVICES BUDGET IN THE NOT TO EXCEED AMOUNT OF \$15,000. Motion passed 5 – 0.

ITEM 25: Moratorium

City Attorney Sonsalla reviewed the history of the moratoria and presented a draft ordinance terminating the moratoria. Discussion held.

Dale Dorschner, 3150 Lake Elmo Avenue North, questioned the timing of this item on the agenda.

Councilmember Lundgren, seconded by Councilmember Fliflet, moved TO ADOPT ORDINANCE 08-160 AN ORDINANCE TERMINATING THE MORATORIA DECLARED BY ORDINANCES NOS 08-123 (EXTENDED BY ORDINANCE 08-146) AND 08-156 THAT IMPOSED MORATORIA ON CERTAIN DEVELOPMENT ACTIVITY WITHIN THE CITY. Roll call vote taken. Motion passed 5 – 0.

ITEM 26: Water Rates

Finance Director Bendel presented information on the current position of the existing water fund balance and future funding requirements. Tammy Omdahl, Northland Securities, reviewed water fund projections and assumptions.

Mayor Pearson, seconded by Councilmember Bloyer, moved TO TABLE THIS ITEM TO THE JANUARY WORKSHOP. Motion failed 2 – 3. (Fliflet, Lundgren, Smith – nay)

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO APPROVE THE REDUCTION OF THE TIERED WATER RATES EFFECTIVE 1/1/2017 AS PROPOSED. Motion passed 3 – 1 – 1. (Pearson – nay; Bloyer – present/not voting)

ITEM 27: 2016 Year End Recommendations Related to Excess General Fund Balance

Finance Director Bendel presented recommendations from the Finance Committee to create a new legal reserve fund to cover the increased insurance deductible.

Dale Dorschner, 3150 Lake Elmo Avenue, posed questions regarding the City's legal fees.

Councilmember Fliflet, seconded by Councilmember Smith, moved TO ADOPT RESOLUTION 2016-112 AUTHORIZING THE INITIALIZATION OF A NEW LEGAL

RESERVE FUND EFFECTIVE 12/31/2016 IN THE AMOUNT OF \$200,000 SPECIFICALLY TO BE USED TO PAY INSURANCE DEDUCTIBLE PAYOUTS. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 28: Low Impact Development Standards

City Administrator Handt reported on recommendations from the Environmental Committee to refer Low Impact Development Standards to the Planning Commission for review. Discussion held concerning current standards and potential impact to developers.

Councilmember Fliflet, seconded by Councilmember Lundgren, moved TO REFER LOW IMPACT DEVELOPMENT STANDARDS TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION. Motion passed 3 – 2. (Pearson, Bloyer – nay)

ITEM 29: Noise Ordinance

Planning Director Wensman reviewed the current ordinance and proposed changes.

Councilmember Lundgren, seconded by Mayor Pearson, moved TO APPROVE ORDINANCE 08-161 AMENDING CHAPTER 130: NOISE CONTROL. Motion failed 2 – 2 – 1. (Bloyer, Lundgren – nay; Smith – present/not voting)

ITEM 30: Employee Handbook

City Administrator Handt reported that the Human Resources Committee has been working on a revised Employee Handbook in 2016. Councilmember Fliflet added that the revised Handbook would be reviewed further by staff and legal counsel after City Council approval.

Councilmember Smith, seconded by Councilmember Lundgren, moved TO APPROVE THE REVISED EMPLOYEE HANDBOOK SUBJECT TO LEGAL REVIEW AND MINOR REVISIONS BY STAFF. Motion failed 2 – 3. (Pearson, Bloyer, Lundgren – nay)

Councilmember Fliflet, seconded by Councilmember Smith, moved TO DIRECT STAFF TO BRING A CORRECTED VERSION OF THE EMPLOYEE HANDBOOK BACK TO THE NEXT COUNCIL MEETING. Motion failed 2 – 3. (Pearson, Bloyer, Lundgren – nay)

COUNCIL REPORTS

Mayor Pearson: Thanked Pam Hartley for her service on the Parks Commission.

Councilmember Fliflet: Thanked Councilmember Smith for her service to the City and acknowledged people serving on committees she works with.

Councilmember Smith: No report.

Councilmember Lundgren: Thanked Councilmember Smith for her service to the City.

**LAKE ELMO CITY COUNCIL MINUTES
DECEMBER 20, 2016**

Councilmember Bloyer: No report.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Announced that the City is accepting applications for Planning Commission, Parks Commission and Library Board.

City Clerk Johnson: Provided information on City Hall holiday closures.

Finance Director Bendel: Attended Finance Committee and a water workshop. Working on insurance renewals, assessments, and audit.

City Attorney Sonsalla: Working with the Building Official on code enforcement; working with planning staff on Royal Golf EAW and noise ordinance.

Planning Director Wensman: Reported on Shoreland Ordinance progress.

City Engineer Griffin: Held neighborhood meetings for Old Village Phase 3 residents and working on a feasibility report to present in February.

Meeting adjourned at 11:15 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2017
CONSENT
ITEM #2
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$220,809.86

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: \$220,809.86

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$220,809.86. 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	\$ 15,341.81	Payroll Taxes to IRS & MN Dept of Revenue 12/22/16
ACH	\$ 7,716.66	Payroll Retirement to PERA 12/22/16
ACH	\$ 1,000.00	Payroll Retirement to ICMA 12/22/16
ACH	\$ 900.00	Payroll Retirement to MDCP 12/22/16
DD7695-DD7724	\$ 32,640.04	Payroll (Direct Deposits) 12/22/16
45368-45372	\$ 163,211.35	Accounts Payable 1/03/17
TOTAL	\$ 220,809.86	

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 \$220,809.86.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 12/29/2016 - 11:37 AM

Batch: 011-12-2016

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
ALEXAIR Alex Air Apparatus, Inc 31464 12/21/2016 101-420-2220-44040 Repairs/Maint Eqpt 31464 Total: ALEXAIR Total:		2,090.15 2,090.15 2,090.15	0.00	01/03/2017	Annual SCBA inspection		-	No		0000
AMAZONIN Amazon Inc 12/10/2016 206-450-5300-42500 Library Collection Maintenance 12/10/2016 206-450-5300-42000 Office Supplies Total: AMAZONIN Total:		333.33 113.68 447.01 447.01	0.00 0.00	01/03/2017 01/03/2017	Books Office Supplies		- -	No No		0000 0000
AMDAHL Chris Amdahl Locksmith, Inc 12942 12/16/2016 101-420-2220-44010 Repairs/Maint Bldg 12942 Total: 12943 12/16/2016 101-420-2220-44010 Repairs/Maint Bldg 12943 Total: AMDAHL Total:		901.89 901.89 144.00 144.00 1,045.89	0.00 0.00	01/03/2017 01/03/2017	Station 2 - replace lock and combo Station 1 - change combo		- -	No No		0000 0000
AMERICAN American Eng and Testing, Inc. 94484 11/30/2016 409-480-8000-43030 Engineering Services 94484 Total: AMERICAN Total:		6,800.00 6,800.00 6,800.00	0.00	01/03/2017	2017 Street Improvement Analysis		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2032449620	11/15/2016	20.47	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032449620 Total:	20.47								
2032449621	11/15/2016	246.45	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032449621 Total:	246.45								
2032449622	11/15/2016	24.36	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032449622 Total:	24.36								
2032461167	11/21/2016	24.10	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032461167 Total:	24.10								
2032461168	11/21/2016	396.00	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032461168 Total:	396.00								
2032461169	11/21/2016	25.95	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032461169 Total:	25.95								
2032481417	11/30/2016	9.41	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032481417 Total:	9.41								
2032481418	11/30/2016	32.39	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032481418 Total:	32.39								
2032485828	12/01/2016	6.49	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032485828 Total:	6.49								
2032485829	12/01/2016	362.09	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032485829 Total:	362.09								
2032502245	12/08/2016	25.99	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032502245 Total:	25.99								
2032502246	12/08/2016	5.84	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032502246 Total:	5.84								
2032502247	12/08/2016	223.98	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032502247 Total:	223.98								
2032527907	12/29/2016	15.51	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032527907 Total:	15.51								
2032527908	12/29/2016	35.96	0.00	01/03/2017	Books		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	2032527908 Total:	35.96								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2032527909	12/29/2016	13.95	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032527909 Total:	13.95								
2032527910	12/29/2016	5.19	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032527910 Total:	5.19								
2032528814	12/29/2016	77.22	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032528814 Total:	77.22								
2032537810	12/23/2016	9.41	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032537810 Total:	9.41								
2032537811	12/23/2016	9.74	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032537811 Total:	9.74								
2032537812	12/23/2016	9.97	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032537812 Total:	9.97								
2032537813	12/23/2016	279.79	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032537813 Total:	279.79								
2032537814	12/23/2016	10.40	0.00	01/03/2017	Books		-			No 0000
206-450-5300-42500	Library Collection Maintenance									
	2032537814 Total:	10.40								
	BAKERTAY Total:	2,302.57								
BDI BDI										
5533236	12/15/2016	90.66	0.00	01/03/2017	Repairs		-			No 0000
101-430-3125-44040	Repairs/Maint Eqpt									
5533236	12/15/2016	20.64	0.00	01/03/2017	Grease, lubricants		-			No 0000
101-430-3100-42120	Fuel, Oil and Fluids									
	5533236 Total:	111.30								
	BDI Total:	111.30								
BEC SOM Becsom's Roof Top Shop										
160270	12/15/2016	994.00	0.00	01/03/2017	Roof repairs		-			No 0000
101-430-3100-44010	Repairs/Maint Bldg									
	160270 Total:	994.00								
	BEC SOM Total:	994.00								
BOLTONME Bolton & Menk, Inc										
0197870	12/15/2016	7,685.00	0.00	01/03/2017	I-94 Lift station and Sanitary Sewer Imp		-			No 0000
602-495-9450-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
0197870 Total:		7,685.00								
BOLTONME Total:		7,685.00								
BRO Brodart Company	08/24/2016	156.60	0.00	01/03/2017	Book covering		-	No		0000
445881										
206-450-5300-42500	Library Collection Maintenance									
445881 Total:		156.60								
BRO Total:		156.60								
CARDMEMB Cardmember Service	12/20/2016	456.21	0.00	01/03/2017	Parts		-	No		0000
101-430-3120-42210	Equipment Parts									
101-430-3125-42210	Equipment Parts	274.08	0.00	01/03/2017	Parts		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt	1,096.91	0.00	01/03/2017	Repairs		-	No		0000
101-430-3100-42150	Shop Materials	9.41	0.00	01/03/2017	Shop supplies		-	No		0000
101-430-3125-42210	Equipment Parts	85.70	0.00	01/03/2017	Parts		-	No		0000
601-494-9400-44370	Conferences & Training	80.34	0.00	01/03/2017	Training		-	No		0000
602-495-9450-44370	Conferences & Training	80.34	0.00	01/03/2017	Training		-	No		0000
101-450-5200-44370	Conferences & Training	80.34	0.00	01/03/2017	Training		-	No		0000
101-430-3100-44370	Conferences & Training	80.33	0.00	01/03/2017	Training		-	No		0000
101-430-3100-44330	Dues & Subscriptions	150.00	0.00	01/03/2017	Tatem software subscription		-	No		0000
101-430-3100-42210	Equipment Parts	139.99	0.00	01/03/2017	Parts		-	No		0000
101-420-2220-44300	Miscellaneous	64.26	0.00	01/03/2017	Holiday		-	No		0000
101-420-2220-44300	Miscellaneous	20.72	0.00	01/03/2017	Postage		-	No		0000
101-420-2220-44370	Conferences & Training	350.00	0.00	01/03/2017	Fire certification		-	No		0000
206-450-5300-44300	Miscellaneous	457.41	0.00	01/03/2017	Program supplies		-	No		0000
206-450-5300-42185	Software	85.69	0.00	01/03/2017	Norton Software		-	No		0000
206-450-5300-42500	Library Collection Maintenance	395.88	0.00	01/03/2017	Wall Street Journal		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
101-000-0000-11500	12/20/2016 Accounts Receivable	254.75	0.00	01/03/2017	Personal charges		-	No		0000
101-410-1940-42230	12/20/2016 Building Repair Supplies	3.50	0.00	01/03/2017	Flag pole repair		-	No		0000
101-420-2400-44370	12/20/2016 Conferences & Training	1,976.00	0.00	01/03/2017	Seminars		-	No		0000
101-410-1410-44300	12/20/2016 Miscellaneous	89.34	0.00	01/03/2017	CC - Hagbergs		-	No		0000
101-410-1450-43180	12/20/2016 Information Technology/Web	90.00	0.00	01/03/2017	Constant contact		-	No		0000
101-410-1320-44370	12/20/2016 Conferences & Training	60.00	0.00	01/03/2017	Sensible land use - flagpole		-	No		0000
101-410-1910-44330	12/20/2016 Dues & Subscriptions	475.00	0.00	01/03/2017	APA Membership		-	No		0000
Total:		6,856.20								
CARDMEMB Total:		6,856.20								
CARQUEST Car Quest Auto Parts										
2055-397192	12/16/2016	112.78	0.00	01/03/2017	Repairs		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
2055-397192 Total:		112.78								
2055-397734	12/22/2016	37.01	0.00	01/03/2017	Parts		-	No		0000
101-430-3125-44040	Repairs/Maint Eqpt									
2055-397734 Total:		37.01								
CARQUEST Total:		149.79								
CDW CDW Government Inc.										
GFJ3580	12/06/2016	619.00	0.00	01/03/2017	Computer equipment		-	No		0000
101-430-3100-43180	Information Technology/Web									
GFJ3580 Total:		619.00								
CDW Total:		619.00								
CENTPOW Century Power Equipment										
706877	12/21/2016	221.85	0.00	01/03/2017	Helmet		-	No		0000
101-430-3100-44375	Personal Protection Equipment									
706877	12/21/2016	221.85	0.00	01/03/2017	Helmet		-	No		0000
101-450-5200-44375	Personal Protection Equipment									
706877 Total:		443.70								
CENTPOW Total:		443.70								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CINTAS Cintas Corporation #754										
754670808	12/14/2016	139.69	0.00	01/03/2017	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
754672992	12/22/2016	139.69								
101-410-1940-44010	Repairs/Maint Contractual Bldg	74.90	0.00	01/03/2017	Cleaning and maintenance supplies		-		No	0000
754673420	12/21/2016	74.90								
101-430-3100-44170	Uniforms	142.77	0.00	01/03/2017	Uniforms		-		No	0000
	CINTAS Total:	142.77								
		357.36								
COLDWELL Coldwell Banker Commercial										
41553	10/03/2016	380.00	0.00	01/03/2017	Building maintenance		-		No	0000
206-450-5300-44010	Repairs/Maint Bldg									
	41553 Total:	380.00								
	COLDWELL Total:	380.00								
COMPASS Compass Minerals										
71566820	12/13/2016	4,256.68	0.00	01/03/2017	Road salt		-		No	0000
101-430-3125-42290	Sand/Salt									
71569443	12/15/2016	4,256.68	0.00	01/03/2017	Road salt		-		No	0000
101-430-3125-42290	Sand/Salt	1,647.32								
71570384	12/16/2016	1,647.32	0.00	01/03/2017	Road salt		-		No	0000
101-430-3125-42290	Sand/Salt	3,405.03								
71573015	12/20/2016	3,405.03	0.00	01/03/2017	Road salt		-		No	0000
101-430-3125-42290	Sand/Salt	1,672.25	0.00	01/03/2017	Road salt		-		No	0000
71574301	12/21/2016	1,672.25	0.00	01/03/2017	Road salt		-		No	0000
101-430-3125-42290	Sand/Salt	6,651.23								
	COMPASS Total:	6,651.23								
		17,632.51								
COORDIN Coordinated Business Systems										
206-450-5300-43180	Information Technology	11,190.00	0.00	01/03/2017	Computer replacements - 7 units		-		No	0000
CNIN229834	12/22/2016	11,190.00								
101-410-1940-44010	Repairs/Maint Contractual Bldg	123.75	0.00	01/03/2017	Copier maintenance		-		No	0000
	CNIN229834 Total:	123.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
COORDIN Total:		11,313.75								
COURNOYE Courmoyer Anthony										
Cable	12/13/2016	55.00	0.00	01/03/2017	CC Workshop 12/13/16		-		No	0000
101-410-1450-43620	Cable Operations	55.00								
Cable Total:		55.00								
COURNOYE Total:		55.00								
CTYROSEV City of Roseville										
222314	12/19/2016	4,166.25	0.00	01/03/2017	Monthly IT Services - Dec		-		No	0000
101-410-1450-43180	Information Technology/Web	4,166.25								
222314 Total:		148.07								
222341	12/19/2016	17.77	0.00	01/03/2017	Phone services - Admin - Dec		-		No	0000
101-410-1320-43210	Telephone	17.77								
222341	12/19/2016	35.55	0.00	01/03/2017	Phone services - Building - Dec		-		No	0000
101-420-2400-43210	Telephone	35.55								
222341	12/19/2016	49.30	0.00	01/03/2017	Phone services - Finance - Dec		-		No	0000
101-410-1520-43210	Telephone	49.30								
222341	12/19/2016	234.87	0.00	01/03/2017	Phone services - Planning - Dec		-		No	0000
101-410-1910-43210	Telephone	234.87								
222341	12/19/2016	485.56	0.00	01/03/2017	Phone services - PW - Dec		-		No	0000
101-430-3100-43210	Telephone	485.56								
222341 Total:		4,651.81								
CTYROSEV Total:										
CTYSTPAU City of St. Paul										
19403	11/17/2016	1,310.89	0.00	01/03/2017	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	1,310.89								
19403 Total:		1,310.89								
CTYSTPAU Total:		1,310.89								
DEMCO Demco										
5956354	09/09/2016	82.71	0.00	01/03/2017	Spine labels		-		No	0000
206-450-5300-42500	Library Collection Maintenance	82.71								
5956354 Total:		82.71								
DEMCO Total:		82.71								
EEPROP E & E Properties										
101-000-0000-32210	12/22/2016	1,300.00	0.00	01/03/2017	Comp Plan App Fee refund - withdrawn		-		No	0000
Building Permits		1,300.00								
Total:		1,300.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	EEPROP Total:	1,300.00								
EMERGAUT Emergency Automotive Tech, Inc 25323 12/16/2016 101-420-2220-44040 Repairs/Maint Eqpt		287.50	0.00	01/03/2017	CV2 repair emergency lights		-	No		0000
25323 Total: EMERGAUT Total:		287.50 287.50								
ESRI ESRI, INC 93223762 12/14/2016 101-410-1910-43180 Information Technology/Web		405.70	0.00	01/03/2017	GIS single use license		-	No		0000
93223762 Total: ESRI Total:		405.70 405.70								
GIBSONJU Gibson Judy 12/14/2016 206-450-5300-44300 Miscellaneous		63.98	0.00	01/03/2017	Flower reimbursement		-	No		0000
Total: GIBSONJU Total:		63.98 63.98								
GREATAM Great America Financial 19865157 12/16/2016 101-410-1940-44040 Repairs/Maint Contractual Eqpt		415.58	0.00	01/03/2017	Copier maintenance		-	No		0000
19865157 Total: GREATAM Total:		415.58 415.58								
HANDT Handt Kristina 12/22/2016 101-410-1320-43310 Mileage		61.56	0.00	01/03/2017	Mileage		-	No		0000
Total: HANDT Total:		61.56 61.56								
HOLIDAYC Holiday Credit Office 12/15/2016 101-420-2220-42120 Fuel, Oil and Fluids		107.20	0.00	01/03/2017	Fuel		-	No		0000
Total: HOLIDAYC Total:		107.20 107.20								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HP Hewlett-Packard Company										
57953434	12/09/2016	1,145.71	0.00	01/03/2017	PW laptop		-		No	0000
101-430-3100-43180	Information Technology/Web									
	57953434 Total:	1,145.71								
	HP Total:	1,145.71								
HYDRO Hydromethods										
201612509	12/14/2016	1,485.00	0.00	01/03/2017	The Royal Golf		-		No	0000
803-000-0000-22910	Developer Payments									
	201612509 Total:	1,485.00								
	HYDRO Total:	1,485.00								
INNOVAT Innovative Office Solutions										
1426992	12/12/2016	23.98	0.00	01/03/2017	Supplies		-		No	0000
101-420-2400-42000	Office Supplies									
	1426992 Total:	23.98								
1430620	12/14/2016	412.50	0.00	01/03/2017	Supplies		-		No	0000
101-430-3100-42000	Office Supplies									
1430620	12/14/2016	412.50	0.00	01/03/2017	Supplies		-		No	0000
601-494-9400-42000	Office Supplies									
	1430620 Total:	825.00								
1435970	12/20/2016	127.62	0.00	01/03/2017	Envelopes		-		No	0000
101-410-1520-42030	Printed Forms									
1435970	12/20/2016	255.25	0.00	01/03/2017	Envelopes		-		No	0000
601-494-9400-42030	Printed Forms									
1435970	12/20/2016	255.25	0.00	01/03/2017	Envelopes		-		No	0000
603-496-9500-42030	Printed Forms									
	1435970 Total:	638.12								
1437742	12/21/2016	54.24	0.00	01/03/2017	Paper		-		No	0000
101-420-2400-42000	Office Supplies									
1437742	12/21/2016	141.00	0.00	01/03/2017	Paper		-		No	0000
101-410-1320-42000	Office Supplies									
	1437742 Total:	195.24								
	INNOVAT Total:	1,682.34								
kathfuel Kath Fuel Oil Service Co										
577604	12/15/2016	621.00	0.00	01/03/2017	Fuel		-		No	0000
101-430-3100-42120	Fuel, Oil and Fluids									
	577604 Total:	621.00								
577605	12/15/2016	1,660.37	0.00	01/03/2017	Fuel		-		No	0000
101-430-3100-42120	Fuel, Oil and Fluids									
	577605 Total:	1,660.37								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
578140	12/26/2016	51.00	0.00	01/03/2017	Fuel		-		No	0000
101-430-3100-42120	Fuel, Oil and Fluids	51.00								
	578140 Total:	2,332.37								
	kathfuel Total:									
<hr/>										
KINGK King Cassidy										
Cable	12/12/2016	55.00	0.00	01/03/2017	Planning	12.12.16	-		No	0000
101-410-1450-43620	Cable Operations	55.00								
	Cable Total:	55.00								
	KINGK Total:	55.00								
<hr/>										
MENARDSO Menards - Oakdale										
18976	12/13/2016	146.11	0.00	01/03/2017	Mailboxes		-		No	0000
101-430-3100-44300	Miscellaneous	44.99	0.00	01/03/2017	Helmet and caps		-		No	0000
18976	12/13/2016	44.99	0.00	01/03/2017	Helmet and caps		-		No	0000
101-430-3100-44375	Personal Protection Equipment	236.09								
18976	12/13/2016	20.97	0.00	01/03/2017	Gloves, face mask		-		No	0000
101-450-5200-44375	Personal Protection Equipment	20.97	0.00	01/03/2017	Heater		-		No	0000
19122	12/15/2016	20.97	0.00	01/03/2017	Heater		-		No	0000
101-450-5200-44300	Miscellaneous	49.94	0.00	01/03/2017						
	19122 Total:	84.93								
	19151 Total:	341.99								
	MENARDSO Total:									
<hr/>										
MILLEREX Miller Excavating, Inc.										
22443	12/14/2016	868.45	0.00	01/03/2017	Street material		-		No	0000
101-430-3120-42240	Street Maintenance Materials	868.45								
	22443 Total:	868.45								
	MILLEREX Total:									
<hr/>										
NORDSTRM Nordstrom Emily										
Cable	12/13/2016	55.00	0.00	01/03/2017	CC workshop	12.13.16	-		No	0000
101-410-1450-43620	Cable Operations	55.00	0.00	01/03/2017	Environmental	11.18.16	-		No	0000
Cable	11/18/2016	110.00								
101-410-1450-43620	Cable Operations									
	Cable Total:									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NORDSTRM Total:		110.00								
NORTHTOO Blue Tarp Financial										
36874297	12/18/2016	173.37	0.00	01/03/2017	Parts		-		No	0000
101-430-3125-42210 Equipment Parts										
36874297 Total:		173.37								
NORTHTOO Total:		173.37								
OVERHEAD Overhead Door Company										
97731	12/22/2016	254.85	0.00	01/03/2017	Air switch replacement		-		No	0000
101-430-3100-44010 Repairs/Maint Bldg										
97731 Total:		254.85								
OVERHEAD Total:		254.85								
POSITIVE Positive Promotions, Inc.										
5603947	11/16/2016	585.65	0.00	01/03/2017	Fire prevention plastic hats		-		No	0000
101-420-2220-42090 Fire Prevention										
5603947 Total:		585.65								
POSITIVE Total:		585.65								
PROQUEST ProQuest										
70433371	11/19/2016	1,220.00	0.00	01/03/2017	Ancestry.com Database		-		No	0000
206-450-5300-42500 Library Collection Maintenance										
70433371 Total:		1,220.00								
PROQUEST Total:		1,220.00								
RITCHIET Ritchie Tom										
Cable	12/20/2016	55.00	0.00	01/03/2017	CC 12.20.16		-		No	0000
101-410-1450-43620 Cable Operations										
Cable Total:		55.00								
RITCHIET Total:		55.00								
SCHLOMKA Schlomka Services LLC										
19440	12/19/2016	245.00	0.00	01/03/2017	Pump holding tanks		-		No	0000
101-430-3100-44010 Repairs/Maint Bldg										
19440 Total:		245.00								
SCHLOMKA Total:		245.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
SELECTAC SelectAccount										
1171497	12/06/2016	10.55	0.00	01/03/2017	Program fee	12.01-12.31.16	-	No		0000
101-410-1520-43150	Contract Services									
1171497 Total:		10.55								
SELECTAC Total:		10.55								
SHANECON ShaneCon, Inc										
173	12/13/2016	34,801.00	0.00	01/03/2017	Restroom project		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
173 Total:		34,801.00								
SHANECON Total:		34,801.00								
SPRINT Sprint										
761950227-165	12/18/2016	67.44	0.00	01/03/2017	Cell phone - Admin		-	No		0000
101-410-1320-43210	Telephone									
761950227-165	12/18/2016	249.21	0.00	01/03/2017	Cell phone - Fire		-	No		0000
101-420-2220-43210	Telephone									
761950227-165	12/18/2016	249.33	0.00	01/03/2017	Cell phone - Fire		-	No		0000
101-420-2400-43210	Telephone									
761950227-165	12/18/2016	629.99	0.00	01/03/2017	IPad - Building		-	No		0000
101-420-2400-43180	Information Technology/Web									
761950227-165	12/18/2016	137.15	0.00	01/03/2017	Cell phones - PW		-	No		0000
101-430-3100-43210	Telephone									
761950227-165	12/18/2016	116.70	0.00	01/03/2017	Cell phones - Parks		-	No		0000
101-450-5200-43210	Telephone									
761950227-165	12/18/2016	16.76	0.00	01/03/2017	Cell phones - Parks		-	No		0000
101-410-1910-43210	Telephone									
761950227-165 Total:		1,466.58								
SPRINT Total:		1,466.58								
SRFCONSU SRF Consulting Group, Inc										
10078.00-2	12/30/2016	606.94	0.00	01/03/2017	Royal Golf - Trans System Review		-	No		0000
803-000-0000-22910	Developer Payments									
10078.00-2 Total:		606.94								
SRFCONSU Total:		606.94								
STLIBRAR Stillwater Public Library										
12/01/2016		180.00	0.00	01/03/2017	Library Card reimbursement		-	No		0000
206-450-5300-44300	Miscellaneous									
Total:		180.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
STLIBRAR Total:		180.00								
TEILANDM TEI Landmark Audio										
11848406	11/23/2016	164.52	0.00	01/03/2017	Used audio books		-		No	0000
206-450-5300-42500 Library Collection Maintenance										
11848406 Total:		164.52								
TEILANDM Total:		164.52								
TMOBILE T Mobile										
947226095	12/11/2016	21.52	0.00	01/03/2017	Scada line		-		No	0000
601-494-9400-43210 Telephone										
947226095 Total:		21.52								
TMOBILE Total:		21.52								
VERIZON Verizon Wireless										
9776861511	12/10/2016	35.01	0.00	01/03/2017	Air card for tablet		-		No	0000
101-420-2220-43210 Telephone										
9776861511 Total:		35.01								
VERIZON Total:		35.01								
WASHLIB Washington County Library										
12/01/2016		1,521.00	0.00	01/03/2017	Library Card Reimbursement		-		No	0000
206-450-5300-44300 Miscellaneous										
Total:		1,521.00								
WASHLIB Total:		1,521.00								
WASRADIO Washington County										
99293	12/20/2016	309.06	0.00	01/03/2017	4th qtr 2016 radio usage		-		No	0000
101-430-3100-43230 Radio										
99293 Total:		309.06								
99294	12/29/2016	3,914.76	0.00	01/03/2017	4th Qtr fee for radios		-		No	0000
101-420-2220-43230 Radio										
99294 Total:		3,914.76								
WASRADIO Total:		4,223.82								
Whiteani White Anita										
Bonus	12/20/2016	25.00	0.00	01/03/2017	CC 12.20.16		-		No	0000
101-410-1450-43620 Cable Operations										
Bonus Total:		25.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Cable 101-410-1450-43620	12/20/2016 Cable Operations	55.00	0.00	01/03/2017	CC 12.6.16		-		No	0000
	Cable Total:	55.00								
Cable B 101-410-1450-43620	12/20/2016 Cable Operations	55.00	0.00	01/03/2017	CC 12.20.16		-		No	0000
	Cable B Total:	55.00								
	Whiteani Total:	135.00								
	Report Total:	123,846.68								

Accounts Payable To Be Paid Proof List

User: PattyB
Printed: 12/29/2016 - 11:37 AM
Batch: 012-12-2016

L Hunt

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 6737146 12/15/2016 101-000-0000-21706 Medical Insurance 6737146 Total: DELTA Total:		1,623.50 1,623.50 1,623.50	0.00	12/03/2017	January 2017 premium		-	No		0000
LEASSOC Lake Elmo Associates, LLP Jan 17 01/01/2017 101-410-1940-44120 Rentals - Building Jan 17 Total: LEASSOC Total:		2,666.00 2,666.00 2,666.00	0.00	12/03/2017	January rent		-	No		0000
MAMA Manager Association Metropolitan Ar 2017 12/29/2016 101-410-1320-44330 Dues & Subscriptions 2017 Total: MAMA Total:		45.00 45.00 45.00	0.00	12/03/2017	Annual Membership		-	No		0000
RABOUIN RABOUIN, INC January 12/29/2016 101-410-1320-43100 Assessing Services January Total: RABOUIN Total:		2,500.00 2,500.00 2,500.00	0.00	12/03/2017	Jan 2017 monthly contract		-	No		0000
SW/WC SW/WC Service Cooperatives 12/02/2016 101-000-0000-21706 Medical Insurance Total: SW/WC Total:		23,384.00 23,384.00 23,384.00	0.00	12/03/2017	January 2017 premium		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
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Report Total: 30,218.50



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2017
CONSENT
Resolution 2017-01
ITEM # 3

AGENDA ITEM: Designate Official Depositories of Funds
SUBMITTED BY: Cathy Bendel, Finance Director
THROUGH: Cathy Bendel, Finance Director
REVIEWED BY: Kristina Handt, City Administrator

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. 2017-01; Designating the Official Depositories of Funds for 2017. 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 2017.”

LEGISLATIVE HISTORY:

Pursuant to State Statute 427.01 *et seq*, the City Council is respectfully being asked to designate official depositories for 2017. 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 2017:

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

RECOMMENDATION:

The City Council is requested to approve Resolution No. 2017-01; Designating the Official Depositories of Funds for 2017. 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 2017.”

ATTACHMENT:

- 1) Resolution No. 2017-01

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

RESOLUTION 2017-001

**A RESOLUTION DESIGNATING THE OFFICIAL DEPOSITORIES OF
FUNDS FOR 2017**

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
THIRD DAY OF JANUARY 2017.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk



STAFF REPORT

DATE: January 3, 2017

CONSENT

ITEM #: 4

AGENDA ITEM: Designate Official Publication Newspaper of Record

SUBMITTED BY: Julie Johnson, City Clerk

BACKGROUND:

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. Complimentary copies of *The Oakdale-Lake Elmo Review* are delivered to City Hall each week for residents.

ISSUE BEFORE COUNCIL:

What newspaper should the City use for official publications?

PROPOSAL:

The City Council is asked to select an official newspaper. Two quotes are attached: one from *The Oakdale-Lake Elmo Review* and one from *St. Croix Valley Lowdown*.

OPTIONS:

The Council may designate one of the two newspapers that have submitted bids as the official publication newspaper of record.

RECOMMENDATION:

The City Council is respectfully requested to designate *The Oakdale-Lake Elmo Review* as the City's official newspaper of record for 2017. 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 2017.”

Lillie Suburban Newspapers, Inc.

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

December 20, 2016

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 45 years, and is pleased to provide ongoing coverage of city government and school issues and community events.

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:

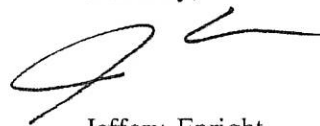
legals@lillienews.com

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

\$6.00 per column inch for a one-time publication
\$5.85 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 2017. 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 12, 2016

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 2017.

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".

Carter Johnson
Publisher

A handwritten signature in black ink, appearing to read "Lisa Graber".

Lisa Graber
Legal Notice Coordinator

Misc: LakeElmo2017.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



STAFF REPORT

DATE: January 3, 2017

CONSENT

ITEM #: 5

AGENDA ITEM: Designate Data Practices Officials and Approve City's Data Practices Policy

SUBMITTED BY: Julie Johnson, City Clerk

BACKGROUND:

MN Statute 13.05 requires the government entity's Responsible Authority to annually update the City's Data Practices Policy and make any changes necessary to maintain the accuracy of the document. The policy identifies the types of data the City maintains and how each type of data is classified. In addition, the policy provides for written procedures to ensure data requests are received and complied with in an appropriate, permitted, and prompt manner.

The City is required to have two officers to administer responsibilities set forth in the act. The required officers are the Responsible Authority and the Compliance Officer, who by state statute can be, and often are, the same person within a government entity. The Responsible Authority is responsible for collection, use and dissemination of any set of data. The Compliance Officer handles questions or issues with regard to data access. Both of these officials are required to be named specifically, not just as a responsibility assigned to a position.

ISSUE BEFORE COUNCIL:

Who should the Council appoint as the City's Data Practices Responsible Authority and Compliance Officer?

PROPOSAL:

The City Council is asked to appoint Data Practices Officials and approve the Data Practices Policy.

OPTIONS:

City Clerk Johnson is currently the City's Data Practices Responsible Authority and Compliance Officer. In the past, the City Clerk and Deputy Clerk have been appointed to fill these roles.

RECOMMENDATION:

The City Council is respectfully requested to approve Resolution 2017-002, Designating the City's Data Practices Officials and Approving City's Data Practices Policy. There are no changes from the prior Data Practices Policy other than updates to the dates and name of officials. 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 adopt Resolution 2017-002 Designating City's Data Practices Officials and Approving City's Data Practices Policy"

ATTACHMENTS:

- Resolution 2016-002
- City of Lake Elmo Data Practices Policy

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

RESOLUTION 2017-02

**A RESOLUTION DESIGNATING CITY'S DATA PRACTICES OFFICIALS AND
APPROVING CITY'S DATA PRACTICES POLICY**

WHEREAS, Minnesota Statutes, Chapter 13, requires the adoption of certain policies and procedures pertaining to government data practices; and

WHEREAS, the statute also requires the appointment of a data practices compliance official, a data practices responsible authority and optional designee(s) to enforce the data practices policies of government agencies.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the attached City of Lake Elmo Data Practices Policy, together with the exhibits attached thereto, are hereby adopted and approved as if fully set forth herein; and

BE IT FURTHER RESOLVED, that City Clerk Julie Johnson will be appointed to serve as the city's data practices responsible authority and data practices compliance official.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
THIRD DAY OF JANUARY 2017.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk



2017

**DATA PRACTICES
CLASSIFICATION OF
GOVERNMENT DATA**

ACCESS TO DATA BY THE PUBLIC

Access To Data By The Public

While some data maintained by the city is data about individuals, which is presumed to be private, the broader assumption about government data in general is that it is public, and should be readily available to anyone who asks for it. Failure to disclose information that is public is a violation of data practices laws.

Any person (individual or non-individual) can have access to public data simply by making a request to the responsible authority that has jurisdiction over the data. The person has the right to inspect and copy the data at reasonable times and places, and, if the person so requests, will be informed of the data's meaning.

Inspection of Data

There is no fee for inspecting the data (Minn. Stat. Sec. 13.03, subd. 3.) Inspection includes visual inspection of the information in paper or some other medium, such as on the website. Inspection does not include printing copies, unless printing a copy is the only way to inspect the data.

For data stored in electronic form and available to the public through electronic remote access, inspection includes allowing the public to have access to the data so that they can print or download the data from their own computer equipment. The responsible authority may charge a reasonable fee for remote access to data if there is a specific statutory grant of authority.

Data with Commercial Value

When data requested by the public include data that have commercial value (such as a formula, pattern, compilation, program, device, method, technique, etc) and a substantial and discrete portion of the data was developed with a significant expenditure of public funds, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying and compiling the copies (Minn. Stat. Sec. 13.03, subd. 3(d)). Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information.

Computer Storage Medium

If the requested data is maintained in a computer storage medium, the responsible authority must provide a copy of the data contained in that medium in electronic form if the city can reasonably do so (Minn. Stat. Sec. 13.03, subd. 3(e)).

Time Limits For Response

Copies of public information should be disclosed as soon as reasonably possible. Work on compiling copies should begin immediately upon request. If the request cannot be honored immediately the city should, as a matter of courtesy, send a letter to the requester acknowledging receipt of the request and giving the requester an estimate of the time it will take to compile and send the information.

CLASSIFICATIONS OF GOVERNMENT DATA

Classifications of Government Data

The Minnesota Government Data Practices Act defines Government Data as all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use (Minn. Stat. Sec. 13.02, subd. 7).

Government Data are separated into classifications and the classification of data determines their accessibility by the public. Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is attached as Exhibit A.

Data On Individuals

Data on individuals are defined as government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data is not accessed by the name or other identifying data of any individual.

There are three classifications of data on individuals :

- **Public** -- This is data about individuals which can be disclosed to anyone for any purpose, e.g. names and salaries of city employees.
- **Private** -- This is data about individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data.

- **Confidential** -- This is data about individuals that even the individuals themselves cannot be told, e.g., information from an investigation about welfare fraud or in adoption records. Note, however, that even if the confidential data itself cannot be disclosed to individuals, individuals do retain the right to know whether an agency is maintaining confidential data about them. Confidential information may be given to people who are authorized access by federal, state or local law or court order or people within the city staff, the city council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Data Not On Individuals

Data not on individuals are government data about non-individuals, such as organizations including partnerships, corporations, associations, etc.

- **Public** -- This is data about non-individuals, such as businesses, which can be disclosed to anyone for any purpose, e.g., names of vendors who have contracts with the city.

- **Private** -- This is data about non-individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data, e.g., certain financial information about businesses.

- **Protected Non-public** -- This is data about non-individuals, which is available only to government entities with a legal right to know it. A corporation being investigated for fraud, for example, would not have a right to the information being collected during the investigation.

Information Technology Policy

Information Policy Compliance and Consequences

All City of Lake Elmo users, including employees, volunteers and contractors, who have rights to access or modify city information in any media, or who use city computers, business applications or electronic communication resources, must comply with Lake Elmo Information Policy, the federal Health Insurance Portability and Accountability Act (HIPAA), the Minnesota Government Data Practices Act and all other laws or rules governing the protection of data. Failure to comply is grounds for sanction and/or disciplinary action up to and including termination of employment, cancellation of contract and/or loss of resource privileges. Failure to comply may also result in notification to law enforcement officials and regulatory, accreditation and licensure organizations.

Use of any City of Lake Elmo information technology devices will be limited to employees. All files of any kind, including electronic mail disseminated or received utilizing city devices or software or which resides on computers within the City of Lake Elmo should not be considered as private and employees shall have no expectation of privacy. The contents of electronic mail will not normally be monitored, censured, or otherwise examined unless there is reason to believe the usage is being abused. City investigations, law enforcement investigations, or court order or data practices request may require the examination and release of any file or document, including electronic files such as electronic mail.

Electronic Mail (Email):

Purpose of Email: the email system is a tool to be used for matters directly related to the business activities of city employees and as a means to further the mission by providing services that are efficient, accurate, timely and complete.

Public Nature of Email: email is a public record like any other public document. Email may be searched for evidence in any legal proceeding. By using the email system, the employee consents that in the event of suspicious activity their email system may be searched for evidence gathering purposes.

E-mail messages are subject to regulation under the Minnesota Data Practices Act. As such, all e-mails unless private (content determines public or private) should be considered public information.

Policy: employees are responsible for adhering to business standards when email is created, sent, forwarded or saved. Failure to adhere puts the organization and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences. Employees should not keep e-mail for an extended period of time. If it is a critical e-mail correspondence, it should be saved as a hard copy or as a text file and moved to the server. Delete all inbox, sent, and deleted messages that are no longer needed.

Members of the Public

Right to Access Public Data

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

The Data Practices Act also provides that the City of Lake Elmo must keep all government data in a way that makes it easy for you, as a member of the public, to access public data.

You have the right to look at (inspect), free of charge, all public data that we keep.

You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that the City of Lake Elmo keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page eight. You may make your written request for data by mail, using the data request form on page ten.

If you choose not to use the data request form, your written request should include:

1. that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
2. whether you would like to look at the data, get copies of the data, or both; and
3. a clear description of the data you would like to inspect or have copied.

The City of Lake Elmo cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your written request, we will work to process it. If we do not have the data, we will notify you in writing as soon as reasonably possible. If we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.

If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:

- 1) Arrange a date, time, and place to inspect data, for free, if your request is to view the data, or
- 2) Provide you with copies of the data as soon as reasonably possible.

You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide you with an explanation.

The Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

The Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. The City of Lake Elmo will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page ten – we will respond within ten business days with the data or details of when the data will be ready and what the cost will be.

Data Subjects

Data about You

The Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

Classification of Data about You

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data: We must give public data to anyone who asks; it does not matter who is asking for the data or why. The following is an example of public data about you: *if you are an employee of a government entity, the fact that you work for the entity, and your job title and bargaining unit is public.*

Private data: We cannot give private data to the general public, but you have access when the data are about you. The following is an example of private data about you: *your Social Security number.*

We can share your private data with you, with someone who has your permission, with City of Lake Elmo staff who need the data to do their work, and as permitted by law or court order.

Confidential data: Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. The following is an example of confidential data about you: *if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.*

We can share confidential data about you with City of Lake Elmo staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

Your Rights under the Data Practices Act

The City of Lake Elmo must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

Your Access to Your Data: You have the right to view (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you may have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City of Lake Elmo not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Note: Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When we Collect Data from You: When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the consent form we provide.

Protecting your Data: The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

When your Data are Inaccurate and/or Incomplete: You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

To look at data, or request copies of data that the City of Lake Elmo keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page ten. You may make your written request by mail using the data request form on page twelve.

If you choose not use to use the data request form, your written request should include:

1. That you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
2. Whether you would like to inspect the data, have copies of the data, or both;
3. A clear description of the data you would like to inspect or have copied; and
4. Identifying information that proves you are the data subject, or data subject's parent/guardian.

The City of Lake Elmo requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity document located on page thirteen.

How We Respond to a Data Request

Once you make your written request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you in writing within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 1. Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 2. Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

After we have provided you with access to data about you, we do not have to show you the data again for six months unless there is a dispute or we collect or create new data about you. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide additional explanation.

The Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time. In addition, we are not required under the Data Practices Act to respond to questions that are not requests for data.

CITY OF LAKE ELMO
Data Practices Contacts

Responsible Authority

Julie Johnson, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
jjohnson@lakeelmo.org

Data Practices Compliance Official

Julie Johnson, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
jjohnson@lakeelmo.org

Copy Costs – Members of the Public

The City of Lake Elmo charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). Copies must be paid for prior to receiving.

For 100 or Fewer Paper Copies – 25 Cents per Page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies will be calculated at the actual hourly rate of the employee.

Copy Costs - Data Subjects

The City of Lake Elmo charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3. Copies must be paid for prior to receiving.

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to make copies will be calculated at the actual hourly rate for the employee.

City of Lake Elmo

Data Request Form – Members of the Public

Date of request: _____

I am requesting access to data in the following way:

Note: inspection is free, for copies the City of Lake Elmo charges \$0.25 per page for 100 or fewer one-sided pages of black and white, letter or legal size paper copies cost or 50¢ for a two-sided copy.

☐ Inspection ☐ Copies ☐ Inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone number: _____ Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

City of Lake Elmo

Data Request Form – Data Subjects

Date of request: _____

To request data as a data subject, you must show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Inspection and copies

Note: inspection is free, for copies we charge \$0.25 per page for up to 100 pages (\$0.50 two sided up to 50 pages) or employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies. The cost of employee time to make copies is calculated at the actual hourly rate of the employee.

Description of data requested:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____

Email address _____

Signature of Data Subject or Parent/Guardian _____

Staff Verification

Identification provided _____

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota tribal ID

A **minor individual** must provide a valid photo ID, such as

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota Tribal ID
- Minnesota school ID

The **parent or guardian of a minor** must provide a valid photo ID *and either* a certified copy of the minor's birth certificate *or* a certified copy of documents that establish the parent or guardian's relationship to the child, such as

- court order relating to divorce, separation, custody, foster care
- foster care contract
- affidavit of parentage

The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as

- court order(s)
- valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.

CITY OF LAKE ELMO

NOTICE TO ALL APPLICANTS FOR MUNICIPAL PERMITS, LICENSES, OR OTHER MUNICIPAL ACTION

1. If you are requesting municipal action on any request for any of the above, you will be required to furnish certain information about yourself, the project you are involved in, or other matters pertaining to the application. Some of the information you are asked to provide is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.
2. The purpose of this information is to enable the City of Lake Elmo or other government agencies to evaluate relevant factors in considering your request. You are not legally required to provide this information. If you do not provide the requested information, the City may not act upon your request.
3. The information you supply will be public and available to any entity requesting to inspect the information.

DATA PRACTICES ADVISORY TENNESSEN WARNING REQUIRED BY MINNESOTA STATUTES CHAPTER 13.04

BY _____

COMPANY/TITLE: _____

NON-PUBLIC DATA MAINTAINED BY CITY (EXHIBIT A)

1. Personnel Data (Private)

Minn. Stat. §13.43

All data on all individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, or member or applicant for advisory board or commission is private, except the following which is public:

- Name
- Employee identification number (not the employee's Social Security number)
- Actual gross salary
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job description, job title and bargaining unit
- Education and training background
- Relevant test scores and rank on eligible list
- Previous work experience
- Date of first and last employment
- Veteran status
- The existence and status (but not nature) of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in discipline
- Final disposition of any disciplinary action, together with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the city
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- Work availability
- Work location
- Work telephone number
- Honors and awards received
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data

- Names and addresses of applicants for and members of an advisory board or commission
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)

If it is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a pre-petition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting agency.

All other data is private but may be released pursuant to a court order. Data pertaining to an employee's dependents are private data on individuals.

2. Property Complaint Data (confidential) Minn. Stat. §13.44

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

3. Security Information (Private) Minn. Stat. §13.37

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

4. Sealed bids (Non-public) Minn. Stat. §13.37

Sealed bids, including the number of bids received, prior to opening.

5. Trade Secret Information (Non-public) Minn. Stat. §13.37

Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the City, (2) that is the subject of efforts by the City that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known

to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

6. Examination Data **Minn. Stat. §13.34**

Completed versions of personnel and licensing examinations are private, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.

7. Elected Officials Correspondence (Private) **Minn. Stat. §13.601**

Correspondence between individuals and elected officials, but either may make it public.

8. Federal Contracts Data (Non-public) **Minn. Stat. §13.35**

To the extent that a federal agency requires it as a condition for contracting with the city, all government data collected and maintained by the city is classified as private or nonpublic depending on whether the data are data on individuals or data not on individuals.

9. Civil Investigative Data **Minn. Stat. §13.39**

Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.

10. Appraisal Data (Confidential or Non-public) **Minn. Stat. §13.44**

- a. Estimated or appraised values of individual parcels of real property that are made by personnel of the city or by independent appraisers acting for the city for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.
- b. Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the city are classified as private data on individuals or nonpublic data.

The data become public upon the occurrence of any of the following:

- The data are submitted to a court-appointed condemnation commissioner;
- The data are presented in court in condemnation proceedings; or

The negotiating parties enter into an agreement for the purchase and sale of the property.

11. Personal and intangible property; appraisal data (Non-public)
Minn. Stat. §13.44

Preliminary and final market value appraisals, which are made by personnel of the city or by an independent appraiser acting on behalf of the city, of personal and intangible property owned by the city are classified as nonpublic data not on individuals until either (1) a purchase agreement is entered into; or (2) the parties negotiating the transaction exchange appraisals.

12. Social Security numbers (Private) **Minn. Stat. §13.355**

The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

13. Recreation/Social Programs Data (Private) **Minn. Stat. §13.57**

People enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

14. Planning Survey Data (Private/Non-public) **Minn. Stat. §13.43**

The following data collected in surveys of individuals conducted by the city for the purpose of planning, development and redevelopment are classified as private or nonpublic: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.

15. City Attorney Records **Minn. Stat. §13.30**

The use, collection, storage, and dissemination of data by the city attorney are governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data which is the subject of attorney-client privilege is confidential. Data which is the subject of the "work product" privilege is confidential.

16. Electronic Access Data

Minn. Stat. §13.15

Data created, collected, or maintained about a person's access to a city computer for the purpose of gaining access to data or information, transferring data or information are private data on individuals or nonpublic data.

17. Service Cooperatives Claims Data

Minn. Stat. §13.43

Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to the city, and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

Consent to Release – Request from a Government Entity

Explanation of Your Rights

You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed on this form. Before you give us permission to release the data, we encourage you to review the data listed on this form. You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.

You have the right to ask us to explain the consequences for giving your permission to release the data. You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.

If you have a question about anything on this form, or would like additional information or explanation, please contact Julie Johnson, City Clerk, 3800 Laverne Avenue North, Lake Elmo, Minnesota 55042; 651.747.3900 or jjohnson@lakeelmo.org, before signing.

I, _____, give my permission for the City of Lake Elmo to release data about me to _____ as described on this form. I understand that my decision to allow release of the data to _____ is voluntary.

- 1) The specific data that the City of Lake Elmo may release: _____.
- 2) I understand the City of Lake Elmo wants to release the data for this reason: _____.
- 3) I understand that although the data are classified as private at the City of Lake Elmo, the classification/treatment of the data at _____ depends on laws or policies that apply to _____. This authorization to release the data expires on _____.

Individual data subject's signature _____

Date _____

Parent/guardian's signature [if necessary] _____

Date _____



STAFF REPORT

DATE: January 3, 2017

CONSENT

ITEM #: 6

AGENDA ITEM: Appoint City Attorney (civil and prosecution)

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Per City Code 31.01, at the first regular council meeting in January of each year the Council shall appoint a city attorney. In 2016, the city decided to separate civil and prosecution services.

ISSUE BEFORE COUNCIL:

Who should the Council appoint as City Attorney for civil matters and for prosecution services?

PROPOSAL:

Kennedy and Graven are currently serving as City Attorney in civil matters. Eckberg Lammers is currently serving as City Attorney for prosecution services.

RECOMMENDATION:

If removed from the consent agenda:

“Move to appoint Eckberg Lammers as City Attorney for prosecution services and Kennedy and Graven as City Attorney for civil matters.”

ATTACHMENTS:

Eckberg Lammers Contract

Kennedy and Graven Contract

CONTRACT FOR CRIMINAL PROSECUTION LEGAL SERVICES

This CONTRACT FOR CRIMINAL PROSECUTION LEGAL SERVICES (the "Agreement") is entered into by and between The City of Lake Elmo (hereinafter "City"), 3800 Laverne Ave North, Lake Elmo, MN, 55042 and the law firm of Eckberg Lammers, P.C. (hereinafter "Law Firm"), 1809 Northwestern Avenue, Stillwater, MN, 55082, for the purpose of utilizing the Law Firm to provide legal services to the City.

RECITALS

1. The City wishes to retain the Law Firm to provide criminal prosecution legal services on behalf of the City.
2. The Law Firm agrees to provide criminal prosecution legal services to the City on a monthly flat fee retainer paid by the City to the Law Firm.
3. The annual retainer rates identified in the proposal submitted by the Law Firm are as follows:

Year One (January 6, 2016 – December 31, 2016)	\$42,000.00
Year Two (January 1, 2017 – December 31, 2017)	\$43,260.00
Year Three (January 1, 2018 – December 31, 2018)	\$44,550.00
Year Four (January 1, 2019 – December 31, 2020)	\$45,800.00
Year Three (January 1, 2020 – December 31, 2021)	\$48,000.00

Appellate criminal work, if any, will be billed at \$185.00 per hour in the first two years of the contract. Years three and four will be billed at \$200.00 per hour, and year five of the term of this Agreement will be billed at \$205.00 per hour.

Expenses to be billed:

The City will reimburse the Law Firm for the actual, necessary and reasonable costs and expenses incurred by the Law Firm in the performance of the legal services contained in this Agreement. These costs and expenses include but are not limited to:

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

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises contained herein and other good and sufficient consideration, the parties hereto agree to the following:

TERMS

1. **Scope and Nature of Prosecution Services:** The parties hereto agree to the following description of the nature of the legal services to be provided by the Law Firm to the City:

- a) Meetings and/or telephone conversations with and advising the Mayor, Council Members, City Administrator, Sheriff, and other authorized staff on general criminal legal matters.
- b) Research and submission of legal opinions on municipal or other criminal legal matters requested by the City Administrator or other authorized staff; availability to answer staff questions by telephone.
- c) Legal consultation and general support for the Mayor, Council Members, City Administrator, Sheriff's Department and other authorized staff on general criminal legal matters.
- d) Provide high level of customer service by responding in a prompt manner.
- e) Prosecute all petty misdemeanor, misdemeanor and statutorily delegated gross misdemeanor offenses committed within the corporate limits of the City. This service includes all such cases initiated by any law enforcement agency and citizen complaints including, but not limited to, traffic violations, DWI cases, theft and City Code violations.
- f) Provide advice, consultation and training where required to all departments of the City in the interpretation and enforcement of statutes, ordinances and investigations of violations in connection with the prosecution of criminal cases.
- g) Prepare criminal complaints where facts warrant.
- h) Evaluate all cases where a plea of not guilty is entered and prosecute where warranted.
- i) Prepare appropriate pre-trial notices as required.
- j) Seek such additional investigation as required.
- k) Negotiate and enter plea negotiations when deemed advisable.
- l) Represent the City at all pre-trial motions.
- m) Perform all legal research and prepare briefs when required.

- n) Try all jury and court cases.
- o) Examine, evaluate and provide representation for all appeals to the Appellate Courts.
- p) Draft ordinances, ordinance amendments, resolutions, and correspondence as requested.
- q) Review ordinances as requested.
- r) Render written opinions on law when requested, including interpretation of statutes, ordinances, rules and regulations.
- s) Ensure proper notification and preparation of all law enforcement officers, witnesses and staff for trial.
- t) Investigate and evaluate all claims by the City against others and recommend appropriate courses of action, including, but not limited to: code enforcement issues and administrative citations.
- u) Attempt collection of all proper claims including litigation where necessary and authorized by the City.
- v) Assist in resolving claims not resulting in litigation.
- w) Preparation of complaints, notices, orders, settlement agreements and other pleadings related to vehicle forfeitures, and attendance at all necessary court appearances regarding the same.

2. Conflict of Interest and Attorney/Client Privilege Issues:

- a) **Conflict of Interest:** The Law Firm will notify the City if the Law Firm represents or has ever represented an opposing party in a legal matter, whether within or outside of any of the scope of services mentioned by the retainer above.
- b) **Attorney/Client Privilege:** The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. While digital cordless and cellular telephones within a digital service area would be best to be used to transmit and receive confidential client information and may be used by the Law Firm to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception.

3. **Prosecution Services Billing Format, Cycle, Payment Expectations and Interests.**

- a) **Billing Format:** The Law Firm will submit monthly statements for criminal prosecution legal services rendered for the prior month, including expenses incurred. Said billing statement will not provide detailed billing statements for prosecution services performed throughout the month.
- b) **Appellate Services:** Within such monthly statements, the Law Firm will submit a detailed billing statement for appellate criminal services and any other hourly legal services stated above.
- c) **Payment Expectations:** The City will pay the bill of the Law Firm routinely according to its internal payment procedures by forwarding a check to the Law Firm paying for both legal services and expenses shown on the Law Firm's monthly statement.
- d) **City Approval:** The City Council authorizes the Law Firm to commence performing the services contemplated under this Agreement on January 6, 2016.

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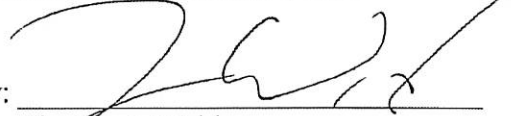
THE CITY OF LAKE ELMO

By: 
Mayor

By: 
City Administrator

Dated: January 5, 2016

ECKBERG LAMMERS, P.C.

By: 
Thomas J. Weidner

Dated: 1-27, 2016

AGREEMENT FOR LEGAL SERVICES

This Agreement, entered into between the CITY OF LAKE ELMO, a Minnesota municipal corporation (the "City") and the law firm of KENNEDY & GRAVEN, CHARTERED (the "City Attorney") as of this 6th day of January, 2016, provides as follows:

SECTION 1. Background: Findings.

1.01. *Authority.* The appointment and removal of the City Attorney is made by the City Council.

1.02. *Council Determination.* At a duly called regular meeting of the City Council held on January 5, 2016, the City Council determined that the firm of Kennedy & Graven, Chartered be engaged as City Attorney, with Sarah J. Sonsalla and Andrew M. Biggerstaff of that firm serving as primary legal counsel for the City and approved this Agreement for Legal Services and authorized the Mayor and City Administrator to sign.

SECTION 2. Terms and Conditions.

2.01. *Consideration.* In consideration of the mutual promises and conditions contained in this Agreement, the City and the City Attorney agree to the terms and conditions set forth herein.

2.02. *City Attorney Appointment.* The City appoints the firm of Kennedy & Graven, Chartered as City Attorney, with Sarah J. Sonsalla and Andrew M. Biggerstaff acting as primary legal counsel for the City.

2.03. *Usual and Customary Legal Services.* The City Attorney agrees to perform all usual and customary civil legal services for the City in accordance with the terms of this Agreement.

2.04. *Compensation for Legal Services.* For civil legal services, the City agrees to compensate the City Attorney at the following hourly rates for services indicated below:

- a. General municipal work: attorneys \$155/hour, paralegals \$115/hour and law clerks \$80/hour. General municipal work includes, but is not limited to, attendance at City Council meetings and other City meetings as requested, drafting and reviewing ordinances, resolutions and correspondence, reviewing City Council agenda packets, preparing legal opinions and providing general advice, reviewing and drafting municipal contracts, representing the City in legal matters, such as code enforcement, real estate and environmental, providing the City with legal briefings, updates and training sessions.
- b. Commenced litigation, administrative and condemnation proceedings: attorneys \$185/hour, paralegals \$115/hour and law clerks \$80/hour.

- c. Development, redevelopment and tax increment matters: attorneys \$215/hour, paralegals \$115/hour and law clerks \$80/hour.
- d. Bond counsel services (if requested) will be billed at rates customarily charged by the firm.

2.05. *Compensation for Expenses.* The City will compensate the City Attorney for the following actual and necessary expenses incurred by the City Attorney on behalf of the City:

The City Attorney will bill its out-of-pocket costs for such things as postage, mileage, photocopying, filing fees, recording fees, and similar items.

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

The City Attorney's monthly billing statements will provide detail for all fees and costs.

2.06. *Billing Statements.* Billings by the City Attorney to the City for services will be on a monthly basis, except as may otherwise be agreed upon by the parties. The billing statement shall be of sufficient detail to adequately inform the City concerning the tasks performed, the attorney or staff performing them, the time spent on each task and the nature and extent of costs and disbursements. The statement shall also contain a summary that shows the total time spent for each category and the total fees, charges and disbursements for each category.

2.07. *Term of Agreement.* The term of this Agreement shall be for one year. The hourly rates specified in this Agreement will remain in effect for the term of this Agreement.

2.08. *Bond Counsel Services.* Bond counsel services are not part of this Agreement, but may be made such by mutual agreement of the parties. In the event such services are desired by the City, fees for these services will be those usual and customarily charged by the firm of Kennedy & Graven, Chartered.

2.09. *Primary Legal Counsel.* It is the intention of the parties and it is hereby agreed by the City Attorney, that the term "primary legal counsel" as used herein means and refers to Sarah J. Sonsalla and Andrew M. Biggerstaff who will, except in the case of extraordinary circumstances involving disability, unavoidable conflict or other good and substantial reasons, perform, supervise and be responsible to the City for the legal services to be provided.

2.10. *Entire Agreement.* This Agreement, any attached exhibits and any addenda or amendments signed by the parties shall constitute the entire agreement between the City and the City Attorney, and supersedes any other written or oral agreements between the City and the City Attorney. This Agreement can only be modified in writing signed by the City and the City

Attorney.

2.11. *Termination.* This Agreement may be terminated by the City at any time or by the City Attorney upon 60 days' written notice.

2.12. *Conflict of Interest.* The City Attorney shall use best efforts to meet all professional obligations to avoid conflicts of interest and appearances of impropriety in representation of the City. In the event of a conflict, the City Attorney, with the consent of the City, shall arrange for suitable alternative legal representation. It is the intent of the City Attorney to refrain from handling legal matters for any other person or entity that may pose a conflict of interest.

2.13. *Agreement Not Assignable.* Except as provided in Paragraph 2.12 of this Agreement relating to conflicts of interest, the rights and obligations created by this Agreement may not be assigned by either party.

2.14. *Agreement Not Exclusive.* The City retains the right to hire other legal representation for specific legal matters.

2.15. *Independent Contractor Status.* All services provided by the City Attorney pursuant to this Agreement shall be provided by the City Attorney as an independent contractor and not as an employee of the City for any purpose, including but not limited to: income tax withholding, workers' compensation, unemployment compensation, FICA taxes, liability for torts and eligibility for employee benefits.

2.16. *Work Products.* All records, information, materials and other work products prepared and developed in connection with the provision of services pursuant to this Agreement shall become the property of the City.

2.17. *Insurance.* The City Attorney shall maintain professional liability (malpractice) insurance in the minimum amount of \$1,500,000.


2.18. *Data Practices Act Compliance.* Data provided to the City Attorney under this Agreement shall be administered in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

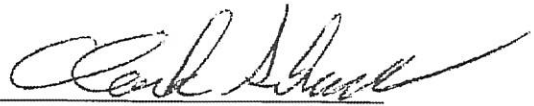
2.19. *Choices of Law and Venue.* This Agreement shall be governed by and construed in accordance with the laws of the state of Minnesota. Any disputes, controversies, or claims arising out of this Agreement shall be heard in the state or federal courts of Minnesota, and all parties to this Agreement waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

2.20. *Agreement Extensions.* Subject to the rights of termination described in Section 2.11, the provisions of this Agreement shall be deemed to be automatically extended from year-to-year or extended with such modifications or adjustments as the City and City Attorney may from time-to-time mutually agree.

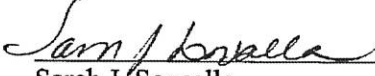
IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed by their proper officers and representatives as of the day and year first above written.

CITY OF LAKE ELMO

By: 
Mike Pearson
Its: Mayor

By: 
Clark Schroeder
Its: Interim City Administrator

KENNEDY & GRAVEN, CHARTERED

By: 
Sarah J. Sonsalla
City Attorney



STAFF REPORT

DATE: January 3, 2017

CONSENT

ITEM #: 7

AGENDA ITEM: Appoint City Engineer

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Per City Code 31.01, at the first regular council meeting in January of each year the Council shall appoint a city engineer.

ISSUE BEFORE COUNCIL:

Who should the Council appoint as City Engineer?

PROPOSAL:

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. An updated fee schedule is attached.

RECOMMENDATION:

If removed from the consent agenda:

“Move to appoint Mr. Jack Griffin, of Focus Engineering, Inc., as the official City Engineer and principal provider of professional engineering services for 2017.”

ATTACHMENT:

2016-12-27-Letter-Lake Elmo-Rates

FOCUS ENGINEERING, inc.

December 28, 2016

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

Ms. Kristina Handt, 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 Kristina:

Attached please find a copy of our Standard Hourly Rate Schedule to be used for 2017. The billing rate for Municipal Engineer I (Chad Isakson) and for Construction Field Engineer (Hyperion Consulting LLC) have both increased to \$85/hour from \$80/hour. There are no other billing rate increases proposed for 2017. We appreciate the continued opportunity to serve the City of Lake Elmo. Please contact me should you have any questions or concerns.

Sincerely,

J Griffin

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 III	\$98 / hour
Municipal Engineer II – Ryan Stempski	\$90 / hour
Municipal Engineer I – Chad Isakson	\$85 / hour
Project Engineer – Frank Borich	\$72 / hour
Project Engineer – Amanda Groh	\$72 / hour
Graduate Engineer	\$65 / hour
Interns	\$48 / hour
Construction Field Engineer – Hyperion Consulting LLC (Dave Klocker)	\$85 / hour

Reimbursable Expenses Schedule

- Vehicle Mileage reimbursed at the current Federal IRS Rate.
- 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.



YOR & COUNCIL COMMUNICATION

DATE: January 3, 2017

CONSENT

ITEM #8

AGENDA ITEM: Adoption of Amended 2017 Fee Schedule

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Kristina Handt, City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to adopt Ordinance 08-162, An Ordinance Amending the Lake Elmo Fee Schedule. The suggested motion is as follows:

“Move to approve Ordinance 08-162, An Ordinance Amending the Lake Elmo Fee Schedule.”

LEGISLATIVE HISTORY: At the December 20, 2016 City Council Meeting a reduction in residential water rates was approved. As a result, the 2017 Municipal Fee Schedule needs to be updated.

RECOMMENDATION: The City Council is respectfully requested to adopt Ordinance 08-162, An Ordinance Amending the Lake Elmo Fee Schedule. *As part of its consent agenda, no formal motion is required.* If Council would like to remove this item from the Consent Agenda, the suggested motion is as follows:

“Move to approve Ordinance 08-162, An Ordinance Amending the Lake Elmo Fee Schedule.”

ATTACHMENTS:

1. Ordinance #08-162
2. Resolution #2017-005
3. 2017 City of Lake Elmo Fee Schedule

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

ORDINANCE NO. 08-162

AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains:

SECTION I. Schedule Adopted. The attached fee schedule is hereby adopted.

SECTION II. Not Codified. This ordinance is transitory in nature and shall not be codified in the City Code. This ordinance and the fee schedule established hereby shall be placed on file and available for public inspection at City Hall.

SECTION III. Effect. The fees set out in the attached fee schedule apply notwithstanding any other fees the City has established which may be inconsistent. Any other fees imposed by the City which do not appear on the attached fee schedule remain in full force and effect.

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

SECTION V. Adoption Date. This Ordinance No. 08-162 was adopted on this 3rd day of January, 2017, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2017.

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

RESOLUTION NO. 2017-005

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-162 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-162, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinance includes a chart 8 pages in length; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-162 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-162, which amends the City's 2017 Fee Schedule to clarify the City Sewer Availability charges and when payments are due.

The full text of Ordinance No. 08-162 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: January 3, 2017.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Amateur Radio Antenna	\$875.00		Planning
Appeal (to Board of Adjustment and Appeals)	\$250.00		Administration
Bee Keeping Permit	\$25.00	Valid for 2 years from issuance	Administration
Building Demolition			Administration
Residential	\$200.00	Plus Surcharge (State Mandated)	Building
Commercial	\$300.00		Building
Burning Permit			Fire
Residential	\$45.00		Fire
Commercial	\$80.00		Fire
Illegal Burn	see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Chicken Keeping Permit	\$25.00	Initial permit expires on 12/31 of 2nd year.	Administration
Comprehensive Plan Amendment	\$1,300.00	Land Use Escrow \$2500	Planning
Conditional Use Permit (CUP)			Planning
New	\$1,050.00	Wireless Communication Facilities Fee Escrow \$6,000.00. Flood	Planning
Amended	\$500.00	Plain Ordinance Fee Escrow \$500.00 Land Use Escrow \$2500	Planning
Contractor License Fees			Licensing
Demolition	\$50.00		Licensing
Driveway	\$50.00		Licensing
Excavator	\$50.00		Licensing
HVAC	\$50.00		Licensing
Irrigation	\$50.00		Licensing
Sewer/Water Line Installer	\$50.00		Licensing
Sign Installer	\$50.00		Licensing
Solid Waste Hauler	\$120.00		Licensing
Copy Services (Paper/Electronic)			Administration
Copies (B&W)	\$0.25 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color)	\$0.50 per page	100 pages or more are charged at actual cost of production	Administration
Copies (B&W) 11x17	\$1.00 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color) 11x17	\$2.00 per page	100 pages or more are charged at actual cost of production	Administration
Data DVD Fee	\$15.00		Administration
GIS Scaled Aerial	\$25.00		Administration
Existing Maps	\$5.00		Administration
Custom (Per Hour Rate)	\$70.00		Administration
Plan Size Maps (Larger than 11x17)	\$15.00		Administration



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Development Standards Specs/Details	\$55.00		Administration
Video reproduction	\$10.00		Administration
Culverts in Developments with Rural Section	\$160.00		Administration
Daycare Inspection Fee	\$50.00		Building
Dog License- altered	\$20.00		Licensing
Dog License- unaltered	\$25.00		Licensing
Dog License- late fee	\$2.50 per month	Maximum \$10	Licensing
Service Dog License	No Charge		Licensing
Duplicate License or Tag	\$1.00		Licensing
First Impound- Unlicensed Dog	\$60.00		Licensing
First Impound- Licensed Dog	\$42.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Cat	\$42.00		Licensing
Subsequent dog/ cat impound	\$85.00		Licensing
Driveway			Planning
Residential	\$70.00		Planning
Commercial	\$160.00		Planning
Easement Encroachment	\$100.00	Staff & Recording Fee	Planning
Electronic Fund Withdrawal/Bill Payment	Fee + Trans. Charge		Administration
Environmental Review (EAW/EIS)	\$1,500.00		
Village Area AUAR Fee	\$230.00	Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units. Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects. Once paid, the same land will not be charged again.	Planning
Erosion Control			Building
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Building
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500.00	Building
Excavating & Grading ≥ 400 cubic yards/acre of site area	\$500.00	\$500.00 fee escrow plus security \$1,500.00 per acre with \$1,500 minimum.	Engineering
False Alarms (12 Month Period)* (*1-3 no charge)			Fire
Residential			Fire



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			Fire
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Fire Alarm Permit			
	2% of value	plus surcharge; Minimum \$100	Building
Fire Suppression Permit			
	2% of value	plus surcharge; Minimum \$100	Building
Flood Plain District Delineation			
	\$500.00		Planning
Fuel Tank Removal (Underground)			
	\$250.00	Plus Surcharge (State Mandated)	Administration
Fuel Tank Install			
	2% of value of work	Minimum \$100.00	Administration
HVAC			
			Building
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus Surcharge (State Mandated)	Building
Commercial	\$60.00/unit	Up to 3 units or 1% of total valuation, whichever is greater. Plus Surcharge (State Mandated)	Building
Fireplace Permit	\$60.00/unit	Plus State surcharge (State Mandated)	Building
Interim Use Permit (IUP)			
			Planning
Fee	\$1,050.00		Planning
Renewal	\$300.00	\$2,500.00 Escrow	Planning
Liquor License			
			Licensing
Club On-Sale Intoxicating	\$100.00		Licensing
On-Sale Intoxicating	\$1,500.00		Licensing
Off-Sale Intoxicating	\$200.00		Licensing
Off-Sale Non-Intoxicating	\$150.00		Licensing
On-Sale Intoxicating- 2nd Building	\$750.00		Licensing
On-Sale Non-Intoxicating	\$100.00		Licensing
Investigation	\$350.00		Licensing
On-Sale Sunday Intoxicating	\$200.00		Licensing
Temporary Intoxicating	\$25.00		Licensing
Wine	\$300.00		Licensing
Lot Line Adjustment	\$325.00	None	Planning
Manufactured Home Parks			
			Planning
Move home out of the city	\$200.00	Plus Surcharge (State Mandated)	Building
Move home into the city	\$200.00	Plus Surcharge (State Mandated)	Building



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Annual License for retail sales of consumer fireworks	\$100.00		
Massage Therapy Premises License			Licensing
Application Fee	\$100.00	Fee includes one Therapist	Licensing
Investigation Fee	\$100.00		Licensing
Massage Therapy Practitioner License			Licensing
Application Fee	\$50.00		Licensing
Investigation Fee	\$25.00		Licensing
Massage Therapy Premises License Renewal			Licensing
Application Fee	\$50.00	Fee includes one Therapist	Licensing
Massage Therapy Practitioner License Renewal			Licensing
Application Fee	\$25.00		Licensing
Massage Therapy License Amendment			Licensing
Application Fee	\$25.00		Licensing
Minor Subdivision			Planning
Application Fee	\$525.00	\$1,000.00 escrow	Planning
Moving House or Primary Structure into City			Administration
Application Fee	\$520.00	Plus security w/amount to be determined by the City w/recommendation from building official	Administration
Moving Accessory Structure into City			Administration
Application Fee	\$305.00	Plus security to be determined by the City w/recommendation from building official	Administration
Other Inspections and Fees			Building
Inspection outside of business hours	\$100.00 (2 Hr. Min.)		Building
Re-inspection Fees Assessed	\$50.00 per hour		Building
Inspections with no fee assigned	\$50.00 per hour		Building
Construction Escrow	\$2,000.00	Or determined by Building Official	Building
Construction Escrow Administrative Fee	\$100.00		Building
Cancelled or Refunded Permits	\$25.00		Building
Work without Permit	see notes	Investigative fee to equal permit fee	Building
Duplicate Inspection Card	\$25.00		Building
Park Dedication			Planning
Residential - Up to three lots	\$3,600.00 per lot		Planning
Commercial	\$4,500.00 per acre	Four or more lots per \$153.14	Planning
Parking Lots			Planning
New Commercial	\$175.00		Planning
Existing Commercial	\$200.00	\$500 Fee Escrow. Security \$1,500.00 per acre with \$1,500.00 minimum.	Planning
Platting			Planning
Sketch Plan Review (Subdivision)	\$500.00		Planning
Preliminary Plat (Subdivision)	\$1,850.00		Planning
Final Plat (Subdivision)	\$1,250.00	\$8,000.00 Fee Escrow	Planning
Conceptual Development	\$1,250.00	\$5,000.00 (<100 units) Fee Escrow	Planning



City of Lake Elm Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Concept Plan (for Development)	\$7,500.00	\$7,500.00 (>100 units) Fee Escrow	Planning
Preliminary Plat Review (OP Development)	\$1,850.00	\$5,000.00 (<100 units) Fee Escrow	Planning
Final Plat (OP Development)	\$1,250.00	\$7,500.00 (>100 units) Fee Escrow	Planning
		\$5,000.00 (<100 units) Fee Escrow	Planning
		\$7,500.00 (>100 units) Fee Escrow	Planning
		(City will retain escrows to reimburse review costs for each stage of development review)	Planning
Planned Unit Development			Planning
General Concept Plan	\$1,250.00	\$7,500.00 Fee Escrow (Waive Subdivision Escrow)	Planning
Development Stage Plan	\$1,850.00	\$10,000.00 Fee Escrow (Waive Subdivision Escrow)	Planning
Final Plan	\$1,250.00	\$8,000.00 Fee Escrow (Waive Subdivision Escrow)	Planning
		(City will retain escrows to reimburse review costs for each stage of development review)	Planning
Plumbing			Administration
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus Surcharge (State Mandated)	Building
Commercial	\$60.00/unit	Up to 3 units or 1.5% of total valuation, whichever is greater. Plus Surcharge (State Mandated)	Building
Private Roads (Permitted only in AG zone)	\$150.00		Planning
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00	\$1,500.00 Fee Escrow	Planning
Retaining Walls over 4'	\$150.00	Plus State Surcharge	Building
Returned Check (NSF)	\$25.00		Administration
Right-of-Way Permit			Engineering
Annual Registration	\$200.00	\$5,000.00 Security	Engineering
Excavation Permit	\$275.00 + \$.60/foot		Engineering
Joint Trench Permit (per lot per utility)	\$275.00 + \$.60/foot		Engineering
Obstruction Permit	\$275.00		Engineering
Permit Extension	\$100.00		Engineering
Delay Penalty (per calendar day)	\$25.00		Engineering
Roofing			Building
Residential	see notes	Based on valuation + state surcharge	Building
Commercial	see notes	Based on valuation + state surcharge	Building
SAC Charge (City) (Sewer Availability Charge)	\$3,000.00	Per REC Unit: collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
SAC Charge (Met Council) (Sewer Availability Charge)	\$2,485.00	Per REC Unit: \$2,485.00 to Met Council at time of connection.	Engineering
Sewer Connection Charge	\$1,000.00	Per REC Unit collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Sewer Lateral Benefit Charge	\$11,000.00	Per REC Unit connecting to a Trunk Sewer Main and that has never been assessed	Engineering
Sewer Rate	\$4.50/1,000 Gal		Administration
201 Off-Site Maintenance Fee	\$75.00/unit/quarter		Administration
Real Estate Searches	\$15.00/Search	For special assessment or utility search	Administration
Siding			Building
Residential	see notes	Based on valuation + state surcharge	Building
Commercial	see notes	Based on valuation + state surcharge	Building
Signs - Permanent	\$180.00		Planning
Signs - Temporary	\$75.00		Planning
Temporary Renewal	\$25.00		Planning
Re-inspection Fee	\$25.00		Planning
Special Event Permit	\$75.00	City must be listed as additional insured	Planning
Fire Suppression Permit	2% of value	plus state surcharge; Minimum \$100	Building
Sprinkler System (Re-Inspection Fee)	\$50.00		Building
Surface Water			Administration
Residential	\$50.00		Administration
Non-Residential (Commercial etc.)	\$50.00	Utility rate factor per code	Administration
Review Fee	\$125.00	\$75 Review/\$50 Storm Water Fund	Administration
Vacations (Streets or Easements)			Planning
Easements	\$515.00	\$500.00 Fee Escrow	Planning
Streets	\$515.00	\$500.00 Fee Escrow	Planning
Variance	\$750.00	\$500.00 Fee Escrow	Planning
Shoreland Variance	\$1,500.00	\$500.00 Fee Escrow	Planning
Water Availability Charge (WAC)	\$3,000.00	Per REC Unit; collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Water Connection Charge	\$1,000.00	Per REC Unit; collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Administration



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Water Equipment/Set up			
Meter (3/4" or less)	\$350.00		Administration
Driveway Curb Stop Lid	\$100.00		Administration
Disconnect Service	\$80.00	Additional fees apply to larger sized meters	Administration
Reconnect Service	\$80.00		Administration
Water Lateral Benefit Charge	\$5,800.00	Per REC Unit connecting to a Trunk Water Main and that has never been assessed	Engineering
Water Usage			Administration
Residential - Quarterly Rate	\$20.00 Base		Administration
Residential - Plus Rate per 1,000 Gallons			Administration
Plus Rate for 0-15,000 Gallons	\$2.00		Administration
Plus Rate for 15,001-30,000 Gallons	\$2.40		Administration
Plus Rate for 30,001-50,000 Gallons	\$2.88		Administration
Plus Rate for 50,001-80,000 Gallons	\$3.46		Administration
Plus Rate for 80,001 + Gallons	\$4.15		Administration
Water Usage			Administration
Commercial - Quarterly Rate	\$25.00 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	\$3.11		Administration
Plus Rate for 15,001 - 30,000 Gallons	\$3.26		Administration
Plus Rate for 30,001 - 50,000 Gallon	\$3.77		Administration
Plus Rate for 50,001 - 80,000 Gallons	\$5.00		Administration
Plus Rate for 80,001 + Gallons	\$6.63		Administration
Water Usage		For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Quarterly Rate	\$25.00 Base		Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 -30,000 Gallons	\$3.11		Administration
Plus Rate for 30,001 - 50,000 Gallons	\$3.26		Administration
Plus Rate for 50,001 + Gallons	\$4.00		Administration
Water Usage Delinquent Accounts			Administration
Regular	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration



City of Lake Elmo Fee Schedule 2017

APPLICATION/FEE/PERMIT TYPE	2017 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Storm Water	10% per year	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	\$100.00 minimum	Plus \$3.26/additional 1,000 gallons	Administration
Sod Installation (New Construction)	\$100.00 minimum	Plus \$3.26 per 1,000 gallons. Good for up to 45 days from sod install. Residents must contact the City in advance.	Administration
Swimming Pool Fill	\$100.00 minimum	Plus \$3.26 per 1,000 gallons. Good for up to 45 days from sod install.	Administration
Wind Generator	\$850.00	\$2,000.00 Fee Escrow	Planning
Wireless Communication Permit	\$500.00	\$6,000.00 Fee Escrow	Planning
Zoning Amendment (Text or Map)	\$1,245.00	\$2,500.00 Escrow	Planning
Zoning Certification Letter	\$25.00		Planning
Zoning Permit - Certificate of Zoning Compliance			Planning
Accessory Structures < 200 SF	\$75.00		Planning
Fence (less than 6')	\$75.00		Planning
Swimming Pool	\$75.00		Planning
Other	\$75.00		Planning
Definition of Terms			
* Fee Escrow: City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.			
** Security: City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo Municipal Code.			
Approved by CC 1.3.17; effective 1.1.17			



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/3/2017

CONSENT

ITEM #: 9

AGENDA ITEM: Tree Removal at Hill Trl. N. 201 Drain Field System

SUBMITTED BY: Rob Weldon, Public Works Director

REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND:

In 2015 Public Works was made aware of several large dead trees on a City owned 201 Septic Drain Field located adjacent to 8061 Hill Trl. N. It was the intend to remove the trees in the winter of 2015-2016 but due to uncooperative weather conditions and the chance of damage to the drain field the project was postponed. Over the summer of 2016 several phone calls have brought the need to remove the trees to the attention of staff due to possible safety issues related to the dead trees falling on private dwellings bordering the drain field.

ISSUE BEFORE COUNCIL:

Should the City Council authorize removal of 4 dead trees on the Hill Trl. N 201 Septic Drain Field adjacent to 8061 Hill Trl. N due to safety concerns of neighboring residents.

PROPOSAL DETAILS/ANALYSIS:

Bids were obtained in the summer of 2016 for the removal and disposal of stated trees. To refrain from doing unnecessary damage to the drain field and adjoining property. it is recommended to do this work in the winter months while there is frost in the ground. Both contractors that submitted bids plan to use equipment that will cause minimal impact to the drain field while cutting and removing trees. During periods of work, Hill Trl. N will see intermittent daytime closers in order to facility removal of trees and equipment staging. All disturbed areas will be reconditioned in the spring to their existing conditions.

FISCAL IMPACT:

Budget impact for this project shall be and amount not to exceed \$5,800 funded through the Sewer Utility Account.

OPTIONS:

- Authorize removal of trees.
- Deny removal of trees.
- Table for further discussion

RECOMMENDATION:

Staff recommends removal of 4 large dead trees at the Hill Trl. 201 Drain field. For an amount not to exceed \$5,800.

“Move to authorize removal of dead trees located on the city owned 201 Drain field adjacent to 8016 Hill Trl. N for an amount not to exceed \$5,800”

ATTACHMENTS:

- BJ Haines Tree Service Quote
- M&S Tree Removal Quote

BJ HAINES

TREE SERVICE

Tree Trimming and Removal • Stump Removal

9264 Ochipweg Ave. N. • Stillwater, MN 55082 • 651-439-8370 ph • trees@bjhaines.com • www.bjhaines.com • Certified Arborist

NAME <i>City of Lake Elmo</i>	PHONE <i>651-747-3941</i>	DATE OF CALL
ADDRESS <i>8061 Hilltop N</i>	CITY <i>Lake Elmo</i>	DATE OF ESTIMATE <i>7-27-16</i>
ADDITIONAL NOTES: SEE BLUE OR WHITE OTHER		

Work Description	Trim Tree	Raise Canopy	Remove Dead	Trim from House/Lines	Removal	Remove Brush	Remove Logs	Cut Logs for Firewood	Lim On Ground Only	Grind Stump	Remove Stump Chips	Use of Neighbors Property	Cost Estimate
1 Removal of													
2 4 trees on or													
3 near drain													
4 field at above													
5 address					✓	✓	✓						\$500.00
6													
7													
8													
9													
10													

PAYMENT TYPE: CASH / CHECK

SUBTOTAL	\$500.00
SALES TAX	
TOTAL DUE	\$500.00

BJ Haines Tree Service and its subcontractors will complete the work in accordance with the above specifications. All agreements are subject to factors beyond our control. This estimate is good for one month unless noted. We reserve the right to cancel this estimate for any reason. Authorized Signee.

Thank you,
Bonnie Haines

By accepting this estimate via in person or verbally, I agree to the proposed work and costs described above. I will pay BJ Haines Tree Service in full upon completion of work. I understand that for any additional work there will be an additional cost. For hidden hazards (i.e. metal or debris in trees) there may be additional costs to cover added time and damage to the equipment. Proof of liability insurance upon request.



Estimate

Date	Estimate #
7/29/2016	23

Name / Address

			Project
Description	Qty	Rate	Total
remove 1 dead red oak tree from middle of drain field		3,200.00	3,200.00
remove 2 dead red oak tree's from south west corner of drain field		4,000.00	4,000.00
Sales Tax		7.125%	0.00

By signing this estimate you except and authorize M&S Tree Removal to carry out and perform all work outlined in this estimate you furthermore agree to pay in full apon completion of the work the agreed upon price on this estimate

Total

\$7,200.00

Authorized representative signature_____

Title _____

Date _____



MAYOR & COUNCIL COMMUNICATION

DATE: January 3, 2017
CONSENT
ITEM # 10

AGENDA ITEM: Downtown Phase 1 & 2 Improvements – Approve Phase 1 Final
Reconciliation Payment and Approve Phase 2 Cooperative Agreement
Payment No. 1

SUBMITTED BY: Chad Isakson, Project Engineer

THROUGH: Kristina Handt, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

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

- 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

POLICY RECOMMENDER: Engineering.

FISCAL IMPACT: No additional fiscal impact. Payment is proposed in accordance with Cooperative Agreement No. 10196 with Washington County including final payment for the Downtown Phase 1 Improvements and partial payment No. 1 for the Downtown Phase 2 Improvements.

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving, *as part of the Consent Agenda*, payment to Washington County in the amount of \$886,086.22 which includes a \$32,189.19 credit for the Phase 1 Improvements final reconciliation and \$918,275.40 for partial payment No. 1 for the Downtown Phase 2 Improvements. Payments are being processed per the attached invoices and per section G.2 of Cooperative Agreement No. 10196 with Washington County. Per the agreement the Phase 2 Improvements second payment will be due on June 15, 2017.

LEGISLATIVE HISTORY/BACKGROUND INFORMATION: In June 2015, the City of Lake Elmo entered into Cooperative Agreement No. 9660 with Washington County to formalize the County as the project lead agency for the Downtown Phase 1 and Phase 2 Improvements,

including preliminary design, final design, right-of-way acquisition, construction inspection/administration, and construction costs. The Cooperative Agreement was revised as Cooperative Agreement No. 10196 at the May 3, 2016 meeting to address project changes in scope and costs that had occurred through the construction of the Phase 1 Improvements and the final design for the Phase 2 Improvements. The agreement further addresses the updated cost participation estimates by the City and payment schedule thereof.

The City's payment schedule, as identified in Section G.1 of Cooperative Agreement No. 10196 is summarized as follows:

1. January 15, 2016 – an amount equal to 10% of the Estimated Phase 1 Total City Cost. Payment 1 made in the amount of \$498,866.35.
2. June 15, 2016 – an amount equal to 90% of the Estimated Phase 1 Total City Cost. The agreement identifies the estimated amount of \$5,058,047.65.
3. January 15, 2017 – an amount equal to 20% of the Estimated Phase 2 Total City Cost. The agreement identifies the estimated amount of \$951,788.
4. June 15, 2017 – an amount equal to 80% of the Estimated Phase 2 Total City Cost. The agreement identifies the estimated amount of \$3,807,154.

With the final cost reconciliation for the Phase 1 Improvements, the total project costs for the City share are \$7,696.85 less than the total costs used at the time of the assessment determinations. The partial payment No. 1 invoice by Washington County reflects a total project cost for the Phase 2 Improvements to be projected to be under budget by \$167,564.98 for the City cost share.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, payment to Washington County in the amount of \$886,086.22 which includes a \$32,189.19 credit for the Phase 1 Improvements final reconciliation and \$918,275.40 for partial payment No. 1 for the Downtown Phase 2 Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve payment to Washington County in the amount of \$886,086.22 for Final credit for the Phase 1 Improvements and for partial payment No. 1 for the Downtown Phase 2 Improvements per the attached invoices and per Section G.2 of Cooperative Agreement No. 10196 with Washington County.”

ATTACHMENT(S):

1. Washington County Invoice No. 99203 and supporting detail.



WACO PUBLIC WORKS DEPT
11660 MYERON RD N
STILLWATER MN 55082

Invoice	
Invoice Number:	99203
Account Number:	20498
Due Date	1/15/17
Amount Enclosed:	\$ _____
Federal Tax Id:41-6005919	

To: LAKE ELMO CITY
3800 LAVERNE AVE N
LAKE ELMO MN 55042-9629

Please return top portion with payment. Thank You.

Invoice						
Date	Number	Type	Due Date	Remark	Amount	
12/15/16	99203	Invoice	1/15/17	CSAH 17 (Lake Elmo Avenue)	\$886,086.22	
			1/15/17	Phase II		
			1/15/17	City/County Cooperative		
			1/15/17	Agreement No. 10196		
			1/15/17	Invoice includes 20% of		
			1/15/17	estimate cost for Phase II and		
			1/15/17	\$32,189.19 credit for the		
			1/15/17	final Phase I costs.		
<p>I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.</p> <p>Please make check payable to Washington County and mail to the address above.</p>					Invoice Total	\$886,086.22
					Sales Tax	
					Balance Due	\$886,086.22

Lake Elmo Old Village
Invoice Summary
12/9/2016

PHASE I - COST SUMMARY FOR PHASE 1 - CITY/COUNTY AGREEMENT #10196							
	Estimated Total Cost (from Coop Agree)	Total Amount to Date	City Cost %	Current City Cost	Amount Paid Invoice #1	Amount Paid Invoice #2	Amount Due Invoice #3
<i>Right-of-Way and Easements</i>							Note:
Upper 33rd St. N. 36th St. N. and Laverne Avenue	\$ 91,902.00	\$ 91,902.10	100%	\$ 91,902.10	\$ 8,945.21	\$ 82,956.89	\$ - Attachment A
Regional Drainage Pond	\$ 1,154,190.00	\$ 1,158,325.00	50%	\$ 579,162.50	\$ 21,370.33	\$ 557,792.17	\$ - Attachment A
<i>Engineering</i>							
Preliminary Design	\$ 131,600.00	\$ 131,600.00	91.2%	\$ 120,019.20	\$ 12,001.92	\$ 108,017.28	\$ - Attachment B
Final Design	\$ 233,460.00	\$ 233,460.00	91.2%	\$ 212,915.52	\$ 21,291.55	\$ 191,623.97	\$ - Attachment B
Construction Inspection/Administration	\$ 295,200.00	\$ 295,200.00	91.2%	\$ 269,222.40	\$ 29,463.07	\$ 235,499.30	\$ 4,260.02 Attachment C
Precondition Survey	\$ 27,133.00	\$ 21,173.25	91.2%	\$ 19,310.00	\$ -	\$ 19,310.00	\$ - Attachment D
<i>Construction</i>							
	\$ 4,668,601.00	\$ 4,623,766.15	91.3%	\$ 4,221,314.90	\$ 405,794.27	\$ 3,851,969.85	\$ (36,449.21) Attachment E
TOTAL	\$ 6,602,086.00	\$ 6,555,426.50		\$ 5,513,846.62	\$ 498,866.35	\$ 5,047,169.46	\$ (32,189.19)

PHASE II - COST SUMMARY FOR PHASE 2 - CITY/COUNTY AGREEMENT #10196							
	Estimated Total Cost (from Coop Agree)	Total Amount to Date	City Cost %	Current City Cost	Amount Paid Invoice #1	Amount Paid Invoice #2	Amount Due Invoice #3
<i>Right-of-Way and Easements</i>							
CSAH 17 (Lake Elmo Ave)	\$ 284,760.00	\$ 294,872.75	55.0%	\$ 162,180.01			\$ 32,436.00 Attachment F
30th Street N.	\$ 147,550.00	\$ 125,677.88	100%	\$ 125,677.88			\$ 25,135.58 Attachment F
35th St. N. & 36th St. N	\$ 55,000.00	\$ 34,053.98	100%	\$ 34,053.98			\$ 6,810.80 Attachment F
<i>Engineering</i>							
Preliminary Design	\$ 189,400.00	\$ 189,139.45	56.1%	\$ 106,107.23			\$ 21,221.45 Attachment B
Final Design	\$ 461,000.00	\$ 512,110.83	56.1%	\$ 287,294.18			\$ 57,458.84 Attachment B
Construction Inspection/Administration	\$ 578,200.00	\$ 578,200.00	56.1%	\$ 324,370.20			\$ 64,874.04 Attachment G
Precondition Survey	\$ 27,173.00	\$ 27,173.00	56.1%	\$ 15,244.05			\$ 3,048.81 Attachment H
Construction Materials Testing		\$ 60,733.50	56.1%	\$ 34,071.49			\$ 6,814.30 Attachment I
<i>Construction</i>							
	\$ 6,593,389.00	\$ 6,331,740.91	53.1%	\$ 3,502,377.99			\$ 700,475.60 Attachment J
TOTAL		\$ 8,153,702.30		\$ 4,591,377.02			\$ 918,275.40

INVOICE TOTALS	\$ 498,866.35	\$ 5,047,169.46	\$ 886,086.22
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STAFF REPORT

DATE: January 3, 2017

CONSENT

ITEM #: 11

AGENDA ITEM: Approve Hiring of Office Administrative Assistant

SUBMITTED BY: Kristina Handt, City Administrator

Julie Johnson, City Clerk

BACKGROUND:

In November, Council directed staff to advertise for a new Office Administrative Assistant following the resignation of the previous assistant. The position was advertised in November and applications accepted until December 9th.

ISSUE BEFORE COUNCIL:

Who should the Council hire as Office Administrative Assistant?

PROPOSAL:

We're recommending the City Council hire Tanya Nuss as Office Administrative Assistant at an hourly wage of \$20.00 contingent upon passing a background check.

Ms. Nuss has worked for a handful of cities in Minnesota and North Carolina.

RECOMMENDATION:

If removed from the consent agenda:

"Move to hire Tanya Nuss as Office Administrative Assistant at an hourly wage of \$20.00 contingent upon passing a background check."



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 12

AGENDA ITEM: Acting Mayor

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

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."

ISSUE BEFORE COUNCIL:

Who should the Council appoint as Acting Mayor??

PROPOSAL:

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.

OPTIONS:

Any of the four council members may be appointed acting mayor.

RECOMMENDATION:

"Move to appoint Council Member _____ as Acting Mayor for 2017, to comply with and fulfill all duties enumerated in Minn. Statute § 412.121 relating to selection of an Acting Mayor."



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 13

AGENDA ITEM: Fire Relief Association Board of Trustees Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Consistent with state statute, the by-laws of the Lake Elmo Firefighters Relief Association provide that there be two officials of the City that serve on its Board of Trustees along with the fire chief. One must be an elected official and the other may be an elected or appointed official. The Council should select one of its members (as required) and one other official (either a councilmember by name or a staff position by title) to the Firefighters Relief Association Board of Trustees.

ISSUE BEFORE COUNCIL:

Who should the Council appoint along with the Fire Chief to the Fire Relief Board of Trustees?

PROPOSAL:

In the past, the Council has appointed the Finance Director to the Board of Trustees. In 2016 Director Bendel and Council Member Lundgren were the appointed officials.

OPTIONS:

As stated above, one appointment must be an elected official (Mayor or any council member) and the other may be either elected or appointed (Mayor, Council member or any staff member).

RECOMMENDATION:

“Move to appoint Fire Chief Malmquist, Finance Director Bendel, and Council Member _____ to the Fire Relief Association Board of Trustees for 2017.”



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 14

AGENDA ITEM: Planning Commission Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

The Planning Commission is established to meet the requirements of state statute; to develop and enforce the Comprehensive Plan and amendments to the plan, subject to Council approval and the requirements of the Municipal Planning Act; and to review and make recommendations on subdivisions, zoning applications, planned unit developments, and site and building plans as provided by ordinance. No expenditures by the Commission shall be made unless and until authorized for the purpose by the Council. The Planning Commission shall consist of 7 voting members and 2 non-voting alternate members. The voting members shall be appointed for a 3-year term so that only 1/3 of the appointments will expire on December 31 of each year.

The terms of two commissioners expired 12/31/16: Gary Fields and Susan Dunn. The city notified both individuals of their terms expiring in early December asking them to reapply if they were interested in another term. The city also advertised for applications from the general public.

ISSUE BEFORE COUNCIL:

Who should the Council appoint to the Planning Commission for two three year terms?

PROPOSAL:

The following individuals have expressed an interest in being appointed to the Planning Commission:

Gary Fields

Jesse Hartley

Dale Dorschner

Susan Dunn

OPTIONS:

Any two of the above individuals would be eligible for appointment to the Planning Commission.

RECOMMENDATION:

"Move to appoint _____ and _____ to the Planning Commission"

Or take the appointments separately (2 motions)

"Move to appoint _____ to the Planning Commission"



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 15

AGENDA ITEM: Parks Commission Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

The Parks Commission is established to review and make recommendations to the Council on the future development of city parks, including the establishment of and improvements to the parks, and to make recommendations to the Council on policies governing the maintenance and public use of the parks within the city. 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.

The terms of John Ames, Mike Zeno, and Pam Hartley expired 12/31/16. Jacob Silvernale has not be at a commission meeting since leaving for college. His term would have expired 12/31/17 so should be filled by moving David Steele from 1st Alternate to voting member. This would move Ellen Neuenfledt to 1st Alternate.

ISSUE BEFORE COUNCIL:

Who should the Council appoint to the Parks Commission for three three year terms and as a 2nd alternate?

PROPOSAL:

The following individuals have expressed an interest in being appointed to the Parks Commission:

John Ames

Mike Zeno

Jean Olinger

Tucker Pearce

OPTIONS:

Any three of the above individuals would be eligible for appointment to the Parks Commission as voting members or one as 2nd Alternate.

RECOMMENDATION:

*"Move to appoint _____, _____ and _____ to the Parks Commission
with terms expiring 12/31/19"*

Or take the appointments separately (3 motions)

"Move to appoint _____ to the Parks Commission for a term expiring 12/31/19"

*In addition, a 2nd Alternate should be appointed: "Motion to appoint _____ to the
Parks Commission as 2nd Alternate"*



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 16

AGENDA ITEM: Library Board Appointments

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Per MN State Statute 134.09, the mayor of a municipality has the authority and responsibility to appoint members of the local library board. The appointment must be affirmed by the members of the City Council.

The Library Board is composed of 9 voting members who serve three year staggered terms. The term of Brett Emmons expired 12/31/16. Additionally, there has been a vacancy on the board for some time that would have expired 12/31/16. Lastly, a council member has been appointed each year to fill one of the voting positions on the board. Julie Fliflet was the council member in 2016.

Brett Emmons and Emily O'Connor have applied for appointment to the Library Board.

ISSUE BEFORE COUNCIL:

Should the Council affirm the mayor's appointments to the Library Board?

PROPOSAL:

The Mayor will make his appointments at the meeting, subject to council approval.

RECOMMENDATION:

Motion to affirm the Mayor's appointment of _____ and _____ to the library board for three year terms.

Motion to affirm the Mayor's appointment of _____ as the Council member to the Library Board.



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 17

AGENDA ITEM: Council Committees

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Under state statute, the council may create committees through ordinance, resolution or motion. As of 12/31/16, the city had the following standing advisory committees in place with the noted membership:

<u><i>Environmental Committee</i></u> Councilmember Fliflet (Co- Chair) Councilmember Lundgren (Co-Chair) Mary Florence Brink Dave Bucheck Tedi Carlson Brett Emmons Wendy Griffin Sarah Hietpas Jim Kelly Ellen Neuenfeldt Jeff Riegle Barb Sahr	<u><i>Finance Committee</i></u> Council Member Julie Fliflet (Chair) Council Member Smith Terry Forrest
<u><i>Human Resources Committee</i></u> Council Member Julie Fliflet (Chair) Council Member Lundgren Teresa Berry	<u><i>Maintenance Advisory Committee</i></u> George Dege Dave Moore Steve Gurney Steve Ziertman
<u><i>Public Safety Committee</i></u> Mayor Pearson Council Member Lundgren Dave Moore Al Bever Cullen Case	

In addition, in the past the Council has appointed a liaison to the Parks Commission

Also attached for further background information are the operating policies and procedures for each committee. Staff was not able to locate one for the maintenance advisory committee but could draft one for future approval of council.

ISSUE BEFORE COUNCIL:

Which standing committees should be in place for 2017?

What should the makeup of the committee be (how many members, how many council representatives, etc)?

Do any of the operating policies and procedures need to be amended?

Should Council members be appointed as liaisons to commissions or committees?

PROPOSAL:

Per statute, the Council is able to create any committees it sees fit. Membership is also determined by the Council. If Council members are appointed, no more than 2 should be appointed to any one committee in order to avoid an automatic quorum. Council may consider some consistency in the committee make up in terms of number of members. For example, ordinance sets the membership for Parks and Planning Commission at 7 voting members and 2 alternates. Council may want to be consistent with those commission sizes. Alternatively, ordinance also establishes 5 members for special projects including but not limited to Environmental Management, Maintenance Advisory, and the Old Village.

Past practice has been to allow non-council members to continue serving on a committee for an indefinite amount of time. Council may want to consider appointing members for a specific amount of time and/or advertising for applications to allow the opportunity for others to serve. For example, the ordinance that allows 5 members for special projects further states that they serve a two-year term and may be reappointed.

OPTIONS:

- 1) Keep current committees and structure but appoint new council representatives
- 2) Change current committees and/or structures and make new appointments (provide direction to staff on changes)

ATTACHMENTS:

- Environmental Committee Operating Policies & Procedures
- Finance Committee Operating Policies & Procedures
- Human Resources Operating Policies & Procedures
- Public Safety Committee Operating Policies & Procedures



Environmental Committee Operating Policies & Procedures

Scope & Purpose: The committee will seek to improve the environment in Lake Elmo, and will act as a liaison between the community, regulatory agencies, private businesses, city staff, and city council.

Committee Activities:

- A. The committee will advise and make recommendations to the city council on matters pertaining to:
 - storm water run-off and storm water management
 - water quality improvements
 - wetland conservation and management
 - solid waste and recycling
 - air quality
 - ground and drinking water
 - tree preservation
 - energy conservation
 - other environmental issues
- B. The committee will advise and make recommendations to the city council on issues stemming from data released by the following agencies:
 - Environmental Protection Agency (EPA) such as Toxic Release Inventory Data
 - Minnesota Pollution Control Agency (MPCA)
 - Minnesota Department of Health (MDH)
 - Minnesota Department of Natural Resources (MDNR)
 - Valley Branch Watershed District (VBWD)
 - Other Federal/State agencies addressing environmental issues
- C. The committee seeks to ensure Lake Elmo retains status as a Minnesota Green Step City and Tree City USA.
- D. The committee will publicly recognize residential and business property owners who have demonstrated proactive initiatives to protect the environment and/or save energy.
- E. The committee will sponsor community events having an environmental focus (including those that will satisfy application criteria for a Washington County recycling grant).

Meeting Schedule: The Environmental Committee will meet once per month on the second Friday of the month at 8:00 a.m.

Committee Composition: Not more than (2) City Council Members along with Lake Elmo Residents who have an interest in environmental issues. Citizen members will serve by appointment of the City Council.



Finance Committee Operating Policies & Procedures

Scope & Purpose: To aid the City Council in the administration of financial operations of the City of Lake Elmo through the review financial policies, the monthly review of financial statements, the annual review of the audit report and the review of the annual operating budgets.

Committee Duties:

- A. Review monthly financial statements and budget to actual performance;
- B. Receive draft of the annual audit report from the City Auditors (Comprehensive Annual Financial Report - "CAFR"), discuss issues and recommendations related to compliance with GASB and internal control policies, and approve the audit report for presentation to the City Council;
- C. In conjunction with Administrator, Department Heads & the Finance Director, review and approve the annual budget for presentation to the City Council. This involves review of the draft for the preliminary levy certification in September each year as well as the final draft for the annual TNT public hearing and final levy certification in December;
- D. Review bonding proposals, including project amount being financed, rates, terms and repayment schedules;
- E. Review and recommend the establishment / renewal of user and license fees – including utility fees each year as proposed by City staff for the following year fee sheet;
- F. Review requests for non-budgeted or emergency expenditures and make recommendations to the full City Council;
- G. Review any proposed changes in the City's insurance coverage and risk management program;
- H. Periodically review Finance related policies and recommend changes as needed (ie: Debt Service, Investing, Purchasing, Internal Controls etc).

Meeting Schedule: Monthly or as needed.

Committee Composition: (2) City Council Members along with Lake Elmo Residents (with a background in business or finance who volunteer)



Human Resources Committee

Operating Policies & Procedures

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

Committee Duties:

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

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

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

Submitted: February 5, 2013



Public Safety Committee Operating Policies & Procedures

Scope & Purpose: To aid the City Council in the administration of public safety policies including but not limited to community policing, fire suppression and emergency services, animal control, liquor licenses and other matters concerning the general health and welfare of Lake Elmo citizens.

Committee Duties:

- a. Review traffic and pedestrian safety matters and recommend needed action for Council approval.
- b. Advise the Council on policies for police and fire protection and advise the Board and Plan Commission on revisions in the Village's building, nuisance properties, health and safety codes.
- c. Advise the Council on matters concerning the Washington County Policing contract, fire department and emergency services programs.
- d. Review and recommend Council action regarding proposed state legislation impacting upon the Village and its residents.
- e. In cooperation with the Administrator, recommend to the Council appropriate policies and procedures regarding public safety operations and the delivery of such services to the public.
- f. Make recommendations to Council on the City's animal control program and humane officer contract.
- h. Consider requests for new retail alcohol licenses, review retail alcohol violations relating to licensing, develop alcohol related policies and make recommendations to the City Council.
- i. Consider any other matter the Council may refer.

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

Committee Composition: (2) City Council Members
(3) Lake Elmo Residents w/ an interest in public safety

Submitted: November 6, 2013



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 18

AGENDA ITEM: 2017 Goal Setting Session

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Although not completed for the past couple years, in prior years the City Council adopted a plan of work each year. It outlined the City's mission in areas such as Taxpayer Services, Land Use Planning, Municipal Code/Recordkeeping, Finance, Public Safety, Streets & Utilities, Sustainable Growth, Transportation, Parks & Recreation, Groundwater/Stormwater, Process/Procedures, Library and Human Resources. Within each mission area specific goals and objectives were established for the year. While these were the areas of focus in previous years, the Council may choose other objectives to focus on in 2017.

Each year the Planning Commission and Parks and Recreation Commission also recommended annual work plans to guide their commissions. In Nov/Dec of 2016 they worked on developing plans for 2017 which will be brought to the Council to help inform the City's work plan for 2017.

ISSUE BEFORE COUNCIL:

When should the City Council hold a goal setting session for 2017?

PROPOSAL:

City staff reached out to LMC staff for suggestions on goal setting meeting facilitators. One of the names suggested was Phil Kern. Staff obtained a proposal from him which is included in your packet.

Staff had suggested the meeting date of January 24th as it is the fourth Tuesday in the month and past practice has shown Tuesdays to be the preferred day of the week since Council already meets on three Tuesdays a month. Further, staff has heard in the past that it is challenging for council members to give up another night a week and on occasion meetings have been held during the day so staff proposed an afternoon start time for the meeting (1 or 2pm). Mr. Kern would also be available on Tuesday, January 31st but would need to leave Lake Elmo by 6pm.

OPTIONS:

- 1) Hold a special work session on Tuesday, January 24th at 2pm and approve the facilitation services of Phil Kern
- 2) Hold a special work session on Tuesday, January 31st at 1pm and approve the facilitation services of Phil Kern.
- 3) Do not hold a special work session for goal setting purposes

RECOMMENDATION:

"Move to hold a special work session on January 24th at 2pm and approve the facilitation services of Phil Kern."

ATTACHMENTS:

Kern Proposal

December 16, 2016

Ms. Kristina Handt
City Administrator
City of Lake Elmo

Delivered electronically: khandt@lakeelmo.org

RE: Facilitated Goal-Setting Session January 24, 2017

Dear Kristina:

Thank you for the invitation to submit the attached proposal for facilitation services for your 2017 Goal Setting meeting. As submitted, the proposal contemplates a 3-4 hour session as you previewed, focusing on an organizational assessment and goal setting.

If selected by the City of Lake Elmo, I would look forward to talking with you further regarding the session and refining the process to fit the city's needs. While there are critical elements in the development of effective goals, every community is different and I'm happy to tailor the facilitation accordingly to meet your objectives.

Please let me know if you need anything further from me as part of the proposal. I can be reached at kern.delano@gmail.com or by phone at 763-286-3991.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Kern", written in a cursive style.

Phil Kern

City of Lake Elmo

2017 Goal Setting Session

Mayor and City Council -

It is my pleasure to submit to you this proposal for facilitating the City of Lake Elmo 2017 Goal Setting Session.

Spending time dedicated to mission, values of the organization, and goals is a critical step in developing and maintaining organizational excellence. In my role as a City Administrator and also as a facilitator for other organizations, I have witnessed the success many governing bodies have had by following this important process. Most recently I have worked with the Mayor, Council, and leadership staff from the City of Buffalo to develop a goals program and refine its organizational objectives. I look forward to the opportunity to work with City of Lake Elmo as it tackles this critical task.

My proposal would consist of three elements to be conducted in a 3-4 hour session:

1. Examination of the organization's mission and core values.
2. An assessment of the status of the organization – strengths, weaknesses, opportunities, and threats.
3. Development of a goals program.

The session would be focused on facilitating a small group consisting of the Mayor and City Council, with participation of staff members as determined by the City Council. A variety of viewpoints from within the organization – governing body, management staff, and service delivery staff – are encouraged.

The fee for facilitation services included in this proposal is \$1,200. Facilitation services will include preparation of agenda and materials for the session. All materials will be provided to the City Administrator electronically at least three working days prior to the session. Additionally, a final report containing the outcomes of the session will be provided electronically no later than five days after the completion of the session. The City shall be responsible for providing the necessary copies of materials for participants and any requested by members of the public. Payment shall be remitted within 30 days of submission of the final report.

Thank you for the opportunity to submit this proposal and I look forward to working with the City of Lake Elmo.

Respectfully submitted,



Phil Kern



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 19

TO: Mayor and City Council

FROM: Kristina Handt, City Administrator

REVIEWED BY: Sarah Sonsalla, City Attorney

AGENDA ITEM: Amend Chap 31 of City Code

BACKGROUND:

The Council last updated Chapter 31 of the City Code related to the City Council at their August 16, 2016 meeting. Last summer and through the fall staff and council members had conversations with LMCIT staff and one suggestion to help improve interactions was to allow staff to place items on the agenda and not have Council driven items. Council members were reluctant to give up their ability to place items on the agenda as they wanted to be responsive to what they heard from constituents.

ISSUE BEFORE COUNCIL:

Should the City amend Chapter 31, Section 31.04 of the City Code?

PROPOSAL DETAILS/ANALYSIS:

As an alternative to only having items placed on the agenda by staff as previously suggested, staff is proposing a process similar to that used in other communities in which council members first have their item discussed at a work session before being placed on a regular agenda. This process will help ensure items are fully discussed and researched prior to being brought to the Council for adoption. It allows staff to hear the comments and concerns from the Council and prepare documents and motions consistent with Council request.

A redlined version of the proposed changes is included in your packet. If the ordinance is updated, staff would also recommend a summary publication ordinance be adopted.

OPTIONS:

- 1) Approve Ordinance No 08-161
- 2) Amend and then Approve Ordinance No 08-161
- 3) Do not approve Ordinance No 08-161

RECOMMENDATION:

Motion to approve Ordinance No. 08-161

Motion to adopt Resolution No 2017-004 Approving Summary Publication of Ordinance No 08-161

ATTACHMENTS:

- Ordinance No 08-161, An Ordinance Amending Chapter 31, Section 31.04 of the Lake Elmo City Code
- Summary Publication Resolution

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

ORDINANCE NO. 08-161

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S PROVISIONS RELATED TO THE CITY COUNCIL**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 31, Section 31.04 of the City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

§ 31.04 ORDER OF BUSINESS AT REGULAR MEETINGS.

(A) *Order established.* Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the order determined by the Council at its first annual meeting or as thereafter amended by the majority vote of the Council.

- (1) *Order of Business.* The standard order of business for Council meetings shall be the following:
 - (a) Call to Order/Pledge of Allegiance;
 - (b) Approval of Agenda;
 - (c) Approval of Minutes from Past Meeting(s);
 - (d) Public Comment;
 - (e) Presentations;
 - (f) Consent Agenda;
 - (g) Regular Agenda;
 - (h) Report of the Council. Council Reports will not be part of the Order of Business for meetings falling three months before a local election;
 - (i) Reports from City Staff; and
 - (j) Adjourn.

(B) *Agenda.* An agenda will be prepared for all regular Council meetings by the city clerk/administrator or their designee. Agenda items may be placed on the agenda by the Mayor.

and a Council member, ~~two Council members or staff~~ or recommendation of the Council at a work session. Members of the public wishing to place an item on the agenda must do so by contacting city staff or Council members, or by speaking during the public comment period. No member of the general public may add any items to the agenda.

- (1) *Special Meetings*. When a special meeting is called pursuant to applicable law, the agenda for the special meeting must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

- (2) *Agenda Procedures*. Any Staff member, ~~the or Mayor and Council member or~~ two Council members wishing to add an item to any agenda pursuant to this Section shall do so by complying with the following:

- (a) All requests from Council to place an item on the posted agenda must be received by the city clerk/administrator by 10 a.m. eleven days prior to the next Council work session meeting. For a regularly scheduled Tuesday ~~meeting~~ work session, the deadline for agenda items would be 10 a.m. on the Friday preceding packet completion. All requests from the Mayor or Council must first be reviewed at a council work session before being placed on the agenda of a regular meeting.
- (b) All requests to place an item on the posted agenda must be on the form prescribed by the city clerk/administrator. The form shall be completed with the goal of clearly describing the subject matter to be considered by the Council and any action requested or required. Supporting information may be attached to the form as necessary.
- (c) All requests to place an item on the posted agenda by city staff or Council members must be reviewed by the city clerk/administrator or their designee prior to being included in the agenda.
- (d) The agenda, along with all related information materials, will be provided to all City Council members and the city attorney at least four days prior to the Council meeting for which it applies. For a regularly scheduled Tuesday meeting, the packet will be provided by 5 p.m. the Thursday preceding.

(C) *Consent Agenda*. A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows the Council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- (1) Items that require findings of fact or an explanation of Council actions, such as land use matters and the consideration of licensing requests, should not be placed on the consent agenda.
- (2) An item on the consent agenda may be removed from such agenda for full

consideration by the Council upon request made by any member of the Council. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

(D) *Presentation, discussion and agenda item decisions.* The following is the order of business for presenting and discussing items on Council agendas:

- (1) Introduction of item;
- (2) Report by staff or other presenter;
- (3) Questions from Council members to the presenter in a round robin manner. The presiding officer will facilitate the round robin process by asking each individual Council member for one question and allowing for a response to the individual question. Then the presiding officer will ask the next Council member, in sequence, until all Council members have asked and received responses to a question. No Council member shall take more than three minutes to ask a question or comment on an item which is being presented before another Council member has a turn to question and comment on the same item;
- (4) Receive questions/comments from the applicant/requesting party to the Council, and allow each Council member to respond in the round robin process;
- (5) Allow questions from Council members to the applicant/requesting party, if applicable, using the round robin process;
- (6) Allow questions/comments from the public to Council members. Each member of the public shall state his or her comments in six minutes. Council shall not interrupt or interact until all public comments are completed;
- (7) At the conclusion of the round robin process, the presiding officer calls for a motion or discussion among the Council. Discussion on any presentation shall be kept to a minimum, and each Council member shall only speak twice on the issue. This action is not an indication that the motion on the table is the motion that will be approved in its current form. It is purely for discussion purposes;
- (8) Discussion among Council members using the round robin process with each member speaking no more than twice on a motion;
- (9) Action by the Council on the motion.

(E) *Meeting Schedule.*

- (1) Each meeting of the Council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.

- (2) Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the Council.
- (3) The last item on the agenda will be commenced no later than 12 a.m.
- (4) If all business has not been completed by 12 a.m., the meeting shall be continued to another date and time following the notice provisions contained herein.

(F) *Public participation and comment at council meetings.* Council meetings are the forum for the Council to conduct the city's business. While Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in Council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of the Council.

(G) *Members of the public shall follow the direction of the presiding officer.* Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After such warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room. If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where the conduct is an egregious threat to the safety of the public or the Council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

(H) *Public comment period.* A limited forum for members of the public to speak with the Council is provided on each agenda. Public comments during the public comment period are subject to the following limitations:

- (1) Speakers must be recognized by the presiding officer before speaking and are limited to six minutes for comment;
- (2) When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson;
- (3) The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular Council meeting or at a continued meeting;
- (4) Speakers must sign up prior to speaking and provide their name, address, and a brief summary of the subject matter which they wish to address. The sign-up sheet will be available at the start of the City Council meeting;

- (5) Speakers must direct their remarks toward the presiding officer;
- (6) Speakers shall not use obscene, profane, insulting, or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public;
- (7) Speakers are required to follow the direction of the presiding officer; and
- (8) The Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally, the matter will be referred to staff for further research and possible report or action at a future Council meeting. If Council responds, Council shall not interrupt or interact until all public comments are completed.

(I) *Public Hearings.* Public hearings are sometimes required by law to allow the public to offer input on Council decisions. Unlike public comment periods, public hearings allow the public to speak on a matter currently before the Council. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

- (1) *General procedure for public hearings.* The order of business for all public hearings conducted by the Council shall be:
 - (a) Opening comments by the presiding officer announcing the purpose of the public hearing;
 - (b) The presiding officer opens the public hearing portion of the meeting;
 - (c) Staff presentation, if any (i.e. administrator/clerk, attorney, engineer etc.);
 - (d) Developer/other presentation, if any;
 - (e) Public comment (all individual comments limited to six minute maximum);
 - (f) The clerk/administrator shall make note of any submitted written testimony; and
 - (g) The presiding officer formally closes the public hearing portion of the meeting.
- (2) Speakers who wish to address the Council at a public hearing must follow the same rules as contained herein for public comment periods. The presiding officer may allow more time, where appropriate.
- (3) Speakers may also provide written comments to the Council before or at the meeting. Written comments shall be noted and provided to the Council and to anyone else as required by law.

(4) The presiding officer may continue the hearing, if necessary, following the procedures for continuing a meeting contained in this Section.

(5) Council shall not interrupt or interact until all public comments are completed.

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

SECTION 3. Adoption Date. This Ordinance No. ____ was adopted on this ____ day of January 2017, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2017.

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

RESOLUTION NO. 2017-004

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-161 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-161, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinance is 6 pages in length; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-161 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-161, which amends certain provisions of Chapter 31 of the City Code. The Ordinance amends the order of business at regular meetings, agenda procedures by requiring Council requests to be heard at a work session.

The full text of Ordinance No. 08-161 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: January 3, 2017.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

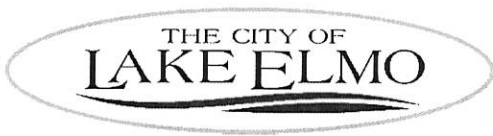
(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/3/2016

REGULAR

ITEM #: 20

AGENDA ITEM: Hammes 2nd Addition Final Plat
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Emily Becker, City Planner
Jack Griffin, City Engineer
Mike Bent, Building Official
Sarah Sonsalla, City Attorney
Greg Malmquist, Fire Chief

BACKGROUND:

Racheal Development, Inc. is requesting final plat approval for the second phase of the Hammes Estates (renamed Lake Ridge Crossing) planned 163-unit single family residential development to be located on 78.1 acres of land west of Keats Avenue and within Stage 1 of the City's I-94 Corridor Planning Area. The second addition plat includes 37 new single-family lot residential subdivision. The first addition included 57 single family residential lots.

ISSUE BEFORE COUNCIL:

Adoption of Resolution 2017-003 approving the final plat of Hammes Estates 2nd Addition

PROPOSAL DETAILS/ANALYSIS:

Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City. The developer has recently updated the preliminary plan submissions with the first phase to comply with the conditions of approval, and the final plat application incorporates these updates as well. The second phase will provide a connection to the Savona development and a secondary access to the Hammes Estates development, a condition of preliminary plat.

The final plat street name has been corrected since the Planning Commission, so the related condition of approval was removed from the resolution attached to this report.

Although there are some additional revisions and additions necessary for the final construction plans that need to be addressed by the applicant, the majority of these revisions can be made before the City releases the final plat for recording.

FISCAL IMPACT:

The Developer Agreement will be prepared by Staff and presented in a subsequent meeting for approval by the City Council. Staff has been updating the Developer Agreement template and should have all changes complete for incorporation into the Hammes Estates 2nd Developer Agreement. The Developer Agreement will include a detailed accounting of any development costs that will be the responsibility of the City.

OPTIONS:

The City Council must approve the final plat if it is found to be in substantial conformance with the preliminary plat.

PLANNING COMMISSION:

The Planning Commission reviewed the final plat on 12/12/2016 and recommended approval with a 7-0 vote.

RECOMMENDATION:

Staff and the Planning Commission recommend that the City Council approve the Hammes Estates 2nd Addition final plat with the following motion:

“Move to adopt Resolution 2017-003 approving the Hammes Estates 2nd Addition final plat.”

ATTACHMENTS:

- *Resolution 2017-003 approving the Hammes Estates 2nd Addition final plat*
- *Planning Commission Report packet.*

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

RESOLUTION NO. 2017-003

A RESOLUTION APPROVING A FINAL PLAT FOR HAMMES ESTATES 2ND ADDITION

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

WHEREAS, Rachel Development Inc, 4125 Napier Ct NE, St. Michael, MN 55376 (Applicant) has submitted an application to the City of Lake Elmo (City) for a Final Plat for Hammes Estates 2nd Addition, a copy of which is on file in the City of Lake Elmo Planning Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on May 12, 2014 to consider the Hammes Estates Preliminary Plat and continued discussion on the Preliminary Plat until its June 23, 2014 meeting; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council for the July 1, 2014 City Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat request at its July 1, 2014 meeting and adopted Resolution No. 2014-55 approving the Preliminary Plat; and

WHEREAS, the Lake Elmo Planning Commission met on December 12, 2016 to review the Final Plat for Hammes Estates consisting of 37 single-family residential lots; and

WHEREAS, on December 12, 2016 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Final Plat for Hammes Estates 2nd Addition with conditions; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the Final Plat for Hammes Estates 2nd Addition at a meeting held on January 3, 2017; and

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

FINDINGS

- 1) That the Hammes Estates 2nd Addition Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 1, 2013 and revised on September 19, 2016.
- 2) That the Hammes Estates 2nd Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Hammes Estates 2nd Addition Final Plat complies with the City's Urban Low Density Residential zoning district.
- 4) That the Hammes Estates 2nd Addition Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 5) That the Hammes Estates 2nd Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Hammes Estates 2nd Addition Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated November 17, 2016.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Final Plat for Hammes Estates 2nd Addition subject to the following conditions:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the Hammes Estates 2nd Addition – Final Plat Engineering Review Comments and Hammes Estates 2nd Addition Construction Plan Review memos dated 11/17/2016 shall be incorporated into these documents before they are approved. The Final Plat shall not be recorded until final construction plan approval is granted.
- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the Final Plat by City Officials. This must include additional or expanded drainage and utility easements as outlined in the City Engineer's Memorandum dated November 17, 2016.
- 4) The plat shall be incorporated into the Hammes Estates Common Interest Agreement concerning management of the common areas of Hammes Estates and establishing a homeowner's association shall be submitted in final form to the Planning Director before a building permit may be issued for any structure within this subdivision. Said agreement shall

comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall be amended to require maintenance of the wetland buffers.

- 5) The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the Final Plat.
- 6) The Final Landscape Plan shall be revised per the requested modifications and shall be approved by the Planning Director prior to the release of Final Plat for recording.
- 7) The applicant must provide written authorization from Xcel Energy to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.
- 8) The applicant shall abide by all conditions of the MN DNR Public Waters Work Permit #2015-0193.
- 9) Prior to the issuance of building permits, for Hammes Estates 2nd Addition, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.

Passed and duly adopted this 3rd day of January 2017 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 12/12/2016
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2016-52

ITEM: Hammes Estates 2nd Addition Final Plat (Phase 2)

SUBMITTED BY: Stephen Wensman, Planning Director

REVIEWED BY: Emily Becker, City Planner
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Mike Bent, Building Official

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Final Plat request from Rachel Development for the second phase of the a planned 163-unit residential development to be located on 78.1 acres of land west of Keats Avenue and within Stage 1 of the City's I-94 MUSA area. The final plat will include 37 single-family lots, all of which will be accessed off of Keats Avenue. The second phase will connect the Hammes Estates development to the Savona development. Staff is recommending approval of the request subject to compliance with a series of conditions as listed in this report.

GENERAL INFORMATION

Applicant and Owner: Rachel Development, Inc., 4125 Napier Ct NE, St. Michael, MN 55376

Location: Part of Section 34 in Lake Elmo, immediately west of Keats Avenue (CSAH 19), approximately 1,300 feet south of 10th Street (CSAH 10), and south of Goose Lake. Outlot E Hammes Estates. PID# 34.029.21.13.0001.

Request: Application for final plat approval of 37 residential lots, constituting the second phase of Hammes Estates.

Land Use: Vacant outlot

Current Zoning: LDR - Urban Low Density Residential

Surrounding Land Use and Zoning: North –Goose Lake and Stonegate Residential Estates (RE) subdivision; West – Stonegate RE subdivision; South – Lennar Savona Urban Low Density Residential (LDR) subdivision; East: Rural Development Transitional.

Comp. Plan: Urban Low Density Residential (2.5 – 4 units per acre)

History: The site was previously utilized as an active mining and gravel operation. The site has since been reclaimed. The property was rezoned from Rural Development Transitional District (RT) to Urban Low Density Residential (LDR) on 7/22/2014. Preliminary Plat approved on 7/1/2014 (public hearing on 5/12/14).

Final plat of 1st phase was approved on October 7, 2014. The final plat was granted an extension to October 7, 2016 by Council on November 4, 2015. Rachael Development purchased the project in 2016 and the Developer Agreement and Final Construction plans for the first phase were approved on August 16, 2016.

Action Deadline: Application Complete – 11/10/2016
60 Day Deadline – 1/9/2017

Applicable Regulations: Chapter 153 – Subdivision Regulations
Article 10 – Urban Residential Districts (LDR)
§150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS

The City of Lake Elmo has received a request from Rachael Development for final plat approval of the second phase of the Hammes Estates residential development to be called Lake Ridge Crossing. The second addition final plat is the replat of Outlot E Hammes Estates 1st Addition and includes 37 single family residential lots and associated infrastructure on 12.65 acres. The City Council approved the Hammes Estates Preliminary Plat on July 1, 2013, which platted 163 single family lots over approximately 78 acres of land within the I-94 MUSA Area. The first phase of the development created 57 single family lots out of the 163 planned for the entire subdivision.

PLANNING/ZONING ISSUES

Final Plat Approval Procedure. The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. The City's approval of the Hammes Estates Preliminary Plat included a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. There are no public hearing requirements for a final plat.

Consistency with Preliminary Plat. Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City. The developer has recently updated the preliminary plan submissions to comply with the conditions of approval, and the final plat application incorporates these updates as well.

Street Naming. Street names have been reviewed and have been found to be mostly consistent with the City's new street naming ordinance, though the plat should include the directional suffix 'North' after 'Lower 8th Street'.

Landscaping. Staff has reviewed the Final Landscape Plan for Hammes 2nd Addition and has provided comments in the attached email memorandum. These plans will need to be modified to show relocation of trees to accommodate drainage and utilities along with other comments provided in the memo.

Construction Plans. The applicant has submitted detailed construction plans related to sanitary sewer, water main, storm sewer, grading, drainage, landscaping, and other details that have been reviewed by the City. These must be revised in accordance with the Construction Plan engineering review memorandum dated November 17, 2016, attached. Staff is recommending that all revisions

and modifications noted within the City Engineer's review memorandum be completed prior to the release of Final Plat for recording as a condition of approval.

Infrastructure Improvements and Phasing. The infrastructure improvements will tie in with the improvements completed in the 1st phase.

Drainage and Utility Easements. Additional drainage and utility easements are required for various lots per the City Engineer's Memorandum dated November 17, 2016.

Shoreland District. While the proposed 2nd Addition Final Plat is in the Shoreland Overlay District, none of the lots are riparian, and there are no wetlands in the 2nd Addition.

Parkland Dedication. No dedicated park or public open space is proposed with the 2nd Addition. There is a 550' public trail to be constructed along Keats Avenue and connecting to Lower 8th Street. The developer will not receive parkland dedication credit for the 2nd Addition.

Density. The entire portion of the approved Hammes Preliminary Plat is zoned Limited Density Residential (2.5-4 units per acre). The property's gross density is 2.9 units per acre with a net density of 3.6 units/acre (37 units / (12.65 total acres – 2.393 acres right-of-way=10.257 developable acres) = 3.6).

Lot Size. The average lot size of the lots in the 2nd Addition is .28 acres. The smallest lot is .227 acres, and the largest lot is .533 acres. This meets minimum lot size requirements of the LDR zoning district and consistent with Preliminary Plat. The lot widths and depths are all consistent with those of the approved Preliminary Plat.

Neighboring Property Issues. The impact on the Stonegate development to the north and west was addressed during Preliminary Plat through the provision of a buffer. The 2nd Addition should not affect the Stonegate development due to its location within the development.

REVIEW AND ANALYSIS

The preliminary plat for Hammes Estates was approved with several conditions, which are indicated below along with Staff's comments on the status of each.

Preliminary Plat Conditions – With Staff Update Comments (updated information in bold italics):

- 1) Within six months of preliminary plat approval, the applicant shall complete the following: a) The applicant shall provide adequate title evidence satisfactory to the City Attorney; and b) The applicant shall submit a revised Preliminary Plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for Final Plat and prior to the commencement of any grading activity on the site. ***Comment: a) all title work was submitted and reviewed by the City Attorney with the first phase of the development b) revised preliminary plat were approved with the approval of the first phase of the development.***
- 2) The City Engineer shall review and approve all revised Preliminary Plans that are submitted to the City in advance of Final Plat to satisfy Condition #1. ***Comments: This has been completed (See Condition #1 response).***

- 3) The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements. *Comments: The preliminary plat was approved with the first phase of the development.*
- 4) All required modifications to the plans as requested by the City Engineer in a review letter dated June 16, 2014 shall be incorporated into the plans prior to consideration of a Final Plat. *Comments: This condition has been met.*
- 5) Prior to the acceptance of the public improvements for the Hammes Estates plat, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City. *Comments: The final construction plans (Grading, Drainage and Erosion Control) include wetland buffer monuments to identify the locations of all wetland buffers. The applicants are aware of this condition and it will be a condition of final plat for all phases.*
- 6) The landscape plan shall be updated per the recommendations of the City's landscape consultant in a review memo dated 5/7/14. *Comments: The City's Landscape Consultant approved the Preliminary Landscape Plan and a review of the second addition landscape plans are in conformance with the preliminary plans and City requirements.*
- 7) The applicant shall be responsible for the construction of all improvements within the Keats Avenue (CSAH 19) right-of-way as required by Washington County and further described in the review letter received from the County dated May 6, 2014. The required improvements shall include, but not be limited to: construction of a modified median crossing, construction of a trail/sidewalk to the south side of the median, turn lanes, and other improvements as required by the County. *Comments: The Keats Avenue access is presently under construction as part of the first addition project.*
- 8) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site. *Comments: The site has been graded and VBWD permits were approved.*
- 9) Landscape islands shall be platted as part of the right-of-way and shall be maintained by the Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat. *Comments: A landscape license agreement was executed as part of the first addition plat and will be executed as part of the second addition plat. A condition of final plat will be that no building permits will be issued until the agreement is executed.*
- 10) With an eligible parkland dedication of 5.7 acres provided, the applicant is responsible to pay a fee in lieu of land dedication for the equal market value amount of 2.1 acres of land at the time of the Final Developers Agreement. The City will work with the developer to clarify any and all park fee payments at the time of the Final Developers Agreement. *Comments: Parkland dedication was addressed with the first addition final plat. The city will have the opportunity to review the park amenities prior to construction and the tot lot will be constructed in a future phase of the development.*

- 11) No more than 100 units may be approved as part of a final plat until secondary access is provided to the subdivision via a connection to 5th Street through the Savona subdivision.
Comments: The second phase development makes this connection. The construction plans must be updated to show existing conditions of 150 feet outside of the construction limit and must show plan and profile construction details to facilitate this connection as outlined in the City Engineer Review Memo.

- 12) For trails proposed to be located in any wetland buffer, the applicant must present a suitable design or material that is acceptable to the City and Valley Branch Watershed District.
Comments: The applicants have presented a boardwalk design to the watershed district and the VBWD was agreeable to a boardwalk design through a small portion of the buffer area. The construction details of the proposed limited boardwalk section within the wetland buffer must be provided to the City as part of the Final Construction Plans for the pertinent future phase of the Hammes Estates subdivision. This condition does not pertain to the second phase of the development.

- 13) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. ***Comments: The project was graded with the first addition.***

- 14) The applicant must incorporate a play structure into the proposed park at Goose Lake per the request of the Lake Elmo Park Commission. Furthermore, the applicant must submit an updated design of the park property that meets City approval in advance of Final Plat.
Comments: An HOA owned and maintained tot lot play structure will be developed with a future phase of the development.

The design of the Goose Lake Park amenities will require City approval prior to installation and must maintain the required 25-foot setback from the OHWL as specified in the Valley Branch Watershed District Permit. The applicant will be required to obtain the necessary watershed district permit for the improvements to Goose Lake Park.

- 15) The applicant shall work with the Planning Staff to name all streets in the subdivision prior to submission of a Final Plat. ***Comments: This condition has been met.***

- 16) Lots 1-6, Block 10 and Lots 1-5 and 11-12, Block 9 shall not be platted until the southern channel of Goose Lake is closed off from the lake, or the shoreland issue around the channel is resolved in some other manner that is acceptable to the DNR. ***Comments: The applicants have received MN DNR approval to restore the southern shore of Goose Lake back to its original state, closing off the southern channel and Wetland G. The applicant is responsible for following all requirements and conditions of the DNR permit, including the 5-year invasive species monitoring. The monitoring is required as part of the first phase Landscape License Agreement.***

- 17) The applicant shall work to relocate segments of the northern buffer trail further to the south of the Stonegate subdivision wherever it is feasible as long as the trail does not encroach on any required wetland buffers. ***Comments: The trail alignment has been staked as part of the***

first phase, but further refinements are ongoing based on feedback from Stonegate residents.

Based on the above Staff report and analysis, Staff is recommending approval of the Final Plat with conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the Final Plat.

The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the Hammes Estates 2nd Addition – Final Plat Engineering Review Comments and Hammes Estates 2nd Addition Construction Plan Review memos dated 11/17/2016 shall be incorporated into these documents before they are approved. The Final Plat shall not be recorded until final construction plan approval is granted.
- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the Final Plat by City Officials. This must include additional or expanded drainage and utility easements as outlined in the City Engineer's Memorandum dated November 17, 2016.
- 4) The plat shall be incorporated into the Hamme Estates Common Interest Agreement concerning management of the common areas of Hammes Estates and establishing a homeowner's association shall be submitted in final form to the Planning Director before a building permit may be issued for any structure within this subdivision. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners.
- 5) The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the Final Plat.
- 6) The Final Landscape Plan shall be revised per the requested modifications and shall be approved prior to the release of Final Plat for recording.
- 7) The applicant must provide written authorization to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.
- 8) The applicant shall abide by all conditions of the MN DNR Public Waters Work Permit dated 8/27/14.

- 9) Prior to the issuance of building permits, for Hammes Estates 2nd Addition, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.
- 10) The street name of Lower 8th Street shall be changed to Lower 8th Street North before recording the Final Plat.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Hammes Estates 2nd Addition Final Plat:

- 1) That the Hammes Estates 2nd Addition Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 1, 2013 and revised on September 19, 2016.
- 2) That the Hammes Estates 2nd Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Hammes Estates 2nd Addition Final Plat complies with the City's Urban Low Density Residential zoning district.
- 4) That the Hammes Estates 2nd Addition Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 5) That the Hammes Estates 2nd Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Hammes Estates 2nd Addition Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated November 17, 2016.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat for Hammes Estates 2nd Addition with the 10 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Hammes Estates 2nd Addition Final Plat with the 10 conditions of approval based on the findings of fact listed in the Staff Report.”

ATTACHMENTS:

1. Application
2. Final Plat
3. Final Landscape Plans
4. City Engineer Review Memorandum, dated 11/17/2016
5. Landscape Review Comments

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



November 1, 2016

City of Lake Elmo
Honorable Mayor and City Council Members
3800 Laverne Avenue North
Lake Elmo, MN. 55402

Subject: HAMMES Estates 2nd Addition Final Plat Application

Dear Honorable Mayor and City Council Members,

Rachel Development, Inc. is pleased to submit the Final Plat Application for the Hammes Estates 2nd Addition. In addition to the Final Plat Application, below is a list of enclosures that are included with the application.

- 1) Final Plat Application
- 2) Plat Fee & Escrow checks (\$1,250.00 and \$8,000.00 respectively)
- 3) Written Statement of Project Information
- 4) Final Plat & Associated Plans (Administrative Information, General Property Information, Final Grading (Grading addressed under HAMMES 1st Addition submittal), Drainage & Erosion Control Plan, Final Utility Plan, Final Street & Storm Sewer Plan, Final Tree Preservation Plan (Tree preservation addressed under HAMMES 1st Addition submittal), & Final Landscaping Plan.
(Five (5) full size 24 x 36, Ten (10) reduced size 11 x 17, and One Electronic format)
- 5) Supplemental Information
- 6) Escrow Agreement
- 7) Acknowledgement of Responsibility
- 8) Affirmation of Sufficient Interest

In accordance with the Lake Elmo Final Plat Application Requirements Document, Rachel Development, Inc. is pleased to forward enclosures one through eight for your review and approval of the HAMMES 2nd Addition Final Plat. Questions of a technical nature should be directed to the Project Engineer, Mr. John Bender, 952-697-5727 and all other project inquiries should be directed to Mr. David Stradtman, 763-424-1525.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Stradtman', with a large, looping flourish at the end.

David Stradtman
Vice President of Development
Rachel Development, Inc.
4125 Napier Ct NE
St. Michael, MN 55376
dstradtman@racheldevelopment.com

Date Received: _____
Received By: _____
LU File #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

FINAL PLAT APPLICATION

Applicant: Rachel Development, Inc.
Address: 4125 Napier Ct NE, St. Michael, MN 55376
Phone #: 763-424-1525
Email Address: dstradtman@racheldevelopment.com

Fee Owner: Rachel Development, Inc.
Address: 4125 Napier Ct NE, St. Michael, MN 55376
Phone #: 763-424-1525
Email Address: dstradtman@racheldevelopment.com

Property Location (Address): West of Keats Avenue
Complete (long) Legal Description: Outlot E, HAMMES ESTATES 1ST ADDITION according to the
recorded plat thereof, Washington County, Minnesota.
PID#: 34.029.21.13.0001

General information of proposed subdivision: This is the second phase of the HAMMES Estates
development project. The Preliminary Plat for the entire project was previously approved on July 1,
2014. In this the second phase, 37 lots are being proposed. Enclosures 3) and 5), provide additional
information as required by the City's application packet requirements. Enclosure 4) provides the
required engineering detail for this 2nd phase.

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

Signature of applicant: [Signature] Date: 11/1/16
David Stradtman, Vice President of Development

Fee Owner Signature: [Signature] Date: 11/1/16
David Stradtman, Vice President of Development

HAMMES ESTATES 2ND ADDITION

KNOW ALL PERSONS BY THESE PRESENTS, That Rachel Development, Inc., a Minnesota corporation, the owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

Quadrat E, HAMMES ESTATES 1ST ADDITION according to the recorded plat thereof, Washington County, Minnesota.

Have cause the same to be surveyed and platted as HAMMES ESTATES 2ND ADDITION and as hereby depicted and dedicated to the public use of the public ways, as shown on the plat and has caused the same to be created by this plat for exchange and unity purposes only.

In witness whereof said Rachel Development, Inc., a Minnesota corporation, has caused these presents to be signed by Donald Rachel, Chief Executive Officer, this _____ day of _____, 20____.

By Donald Rachel, Chief Executive Officer

STATE OF MINNESOTA

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____ by Donald Rachel, Chief Executive Officer of Rachel Development, Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

I hereby certify that I have surveyed and platted or directly supervised the survey and plating of the property described on this plat as HAMMES ESTATES 2ND ADDITION and as hereby depicted and dedicated to the public use of the public ways, as shown on the plat and has caused the same to be created by this plat for exchange and unity purposes only. That all mathematical data and labels are correctly designated on the plat, that all monuments depicted on the plat have been or will be correctly set within one year, that all water boundaries and wet lands as defined in MS Section 49.01 are shown on the plat, and that all public ways are shown and labeled on the plat.

Dated this _____ day of _____, 20____.

Craig W. Moran, Licensed Land Surveyor
Minnesota License No. 23021

STATE OF MINNESOTA

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____ by Craig W. Moran, Licensed Land Surveyor, Minnesota License No. 23021.

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY PLANNING COMMISSION
Approved by the Planning Commission of the City of Lake Elmo, Minnesota, on this _____ day of _____, 20____.

By _____ Secretary

CITY OF LAKE ELMO, MINNESOTA
This plat was approved by the City Council of the City of Lake Elmo, Minnesota this _____ day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.01, Subdivision 2.

By _____ Mayor

COUNTY SHERIFF
Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been received and approved this _____ day of _____, 20____.

By _____ Washington County Sheriff

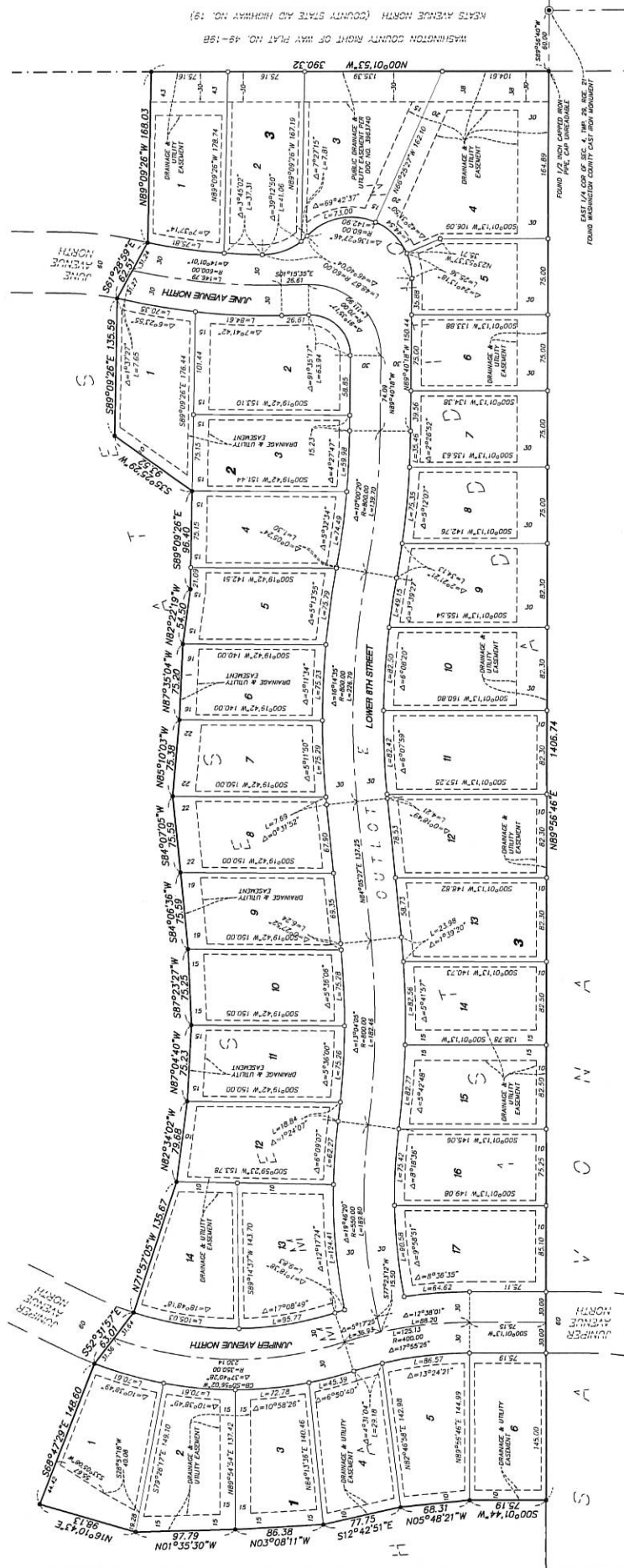
COUNTY AUDITOR/TREASURER
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinafter described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

By _____ Washington County Auditor/Treasurer

COUNTY RECORDER
Document Number _____
I hereby certify that this instrument was recorded in the office of the County Recorder for record on this _____ day of _____, 20____ at _____ o'clock _____ M., and was duly recorded in Washington County Records.

By _____ Washington County Recorder

HAMMES ESTATES 2ND ADDITION



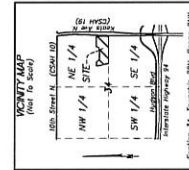
The orientation of this bearing system is based on the south line of Outlot 6, HAMEL'S ESTATES 1ST ADDITION, which is assumed to bear N 89°55'46" E

- Denotes 1/2 inch by 14 inch iron rebar set and marked by License No. 23021
- Denotes 1/2 inch by 14 inch iron rebar found and marked by License No. 23021, unless otherwise noted

Drainage and Utility Easements are shown (thus:

(0/05 OR)

Being 5 feet in width, unless otherwise indicated, and adjoining lot lines, and 10 feet in width and adjoining right-of-way lines as shown on the plat.



- [illegible]

Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

Latest Revision Date: 11/09/16

Hammes Estates 2nd Addition

Final Landscape Notes

Rachel Development
4125 Napier Court NE
St. Michael, Minnesota 55376

Prepared for:

Designated	CLM
Co-design	CLM
Drivers	NTM

Contributors:

hardly verify that this piece was prepared by me or under my supervision and that I am a duly bonded LABORER.

Westwood Professional Services, Inc.
599 Annapolis Drive
Green Pointe, MD 20544
FAX 913-937-5160
CALL FREE 1-833-937-5160



MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: November 17, 2016

To: John Bender, P.E., Westwood Professional Services
Cc: Stephen Wensman, Planning Director
Chad Isakson, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer
Re: Hammes Estates 2nd Addition
Construction Plan Review

An engineering review has been completed for the Hammes Estates 2nd Addition Construction Plans consisting of the following documentation prepared by Westwood Professional Services:

- Hammes Estates 2nd Addition Final Plat, not dated.
- Hammes Estates 2nd Addition Construction Plans dated November 1, 2016.
- Hammes Estates 2nd Final Plat Application and Narrative dated November 1, 2016.

STATUS/FINDINGS: The following comments have been provided in addition to the Final Plat comment memo to direct plan corrections necessary for final construction plan approval. When submitting revised plans and specifications, please provide a point by point response letter that details all changes made to the plans.

FINAL CONSTRUCTION PLAN REVIEW COMMENTS

- Specifications. Specifications for the Hammes 2nd Addition must be submitted for review by the City.
- All Plan Sheets: Update the Block numbers to be consist with the proposed Plat.
- Utility conduit crossing locations must be shown on all plans.
- Sheet 2: Revise Street name for Juniper Avenue. The street name is listed correctly in one location and listed incorrectly as Lower 8th Street in a second location.
- Sheet 2: Revise plans to show the proposed residential street light locations and add plan note to identify street light fixture/pole type and color specifications.
- Sheet 3: Lower sanitary MH36 to avoid conflict between service pipe and storm sewer pipe.
- Sheet 3: Add a mid-block 8" gate valve along Lower 8th Street, near lots 6/7 and 10/11. The water system must be designed to allow mains to be taken out of service with no more than 20 properties impacted.
- Sheet 4: Add stationing for the watermain and sanitary sewer along the rear lot lines for Lots 1-2, Block 3, First Addition and Lots 1-2, Block 1, Second Addition.
- Sheet 4: Add a temporary hydrant at the end of the watermain stub to Block 2A.
- Sheet 4: Adjust the vertical alignment of the watermain between sanitary sewer MH28 and MH40 to remove the high point.
- Sheet 4: Relocate the 8-inch GV from approx. STA 2+50 on Juniper Avenue to the watermain connection point at Savona to isolate the new watermain.

- Sheet 5: The plan and profile view must be on the plans to the full edge of plat and include existing conditions. The utilities along the rear lot lines for Lots 1-4, Block 3 must be shown to facilitate city staff plan review.
- Sheet 5: Show the catch basin and storm pipe in the rear lot of Lot 1, Block 3 to review easement needs.
- Sheet 5: The plan view must include the trail construction and corresponding construction details between Lots 3-4, Block 3. Add plan notes and add pedestrian ramp as the trail connects to Lower 8th Street.
- Sheet 5: Add a CB on the north curb line of Lower 8th Street across (NW) from CBMH123. Extend draitile and cleanout 100 feet west from the new CB.
- Sheet 5: Remove draitile and cleanout running at negative grade east/north from CBMH123.
- Sheet 5: Revise CBMH126 in plan view to read CB126.
- Sheet 5: Extend draitile and cleanout 100 feet west from CBMH125 and CB126.
- Sheet 5: Add a CB on the north curb line of Lower 8th Street across from CBMH129. Curb runs cannot exceed 350 feet without a catch basin.
- Sheet 5: Remove draitile and cleanout running at negative grade east from CBMH132.
- Sheet 5 and 6: Add draitile elevations to structures in profile view.
- Sheet 5: Add street sign on the corner of June Avenue and Lower 8th Street.
- Sheet 5 & 6: Add proposed residential street light locations to the plan view.
- Sheet 6: Juniper Avenue North must be constructed to connect into the Savona development.
 - Existing conditions must be shown on the plans up to the necessary construction limits plus 150 feet minimum and include plan and profile based on actual field survey.
 - The construction plans must be updated showing both plan and profile construction details to facilitate this connection including the removal of the temporary turnaround. Curb and centerline match point elevations must be identified.
- Sheet 6: The sidewalk along Juniper Avenue in the Savona development is located on the east side of the street. The Hammes development shows the sidewalk on the west side of the street. The plans should be revised to relocate the sidewalk to the east side of Juniper Avenue North.
- The sidewalk relocation to the east side of the street must also be revised along Juniper Avenue North for the Hammes 1st Addition.
- Sheet 6: Extend draitile and cleanout 100 feet south from CBMH135 and CBMH136.
- Sheet 7: Install bituminous trail from 8th Street, along the rear property lines for Lots 1-2, Block 3, First Addition and Lots 1-2, Block 1, Second Addition. Extend trail to the limits of the sanitary and watermain construction.

LANDSCAPE PLAN:

- This review does not cover the Landscape Plan or Irrigation Plan. Plan review to be completed by other City representatives.
- Landscape Plan must include a Plan Note that tree locations must be field located and inspected by City prior to install.

MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: November 17, 2016

To: Stephen Wensman, Planning Director
Cc: Chad Isakson, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Hammes Estates 2nd Addition – Final Plat
Engineering Review Comments

An engineering review has been completed for the Hammes Estates 2nd Addition development. Final Plat/Final Construction Plans were received on November 2, 2016. The submittal consisted of the following documentation prepared by Westwood Professional Services, or as noted:

- Hammes Estates 2nd Addition Final Plat, not dated.
- Hammes Estates 2nd Addition Construction Plans dated November 1, 2016.
- Hammes Estates 2nd Final Plat Application and Narrative dated November 1, 2016.

STATUS/FINDINGS: Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

FINAL PLAT: HAMMES ESTATES 2ND ADDITION

- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated November 17, 2016.
- Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- All easements as requested by the City Engineer and Public Works department shall be documented on the Final Plat prior to the release of the Final Plat for recording.
- Additional drainage and utility easement is required for Lot 4, Block 1 to provide a minimum 15 feet separation from the catch basin located at the northwest corner of the lot.
- A minimum 15 foot side lot drainage and utility easement is required along the south property line of Lot 1, Block 2 to provide a minimum 15 foot separation from the existing storm sewer pipe.
- Additional drainage and utility easements are required for Lots 14-17, Block 3, to cover the rear lot drainage swales. Lots 11-13, Block 3 should also be carefully reviewed to ensure adequate drainage and utility easement for the proposed lot grading.

FINAL CONSTRUCTION PLANS & SPECIFICATIONS

- No construction for Hammes Estates 2nd Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans and Specifications; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- A separate memorandum will be provided to direct additional plan corrections necessary for final construction plan approval.

Joan Ziertman

From: Stephen Wensman
Sent: Wednesday, November 30, 2016 11:36 AM
To: Emily Becker
Subject: FW: Hammes 2nd Final Landscape Plan Review

Stephen Wensman
Planning Director
City of Lake Elmo
651-747-3911

From: Stephen Wensman
Sent: Monday, November 14, 2016 3:02 PM
To: Cory Meyer <Cory.Meyer@westwoodps.com>
Cc: 'David Stradtman' <dstradtman@racheldevelopment.com>; 'Stephen Mastey' <stephen@landarcinc.com>
Subject: Hammes 2nd Final Landscape Plan Review

Corey,

I reviewed the Final Landscape Plans for Hammes 2nd Addition and have a few comments:

- The trees along the rear lot lines in Block 3 should be moved out of swales (drainage ways).
- The Final Plat Schedule lists multiple varieties of trees, but the symbols on the plans are generic and do not reflect the varieties specified in their proposed locations.
- There will be some changes to the easements on the plat and to the Construction Plans. Please update the Landscape Plans to be coordinated with any changes after the development team gets the City Engineer's comments.
- The proposed street trees in front of Lot 2, Block 3, Lot 2, Block 1 and Lot 10, Block 3 appear to be in conflict with the utilities (storm catch basin and water and sewer lines). The City recommends a distance of 10 feet from each, or a minimum of 5 feet.
- The grading shown on the Landscape Plans in the rear of Block 3 appear different than the proposed grading on the other Construction Plans.
- Sugar Maples do not make good street trees unless irrigated. Please revise.

Stephen Wensman
Planning Director
City of Lake Elmo
651-747-3911



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 21

AGENDA ITEM: Lake Shoreline/Boating Study Update

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

At the December 6, 2016 meeting, Council selected the Bolton & Menk proposal for a slow no wake assessment of shoreline erosion on the city's four recreational lakes. Their proposal included two options which council was interested in and approved up to \$30,000 for the study.

Staff contacted Bolton & Menk after the Council meeting to get cost estimates for the two options. Included in your packet is the revised estimate with the options for \$41,500. Since the total cost exceeded the amount authorized by Council, staff is looking for direction on how to proceed.

ISSUE BEFORE COUNCIL:

How should the Council proceed with the slow no wake erosion impact study?

PROPOSAL DETAILS/ANALYSIS:

The full proposals from Bolton & Menk and Wenk Associates are included in your packet.

FISCAL IMPACT:

Bolton & Menk: Original Scope:	\$25,000
With Addl Options:	\$41,500
Wenk Associates:	\$19,500

OPTIONS:

- 1) Direct Staff to Prepare a Contract with Bolton & Menk for \$41,500
- 2) Direct Staff to Prepare a Contract with Bolton & Menk for \$25,000
- 3) Direct Staff to Prepare a Contract with Bolton & Menk for \$35,000 (include Option 2.1 only)
- 4) Direct Staff to Prepare a Contract with Wenk Associates for \$19,500
- 5) Do not direct staff to pursue any contracts for the study of slow no wake erosion assessments on the four recreational lakes

ATTACHMENTS:

- Bolton & Menk, Dec 1 Proposal
- Bolton & Menk, Additional Options
- Wenk Associates, Nov 30 Proposal



Slow No Wake Assessments on Lakes Olson, De Montreville, Jane, and Elmo

Access Rules

Keep launch area clear

The following activities are unlawful:

- Camping
- Shooting
- Building fires
- Consuming alcoholic beverages

Take Trash With You

Massachusetts Department of Natural Resources

Special Fishing Regulation:

LARGEMOUTH BASS

- Catch and release angling. All must be immediately returned to the water.

Regulation intended to:

- Maintain numbers of larger bass.

Regulation applies to:

- Lake Umbagog
- Washington County

Massachusetts Department of Natural Resources

Watching Our Region's Waters

Metropolitan Council Environmental Services (MCES) is partnering with the Valley Branch Watershed District to create a monitor and assess water quality for protection of your lake.



Metropolitan Council
Environmental Services

WATER ACCESS PROJECT



STATE PARK

UNFUND

For your purchase of Lake Umbagog State Park, please contact the Massachusetts Department of Natural Resources.

ATTENTION

LAKE UMBAGOG

HOW LAKE USE ORDINANCES IN EFFECT
Chapter 87A: 07/23/16/16/07 - 2013

BOATS CAN BE LAUNCHED BETWEEN DAWN & DUSK
BOW ANCHORS MUST BE USED TO PREVENT DAMAGE TO THE LAUNCH

NO WALKER CAN BE LAUNCHED BETWEEN DAWN & DUSK
LAUNCHES MUST BE USED TO PREVENT DAMAGE TO THE LAUNCH

ALL WALKER CREATING ACTIVITY MUST BE IN A COUNTER CLOTHES FUNCTION

CAR TRAILER PARKING ALLOWED ONLY IN DESIGNATED SPACES AT THE BOAT LAUNCH

VEHICLE PARKING ONLY. DRIVE MUST BE VEHICLES AND TRAILERS ONLY

LAKE UMBAGOG STATE PARK
MASSACHUSETTS DEPARTMENT OF NATURAL RESOURCES

Thank you for your responsible use of Lake Umbagog State Park



**BOLTON
& MENK**

Real People. Real Solutions.

2035 County Road D East
Maplewood, MN 55109-5314

Ph: (651) 704-9970
Fax: (651) 704-9971
Bolton-Menk.com

December 1, 2016

Kristina Handt
City Administrator
3800 Laverne Ave, N
Lake Elmo, MN 55042

RE: Proposal for Slow No Wake Zone Assessments on Lakes Olson, De Montreville, Jane, and Elmo

Dear Ms. Handt:

According to your request, Bolton & Menk, Inc. has prepared the following scope of work and associated fees to address Slow No Wake Zone Assessments of Lakes that include Olson, De Montreville, Jane, and Elmo in Lake Elmo. With the exception of Lake Elmo, lake-wide no wake restrictions are triggered when the lakes reach a specific water surface elevation as determined by the Minnesota Department of Natural Resources (MnDNR). Typically, no wake restrictions are determined based on the likelihood of shoreline damage when the lakes are elevated due to flooding. Bolton & Menk's experience understanding shoreline impacts and erosion protection will support the City of Lake Elmo with objective information to make technical and informed decisions in establishing no wake elevations. Our successful approach includes:

Unbiased Data – Establishing ordinances that affect lake activities are particularly difficult in communities that have emotional connections to their lake systems. In order to reduce perceived emotional impacts, impartial and objective data is required to establish no wake elevations that are not driven by passionate lake home owners or recreationists.

Comprehensive Decisions – Lake regulations impact many users beyond those that live there. Therefore, the decisions that impact no wake limitations must include environmental implications, shoreline property values, and recreational uses.

Public Education – The lake users must be informed as to why these elevations are established and what the potential impacts are if these limitations are exceeded in order to fully understand their water resources. Setting the elevation is only a portion of the overall goal; education tells the rest of the story.

In continued service to the City of Lake Elmo, we are excited at the opportunity to analyze no wake elevations for several critical lakes. We are flexible in our scope and fees to best suit the City's needs. I will serve as your Project Manager and lead client contact on this project. Please feel free to contact me at 651-724-0404 or timol@bolton-menk.com if you have any questions regarding our proposal.

Respectfully submitted,

Bolton & Menk, Inc.

Timothy J. Olson, P.E., CFM
Water Resources Project Manager

Project Approach

The City of Lake Elmo is seeking an assessment of the current no wake restrictions on Lakes Olson, De Monteville, Jane, and Elmo and an analysis of the conditions that could potentially change those elevations.

We understand that an objective approach to establishing no wake regulations is necessary to bring solidarity to already sensitive interactions between stakeholders.

Restrictions to lake uses under flooding conditions begins at the local level. The City of Lake Elmo is responsible for establishing ordinances that protect the shoreline area as well as educate the general public as to why these restrictions are important. Bolton & Menk intends to provide technical support in establishing those restrictions and is available to provide additional public engagement services as directed by future goals. Below is our approach to developing a sustainable assessment of the current no wake restrictions and technical support for modifications to the minimum no wake elevations that can be supported by the community and its stakeholders.



Task 1: Communication

1.1 Kick-off Meeting

A kick-off meeting will be scheduled immediately after Notice-to-Proceed. The meeting will include the following:

- Introduce key City staff to key consulting staff developing the plan
- Establish communication protocols associated with the various aspects of the plan.
- Formulate a mutually acceptable milestone schedule
- Develop cooperation to share available lake information and practical field experience

1.2 Project Milestone Meetings

We anticipate up to two additional meetings with City staff at key milestones to ensure project tasks are completed to best meet your needs. Consistent communication between team members will ensure project budgets match the required deliverables.

1.3 Stakeholder Meetings

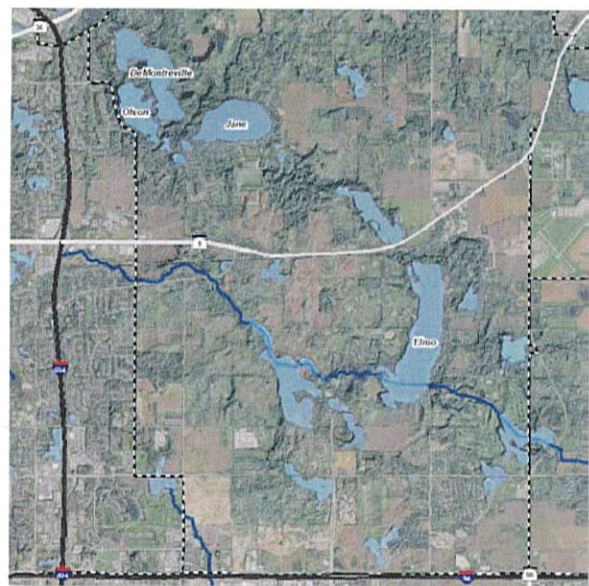
Bolton & Menk will attend one stakeholder meeting once the Project Team has reached consent on an established no wake elevation. It is assumed the City of Lake Elmo will provide a list of stakeholders and perform all communication and establish a meeting place and time.

OPTIONAL: Public Education and Outreach

We understand significant value can be added to any technical analysis by establishing opportunities for the general public to become educated about the issues and provide valuable feedback. Bolton & Menk has decades of experience working in a public forum to inform citizens on technical issues. If the City deems appropriate, Bolton & Menk will attend one community event to facilitate public education and outreach. This includes the following:

- Meeting attendance
- Preparation of meeting/presentation materials
- Meeting minutes

This is an optional task. If the City sees added value in this task, we will negotiate a fee at your request.



Task 2: Data Collection

2.1 Geospatial Information

Bolton & Menk has access to a robust collection of publically available geospatial data that will assist in the development of a shoreline assessment. This includes, but is not limited to:

- Light Detection and Ranging (LiDAR) surface topography
- Hydrography data
- MnDNR lake level data
- Aerial photography

Bolton & Menk will rely on the City to provide any additional information regarding known lake and shoreline issues. This information may include the following:

- Septic system locations
- Private well locations
- Lake outlet information (where available)
- Known shoreline erosion issues
- Known lake flooding issues

2.2 Historic Lake Levels

Bolton & Menk will collect historic lake levels for each of the four lakes over the period of record.

- Photo collection from lakeside into the shore via boat
- 2-Dimensional photo collection via unmanned drone
 - *This specific service may provide critical information at a very high resolution for a relatively low cost. Bolton & Menk currently has federally certified drone pilots that are willing to provide additional scope and fees related to 2D photo collection programs.*

This is an optional task. If the City sees added value in this task, we will negotiate a fee at your request.



Task 3: No Wake Analysis

3.1 Analyze Lake Level Data

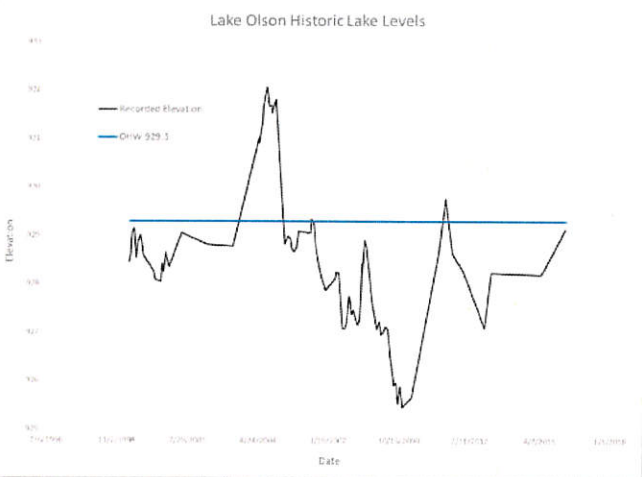
Utilizing the MnDNR lake level information, Bolton & Menk will:

- Establish lake level frequencies using graphical plotting position
- Determine lake level frequencies for a variety of return intervals (i.e. 1-year, 5-year, 10-year, etc.)
- Compare DNR OHW elevations to lake level frequencies
- Assess the number of exceedances for each return interval to understand how often the wave action will affect shoreline stabilization in a typical year

3.2 Analyze Potential Wave Impacts

Wave affects can come from boat and wave sources and each has their potential impact to routine shoreline erosion and no wake implications. The following items will require analysis:

- Use literature to determine wave heights from typical boats at varying distances from the shore
- Analyze wave heights from potential wind loads



OPTIONAL: Field Data Collection

In these early analysis stages, it may not be prudent to collect any field survey data or other specific site information. However, Bolton & Menk is fully capable of facilitating the following field data collection procedures:

- Resident/recreationist surveys
- Topographic survey of erosion areas, low floor elevations, low home openings, septic systems, wells, beaches, etc.

- Compare and contrast the severity of erosion from boat and wind loading

3.3 Geospatial Evaluation

Bolton & Menk will utilize GIS to develop several deliverable products that help convey this technical information in a graphical format. We will perform the following tasks:

- Plot specific lake levels to determine property and shoreline impacts without wake
- Identify shoreline areas that would be affected by wake under a variety of return intervals
- Identify and quantify risks to shoreline, septic systems, wells, homes, and other structures
- Outline no wake ordinance measures and plan trigger elevations that may be implemented to reduce wave-related risks

Task 4: Summary Report

4.1 Develop Technical Summary Report

In a brief report, Bolton & Menk will summarize the technical information collected and substantiate a recommendation for no wake elevations on Lakes Olson, De Montreville, Jane, and Elmo.



Estimated Project Fees

Bolton & Menk understands the importance of delivering a project on time and within budget. We closely monitor our time and budget to ensure efficiency of our staff and value to our clients. Any issues relating to requested scope modifications and potential budget impacts will be communicated in a timely manner.

The Estimated Project Fee schedule below does not include the **OPTIONAL** tasks listed in the **Project Approach**. However, we are prepared to provide those fees to the City as directed by your specific needs. Bolton & Menk is also willing to negotiate our anticipated scope and fees to ensure your direct budgetary and deliverable needs are met with the utmost attention.

Detailed Cost Estimate

Client: City of Lake Elmo						
Project: Slow No Wake Zone Assessments						
Task No.	Work Task Description	Project Manager	Water Resources Engineer	Design Engineer	Total Hours	Total Cost
1.0	Communication	20	6	4	30	\$3,840
2.0	Data Collection	4	8	8	20	\$2,580
3.0	No Wake Analysis	20	28	38	86	\$10,880
4.0	Summary Report	8	30	20	58	\$7,700
Total Hours		52	72	70	194	
Average Hourly Rate		\$125	\$150	\$110		
Subtotal		\$6,500	\$10,800	\$7,700		
Total Fee					\$25,000	

Project Team

Bolton & Menk has assembled a highly motivated and experienced group of professionals for the Slow No Wake Zone Assessments on Lakes Olson, De Montreville, Jane, and Elmo. Our team has experience evaluating and developing successful solutions to meet the needs of our clients. We value and understand the importance of ultimately achieving an assessment that can be supported by stakeholders and implemented efficiently.

The Bolton & Menk team is intended to be an extension of the Lake Elmo City staff, with close coordination between the City's project coordinator and the project team maintained at all times. The proposed team provides the optimum combination of accessibility, local knowledge of the community, and specialized expertise. Our team will be led by our Project Manager, Tim Olson, who will be supported by key individuals and support staff. Our team members will work interdependently to build synergy for a sustainable solution.



Tim Olson, P.E., CFM
Project Manager

Tim will serve as Project Manager for the Slow No Wake Zone Assessment. He will provide close coordination with the City and their partners. He will serve as the primary contact for the City and provide overall management of the project team and schedule, cost, quality, and scope management processes.

Tim is a Water Resources Project Manager who began his career in 2006. He has worked on the design and development of Comprehensive Stormwater Management Plans, hydrologic and hydraulic studies, and hydrologic plan reviews. His responsibilities include identification and discussion of NPDES Phase I & II requirements, hydrologic and hydraulic modeling, and identification of alternatives for proposed improvements. He has also prepared a multitude of Stormwater Pollution Prevention Plans (SWPPP) and submitted associated NPDES Phase II Construction Stormwater Permits. Tim has additional experience with a variety of engineering tasks including design computations, preliminary layout and design, research and preparation of preliminary engineering reports, and feasibility studies. He also assists with project

design, preparation of plans and specifications, and cost and quantity take-off estimates.



Brent Johnson, P.E., CFM
Water Resources Engineer

Brent will serve as the lead Water Resources Engineer and will oversee data collection and technical analysis of critical shoreline protection. He will utilize his experience in establishing no wake regulations and analyzing wave action on shoreline erosion to ensure the recommended actions are accurate and provide a solid foundation for lake regulation.

Brent is a Senior Water Resources Engineer who began his career in 1995. He has extensive experience in water resources engineering as a consultant and watershed district engineer. Brent has provided engineering services for projects involving stormwater management, floodplain mapping, flood damage reduction, bridge and culvert sizing, dams, drainage, erosion protection, sediment control, and lake and stream restorations. Projects have included detailed hydrology and hydraulics modeling and analysis using XPSWMM, as well as preparing engineering studies, reports, plans, and specifications. Brent has presented reports at meetings, public hearings, and conferences. He has supervised and trained engineers and other staff assigned to project teams.



Dustin deFelice, EIT
Design Engineer

Dustin will provide effective data collection and geospatial analysis required to establish no wake elevations.

Dustin began his water resources career in 2012. His primary responsibilities include the development of hydrologic and hydraulic modeling for preliminary project layouts. Dustin has extensive experience in HEC-RAS and HEC-HMS programs. He also has experience in Autodesk Civil 3D software and hydraulic design experience using HydroCAD and Autodesk Storm and Sanitary Analysis. Dustin has extensive experience using a variety of hydraulic and water quality software to analyze and design stormwater management systems.



December 14, 2016

Kristina Handt
City Administrator
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: Proposal for Slow No Wake Zone Assessments on Lakes Olson, De Montreville, Jane, and Elmo
Amendment to Include Optional Tasks

Dear Ms. Handt:

Thank you for the opportunity to assess the current no wake restrictions on Lakes Olson, De Montreville, Jane, and Elmo. We are also pleased to provide additional scope and fees for the optional items discussed in our original proposal for Public Education and Outreach and Field Data Collection. Refer to the following scope and associate fees to complete these optional tasks.

1.1 OPTIONAL: Public Education and Outreach

Bolton & Menk will attend one public meeting to inform citizens of the important technical issues required to establish effective no wake elevations. This includes the following.

- Attend one meeting with City Staff prior to the Public Meeting to discuss materials to be presented and responsibilities of the project team.
- Develop meeting/presentations materials. The exact nature of these materials will be discussed at the time of the City Staff Meeting.
- Attend the Public Meeting. The meeting is assumed to be two hours.
- Develop meeting minutes and summarize the information collected from public input.

2.1 OPTIONAL: Field Data Collection

This task includes resident and field data collection to support the objective data generated from the study. We propose the following scope to maximize the use of available technology to provide the City with very high resolution data. These tasks include the following.

- Develop citizen questionnaire to assess current lake issues, known erosion along the lake shore and types of vegetation and landscaping around the lake. This could be digital and available online.
- Distribute and collect the survey and assess the results.
- Utilize drone technology to develop a 3-dimensional, high resolution photo of the lake shore. Refer to the attached figures summarizing the requirements for a drone flight.
 - Establish elevation control points on shore to which the drone will orient.
 - Use a drone to capture photos and elevation.
 - Process the information collected by the drone.
 - Analyze the final 3D model for erosion issues and other information required to effectively establish a no wake elevation.

Project Schedule

Data collection via drone would provide the best result during a fully vegetated condition. It is recommended that the field data collection commence after ice is off the lakes and the growing season has started. This time frame is typically mid to late April, but will be coordinated with weather as the time frame approaches.

Fees for Additional Tasks

The following table includes the previous proposed scope and fees and includes the fees required to complete the additional tasks described herein.

Client: City of Lake Elmo								
Project: Slow No Wake Zone Assessments								
Task No.	Work Task Description	Project Manager	Water Resources Engineer	Design Engineer	Drone Operator	Surveyor	Total Hours	Total Cost
1.1	OPTIONAL: Public Education and Outreach	24	12	8	0	0	44	\$5,700
2.1	OPTIONAL: Field Data Collection	32	8	4	28	12	44	\$10,800
Total Hours		56	20	12	28	12	88	
Subtotal		\$7,000	\$3,000	\$1,320	\$3,640	\$1,536		
Subtotal for Optional Tasks							\$16,500	
Total for Original Scope							\$25,000	
Ammended Total Fee							\$41,500	

If you have any additional comments or questions, please contact me at your convenience.

Respectfully submitted,

Bolton & Menk, Inc.



Timothy J. Olson, P.E., CFM
Water Resources Project Manager

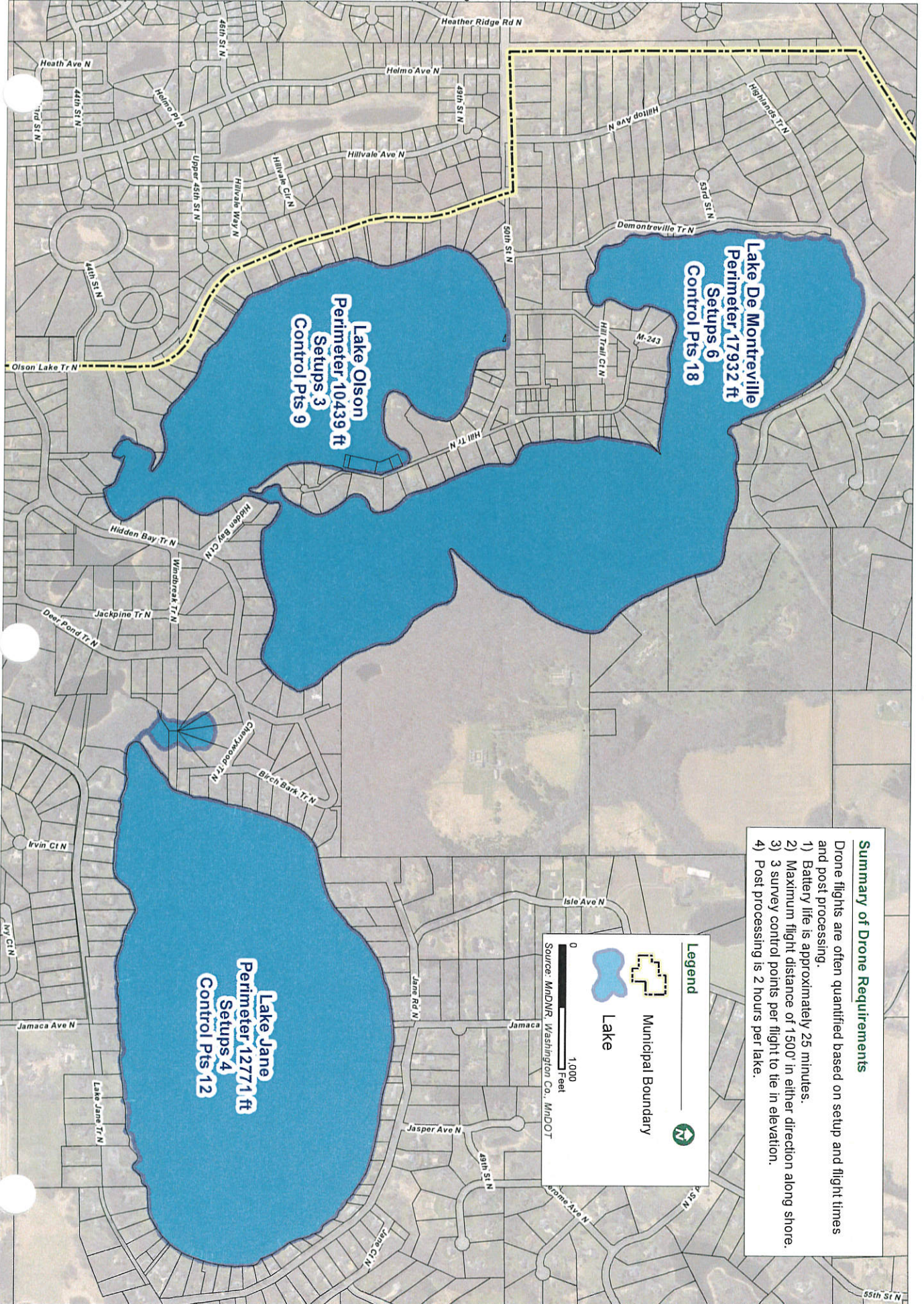


Slow No Wake Analysis

City of Lake Elmo, MN

Drone Flight Requirements

December 2016



Summary of Drone Requirements

- Drone flights are often quantified based on setup and flight times and post processing.
- 1) Battery life is approximately 25 minutes.
 - 2) Maximum flight distance of 1500' in either direction along shore.
 - 3) 3 survey control points per flight to tie in elevation.
 - 4) Post processing is 2 hours per lake.

Summary of Drone Requirements

Drone flights are often quantified based on setup and flight times and post processing.

- 1) Battery life is approximately 25 minutes.
- 2) Maximum flight distance of 1500' in either direction along shore.
- 3) 3 survey control points per flight to tie in elevation.
- 4) Post processing is 2 hours per lake.

Legend



Municipal Boundary



Lake

0 1,000 Feet

Source: MnDNR, Washington Co., MnDOT

Lake Elmo
Perimeter 26516 ft
Setups 9
Control Pts 27



Responsive partner.
Exceptional outcomes.

November 30, 2016

Kristina Handt

City Administrator
City of Lake Elmo, MN

Via: email

RE: Proposal for Professional Services Related to Investigating Lake No-Wake Elevations

Dear Ms. Handt:

Thank you for this opportunity to present this proposal to provide professional services related to investigating no-wake elevations (NWE) on Lake De Montreville, Lake Olson, Lake Jane, and Lake Elmo. This proposal is based on our phone conversation yesterday. It is our understanding that a third-party opinion of no-wake elevations on these lakes is desired. Wenck has the range of expertise required to accomplish the work and past experience on Lake Minnetonka and other lakes within the watershed districts we represent. Our proposed scope of work, budget, and schedule are provided below.

Scope of Work

We propose the following tasks for the investigation:

- Initial field reconnaissance – site investigation of the lake shores and outlets, and research background information (established NWEs and Ordinary High Water (OHW) levels).
- Locate and identify known high water damage areas.
- Video the existing shoreline condition.
- Compile lake level records, precipitation data, watershed information, and outlet characteristics.
- Perform a spreadsheet analysis of the lake level responses to a normal precipitation year and actual responses for 2014, 2015, and 2016.
- Perform a wave analyses using public domain U.S. Army Corps of Engineers methods.
- Evaluate the benefits of: reducing the NWE on Lake De Montreville and Lake Olson; maintaining the existing NWE on Lake Jane, and establishing a NWE on Lake Elmo.
- Prepare a report.
- Present the result to the City Council.

Schedule and Budget

Approximately six weeks are required to complete the above work. We anticipate that part of the investigation will require open water conditions. To accommodate this, we propose to complete a draft report by the end of next April.

We propose to complete the work on a time and expenses basis. Our estimated fees are \$19,500. Our standard terms and conditions are attached.

Kristina Handt
City Administrator
November 30, 2016
Page 2 of 2



Responsive partner.
Exceptional outcomes.

If this proposal is acceptable, please provide an authorized signature below. Let me know if you have any questions, or need additional information. My direct dial number is 763-252-6831.

Sincerely,

Wenck Associates, Inc.

A handwritten signature in blue ink, appearing to read 'Joel Toso', written over a horizontal line.

Joel Toso, PE
Senior Engineer

Authorization to Proceed:

Signature

Title

Date

GENERAL TERMS AND CONDITIONS

Article 1 Our Agreement

1.1 Our agreement with you consists of these General Terms and Conditions and the accompanying written proposal or authorization (Agreement). This Agreement is our entire Agreement and supersedes all prior agreements. This Agreement may be modified only in a writing signed by us, making specific reference to the provision modified. Directing us to start work prior to execution of this Agreement constitutes your acceptance of this Agreement.

1.2 The words "you," "we," "us," and "our" include officers, employees, and subcontractors.

1.3 Any conflicting or additional terms in a purchase order, work order, or other form used to authorize our services are not part of our Agreement unless we specifically accept them in writing. If we cannot agree on mutually acceptable terms, we have the right to withdraw our proposal without liability to you or others, and you will compensate us for services already rendered.

Article 2 Our Responsibilities

2.1 We will provide the services specifically described in our Agreement. You agree that we are not responsible for services that are not fairly included in our specific undertaking. Unless otherwise agreed in writing, our findings, opinions, and recommendations will be provided to you in writing. You agree not to rely on oral findings, opinions, or recommendations without our written approval.

2.2 In performing our services, we will use that degree of care and skill ordinarily exercised by reputable members of our profession practicing under similar circumstances in the same locality at the same time.

2.3 Our duties do not include supervising your contractors or commenting on, overseeing, or providing the means and methods of their work, unless we accept such duties in writing. We will not be responsible for the failure of your contractors to perform in accordance with their undertakings, and the providing of our services will not relieve others of their responsibilities to you or to others.

2.4 We will provide a health and safety program for our employees, but we will not be responsible for contractor, job, or site health or safety unless we accept that duty in writing. You will provide, at no cost to us, appropriate site safety measures as to work areas to be observed or inspected by us.

2.5 Our estimates of construction or remediation costs will be based on information available to us and on our experience and knowledge. Such estimates are an exercise of our professional judgment and are not guaranteed or warranted. Actual costs may vary. You should allow a contingency in addition to estimated costs.

2.6 Locations of field observations or sampling described in our report or shown on our sketches are based on information provided by others or estimates made by our personnel. You agree that such dimensions, depths, or elevations are approximations unless specifically stated otherwise in the report. You accept the inherent risk that samples or observations may not be representative of things not sampled or seen and that site conditions may change over time.

Article 3 Your Responsibilities

3.1 You agree to provide us with all site information and data to which you have access which may affect our services. We will not be responsible for locating buried objects at the site unless we accept that duty in writing. You agree to hold us harmless from claims, damages, losses, and related expenses involving buried objects that were not properly marked or identified or of which you had knowledge but did not timely call to our attention or correctly show on the plans you or others on your behalf furnished to us.

3.2 You will provide access to the site. In the course of our work some damage is normal even when due care is exercised. We will use reasonable care to minimize damage to the site but we will not be responsible for reasonable or normal damage. We have not included the cost of restoration of such damage in the estimated charges.

3.3 You agree to provide us with information in your possession or control relating to contamination at the work site.

3.4 Neither this Agreement nor the providing of services will operate to make us an owner, operator, generator, transporter, treater, storer, or a disposal facility within the meaning of the Resource Conservation Recovery Act, as amended, or within the meaning of any other law governing the handling, treatment, storage, or disposal of hazardous materials. You agree to hold us harmless and indemnify us from any such claim or loss.

3.5 Monitoring wells are your property, and you are responsible for their permitting, maintenance, and abandonment unless we accept that duty in writing.

3.6 You agree to make disclosures required by law. In the event you do not own the site, you acknowledge that it is your duty to inform the owner of the discovery or release of contaminants at the site. You agree to hold us harmless and indemnify us from claims related to disclosures made by us that are required by law and from claims related to the informing or failure to inform the site owner of the discovery of contaminants.

Article 4 Reports and Records

4.1 Our reports, notes, calculations, and other documents and our computer software and data are instruments of our service to you, and they remain our property but are subject to a license to you for your use in the related project for the purposes disclosed to us. You may not transfer our reports to others or use them for a purpose for which they were not prepared without our written approval. You agree to indemnify and hold us harmless from claims, damages, losses, and expenses, including attorney fees, arising out of such a transfer or use. At your request, we will provide endorsements of our reports or letters of reliance, but only if the recipients agree to be bound by the terms of our agreement with you and only if we are paid the administrative fee stated in our then current Schedule of Charges.

4.2 Because electronic documents may be modified intentionally or inadvertently, you agree that we will not be liable for damages resulting from change in an electronic document occurring after we transmit it to you.

4.3 If you do not pay for our services in full as agreed, we may retain work not yet delivered to you and you agree to return to us all of our work that is in your possession or under your control.

GENERAL TERMS AND CONDITIONS

4.4 Samples and field data remaining after tests are conducted and field and laboratory equipment that cannot be adequately cleansed of contaminants are and continue to be your property. They may be discarded or returned to you, at our discretion, unless within 15 days of the report date you give us written direction to store or transfer the materials at your expense.

4.5 Electronic data, reports, photographs, samples and other materials provided by you or others may be discarded or returned to you, at our discretion, unless within 15 days of the report date you give us written direction to store or transfer the materials at your expense.

Article 5 Compensation

5.1 You will pay for services as agreed upon or according to our then current Schedule of Charges if there is no other written agreement as to price. An estimated cost is not a firm figure. You agree to pay all sales taxes and other taxes based on your payment of our compensation. Our performance is subject to credit approval and payment of any specified retainer.

5.2 You will notify us of billing disputes within 15 days. You will pay undisputed portions of invoices on receipt. You agree to pay interest on unpaid balances beginning 30 days after invoice dates at the rate of 1.5% per month, or at the maximum rate allowed by law.

5.3 If you direct us to invoice another, we will do so, but you agree to be responsible for our compensation unless you provide us with that person's written acceptance of all terms of our Agreement and we agree to extend credit to that person and to release you.

5.4 Your obligation to pay for our services under this Agreement is not contingent on your ability to obtain financing, governmental or regulatory agency approval, permits, final adjudication of lawsuit in which we are not involved, your successful completion of a project, receipt of payment from another, or any other event. No retainage will be withheld.

5.5 You agree to compensate us in accordance with our fee schedule if we are asked or required to respond to legal process arising out of a proceeding related to the project and as to which we are not a party.

5.6 If we are delayed by factors beyond our control, or if project conditions or the scope or amount of work change, or if changed labor union conditions result in increased costs, decreased efficiency, or delays, or if the standards or methods change, we will give you timely notice and we will receive an equitable adjustment of our compensation.

5.7 In consideration of our providing insurance to cover claims made by you, you hereby waive any right of offset as to fees otherwise due us.

Article 6 Disputes, Damage, and Risk Allocation

6.1 Each of us will exercise good faith efforts to resolve disputes without litigation. Such efforts will include, but not be limited to, a meeting(s) attended by each party's representative(s) empowered to resolve the dispute. Before either of us commences an action against the other, disputes (except collections) will be submitted to mediation.

6.2 Neither of us will be liable for special, incidental, consequential, or punitive damages, including but not limited to

those arising from delay, loss of use, loss of profits or revenue, loss of financing commitments or fees, or the cost of capital.

6.3 For you to obtain the benefit of a fee which includes a reasonable allowance for risks, you agree that our aggregate liability for all claims will not exceed the proceeds from available insurance.

6.4 You agree to indemnify and defend us from all liability to others in excess of the risk allocation stated above and to insure this obligation.

6.5 The prevailing party in any action relating to this agreement shall be entitled to recover its costs and expenses, including reasonable attorney fees, staff time, and expert witness fees.

6.6 The law of the state in which our servicing office is located will govern all disputes. Each of us waives trial by jury.

Article 7 General Indemnification

7.1 We will indemnify and hold you harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by our negligent acts or omissions or those negligent acts or omissions of persons for whom we are legally responsible. You will indemnify and hold harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by your negligent acts or omissions or those negligent acts or omissions of persons for whom you are legally responsible.

7.2 To the extent it may be necessary to indemnify either of us under Section 7.1, you and we expressly waive, in favor of the other only, any immunity or exemption from liability that exists under any worker compensation law.

7.3 You agree to indemnify us against losses and costs arising out of claims of patent or copyright infringement as to any process or system that is specified or selected by you or by others on your behalf.

Article 8 Miscellaneous Provisions

8.1 We will provide a certificate of insurance to you upon request.

8.2 You and we, for ourselves and our insurers, waive all claims and rights of subrogation for losses arising out of causes of loss covered by our respective insurance policies.

8.3 Neither of us will assign or transfer any interest, any claim, any cause of action, or any right against the other. Neither of us will assign or otherwise transfer or encumber any proceeds or expected proceeds or compensation from the project or project claims to any third person, whether directly or as collateral or otherwise.

8.4 Our Agreement may be terminated early only in writing. We will receive an equitable adjustment of our compensation in the event of early termination.

8.5 If a provision of this Agreement is invalid or illegal, all other provisions shall remain in full force and effect.

1-3-17 file Copy
Agenda item 20

C.A. Goudey & Associates
21 Marlboro Street
Newburyport, MA 01950

2 January 2017

Kristina Handt
City Administrator
3800 Laverne Ave
N Lake Elmo, MN 55042

Dear Ms. Handt:

I have been asked by the Water Sports Industry Association (WSIA) and the National Marine Manufacturers Association (NMMA) to review and comment on the proposals by Bolton & Menk, Inc. regarding changes to existing no-wake-zone regulations on local bodies of water. The associations are pleased to know that you are gathering scientific data prior to making a decision as important as access to a public waterway.

However, as an expert in the study of boat wakes, I have several immediate concerns on reading the proposals and associated options. My first concern is the lack of any plan to determine the relative importance of boat wakes in comparison to naturally occurring wind waves on potential shoreline erosion. Wakes are noticeable phenomena, particularly when they happen during calm water. However, how does that brief episode of wave action compare against hours or days of wind-driven waves on the same shoreline? In order to answer that question a full understanding of wind waves is needed. Even a simple analyses requires a synthesis of data on wind speeds, wind direction, the resulting wind fetch (distance from one shore to another), and wind duration. Absent such analysis, there is no way to determine if more stringent boating regulations will result in any meaningful erosion reduction.

A second concern is the absence of any planned analysis of boating activity on these lakes and whether that level of activity is a significant impact on the shoreline. There is also no mention of an analysis on the impact of increased regulation on recreational boating, as well as on the economic significance of those activities on local businesses and property values. Are further constraints on boating activity the best avenue to meet environmental goals or are there better tools available, including public education for homeowners on managing any alterations they may have made to natural shorelines?

A third concern relates to the stated plan to hold one stakeholder meeting "once the Project Team has reached consent on an established no wake elevation." Such a meeting would be useful early in a project to gather opinions from the public on their concerns and preferences related to lake management. This could be followed by a second meeting and written comment period during which the public is provided an opportunity to comment on the study's results before any deliberation by elected or appointed officials.

For these reasons, I recommend that the Council direct staff not to pursue any contracts for the proposed study until these inadequacies have been addressed and included in a new RFP. The present proposals fail to take the steps needed to provide objective information, they do not factor in the economic impact of boating restrictions, and they lack essential opportunities for broad public input. Geology and weather are what define lake shorelines and actions absent full community participation can only fuel ill will.

Sincerely,



Clifford A. Goudey, founder
C.A. Goudey & Associates

ORIGINAL -
To City
Clerk.

1/3/17

Lake Elmo City Council members,

RE: Lake Shoreline / Boating Study Update
FKA - No Wake High Water Level for Lakes Olson, Demontreville, Jane and Elmo

My name is Dave Carlson. I have lived at 8554 N Hidden Bay Tr., Lake Elmo for 22 years. This property is in the SE corner of Lake Demontreville. I recommend the Lake Elmo City Council not waste tax payer money on a study in regard to the above issue & make no changes to the current ordinance in regard to the above referenced matter.

I am not in favor of any studies in regard to the above referenced, which are a waste of money; or, more restrictions on our lakes, which lowering the no wake trigger would do. It would have restricted the use of our lakes much of this past summer!

This issue is not a problem as indicated in the 5/24/16 letter that the Lake Elmo Environmental Committee received from Lake Demontreville Olson Association (LDO). This no wake trigger issue has been discussed before. The question about the level has been asked and answered. The 929.7 feet above sea level no wake trigger for Lakes Demontreville & Olson is working, as there are not any erosion or environmental issues. There is no severe erosion and no proof of problems from wakes generated by motorized water craft, as indicated in the letter sent to the city by LDO.

Some other untrue statements in the LDO letter are; it states that LDO is comprised of the vast majority of Lake Demontreville and Lake Olson property owners. That isn't true, as there are a lot of lakeshore owners not part of LDO due to their agenda to increase water surface use regulations.

The letter also states that in the past the DNR has determined the OHW for Lake Demontreville and Olson to be at elevation 929.3 feet. However, the following statement in their letter is false which states that – "Until 2014, this was the benchmark for determining when the City of Lake Elmo would impose a no-wake rule". The DNR has never approved 929.3 (OHW) as a no-wake/flood trigger for our lakes.

Furthermore, if the Lake Elmo City Council considers a study or a change the No-wake/flood trigger levels for some or all of the lakes, I recommend, at a minimum, that the City does the following, before making any decisions to order a study, or, change the regulations;

- 1] Identify specifically the issue of erosion, what erosion /damage?
- 2] Identify specifically what contributes to the alleged erosion?
- 3] Identify and determine at what lake level erosion starts?
- 4] Provide transparency to the public and access to all data, about 1, 2, & 3 above.
- 5] Obtain a peer review of any studies / reports from the Environmental Committee, or, prepared for the Committee, and provide the same to the public.
- 6] Obtain public comment & review input from all concerned.

In summary, the request from LDO is a waste of the city's funds, time, & resources. A study for an issue that isn't a problem is a waste of taxpayers' funds. We need common sense & fiscal responsibility, not a study!

I recommend the City of Lake Elmo not waste money on a study & keep the no wake trigger level at 929.7 ft. for Lakes Demontreville & Lake Olson, because it works & there are no damage issues.

Thank you,

A handwritten signature in blue ink, appearing to read 'Dave Carlson', is positioned above the printed name.

Dave Carlson
bdbsewzone@aol.com



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 22

AGENDA ITEM: City Facilities Use Policy

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

The City of Lake Elmo City Facilities Use Policy was last updated in 2014. Council Member Bloyer and Mayor Pearson have asked that it be amended to require all statutory created public bodies and taxing authorities using the City's meeting facilities to video and audio record their meetings. Furthermore, the recordings should be made available to the City immediately upon the completion of the meeting.

ISSUE BEFORE COUNCIL:

Should the Council update the Lake Elmo City Facilities Use Policy to require all statutory created public bodies and taxing authorities using the City's meeting facilities to video and audio record their meetings?

PROPOSAL:

Included in your packet is an amended City of Lake Elmo City Facilities Use Policy. The changes are solely the addition of #20 on the bottom of page 2.

OPTIONS:

- 1) Amend the City of Lake Elmo City Facilities Use Policy as presented
- 2) Make other amendments to the City of Lake Elmo City Facilities Use Policy
- 3) Make no changes to the City of Lake Elmo City Facilities Use Policy

RECOMMENDATION:

From Council Member Bloyer:

"Motion to approve the amended City of Lake Elmo City Facilities Use Policy as presented."

ATTACHMENTS:

Lake Elmo City Facilities Use Policy

CITY OF LAKE ELMO CITY FACILITIES USE POLICY

1. Introduction

City Facilities are operated by the City of Lake Elmo under the policy and guidelines established by the Lake Elmo City Council.

2. Purpose

The purpose of this policy is to provide guidelines for the use of city facilities by non-city entities.

3. Priorities for Use

Meetings related to the administration and operation of city government, including but not limited to city council, commission and advisory board meetings, have first priority for use of the facilities so that city business may be conducted. The City reserves the right to preempt a non-city related use, when necessary, to conduct essential city business. The City reserves the right to cancel any and all reservations without providing any other accommodations in the event the City facilities are needed for municipal government purposes.

4. Reservation Procedures

City facilities are available for reservations on the following days and times:

Mondays through Fridays, 5:00PM to 9:00PM

City facilities are closed to rentals on Saturdays, Sundays and legal holidays

5. Building Access

A front door key will be signed out by the user at City Hall prior to city facility use and returned immediately thereafter in person or at the drop box at City Hall. Once inside the building, access will be limited to the reserved space, including public restrooms.

6. Law/Ordinance

The user must comply with the laws of the State of Minnesota and City ordinances. The City has the right to terminate the use of the city facilities during any event or meeting if the user violates any state laws or city ordinances.

7. Prohibited Uses

The following types of activities may not be held in any city facilities: commercial, for profit events such as sales solicitations or seminars for the purpose of selling products or services; religious services, prayer meetings or religious ceremonies; social events or private parties, including wedding ceremonies, birthday parties, family reunions and receptions; political party meetings or fund raisers.

8. Smoking

Smoking at any city facility is prohibited at all times.

9. Alcohol

Alcohol at any city facility is prohibited at all times.

10. Damage

Any damage to the facilities or equipment must be reported to the city clerk's office as soon as possible. The user will be responsible for the costs of any damages incurred or extra cleaning required. Users take full responsibility for their group's conduct and for any loss, breakage or damage to the rooms, equipment, or other city facility property. The City

of Lake Elmo reserves the right to assign supervisory staff or maintenance personnel, at an additional cost to the users, if deemed necessary by the particular function or activity.

11. Liability

The City of Lake Elmo is not liable for any loss, damage, injury or illness by the users of the facilities. Neither the City of Lake Elmo nor its employees can be held responsible for any items that are left at the facility by the user.

12. Clean-Up

If a room has been rearranged by the user, it must be returned to its original condition. All trash and recycling must be picked up and put into receptacles. It is the responsibility of the user to leave the room in the condition in which it was provided.

13. Alterations

No decorations, banners or signs can be taped, pinned or affixed to the walls, ceilings or windows.

14. Kitchen

The service kitchen is not designed for preparing food and may not be used for serving food that has been prepared offsite. User groups are responsible for providing their own utensils, serving ware, coffee and condiments. The use of this facility must be strictly adhered to for safety considerations.

15. Candles

Candles are prohibited in all city facilities.

16. Gambling/Games of Chance

Gambling is prohibited in all city facilities.

17. Telephone Usage

The telephone in the room may be used for local calls.

18. Restricting Use

Staff shall have the authority, subject to the appeal of the City Council, to prohibit or limit use of city facilities by a particular user/group based upon knowledge that the user/group has caused damage to other public facilities or when disruption, damage, theft or other unfavorable history is recorded from previous use of any city facilities.

19. No Discrimination

The City of Lake Elmo is an equal opportunity employer and provider. The City does not discriminate or endorse based on race, religion, sex, age, national origin, or any other protected class under state or federal law.

20. Recording of activities

In the interest of public transparency, all statutory created public bodies and taxing authorities using the City's meeting facilities are required to video and audio record their proceedings. The video and audio recordings in their entirety shall be made be made available to city officials immediately upon completion of the meeting.



STAFF REPORT

DATE: January 3, 2017

REGULAR

ITEM #: 23

AGENDA ITEM: Library Negotiations

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

In 2015 Council members Smith and Fliflet were assigned to participate in the county-library discussions. In December of 2015 Mayor Pearson offered the following discussion points related to an agreement with the county to rejoin their library system:

- It is Lake Elmo's expectation that library services would be provided uninterrupted, at Lake Elmo's existing library facility, located at 3537 Lake Elmo Ave.
- Lake Elmo understands that the county uses a data driven process to establish services and hours of operation at each of its facilities. We'd expect the same process to be used for the Lake Elmo Avenue facility, however the county will supplement it's own data with Lake Elmo data.
- As in any successful agreement between distinct parties, commitments are to be made. Lake Elmo commits to a 10 year release of its library levy, while the county commits to a 5 year commitment of a Lake Elmo library facility.
- The Lake Elmo facility maintenance costs and all reasonable facility improvement costs, shall be reimbursed to Lake Elmo by Washington County or covered directly by Washington County.
- Lake Elmo has a long history of volunteerism and while we recognize data privacy concerns must be provided for, maintaining those volunteer opportunities are paramount to any collaborative agreement.

In 2016, staff, library board members and city council representatives participated in the negotiation process with Washington County to return the Lake Elmo Library to the county system. A Resolution and MOU was sent to the County on June 29, 2016. Since the conditions in the MOU were not agreed to by both parties prior to July 1, the County notified the City they did not meet the deadline to change the levying authority and return to the County system. The county later sent a letter suggesting if the city is interested in continuing dialogue around returning to the county system, city and county staff should continue discussions in early 2017 in order to meet the July 1 deadline for taxes payable in 2018.

ISSUE BEFORE COUNCIL:

Who should negotiate with Washington County regarding rejoining the county library system?

PROPOSAL:

Council member Bloyer and mayor Pearson requested this agenda item and would like to have city staff resume negotiations with Washington County staff to return to the county library system.

OPTIONS:

- 1) Direct city staff to resume negotiations with county staff regarding the return to the county library system
- 2) Appoint council members and staff to resume negotiations with county staff regarding the return to the county library system
- 3) Do not resume negotiations with county staff regarding the return to the county library system

RECOMMENDATION:

From Council Member Bloyer:

"Motion to have City staff negotiate with County staff to bring the Lake Elmo Library back into the county system."



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Name (please print): Nadene Brown

Address: 8696 4th St NW

Item#/Topic: Parks Commission / Lion Park





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Name (please print):

DAVE CARLSON

Address:

8554 N. HIDDEN BAY TR., LAKE ELMO, MN

Item#/Topic:

#21 / LAKE SHORELINE BOATING STUDY UPDATE

Dealt in law not on the
other

- Facebook
- Printer not about it
- what we were trying to fix
- error study was about show no web study
- Profit share not an issue



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Name (please print):

Ber Schwalbach

Address:

4555 Olson Lake Tr., Lake Elmo

Item#/Topic:

21 - Study

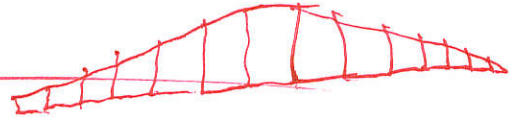
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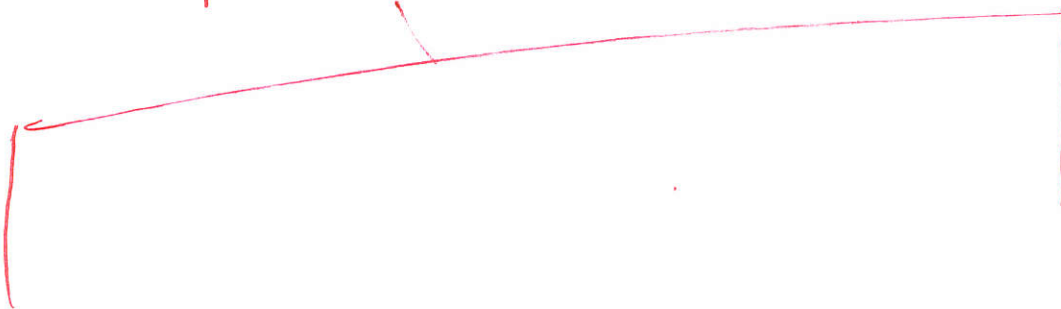
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TRANSPARENCY





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Name (please print):

Address:

Item#/Topic:

Brenda Jo Carlson
8554 N Hidden Bay Tr, L
#21

message for $\overline{F}C$



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Name (please print): Darren Enval

Address: National Marine Manufacturing Assoc

Item#/Topic: #21 NO-Wake Erosion Study



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Name (please print): Donaven Chase

Address: 9125 Lake Jane trail N

Item#/Topic: #21 - 5



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Name (please print): JIM ARKELL

Address: 8131 HIDDEN BAY TRAIL N.

Item#/Topic: SLOW/NO WAKE ASSESSMENT

#21



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Name (please print): Brian Pitzer

Address: 4554 Olson Lake Trail

Item#/Topic: 21 Boat wake study



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Name (please print): Terry Boczek

Address: 8110 DeMontreville Trail

Item#/Topic: 21 Lake Erosion Study



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Name (please print):

Denise Boczek

Address:

8110 Tarentreville Trail

Item#/Topic:

21 Lake Erosion Study



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Name (please print): Dan Stoudt

Address: ~~301st~~ Hill trail N, Lake Elmo MN 55042

Item#/Topic: 21



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Name (please print): Brook Duer

Address: 4870 Jeron Ave N

Item#/Topic: Erosion Study

(21)



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Name (please print): Tom Seifert

Address: 4849 Olson Lake Trail North

Item#/Topic: 21

+ 15 sec

How do you evaluate
the ~~financial~~ damage?
economic impact?
- any consideration to report



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Name (please print):

DEBBIE DEAN

Address:

HILL TRAIL LN

Item#/Topic:

21

DNR WEBSITE

— Rock et. DESOT #R02

— People that are causing the
Problem



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- (2) The governing body will provide (2) opportunities for public comment during the meeting. First, an opportunity will be given at the onset of the meeting for general comment; Second, opportunity will be given to speak on an agenda item at the time the governing body addresses the item;
- (3) Citizens wishing to speak must sign in and provide their request to the Council, Commission, or Committee Clerk for distribution to the Mayor / Chair. Upon being recognized, you should proceed to the lectern and state your name, address and topic to be discussed. You will be given (6) minutes to speak. **The Mayor/Chair may interrupt or terminate a citizen's statement when it is too lengthy, personal, insulting, abusive, obscene, or slanderous. Any person acting in an unruly manner may be asked to leave the meeting.**
- (4) No person shall display signs or placards, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of the Council.
- (5) When a group of persons wishes to address the Council on the same subject matter, they may choose a spokesperson to address the governing body. No action will be taken in response to a petition delivered at a Council meeting. Petitions will be placed on file and referred to the appropriate staff for consideration and recommendation of appropriate action.

Name (please print): PAT DEAN

Address: 8028 Hill Trail N

Item#/Topic: 21

28 acres of land for 1 acre of lake

WBC 2-1

2:30

J 9-1

3:30

LE 4.5-1



Clarity are good - A lake -

I want



Lake Elmo City Council Meeting

If you wish to address the City Council, please fill out the form and give it to the City Clerk or City Administrator.

The Mayor / Chair will call upon you when it is time for you to speak during the time designated for public comments on each agenda item.

If your topic is not a numbered item on the agenda, it will be heard during the Public Comments and Inquiries portion of the meeting.

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Name (please print): Dale Dorschner

Address: 3150 Lake Elmo Ave

Item#/Topic: Lake Erosion Study (21)

- Boat size Boat wave

- Why like Elms → being studied
engineered like use