

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota

**December 6, 2011**

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: \_\_\_ Johnston \_\_\_ Emmons, \_\_\_ Park \_\_\_ Pearson \_\_\_ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPT MINUTES:
  - 1. Accept November 15, 2011 City Council Minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
  - 2. Approve payment of disbursements and payroll
  - 3. Downtown District Sidewalk Improvements – Pay Request No. 1 (Final)
  - 4. 2012 Liquor License Renewals
  - 5. Resolution removing 2012 delinquent storm water utility assessment
  - 6. Audit Engagement Letter
  - 7. PERA Firefighter Declaration
  - 8. Final Cost of Monument Sign on Keats Avenue North of I-94
- J. REGULAR AGENDA:
  - 9. Promote Robin Goodspeed from Probation to Firefighter and recognize District Chief Brad Winkels for completion of the officer series training 3- yr. program

10. Public Meeting on 2012 on Proposed Tax Levy and General Fund Budget Taxes
11. Adopt 2012 Budget and Tax Levy, Resolution
12. Targeted Pay Adjustments for 2012
13. New Schedule for Firefighter Pay
14. Conditional Use Permit Amendment and Variances - Christ Lutheran Church Expansion
15. DeMontreville-Highlands Area Street Improvements – Authorize the Preparation of the Feasibility Report
16. Kirkwood Avenue Street Improvements – Accept Petition and Authorize Feasibility Report
17. Keats Avenue North Street & Watermain Improvements – Authorize Feasibility Report
18. Appointment of City Attorney (General and Prosecution)
19. Discuss future meetings in December
20. Adopting Mayor and City Council Salaries; Ordinance

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and City Council
- Administrator
- City Engineer
- Planning Director
- City Clerk re:City Administrator Selection Process

L. Adjourn

\*\* A social gathering may or may not be held at the Lake Elmo Inn following the meeting \*\*

City of Lake Elmo  
City Council Minutes

November 15, 2011

Mayor Johnston called the meeting to order at 7:00 p.m.

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

Also Present: Interim Administrator Dawson, City Engineer Griffin, Attorney Snyder, Joe Rigdon, KDV, Planning Director Klatt and City Clerk Lumby.

APPROVAL OF AGENDA:

MOTION: Council Member Emmons moved to approve the November 15, 2011 City Council agenda, as presented. Council Member Pearson seconded the motion. The motion passed 5 -0.

ACCEPTED MINUTES:

The City Council accepted the November 1, 2011 City Council Meeting Minutes, as amended.

PUBLIC COMMENTS/INQUIRIES: None

CONSENT AGENDA:

*MOTION: Council Member Smith moved to approve Agenda Items 2, 3, 4, & 6 on the Consent Agenda. Council Member Pearson seconded the motion. The motion passed 5 -0.*

- Approve payment of disbursements and payroll in the amount of \$185,992.48
- Accept the work as recommended by the Assistant City Engineer and approve Final Payment to Hardrives, Inc. for the Kindred Court Drainage Corrections in the amount of \$35,784.35; to be paid from the General Obligation Improvement Bonds, Series 2011A
- Accept the work as recommended by the Assistant City Engineer and approve Final Payment to Gopher State Sealcoat, Inc. for the 2011 Crack Seal Project in the amount of \$14,000; to be paid from the Infrastructure Reserve Fund.
- Adopt A Fund Balance Policy as presented
- Approve Resolution No. 2011-055 Committing Specific Revenue Sources and Confirming Restrictions for Specified Purposes in Special Revenue Funds

Adopt Ordinance No. 08-055 revising the Special Event Permit Ordinance to specify the maximum duration permitted for a special event

The City Council considered a minor revision to the recently adopted Special Event Permit Ordinance to clarify the maximum duration allowed for a special event. Staff recommended the ordinance be written to limit events to no more than three consecutive days in each calendar year (which would cover a weekend long event).

MOTION: Council Member Smith moved to adopt Ordinance No. 08-055 revising the Special Event Permit Ordinance to specify the maximum duration permitted for a special event. Council Member Pearson seconded the motion. The motion passed 5-0.

REGULAR AGENDA:

Interim Use Permit: Lake Elmo Sod Farm Christmas Tree Sales lot

The City Council considered an Interim Use Permit from the Lake Elmo Sod Farm, 456 Manning Avenue, to continue operation of a seasonal sales lot from which to sell Christmas Trees that are grown off-site. The proposed sales lot is part of a larger sod farm that has been in operation for many years, and that has historically also sold Christmas Trees for approximately one month during the holiday season. None of the trees sold on the site are grown on the premises; therefore, an Interim Use Permit is needed to establish an Agricultural Sales operation, which allows the sale of produce grown off-site.

MOTION: Council Member Park moved to adopt Resolution No. 2011-053 approving an Interim Use Permit for a 5 year period for the Lake Elmo Sod Farm to establish a seasonal Christmas tree sales lot at 456 Manning Avenue. Council Member Pearson seconded the motion. The motion passed 5-0.

Interim Use Permit: Krueger Christmas Tree Farm to Allow the Supplemental Sales of Trees Grown Off-site

The City Council considered a request for an Interim Use Permit from Krueger's Christmas Tree Farm, 4452 Lake Elmo Avenue North, to allow the sale of Christmas trees that are grown off-site to supplement the sale of trees that are grown on their farm. The applicants' farm has been in operation for nearly 30 years, but due to recent changes in the zoning ordinance concerning Agricultural Sales Businesses, will need to secure an Interim Use Permit in order to sell trees to supplement the ones that are grown on their property.

The Council commented that the Krueger's Christmas Tree Farm has been in operation for approximately 30 years. Since staff was not aware of any issues or nuisance conditions that have been identified in this period of time it recommended a termination date for the permit set at January 1, 2032 or upon the sale or transfer of ownership in the property, whichever occurs first.

*MOTION: Council Member Emmons moved to adopt Resolution No. 2011-054 approving an Interim use Permit, with a termination date for the permit set at January 1, 2032 or upon the sale or transfer of ownership in the property, whichever occurs first, for Krueger's Christmas Tree Farm to allow the sale of Christmas Trees that are grown off-site to supplement the sale of trees that are grown on their farm at 4452 Lake Elmo Avenue North. Council Member Smith seconded the motion. The motion passed 5-0.*

Planning Services – Interim Proposal During the Vacancy of the City Planner Position

The City Council was asked to authorize staff to proceed with actions to help accommodate the work load within the Planning Department while the City Planner position is vacant. Staff would like to hire an outside consultant to assist the I-94/South 10<sup>th</sup> Street Work Group continue its work, and to also hire a planner on a limited basis to cover some of the day-to-day basis activities.

Kyle Klatt, Planning Director, recommended Ben Gozola, consultant at MFRA, who has worked in the City previously and could take over the I-94/South 10<sup>th</sup> Street Planning process. Klatt will contact a neighboring city to look into sharing planning staff time and the student who served a planning internship with the city.

The Council agreed to the Interim Planning Assistance requested by Planning Director Klatt for November 2011-February 2012

Designation of Interim City Clerk

City Clerk Sharon Lumby has announced her retirement at the end of this year. Interim City Administrator Dawson recommended that Carole Luczak be designated the Interim City Clerk until someone started working with the regular appointment to the City Clerk position and that her wage be increased \$6.00 per hour, to \$23.96 (approximately \$1,000 per month) during her service as Interim City Clerk.

The City Council appointed Carole Luczak as Interim City Clerk at a wage of \$23.96 per hour until the new city administrator is on board and can recommend an appointment for City Clerk.

Interim Finance Director

At its October 18<sup>th</sup> meeting, the City Council disused the designation of the Interim Finance Director (Joe Risdon of KDV) and decided to await further discussion on this matter until the Council had an opportunity to review the assessment by Springsted, Inc. regarding the city's finance and accounting services. Per Interim City Administrator Dawson, Springsted provided several recommendations, of which is the current arrangement for interim and contractual services in the Finance Department remain in place until the new city administrator is on board and can recommended appointment for the Finance Director.

The City Council affirmed this arrangement.

### Mayor and City Council Salaries

Council Member Smith asked that the City Council discuss the salaries for the Mayor and City Council members. Interim City Administrator, Craig Dawson, provided a survey of salaries of City Council in the metropolitan area serving 5,000 to 25,000 residents. By statute and City Code, the Council must set salaries by ordinance prior to a regular city election, and they may not take effect until January 1 of the year following the next city election. The last adopted ordinance for salaries was in 2005, which set salaries taking effect in 2007 and 2008. The Mayor's annual salary has been \$3,915 and the Council Members' have been \$3,130.

The tabulation of Mayor and council members' salaries available from the League of Minnesota Cities shows that, between 5,000 and 25,000, mayoral salaries range between \$1,800 and \$13,800 and council members' salaries range between \$1,200 and \$8,696.

*MOTION: Council Member Smith moved to direct staff to prepare an ordinance to set the salaries of the Mayor and Council Members at 95% average wage to take effect January 1, 2013. Council Member Park seconded the motion. The motion passed 3-2 (Council Members Pearson and Emmons voting against.)*

### 2012 Capital Improvement Plan – Authorize Soil Borings for the Proposed 2012 and 2013 Street Improvements

The Council considered authorizing American Engineering Testing (AET), Inc. to perform soil borings in the amount of \$13,300 for the proposed 2012 and 2013 Street Improvements.

The City Engineer reported that Geotechnical information is needed to confirm the subsurface conditions of the streets in the City's Capital Improvement Program. It was recommended that the soil boring data is only obtained for the streets scheduled for improvement in 2012 and 2013.

*MOTION: Council Member Smith moved to authorize AET, Inc. to perform soil borings for the proposed 2012 and 2013 Street Improvements in the amount of \$13,300. Council Member Pearson seconded the motion. The motion passed 5-0.*

### Well No. 4 Test Well – Authorize Preparation of Plans and specifications

The City Council considered authorizing Short Elliot Hendrickson (SEH) to provide engineering service for the Well No. 4 Test Well project in an amount not-to-exceed \$7,500. The City Engineer met with several engineer consulting firms to discuss this project and to identify a work scope and fee for this project. SHE submitted a proposal for this work and has committed the experienced staff necessary to provide requested services.

At the September 6, 2011 council meeting, the Council approved an option Agreement for a 1 acre parcel of land to be investigated as the potential site of the future water supply Well no. 4. The parcel is located at 11240 50<sup>th</sup> Street N. The option agreement provides the city with a 180-day period in which to construct a test well to determine if the site is a viable location for a large municipal production well.

The City Council also authorized the design, construction and testing of the test well on the site. The total project cost for the test well is estimated to be \$35,000 and \$40,000 including engineering, construction, sampling, testing and abandonment.

*MOTION: Council Member Pearson moved to authorize Short, Elliot, Hendrickson (SEH) to provide engineering services for the Well No. 4 Test Well project in an amount not-to-exceed \$7,500. Council Member Smith seconded the motion. The motion passed 5-0.*

#### Library Matters

Interim City Administrator Dawson presented answers to the most asked questions regarding Lake Elmo creating a municipal library.

There were residents who voiced their concerns with the cost of a new City Library and the lack of service due to city departure from the Washington County Library System.

The Council adjourned the regular Council meeting at 9:50 p.m.

EXECUTIVE SESSION: The City Council convened in executive session at 10:18 p.m. Present were the Mayor and Council Members, the City Attorney, and the City Administrator. Litigation with 3M and regarding the detachment of land from Lake Elmo were discussed. The executive session ended at 10:29 p.m.

CLOSED SESSION: The City Council convened in closed session to consider applications for the City Administrator position. The City Attorney was also present.

Respectfully submitted by Sharon Lumby, City Clerk



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/06/2011  
CONSENT  
ITEM #: 2  
MOTION *as part of Consent Agenda*

**AGENDA ITEM:** Approve Disbursements in the Amount of \$271,594.43

**SUBMITTED BY:** Joe Rigdon, Interim Finance Director

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Joan Ziertman, Finance Consultant

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$271,594.43. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

Claim #	Amount	Description
ACH	\$ 4,197.93	Payroll Taxes to IRS 11/17/2011
ACH	\$ 427.38	Payroll Taxes to MN Dept. of Revenue 11/17/2011
ACH	\$ 4,078.66	Payroll Retirement to PERA 11/17/2011
DD3670 – DD3687	\$ 22,783.87	Payroll Dated 11/17/2011 (Direct Deposit)
37766 - 37771	\$ 2,144.79	Payroll Dated 11/17/2011 (Payroll A/P)
ACH	\$ 6,338.19	Payroll Taxes to IRS 12/01/2011
ACH	\$1,105.65	Payroll Taxes to MN Dept of Revenue 12/01/2011
ACH	\$3,956.48	Payroll Retirement to PERA 12/01/2011
DD3688 – DD3702	\$16,822.87	Payroll Dated 12/01/2011 (Direct Deposit)
37772 - 37778	\$9,213.53	Payroll Dated 12/01/2011 (Payroll Paper Checks)
37779 - 37780	\$777.67	Payroll Dated 12/01/2011 (Payroll A/P)
37781 - 37837	\$199,747.41	Accounts Payable Dated 12/06/2011
<b>TOTAL</b>	<b>\$ 271,594.43</b>	



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

**RECOMMENDATION:** It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$271,594.43

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

**“Move to approve the December 6, 2011, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 12/06/2011

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

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

# Accounts Payable

## To Be Paid Proof List

User: joan z

Printed: 12/01/2011 - 2:51 PM

Batch: 034-11-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
ACEHARD Ace Hardware, Inc										
115526	11/23/2011	32.03	0.00	12/06/2011	Holiday Light Fuses		-		No	0000
204-450-5200-44300	Miscellaneous									
	115526 Total:	32.03								
	ACEHARD Total:	32.03								
ARAM Aramark, Inc.										
629-7365248	11/10/2011	21.71	0.00	12/06/2011	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
	629-7365248 Total:	21.71								
629-7370148	11/17/2011	21.71	0.00	12/06/2011	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
	629-7370148 Total:	21.71								
629-7371989	12/01/2011	128.53	0.00	12/06/2011	Linen City Hall		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7371989 Total:	128.53								
629-7375047	11/24/2011	21.71	0.00	12/06/2011	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
	629-7375047 Total:	21.71								
Multi	11/28/2011	92.95	0.00	12/06/2011	Monthly Rug Service, Station #1		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
Multi	11/28/2011	93.78	0.00	12/06/2011	Monthly Rug Service, Station #2		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
	Multi Total:	186.73								
	ARAM Total:	380.39								
BERESTIM Beres Tim										
Chk Req	11/14/2011	5,000.00	0.00	12/06/2011	Escrow Return Permit #7949		-		No	0000
803-000-0000-22900	Deposits Payable									
	Chk Req Total:	5,000.00								
	BERESTIM Total:	5,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BIFFS Biff's Inc.										
11/16/11 Stmt	11/16/2011	24.25	0.00	12/06/2011	Portable Restroom		-		No	0000
101-450-5200-44120	Rentals - Buildings									
	11/16/11 Stmt Total:	24.25								
	BIFFS Total:	24.25								
C&J CONS C & J Consulting Services, LLP										
Nov - 11	12/01/2011	8,300.00	0.00	12/06/2011	Monthly Acctg Services - November 2011		-		No	0000
101-410-1520-43150	Contract Services									
	Nov - 11 Total:	8,300.00								
	C&J CONS Total:	8,300.00								
CARQUEST Car Quest Auto Parts										
2055-241253	11/15/2011	100.53	0.00	12/06/2011	Misc Filters		-		No	0000
101-430-3120-42210	Equipment Parts									
	2055-241253 Total:	100.53								
2055-241355	11/16/2011	33.34	0.00	12/06/2011	Tractor Lamp		-		No	0000
101-430-3120-42210	Equipment Parts									
	2055-241355 Total:	33.34								
	CARQUEST Total:	133.87								
CDW CDW Government Inc.										
B518274	11/22/2011	90.99	0.00	12/06/2011	External Harddrive requested by CC		-		No	0000
101-410-1450-43180	Information Technology/Web									
	B518274 Total:	90.99								
	CDW Total:	90.99								
COMPENSA Compensation Consultants, Ltd										
Dec 2011	11/25/2011	40.00	0.00	12/06/2011	Monthly FSA Admin Fee - Dec 2011		-		No	0000
101-410-1320-44300	Miscellaneous									
	Dec 2011 Total:	40.00								
	COMPENSA Total:	40.00								
COVERALL Coverall of The Twin Cities										
7070172789	12/01/2011	321.38	0.00	12/06/2011	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	7070172789 Total:	321.38								
	COVERALL Total:	321.38								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYBLOOM City of Bloomington										
Nov 2011	11/28/2011	40.00	0.00	12/06/2011	Lab Bacteria Tests		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	Nov 2011 Total:	40.00								
	CTYBLOOM Total:	40.00								
CTYOAKDA City of Oakdale										
10000460-01	10/31/2011	5,971.85	0.00	12/06/2011	Water Service I-94		-		No	0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	5,971.85								
201111223031	11/22/2011	653.27	0.00	12/06/2011	CV2 - Tires and tire Sensor		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201111223031 Total:	653.27								
	CTYOAKDA Total:	6,625.12								
DAWSON Dawson Craig										
11/23/2011	11/23/2011	41.07	0.00	12/06/2011	Reimburse Mileage		-		No	0000
101-410-1320-43310	Mileage									
11/23/2011	11/23/2011	40.00	0.00	12/06/2011	Reimburse Cell Phone		-		No	0000
101-410-1940-43210	Telephone									
	11/23/2011 Total:	81.07								
	DAWSON Total:	81.07								
EMERGAPP Emergency Apparatus Maint. INC										
57106	11/14/2011	7,965.92	0.00	12/06/2011	Repairs to T2 related to pump test & Mis		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	57106 Total:	7,965.92								
58173	11/10/2011	60.88	0.00	12/06/2011	Part for scene lights on B2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	58173 Total:	60.88								
	EMERGAPP Total:	8,026.80								
FASTENAL Fastenal										
MNT1128826	11/03/2011	664.03	0.00	12/06/2011	Cordless Impact & Screw Drive Tool Combo		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
	MNT1128826 Total:	664.03								
	FASTENAL Total:	664.03								
FERGUSON Ferguson Waterworks										
11/21/11	11/21/2011	4.80	0.00	12/06/2011	Shipping for loaner base - Water Scanner		-		No	0000
601-494-9400-42300	Water Meters & Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
11/21/11 Total:		4.80								
SO1340020-001	11/08/2011	80.81	0.00	12/06/2011	Meter Reader Battery		-		No	0000
601-494-9400-42300	Water Meters & Supplies									
SO1340020-001 Total:		80.81								
SO1341108-001	11/15/2011	100.23	0.00	12/06/2011	Meter Reader Power Cradle		-		No	0000
601-494-9400-42300	Water Meters & Supplies									
SO1341108-001 Total:		100.23								
FERGUSON Total:		185.84								
FOCUS Focus Engineering, Inc.										
78 & 79	11/26/2011	90.00	0.00	12/06/2011	General Engineering		-		No	0000
101-430-3100-43030	Engineering Services									
78 & 79	11/26/2011	3,636.45	0.00	12/06/2011	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services									
78 & 79	11/26/2011	770.93	0.00	12/06/2011	General Engineering		-		No	0000
101-410-1910-43030	Engineering Services									
78 & 79 Total:		4,497.38								
80	11/26/2011	492.61	0.00	12/06/2011	General Engineering - VRA		-		No	0000
101-420-2400-43030	Engineering									
80	11/26/2011	600.00	0.00	12/06/2011	General Engineering - VRA		-		No	0000
101-410-1910-43030	Engineering Services									
80	11/26/2011	794.48	0.00	12/06/2011	General Engineering - VRA		-		No	0000
409-480-8000-43030	Engineering Services									
80	11/26/2011	476.50	0.00	12/06/2011	General Engineering - VRA		-		No	0000
404-480-8000-43030	Engineering Services									
80	11/26/2011	2,840.38	0.00	12/06/2011	General Engineering - VRA		-		No	0000
101-430-3100-43030	Engineering Services									
80	11/26/2011	2,814.32	0.00	12/06/2011	General Engineering - VRA		-		No	0000
601-494-9400-43030	Engineering Services									
80	11/26/2011	632.50	0.00	12/06/2011	General Engineering - VRA		-		No	0000
602-495-9450-43030	Engineering Services									
80	11/26/2011	668.33	0.00	12/06/2011	General Engineering - VRA		-		No	0000
603-496-9500-43030	Engineering Services									
80 Total:		9,319.12								
81	11/26/2011	2,469.45	0.00	12/06/2011	Development - Whistling Valley		-		No	0000
203-490-9070-43030	Engineering Services									
81 Total:		2,469.45								
82	11/26/2011	22.50	0.00	12/06/2011	Development - Sanctuary		-		No	0000
203-490-9070-43030	Engineering Services									
82 Total:		22.50								
83	11/26/2011	81.50	0.00	12/06/2011	2011 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services									
83 Total:		81.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
84	11/26/2011	502.00	0.00	12/06/2011	2011 Street and Water Quality Improve		-			No 0000
418-480-8000-43030	Engineering Services									
	84 Total:	502.00								
85	11/26/2011	642.93	0.00	12/06/2011	Lake Elmo Court Drainage Correction		-			No 0000
409-480-8000-43030	Engineering Services									
	85 Total:	642.93								
86	11/26/2011	757.82	0.00	12/06/2011	Lake Elmo District Sidewalk Maint		-			No 0000
409-480-8000-43030	Engineering Services									
	86 Total:	757.82								
87	11/26/2011	1,116.07	0.00	12/06/2011	10th Street Infrastructure Plannine		-			No 0000
602-495-9450-43030	Engineering Services									
	87 Total:	1,116.07								
88	11/26/2011	1,065.00	0.00	12/06/2011	Supply Well and Pumphouse 4		-			No 0000
601-494-9400-43030	Engineering Services									
	88 Total:	1,065.00								
89	11/26/2011	3,915.30	0.00	12/06/2011	3M Litigation		-			No 0000
601-494-9400-43030	Engineering Services									
	89 Total:	3,915.30								
	FOCUS Total:	24,389.07								
<hr/>										
FOTH Foth Infrastructure										
11/10/11	11/10/2011	897.00	0.00	12/06/2011	Structural Engineering Inpect - Library		-			No 0000
206-450-5300-43030	Engineering Services									
	11/10/11 Total:	897.00								
	FOTH Total:	897.00								
<hr/>										
FRONTIER Frontier Precision, Inc										
98403	11/28/2011	244.21	0.00	12/06/2011	Snow Plow Route Markers		-			No 0000
101-430-3125-42250	Landscaping Materials									
	98403 Total:	244.21								
	FRONTIER Total:	244.21								
<hr/>										
FXL FXL, Inc.										
December	12/01/2011	2,000.00	0.00	12/06/2011	Assessing Services - December 2011		-			No 0000
101-410-1320-43100	Assessing Services									
	December Total:	2,000.00								
	FXL Total:	2,000.00								
<hr/>										
HARTMAN Hartman Homes										
Chk Req	11/29/2011	3,000.00	0.00	12/06/2011	Escrow Return 10206 Tapestry #7710		-			No 0000
803-000-0000-22900	Deposits Payable									
	Chk Req Total:	3,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HARTMAN Total:		3,000.00								
HAWKINS Hawkins, Inc.										
3280411	11/09/2011	378.50	0.00	12/06/2011	Chlorine		-		No	0000
601-494-9400-42160	Chemicals									
3280411 Total:		378.50								
HAWKINS Total:		378.50								
I-STATE I-STATE TRUCK CENTER										
C242188319.01	11/28/2011	109.08	0.00	12/06/2011	E2-Replace drivers seatbelt		-		No	00
101-420-2220-44040	Repairs/Maint Eqpt									
C242188319.01 Total:		109.08								
I-STATE Total:		109.08								
KDV Kern DeWenter Viere Ltd										
137063	11/29/2011	8,424.00	0.00	12/06/2011	Financial Services - November 2011		-		No	0000
101-410-1520-43150	Contract Services									
137063 Total:		8,424.00								
KDV Total:		8,424.00								
KLATT Klatt Kyle										
11/30/2011	11/30/2011	184.30	0.00	12/06/2011	Reimb Room - MNAPA Conference		-		No	0000
101-410-1910-44370	Conferences & Training									
11/30/2011	11/30/2011	91.30	0.00	12/06/2011	Reimb Mileage - MNAPA Conference		-		No	0000
101-410-1910-43310	Mileage									
11/30/2011	11/30/2011	21.41	0.00	12/06/2011	Reimb Computer Equip - Wireless		-		No	0000
101-410-1910-42000	Office Supplies				Mouse		-			
11/30/2011	11/30/2011	43.37	0.00	12/06/2011	Reimb Ink for Plotter		-		No	0000
101-410-1910-42000	Office Supplies									
11/30/2011 Total:		340.38								
KLATT Total:		340.38								
LEAGMN League of MN Cities										
153596	09/01/2011	6,727.00	0.00	12/06/2011	Membership Dues		-		No	0000
101-410-1110-44330	Dues & Subscriptions									
153596 Total:		6,727.00								
LEAGMN Total:		6,727.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
LINNER Linner Electric Company, Inc.										
22015	11/30/2011	571.25	0.00	12/06/2011	Electric Repairs to Holiday Lights		-		No	0000
204-450-5200-44300	Miscellaneous									
	22015 Total:	571.25								
	LINNER Total:	571.25								
LUMBY Lumby Sharon										
11/29/2011	11/29/2011	200.00	0.00	12/06/2011	Reimburse Refrigerator Purchase		-		No	0000
101-410-1940-42230	Building Repair Supplies									
	11/29/2011 Total:	200.00								
	LUMBY Total:	200.00								
MAINDESI Main Street Design										
18154	11/16/2011	5,866.02	0.00	12/06/2011	Holiday Lights		-		No	0000
204-450-5200-44300	Miscellaneous									
	18154 Total:	5,866.02								
	MAINDESI Total:	5,866.02								
MARVS Marv's Professional Tools										
238901	06/30/2011	37.52	0.00	12/06/2011	Spill Free Funnel		-		No	0000
101-430-3100-42400	Small Tools & Minor Equipment									
	238901 Total:	37.52								
243193	11/17/2011	14.87	0.00	12/06/2011	Socket Drives		-		No	0000
101-430-3100-42400	Small Tools & Minor Equipment									
	243193 Total:	14.87								
	MARVS Total:	52.39								
MENARDSO Menards - Oakdale										
36354	11/14/2011	53.91	0.00	12/06/2011	Sign Posts		-		No	0000
101-450-5200-42250	Landscaping Materials									
	36354 Total:	53.91								
37394	11/17/2011	23.96	0.00	12/06/2011	Paint brushes, tie wire, mop head		-		No	0000
101-450-5200-42150	Shop Materials									
	37394 Total:	23.96								
37523	11/17/2011	80.02	0.00	12/06/2011	Thermostat, drano, plunger, frig filter		-		No	0000
101-450-5200-44010	Repairs/Maint Bldg									
	37523 Total:	80.02								
39199	11/22/2011	37.95	0.00	12/06/2011	Holiday Lights Hardware		-		No	0000
204-450-5200-44300	Miscellaneous									
	39199 Total:	37.95								
42114	11/29/2011	32.05	0.00	12/06/2011	Electric Fine Saw		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
42114 Total:		32.05								
42549	11/30/2011	13.20	0.00	12/06/2011	City Hall Refrigerator/Counter Repair		-		No	0000
101-410-1320-44300	Miscellaneous									
42549 Total:		13.20								
MENARDSO Total:		241.09								
<hr/>										
MILLSCOL Mills Cole										
11/14/2011	11/14/2011	55.00	0.00	12/06/2011	Cabled Live Mtg - PZ Meeting		-		No	0000
101-410-1450-43620	Cable Operations				11/14/11					
11/14/2011 Total:		55.00								
MILLSCOL Total:		55.00								
<hr/>										
MNDOH MN Department of Health										
11/23/2011	11/23/2011	1,508.00	0.00	12/06/2011	4th Qtr Water Connection Service		-		No	0000
601-494-9400-43820	Water Utility				Supply					
11/23/2011 Total:		1,508.00								
MNDOH Total:		1,508.00								
<hr/>										
MNLABOR DEPT of LABOR & INDUSTRY										
12/01/2011	12/01/2011	20.00	0.00	12/06/2011	Building Official Renewal Fee		-		No	0000
101-420-2400-44370	Conferences & Training									
12/01/2011 Total:		20.00								
MNLABOR Total:		20.00								
<hr/>										
NAMERICA North American Salt Company										
70758061	11/18/2011	13,416.12	0.00	12/06/2011	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt									
70758061 Total:		13,416.12								
NAMERICA Total:		13,416.12								
<hr/>										
NEXTEL Nextel Communications										
761950227-102	11/18/2011	72.34	0.00	12/06/2011	Cell Phone Service - Fire Dept		-		No	0000
101-420-2220-43210	Telephone									
761950227-102	11/18/2011	17.53	0.00	12/06/2011	Cell Phone Service - Building Dept		-		No	0000
101-420-2400-43210	Telephone									
761950227-102	11/18/2011	53.22	0.00	12/06/2011	Cell Phone Service - Public Works		-		No	0000
101-430-3100-43210	Telephone				Dept					
761950227-102	11/18/2011	94.98	0.00	12/06/2011	Cell Phone Service - Parks Dept		-		No	0000
101-450-5200-43210	Telephone									
761950227-102 Total:		238.07								

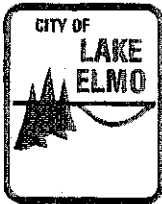
Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NEXTEL Total:		238.07								
OAKD-HIS Oakdale Lake Elmo Historical Socie										
10/17/2011	10/17/2011	500.00	0.00	12/06/2011	2011 Donation		-		No	0000
101-410-1110-44300	Miscellaneous									
	10/17/2011 Total:	500.00								
OAKD-HIS Total:		500.00								
PARKOSCO Parkos Construction Co. Inc.										
5261	11/23/2011	42,555.69	0.00	12/06/2011	Downtown District Sidewalk Maint		-		No	0000
409-480-8000-45300	Improvements Other Than Bldgs									
	5261 Total:	42,555.69								
PARKOSCO Total:		42,555.69								
PITNEYRE Reserve Account Pitney Bowes										
11/28/11	11/28/2011	1,500.00	0.00	12/06/2011	Postage - Surface Water		-		No	0000
603-496-9500-43180	Software Support									
11/28/11	11/28/2011	500.00	0.00	12/06/2011	Postage - Regular Water		-		No	0000
601-494-9400-43220	Postage									
	11/28/11 Total:	2,000.00								
PITNEYRE Total:		2,000.00								
POMPS Pump's Tire Service, Inc.										
868832	11/22/2011	2,446.76	0.00	12/06/2011	Four Tires for 04-1 JD Tractor		-		No	0000
101-430-3100-44040	Repairs/Maint Eqpt									
	868832 Total:	2,446.76								
POMPS Total:		2,446.76								
PRESSA Anastasia Press										
11/15/2011	11/15/2011	55.00	0.00	12/06/2011	Cabled Live - CC Mtg 11/16/11		-		No	000
101-410-1450-43620	Cable Operations									
	11/15/2011 Total:	55.00								
PRESSA Total:		55.00								
REISTADA Reistad Al										
Chk Req	11/14/2011	3,000.00	0.00	12/06/2011	Escrow Return Permit #7720		-		No	0000
803-000-0000-22900	Deposits Payable									
	Chk Req Total:	3,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
REISTADA Total:		3,000.00								
<hr/>										
ROGERS Rogers Printing Services, Corp										
18265	11/11/2011	369.79	0.00	12/06/2011	City Envelopes		-		No	0000
101-410-1320-42030	Printed Forms									
	18265 Total:	369.79								
	ROGERS Total:	369.79								
<hr/>										
S&T S&T Office Products, Inc.										
01OW4933	11/08/2011	24.13	0.00	12/06/2011	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01OW4933 Total:	24.13								
01OW7460	11/11/2011	70.22	0.00	12/06/2011	Name Plates - Library Board		-		No	0000
206-450-5300-42000	Office Supplies									
	01OW7460 Total:	70.22								
	S&T Total:	94.35								
<hr/>										
SAMSClub Sam's Club										
1088	11/21/2011	213.71	0.00	12/06/2011	Ice Melt - City Hall		-		No	0000
101-410-1320-44300	Miscellaneous									
	1088 Total:	213.71								
11/17/2011	11/17/2011	45.84	0.00	12/06/2011	Rehab Supplies, Station Supplies		-		No	0000
101-420-2220-44300	Miscellaneous									
11/17/2011	11/17/2011	47.88	0.00	12/06/2011	Station Supplies - Ice Melt		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
11/17/2011	11/17/2011	24.77	0.00	12/06/2011	City Hall Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	11/17/2011 Total:	118.49								
	SAMSClub Total:	332.20								
<hr/>										
TASCH T.A. Schifsky & Sons Inc										
52435	11/09/2011	537.69	0.00	12/06/2011	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	52435 Total:	537.69								
52526	11/23/2011	127.72	0.00	12/06/2011	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	52526 Total:	127.72								
	TASCH Total:	665.41								
<hr/>										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TDS TDS METROCOM - LLC										
651-779-8882	10/13/2011	164.45	0.00	12/06/2011	Analog Lines - Fire		-		No	0000
101-420-2220-43210	Telephone									
651-779-8882	10/13/2011	156.03	0.00	12/06/2011	Analog Lines - Public Works		-		No	0000
101-430-3100-43210	Telephone									
651-779-8882	10/13/2011	104.79	0.00	12/06/2011	Analog Lines - Lift Station Alarms		-		No	0000
602-495-9450-43210	Telephone									
651-779-8882	10/13/2011	42.25	0.00	12/06/2011	Alarm - Well House #2		-		No	0000
601-494-9400-43210	Telephone									
	651-779-8882 Total:	467.52								
	TDS Total:	467.52								
TOUSLEYF Tousley Ford Inc										
905918	11/23/2011	679.16	0.00	12/06/2011	Heater Core and Install 00-1		-		No	0000
101-430-3120-44040	Repairs/Maint Eqpt									
	905918 Total:	679.16								
	TOUSLEYF Total:	679.16								
UM University of Minnesota										
12/01/2011	12/01/2011	300.00	0.00	12/06/2011	Annual Building Officials Institute		-		No	0000
101-420-2400-44370	Conferences & Training									
	12/01/2011 Total:	300.00								
	UM Total:	300.00								
USBANK US Bank Trust										
33402400	01/01/2012	40,000.00	0.00	12/06/2011	GO Improvement Bond 2002A - Principal		-		No	0000
312-480-8000-46010	Bond Principal									
33402400	01/01/2012	920.00	0.00	12/06/2011	GO Improvement Bond 2002A - Interest		-		No	0000
312-480-8000-46110	Bond Interest									
	33402400 Total:	40,920.00								
	USBANK Total:	40,920.00								
VISA0460 VISA										
0791	11/01/2011	41.00	0.00	12/06/2011	Annual Card Fee		-		No	0000
101-410-1320-44300	Miscellaneous									
	0791 Total:	41.00								
	VISA0460 Total:	41.00								
WASHWFC Assessor Division Washington Count										
11/30/2011	11/30/2011	200.00	0.00	12/06/2011	Wash County Web Subscription Svs		-		No	0000
101-410-1450-43180	Information Technology/Web									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
11/30/2011 Total:		200.00								
WASHWFC Total:		200.00								
<hr/>										
WIMMERJA Wimmer Jason										
803-000-0000-22900	11/14/2011	5,000.00	0.00	12/06/2011	Escrow Return Permit #7848		-		No	0000
Deposits Payable										
Chk Req Total:		5,000.00								
WIMMERJA Total:		5,000.00								
<hr/>										
XCEL Xcel Energy										
51-0117417-0	12/01/2011	32.75	0.00	12/06/2011	Welcome Sign		-		No	0000
101-430-3160-43810	Street Lighting									
51-0117417-0 Total:		32.75								
51-4572945-7	12/01/2011	58.57	0.00	12/06/2011	Street Lights - Jamley		-		No	0000
101-430-3160-43810	Street Lighting									
51-4572945-7 Total:		58.57								
51-4576456-3	12/01/2011	481.13	0.00	12/06/2011	Fire Station #2		-		No	0000
101-420-2220-43810	Electric Utility									
51-4576456-3 Total:		481.13								
51-4733556-8	12/01/2011	12.07	0.00	12/06/2011	Tennis Court		-		No	0000
101-450-5200-43810	Electric Utility									
51-4733556-8 Total:		12.07								
51-5044219-0	12/01/2011	134.22	0.00	12/06/2011	Parks Building		-		No	0000
101-450-5200-43810	Electric Utility									
51-5044219-0 Total:		134.22								
51-5275289-3	12/01/2011	9.95	0.00	12/06/2011	Pebble Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-5275289-3 Total:		9.95								
51-5522332-2	12/01/2011	36.33	0.00	12/06/2011	Traffic Lights - Inwood		-		No	0000
101-430-3160-43810	Street Lighting									
51-5522332-2 Total:		36.33								
51-5747685-4	12/01/2011	86.01	0.00	12/06/2011	Arts Center		-		No	0000
101-450-5200-43810	Electric Utility									
51-5747685-4 Total:		86.01								
51-5916043-7	12/01/2011	17.72	0.00	12/06/2011	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-5916043-7 Total:		17.72								
51-6429*583-8	12/01/2011	15.33	0.00	12/06/2011	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-6429*583-8 Total:		15.33								
51-6928283-3	12/01/2011	25.27	0.00	12/06/2011	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-6928283-3 Total:		25.27								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-8711719-3	12/01/2011	11.05	0.00	12/06/2011	Speed Sign Hwy 5		-			No 0000
101-430-3160-43810	Street Lighting									
	51-8711719-3 Total:	11.05								
516625457-1	12/01/2011	130.31	0.00	12/06/2011	Legion Park		-			No 0000
101-450-5200-43810	Electric Utility									
	516625457-1 Total:	130.31								
	XCEL Total:	1,050.71								
<hr/>										
ZACK Zack's, Inc.										
27318	11/23/2011	113.48	0.00	12/06/2011	Flat Towels, Toilet paper (City Hall)		-			No 0000
101-410-1940-42110	Cleaning Supplies									
27318	11/23/2011	46.99	0.00	12/06/2011	Marking paint		-			No 0000
601-494-9400-42270	Utility System Maintenance									
27318	11/23/2011	205.44	0.00	12/06/2011	Rubber Gloves/Towels/PU towels		-			No 0000
101-450-5200-42150	Shop Materials									
27318	11/23/2011	80.96	0.00	12/06/2011	Channel Locks		-			No 0000
101-430-3100-42400	Small Tools & Minor Equipment									
	27318 Total:	446.87								
	ZACK Total:	446.87								
<hr/>										
	Report Total:	199,747.41								



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/6/2011

**CONSENT**

ITEM #:

3.

**MOTION as part of Consent Agenda**

**AGENDA ITEM:** Downtown District Sidewalk Maintenance – Pay Request No. 1 (Final)

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Mike Bouthilet, Public Works  
Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to accept the work as recommended by the Assistant City Engineer and approve final payment to Parkos Construction Company, Inc., the Contractor for the Downtown District Sidewalk Maintenance in the amount of \$42,555.69. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**STAFF REPORT AND BACKGROUND INFORMATION:** The Downtown District Sidewalk Maintenance has been fully completed and the project Certificate of Completion has been prepared by the Project Engineer. The warranty period will begin on December 6, 2011, and extend to December 6, 2012. Final Payment in the amount of \$42,555.69 has been requested by the Contractor, Parkos Construction Company, Inc., based upon the work completed. The final quantities have been reviewed and approved by city staff.

The project was completed at a slightly higher total project cost of \$57,180. The original estimated budget was \$55,000. The Construction contract was completed slightly under budget at \$42,555.69 as compared to the original bid price of \$43,600.45. The project overage was for total engineering costs that exceeded the original estimate. Additional fees were required for repackaging and rebidding the project as well as added construction coordination services required to answer contractor requests for information and working with local businesses.

The City share of the project costs is funded from the Infrastructure Reserve Fund. The cost share for Washington County has been calculated at \$24,059.92. This includes a 50% cost share of the total project costs, excluding the work south of the Union Pacific Railroad Tracks. Staff has submitted a reimbursement request from the County.

**RECOMMENDATION:** Based upon the above staff report and background information, it is recommended that the City Council accept the work as recommended by the Assistant City Engineer and approve as part of tonight's *Consent Agenda* Final Payment in the amount of \$42,555.69 to Parkos Construction Company, Inc.

Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

**“Move to Accept the Work as Recommended by the Assistant City Engineer and Approve Final Payment to Parkos Construction Company, Inc. for the Downtown District Sidewalk Maintenance in the Amount of \$42,555.69; to be paid from the Infrastructure Reserve Fund [and amended and/or modified at tonight's meeting].”**

**ATTACHMENTS:** (2)

1. Certificate of Completion
2. Contractor Invoice Dated 11/23/2011

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

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



**PARKOS CONSTRUCTION CO. INC.**

10 S. ROBERT STREET  
ST ST PAUL, MN 55118  
USA

Voice: 651-455-0031  
Fax: 651-450-7740

**INVOICE**

Invoice Number: 5261  
Invoice Date: Nov 23, 2011  
Page: 1

*Duplicate*

<b>Bill To:</b>
City of Lake Elmo 3800 Laverne Ave North Lake Elmo, MN 55042

<b>Ship to:</b>
City of Lake Elmo 3800 Laverne Ave North Lake Elmo, MN 55042

Customer ID	Customer PO	Payment Terms	
CITY OF LAKE ELMO		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Airborne		12/23/11

Quantity	Item	Description	Unit Price	Amount
200.00		Crack Seaal	23.54	4,708.00
213.00		Trip Hazard	19.26	4,102.38
10.00		SPAWL	37.12	371.20
1,226.80		Panel Replacement	20.78	25,492.90
603.00		Overlay	13.07	7,881.21
Subtotal				42,555.69
Sales Tax				
Total Invoice Amount				42,555.69
Payment/Credit Applied				
<b>TOTAL</b>				<b>42,555.69</b>

Check/Credit Memo No:

**CERTIFICATE OF COMPLETION**

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DATE OF ISSUANCE: December 6, 2011

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OWNER: CITY OF LAKE ELMO, MN  
CONTRACTOR: PARKOS CONSTRUCTION COMPANY, INC.  
PROJECT NAME: DOWNTOWN SIDEWALK MAINTENANCE  
PROJECT NO.: 2011.125

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

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated September 27, 2011, and related Contract Documents as prepared by TKDA dated September 12, 2011. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: December 6, 2011Ryan W. Stempski Reg. No. 45395

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FOCUS Engineering, inc.

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THE WARRANTY PERIOD BEGINS Dec. 6, 2011 AND ENDS Dec. 6, 2012

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## MAYOR & COUNCIL COMMUNICATION

DATE: 12/06/2011

**CONSENT**

ITEM #: 4.

**MOTION**

**AGENDA ITEM:** Consider Approval of 2012 Liquor License Renewals

**SUBMITTED BY:** Sharon Lumby City Clerk

**THROUGH:** Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** The City has received liquor applications for 2012, required fees, and insurance certificates. As all applications are in order, it is respectfully recommended that the City Council approve these renewals as part of tonight's Consent Agenda.

**BACKGROUND & STAFF REPORT:** The City is respectfully requested to consider granting the following 2012 liquor applications:

- On-sale intoxicating liquor and On-sale Sunday intoxicating license to Prom Management Group, Inc. (Operators of Tartan Park) and to the Machine Shed Restaurant; conditioned upon approval by the Washington County Sheriff's Dept.
- On-sale intoxicating liquor, Off-sale intoxicating liquor and On-sale Sunday intoxicating liquor license to the Twin Point Tavern and Lake Elmo Inn including the outside patio; conditioned upon approval by the Washington County Sheriff's Dept.
- On-Sale intoxicating liquor license for the Lake Elmo Inn Event Center; conditioned upon approval by the Washington County Sheriff's Dept.
- Off-sale intoxicating license for Lake Elmo Wine Company; conditioned upon approval by the Washington County Sheriff's Dept.
- Off-sale intoxicating license for Village Wine and Spirits; conditioned upon approval by the Washington County Sheriff's Dept.

As of this date, the City has not received an application for an off-sale liquor license renewal from Lake Elmo Market, located at 11025 10<sup>th</sup> Street.

By State Statute, the City is limited to six on-sale liquor licenses.

Statute does not limit the number of off-sale liquor licenses that a City may issue (except for cities of the first class). Lake Elmo has followed a practice of limiting the total number of off-sale licenses to six.

**RECOMMENDATION:** Based upon the above information, City staff recommends approval of the 2012 liquor licenses renewals as part of tonight's Consent Agenda.

***"Move to approve 2011 Liquor Licenses Renewal, as presented"***

**ATTACHMENTS:** None



## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011

CONSENT **5.**

ITEM #:

**Motion; Resolution**

**AGENDA ITEM:** Removal of Parcels from Assessment Roll for Storm Water  
Utility Delinquencies

**SUBMITTED BY:** Cathy Bendel, C & J Consulting  
Joe Rigdon, Interim Finance Director

**THROUGH/REVIEWED BY:** Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** The City Council has held the public hearing required to place delinquent utility charges on the assessment roll to be placed on next year's property tax statement. The City has recently received payment in ten delinquent surface water quality (aka storm water) utility accounts. By resolution, the Council may inform Washington County that these delinquencies may be removed from the assessment roll that has been certified to the County. It is requested that the Council adopt such a resolution. An appropriate motion would be:

***"Motion to adopt Resolution No. 2011 - \_\_\_\_ to remove parcels  
from the 2012 assessment roll for delinquent surface water management utility charges."***

**ATTACHMENTS:**

- Proposed resolution with attached list of affected properties/accounts

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

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2011-

A RESOLUTION RELATED TO 2012 UTILITY ASSESSMENT ROLL  
FOR DELINQUENT STORM WATER

BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, the attached list of 10 parcels may be removed from the 2012 assessment roll due to receipt of payments made to the City of Lake Elmo.

APPROVED by the Lake Elmo City Council on this 6<sup>th</sup> day of December, 2011.

By: \_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

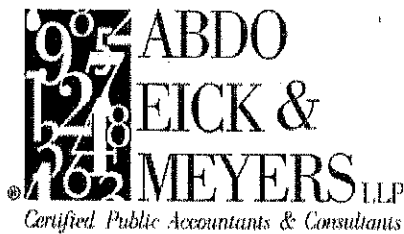
\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

City of Lake Elmo

Parcels to be removed from 2012 Assessment file

Updates as of 11.30.2011

<u>Address</u>	<u>PID</u>	<u>Amount</u>
9990 Richmond Ave #400 S	03.029.21.13.0014	82.50
5850 Hytrail Ave N	05.029.21.11.0011	88.00
5431 Hilltop Ave N	05.029.21.42.0022	88.00
12521 Marquess Way N	06.029.20.31.0035	88.00
5049 Marquess Trl Cir N	06.029.20.33.0023	122.65
11912 Stillwater Blvd	12.029.21.44.0002	165.00
2841 Imperial Ave N	21.029.21.22.0009	88.00
10483 10th Street N	35.029.21.21.0001	122.65
10178 Tapestry Hill	11.029.21.33.0010	122.65
PO Box 1245	15.029.21.43.0006	165.00
		<u>1,132.45</u>



November 21, 2011

5201 Eden Avenue  
Suite 250  
Edina, MN 55436

Management, Honorable Mayor, and City Council  
City of Lake Elmo  
Lake Elmo, Minnesota

We are pleased to confirm our understanding of the services we are to provide the City of Lake Elmo (the City) for the year ended December 31, 2011. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City as of and for the year ended December 31, 2011. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Schedule of funding progress for other post employment benefits

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and Individual Fund Financial Statements and Schedules

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will not provide an opinion or any assurance.

- 1) Summary Financial Report – Revenues and Expenditures for General Operations – Governmental Funds





### **Audit Objective**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. We will prepare a general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the general ledger into a working trial balance. As part of the audit we will prepare a draft of your financial statements and related notes. We will also use the financial statements to complete the Office of the State Auditors' City Reporting Form. We will also enter the current year capital asset transactions into our software based on information you provide. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee our assistance with the preparation of your financial statements and related notes and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City and the respective changes in financial position and where applicable, cash flows, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon.



#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.



Steven McDonald, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign them. We expect to begin our audit on approximately April 30, 2012 and to issue our reports no later than June 30, 2012.

Our fee for these services will be as follows:

Audit	\$	26,200
2011 Office of the State Auditor's Reporting Form		575

The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. Amounts not paid within 30 days from the invoice date will be subject to a late payment charge of 1 percent per month (12 percent per year). If for any reason the account is turned over to an attorney for collections, additional fees will be added to cover collections cost. In accordance with our Firm policies, work may be suspended if your account becomes 60 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed your return. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.


Except in the event of your failure to make a payment when due, in the event of a dispute related in any way to our services, our Firm and you agree to discuss the dispute and, if necessary, to promptly mediate in a good faith effort to resolve. We will agree on a mediator, but if we cannot, either of us may apply to a court having personal jurisdiction over the parties for appointment of a mediator. We will share the mediator's fees and expenses equally, but otherwise will bear our own attorneys' fees and mediation cost. Participation in such mediation shall be a condition to either of us initiating litigation. In order to allow time for the mediation, any applicable statute of limitations shall be tolled for a period not to exceed 120 days from the date either of us first requests in writing to mediate the dispute. The mediation shall be confidential in all respects, as allowed or required by law, except our final settlement positions at mediation shall be admissible in litigation solely to determine the prevailing party's identity for purposes of the award of attorneys' fees. In the event you fail to make a payment for services or to reimburse for costs advanced by the Firm on your behalf, the Firm reserves the right to take all legally permissible action, including commencement of litigation in lieu of mediation, and shall have the right to collect its costs, including reasonable attorney's fees, incurred in any such collection or litigation activities.

We have the right to withdraw from this engagement, in our discretion, if you do not provide us with any information we request in a timely manner, refuse to cooperate with our reasonable requests or misrepresent any facts. Our withdrawal will release us from any obligation to complete your return and will constitute completion of our engagement. You agree to compensate us for our time and out-of-pocket expenses through the date of withdrawal.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

ABDO, EICK & MEYERS, LLP  
*Certified Public Accountants & Consultants*

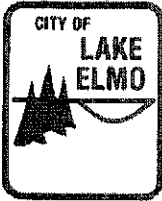
  
Steven McDonald CPA  
Managing Partner

**RESPONSE:**

This letter correctly sets forth the understanding of the City of Lake Elmo.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/06/2011  
CONSENT  
ITEM #: 6.  
MOTION *as part of Consent Agenda*

**AGENDA ITEM:** Audit Engagement Letter  
**SUBMITTED BY:** Joe Rigdon, Interim Finance Director, KDV  
**THROUGH:** Craig Dawson, Interim City Administrator  
**REVIEWED BY:** N/A

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**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider approving ABDO EICK & MEYERS LLP for the 2011 audit of the financial statements of the governmental activities, the business-type activities (enterprise funds), each major fund and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City as of and for the year ending December 31, 2011.

The objective of the audit is the expression of opinions as to whether the basic financial statements are fairly presented, in all material respects and in conformity with accounting principles. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures considered necessary to enable the Auditors to express such opinions.

The fee for services as outlined in the letter of engagement will be \$26,200 and an additional \$575 for the Office of the State Auditor's Reporting Form. Total audit and reporting form fees in recent years have been as follows:

- 2008 audit: \$27,920
- 2009 audit: \$27,935
- 2010 audit: \$26,735
- 2011 audit: \$26,775 proposed

No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**RECOMMENDATION:** It is recommended that the City Council approve the attached letter of engagement from ABDO, EICK & MEYERS LLP for the City's 2011 financial statement audit.

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

**"Move to approve ABDO, EICK & MEYERS LLP letter of engagement  
for the City's 2011 financial statement audit"**

**ATTACHMENTS:**

1. ABDO, EICK & MEYERS LLP letter of engagement for the City's 2011 financial statement audit

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

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



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/06/2011  
CONSENT  
ITEM #: 7.  
MOTION *as part of Consent Agenda*

AGENDA ITEM: PERA Firefighter Declaration  
SUBMITTED BY: Joe Rigdon, Interim Finance Director, KDV  
THROUGH: Craig Dawson, Interim City Administrator  
REVIEWED BY: N/A

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve Resolution 2011-xx Public Employees Retirement Firefighter Declaration. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**BACKGROUND INFORMATION & STAFF REPORT:** The Public Employees Retirement Association (PERA) has notified the City that under Minnesota Statutes, the City must provide written certification of the eligibility for retirement plan membership of certain positions. The eligibility of employees who contribute to the PERA Police and Fire Plan but are not employed as full-time police officers or firefighters must be declared in writing to PERA through a resolution. The City created a part-time Firefighter/Administrative Assistant position in 2011, with responsibilities including the performance of duties of a Lake Elmo firefighter, and essential duties including the responding to emergency calls.

**RECOMMENDATION:** It is recommended that the City Council approve the attached resolution declaring that the position of Firefighter/Administrative Assistant includes duties of a firefighter engaged in the hazards of fire fighting, and requesting that the City employee holding that position (Michael Cornell) be accepted as a member of the PERA Police and Fire Plan.

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

**“Move to approve Resolution 2011-XX Public Employees Retirement Association  
Firefighter Declaration”**

**ATTACHMENTS:**

1. Job Description: Part Time Firefighter/Administrative Assistant
2. Resolution 2011-XX Public Employees Retirement Association Firefighter Declaration

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

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

**LAKE ELMO FIRE DEPARTMENT  
JOB DESCRIPTION**

**PART TIME  
FIREFIGHTER/ADMINISTRATIVE ASSISTANT**

**SALARY - \$13.50/hour**

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

The work schedule for this Part Time Position shall be four continuous hours per day, Monday – Friday, between 8-4:30. There shall be flexibility for the four hour window.

**QUALIFICATIONS:**

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

**RESPONSIBILITIES:**

Perform duties of a Lake Elmo Firefighter.

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

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

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

Perform basic maintenance of department vehicles.

Perform basic Station Duties needed to maintain Fire Stations.



## **ESSENTIAL DUTIES:**

Respond to emergency calls

Drive and operate all vehicles in fleet.

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

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

Develop and maintain pre-plans of commercial businesses in Lake Elmo.

Develop and maintain Inspection Program of Lake Elmo Businesses.

## **SUMMARY:**

This position shall report directly to the Chief or designee.

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

- Relief Association
- Call Percentage

City of Lake Elmo  
Washington County, Minnesota

Resolution No. 2011-

Public Employees Retirement Association – Fire Fighter Declaration

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for a non-full-time fire fighter provided the fire service position regularly engages the employee in the hazards of fire fighting as an employee of a designated fire department.

BE IT RESOLVED, that the City Council of the City of Lake Elmo hereby declares that the position of part-time Fire Fighter/Administrative Assistant, currently held by Michael Cornell is, for primary services provided, that of a fire fighter engaged in the hazards of fire fighting.

BE IT FURTHER RESOLVED, that this governing body hereby requests that the named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the governmental subdivision.

ADOPTED by the Lake Elmo City Council on the 6<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

STATE OF MINNESOTA:  
COUNTY OF WASHINGTON:

I, Sharon Lumby, clerk of the City of Lake Elmo, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 6<sup>th</sup> day of December, 2011; the original of which is on file in this office. I further certify that \_\_\_\_\_ members voted in favor of this resolution and that \_\_\_\_\_ members were present and voting.

Signed: \_\_\_\_\_ DATE: \_\_\_\_\_



## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011

**CONSENT**

ITEM #: 8.

**Information only; No action**

**AGENDA ITEM:** Final Cost for Monument Sign on Keats Avenue north of I-94

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator

**REVIEWED BY:** Joe Rigdon, Interim Finance Director

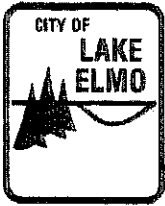
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**SUMMARY AND ACTION REQUESTED:** This item is a staff memorandum for information only; no action is required or requested.

**BACKGROUND INFORMATION:** The City has constructed a monument/entry sign in the median of Keats Avenue between I-94 and 10<sup>th</sup> Street North. The project has been completed, and staff believes that all of the invoices for the project have been received. The summary of expenses paid by general categories is as follows:

Engineering:	\$ 7,699.84
Construction:	\$ 11,614.00
Furnish/install sign:	\$ 5,050.00
Electric:	\$ 6,200.00
<u>Landscaping:</u>	<u>\$ 917.38</u>
Total	\$ 31,470.22

**FINANCIAL/LEGAL/OTHER CONSIDERATIONS:** The costs for this project were assigned to the Furniture, Fixtures, and Equipment (FFE) fund. Other activities have been recorded in this fund during 2011. As of November 29, 2011, the fund has a deficit of \$13,517.36. This deficit is being addressed by increasing the level of transfer from the General Fund from \$6,000 in 2011 to \$24,000 in 2012. If no further activity is recorded in the FFE fund, the resulting balance in the FFE fund will be \$10,483 to start next year.



## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011  
**REGULAR**  
ITEM #: 10  
**Conduct and Close Public Meeting**

**AGENDA ITEM:** Public Meeting on 2012 on Proposed Tax Levy and General Fund Budget

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator  
Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** While State statutory requirements to hold a truth-in-taxation hearing have been repealed, the City is still required to hold an advertised meeting at which the public is allowed to speak and the annual budget and property tax levy are discussed. Tonight's public meeting was duly advertised in the *Oakdale-Lake Elmo Review*, and no public comments have yet been received.

Following public comment during the public meeting tonight meeting, the Council may close this public meeting or continue it to a future Council meeting. It is not necessary to continue the public meeting if the Council continues consideration of the 2012 property tax levy and General Fund budget to a subsequent Council meeting.

Appropriate motions by the Council would be:

***"Motion to close the public meeting on the Proposed 2012 Property Tax Levy and Proposed 2012 General Fund Budget."***

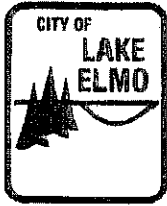
or

***"Motion to continue this public meeting to December \_\_\_\_, 2011."***

**STAFF REPORT:** As Mr. Rigdon is unable to be present at tonight's Council meeting, Mr. Dawson will make the presentation that staff has prepared for the public hearing.

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Comment..... Mayor Facilitates
- Discussion (if any) ..... Mayor & Council Members
- Motion..... Mayor Facilitates



## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011

**REGULAR**

ITEM #: 11.

**Resolutions: Tax Levy; Budget**

**AGENDA ITEM:** 2012 Final Property Tax Levy and 2012 General Fund Budget

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator  
Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** Following the close of the public meeting on the 2012 proposed tax levy and budget, City Council may act on the resolutions necessary to adopt the 2012 Tax Levy and the 2012 General Fund Budget. These resolutions have been prepared for Council action. The recommended motions are as follows:

1. ***"Motion to approve the Resolution to adopt the 2012 final property tax levy [as amended]."***
2. ***"Motion to approve the Resolution to adopt the 2012 General Fund budget [as amended]."***

**BACKGROUND INFORMATION:** Under Minnesota law, the City is required to adopt and certify to the County its annual tax levy, this year by December 28, 2011. In addition, the City adopts at the same time its annual Operating and Capital budgets, all of which become effective January 1, 2012.

Subsequent to the public meeting but no later than December 28, the City Council must adopt a final property tax levy and final budget. The final property tax levy can not exceed the proposed levy Certified to Washington County in September. The *proposed* Final 2012 Budget is a consolidated budget which includes all funds of the City. Only the General Fund, however, is legally required to be adopted.

**STAFF REPORT:** On September 13, 2011, the City Council reviewed and approved the proposed Preliminary 2011 General Fund Budget, which reflected a number of items included under "Scenario C5". Under this scenario, the City's tax levy for the General Fund would be reduced \$42,000 from the 2011 levy and would also include a new Library levy of \$260,076. The proposed budget under consideration at tonight's meeting reflects all of the elements the Council discussed leading up to including decisions made on September 13. One further change made has been a reduction in the "Compensation Adjustment Fund" to reflect a transfer of \$3,114 for City-paid health insurance costs, thus leaving \$13,411 in that fund, as authorized by the Council on November 1, 2011.

**Revenues:** The 2012 proposed tax levy certification adopted by the City Council and submitted to the Washington County is as follows. A column for 2011 levies is included for comparisons.

	<u>2012</u>	<u>2011</u>
<b>General Fund Levy</b>	<b>\$ 2,442,903</b>	<b>\$2,484,903*</b>
2004 G.O. Capital Improvement Plan Bonds	160,000	140,000
2006A G.O. Equipment Certificates of Indebtedness	56,532	56,118
2009B G.O. Improvement Bonds	54,639	50,544
2010A G.O. Improvement Bonds	62,865	57,994
2011A G.O. Improvement Bonds	76,000	
Library Levy	<u>260,078</u>	<u>                    </u>
<b>Total Levy</b>	<b>\$3,113,017</b>	<b>\$2,789,559</b>

\*Includes \$75,036 in levies to recover MVHC unallotted in 2010 and cut in 2011

New to the City's schedule of levies is the Library levy. This is the same amount that Lake Elmo property owners would have paid to Washington County for its library system in 2012, so the impact on one's overall property tax for 2012 is tax-neutral. With the City Library levy, the City's tax levy will increase 11.597% over 2011. Without the Library levy, the City's tax levy will increase 2.272% over 2011. The City's General Fund (i.e. *operating*) *levy will decline 1.691%* from 2011. Excluding the Library levy, all of the increase in the City's tax levy is attributable to debt service obligations.

In terms of non-tax revenues, the City is again forecasting a conservative increase or no increase in other revenues, especially including local fees. This approach is reflective of the current (and on-going) states of the local and national economies.

**Expenditures:** The 2012 proposed budget includes the items and levels of expenditure that resulted in the preliminary General Fund budget approved by the Council on September 13. The 2012 General Fund budget expenditures (including transfers and other financing uses) total \$2,900,986, or a 0.6% reduction from the 2011 General Fund budget of \$2,919,223.

**Tax Impacts:** Two major factors will affect taxes and tax rates in 2012.

**1. MVHC:** The first is the set of changes in the act of the Legislature to end the Market Value Homestead Credit (MVHC). As originally conceived, property owners' tax statements were reduced (on a sliding scale) by the State from what local units of government certified, and the State in turn would pay those amounts back to the local governments. In only a few years of the existence of the program did the State fully pay what it had promised to local governments, leaving them short of expected revenue and having to use cash reserves and/or cut services, and later perhaps to use extra levy authority to recover MVHC cuts and unallotments. With the repeal of the MVHC payments, local governments will receive all of the taxes they levy. Even if a city's levy were to remain the same from 2011 to 2012, local taxpayers' taxes would go up to make up the difference that the State was supposed to have paid.

Another aspect of the new law is the introduction of a "homestead market value exclusion (HMVE)," which is also applied to the value of properties on a sliding scale that declines with increasing residential property values. The effects of this program will vary significantly, particularly from city to city, based on the mix of residential property values and on the mix of residential vs. non-residential properties in the taxing jurisdiction. Generally speaking, the tax burden is shifted from lower-valued homesteads to higher-valued homesteads and commercial properties, and from residential properties to commercial properties. Excluding some portion of the market value lowers the taxable value, and hence tax rates would need to rise in order to yield the same revenue.

2. Changes in Property Values and Tax Capacity: Property values in the local real estate market have continued to decline. The median homestead value (the middle-point in the distribution of value) declined 10.2%, from about \$349,000 for Pay 2011 and to about \$317,500 for Pay 2012. The City's adjusted tax capacity, the result of Minnesota's classification and (new) formulas for determining taxable value, will fall an estimated 10.0%, from \$12.83 million in 2011 to an estimated \$11.55 million.

Tax Rates: Tax rates are simply the mathematical result of dividing the tax needed to support the budget by the tax base. Taxes are levied in dollar amounts, not in tax rates. Taxes do not automatically rise or fall by changes in property values. Rather, changes in property values may affect a property's share of the tax to be collected, especially compared to the change in value of other properties.

Given the new laws in effect relating to taxable value and to the changes in property values, the following tax capacity rates result from the City's proposed tax levy:

	<u>2012</u>	<u>2011</u>	<u>% Change</u>	<u>2012</u> <u>Tax Levy</u>	<u>2011</u> <u>Tax Levy</u>	<u>%</u> <u>Change</u>
w/Library	27.280%	21.832%	24.95%	\$ 3,113,017	\$ 2,789,559	11.597%
w/o Library	24.882%	21.832%	13.97%	\$ 2,852,939	\$ 2,789,559	2.272%

Resulting City Tax: The following taxes would result from the City's levy, assuming a 10.2% decline in estimated market value (EMV) on homesteads from Pay 2011 to Pay 2012:

<u>2011</u> <u>EMV</u>	<u>2012</u> <u>EMV</u>	<u>2012</u> <u>HMVE</u>	<u>2012</u> <u>TaxCpcty</u>	<u>2012</u> <u>Tax Rate</u>	<u>2012</u> <u>City Tax</u>	<u>Change</u>	
						<u>\$</u>	<u>%</u>
\$100,000	\$ 89,800	(\$29,000)	\$ 606	27.280%	\$ 165	\$ 27	19.5%
\$300,000	\$269,400	(\$13,000)	\$ 2,564	27.280%	\$ 899	\$ 74	11.7%
\$500,000	\$449,000	\$ 0	\$ 4,490	27.280%	\$ 1,225	\$133	12.2%
\$700,000	\$628,600	\$ 0	\$ 6,608	27.280%	\$ 1,803	\$165	10.1%



**Overall Property Taxes on Properties in Lake Elmo:** Washington County has provided some information about the totals of all property taxes levied by all taxing jurisdictions on the median-value homesteads within each of its cities. This information is included in two attachments with this memorandum. The overall tax on the median-value Lake Elmo homestead (not accounting for school district) is approximately 2.0 percent less than in 2011, compared to a county-wide median increase of 1.3%.

The following taxes would result from the proposed tax levies in Lake Elmo by school district:

	2011 Value	2011 Tax	2012 Value	2012 Tax	2011- 2012 \$Change	2011- 2012 %Change
NStPaul/Oakdale	\$349,000	\$ 3,438	\$317,500	\$ 3,299	(\$139)	-4.0%
Mahtomedi	\$349,000	\$ 3,785	\$317,500	\$ 3,637	(\$148)	-3.9%
Stillwater	\$349,000	\$ 3,207	\$317,500	\$ 3,204	(\$ 3)	-0.1%

### **RECOMMENDATION/MOTIONS:**

1. ***“Motion to approve the Resolution to adopt the 2012 final property tax levy [as amended].”***

2. ***“Motion to approve the Resolution to adopt the 2012 General Fund budget [as amended].”***

Alternatively, the City Council may continue this item for consideration at another Council meeting, but must take action in order to complete the certification process with Washington County by December 28, 2011.

### **ATTACHMENTS:**

- 2012 Budget
- Resolution No. 2011 - \_\_\_\_ Adopting the 2012 Final Tax Levy
- Resolution No. 2011 - \_\_\_\_ Adopting the 2012 General Fund Budget
- Washington County information regarding Taxes Proposed in 2012 for all cities in Washington County (two pages)
- Washington County information total tax on median-valued residential homesteads in municipalities with population greater than 5,000

### **SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion ..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

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

**RESOLUTION NO. 2011-**

**A RESOLUTION ADOPTING 2012 FINAL PROPERTY TAX LEVY**

BE IT RESOLVED by the City Council of the City of Lake Elmo, County of Washington, Minnesota, that the following sums of money be levied for the current year, collectible in 2012, upon the taxable property in the City of Lake Elmo for the following purposes:

General Fund Levy	\$ 2,442,903
2004 G.O Capital Improvement Plan Bonds	\$ 160,000
2006A G.O Equipment Certificates of Indebtedness	\$ 56,532
2009B G.O. Improvement Bonds	\$ 54,639
2010A G.O. Improvement Bonds	\$ 62,865
2011A. G.O. Improvement Bonds	\$ 76,000
Library Levy	<u>\$ 260,078</u>
<b>Total levy</b>	<b>\$3,113,017</b>

ADOPTED, by the Lake Elmo City Council on the 6th day of December, 2011.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

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

**RESOLUTION NO. 2011**

**A RESOLUTION ADOPTING THE 2012 GENERAL FUND BUDGET**

WHEREAS, the City of Lake Elmo is required to adopt a formal budget for the general fund expenditures;

WHEREAS, the City of Lake Elmo held a Budget & Tax meeting on December 6, 2011;

WHEREAS, the Lake City Council closed the public meeting on the 2012 general fund budget on December 6, 2011 without need for continuation;

BE IT RESOLVED the Lake Elmo City Council adopts the 2012 general fund budget in the amount of \$2,900,986.

ADOPTED, by the Lake Elmo City Council on the 6th day of December, 2011.

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Dean A. Johnston, Mayor

ATTEST:

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Craig W. Dawson, Interim City Administrator

## **Taxes Proposed in 2012**

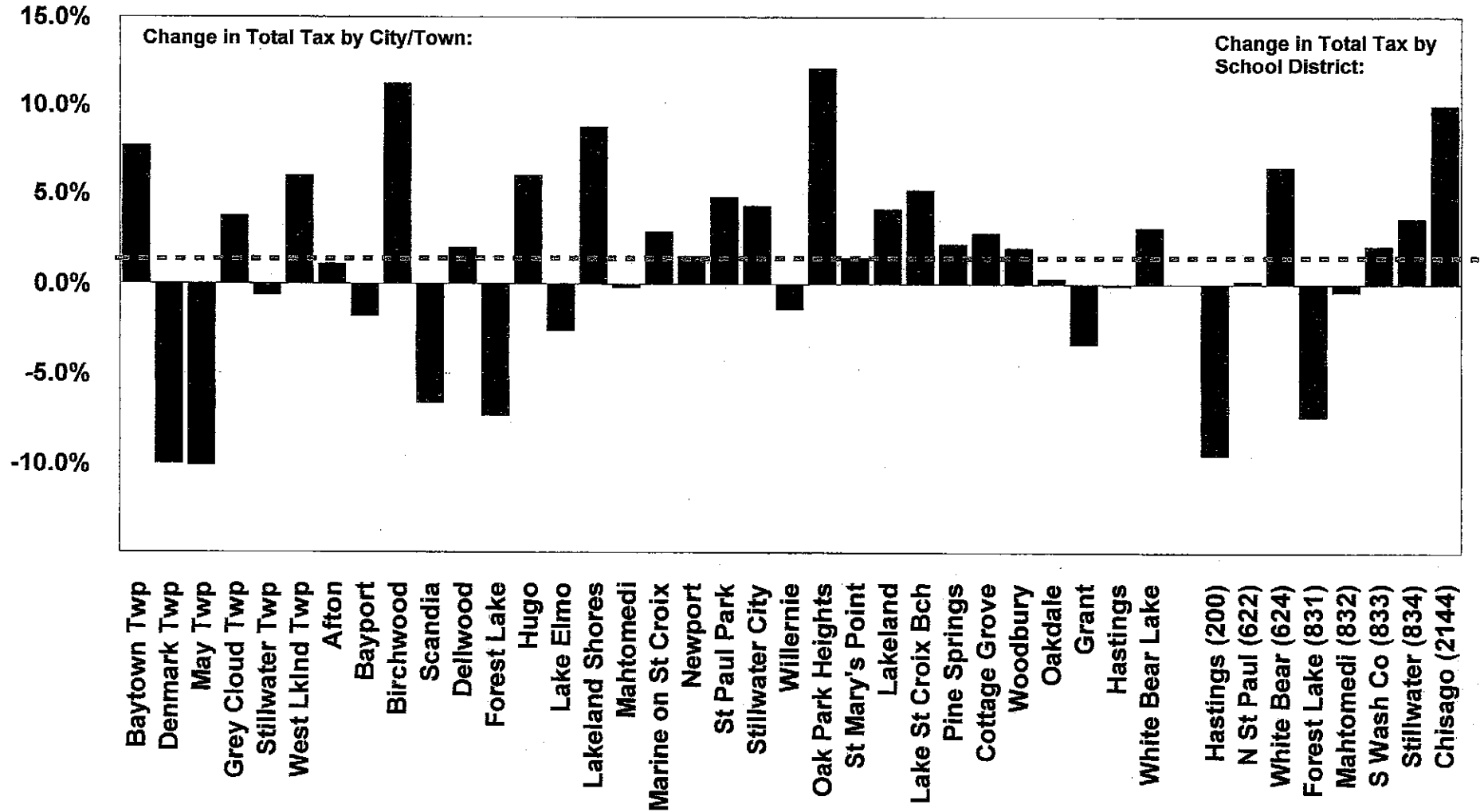
- 95,774 Proposed "Truth in Taxation" Notices were mailed.
- The total amount billed of **\$366.7 million** is an increase of 3.0% over 2011. The 2011 amount of \$356.1 million was a 0.9% increase over the \$353.0 million billed in 2010.

### **What are taxpayers seeing on their proposed tax notices?**

- **All Parcels**
  - Median Value change: 2.7% reduction
  - Median Total Tax change: 1.6% increase
- **Residential Homestead Parcels**
  - Median Value change: 2.9% reduction
  - Median Total Tax change: 1.3% increase
  - Median County Tax change: 3.2% increase
- **Commercial/Industrial/Utility Parcels**
  - Median Value change: 0.0% no change
  - Median Total Tax change: 6.8% increase
- **Apartment Parcels**
  - Median Value change: 0.0% no change
  - Median Total Tax change: 6.7% increase

# Residential Homestead Median Percentage Change in Total Tax

Countywide Median = 1.3% increase



**Washington County**  
**Taxable Market Value and Total Tax on Median-Valued Residential Homesteads**  
**in Municipalities with population greater than 5,000**  
**Taxes Payable in 2011 vs. Taxes Proposed in 2012**

Municipality (1)	School (2)	Pay 2011		Proposed 2012				Pct Chg	Pct Chg	Pct Chg	Dollar Chg	Actual	Estimated Impact of Referenda approved 11/8			
		Median TMV (3)	Tax on Median TMV (4)	Median MV Before Exclusion (5a)	Homestead Value Exclusion (5b)	TMV after Homestead Exclusion (5c)	Tax on Median TMV (6)	MV Before Exclusion 2011-2012 (7a)	In TMV 2011-2012 (7b)	In Tax 2011-2012 (8)	In Tax 2011-2012 (9)	Median Tax chg (10)	Addl School Tax (11)	New Total Tax (12)	Pct Chg 2011-2012 (13)	Pct Chg proposed 2012 to final 2012 (14)
Woodbury	622 N St Paul/Oakdale	243,300	\$2,652.81	239,400	15,700	223,700	\$2,693.81	-1.6%	-8.1%	1.5%	\$41.00	0.4%		\$2,693.81	1.5%	0.0%
	833 S Washington Co	243,300	\$2,974.90	239,400	15,700	223,700	\$3,034.73	-1.6%	-8.1%	2.0%	\$59.83	1.6%		\$3,034.73	2.0%	0.0%
	834 Stillwater	243,300	\$2,491.81	239,400	15,700	223,700	\$2,627.21	-1.6%	-8.1%	5.4%	\$135.40	4.0%		\$2,627.21	5.4%	0.0%
Cottage Grove	200 Hastings	189,800	\$2,108.96	186,600	20,400	166,200	\$1,995.59	-1.7%	-12.4%	-5.4%	(\$113.37)	-5.9%		\$2,261.51	7.2%	13.3%
	833 S Washington Co	189,800	\$2,247.24	186,600	20,400	166,200	\$2,312.78	-1.7%	-12.4%	2.9%	\$65.54	2.9%		\$2,312.78	2.9%	0.0%
Oakdale	622 N St Paul/Oakdale	196,500	\$2,048.82	186,200	20,500	165,700	\$2,031.07	-5.2%	-15.7%	-0.9%	(\$17.75)	0.3%		\$2,031.07	-0.9%	0.0%
Stillwater City	834 Stillwater	221,900	\$2,495.46	212,400	18,100	194,300	\$2,527.52	-4.3%	-12.4%	1.3%	\$32.06	4.3%		\$2,527.52	1.3%	0.0%
Forest Lake	831 Forest Lake	204,400	\$1,900.34	201,000	19,200	181,800	\$1,774.47	-1.7%	-11.1%	-6.6%	(\$125.87)	-7.3%		\$2,048.92	7.8%	15.5%
Mahtomedi	832 Mahtomedi	264,000	\$3,030.73	252,500	14,500	238,000	\$3,037.85	-4.4%	-9.8%	0.2%	\$7.12	-0.2%		\$3,095.93	2.2%	1.9%
Hugo	624 White Bear Lk	193,800	\$2,034.74	191,900	20,000	171,900	\$2,193.95	-1.0%	-11.3%	7.8%	\$159.21	6.3%		\$2,193.95	7.8%	0.0%
	831 Forest Lake	193,800	\$1,667.02	191,900	20,000	171,900	\$1,537.99	-1.0%	-11.3%	-7.7%	(\$129.03)	-9.2%		\$1,800.01	8.0%	17.0%
	832 Mahtomedi	193,800	\$2,154.61	191,900	20,000	171,900	\$2,234.34	-1.0%	-11.3%	3.7%	\$79.73	3.7%		\$2,278.48	5.7%	2.0%
	834 Stillwater	193,800	\$1,833.45	191,900	20,000	171,900	\$1,991.63	-1.0%	-11.3%	8.6%	\$158.18	7.0%		\$1,991.63	8.6%	0.0%
Lake Elmo	622 N St Paul/Oakdale	349,000	\$3,438.03	317,500	8,700	308,800	\$3,299.22	-9.0%	-11.5%	-4.0%	(\$138.81)	-5.7%		\$3,299.22	-4.0%	0.0%
	832 Mahtomedi	349,000	\$3,785.45	317,500	8,700	308,800	\$3,636.66	-9.0%	-11.5%	-3.9%	(\$148.79)	-5.6%		\$3,709.69	-2.0%	2.0%
	834 Stillwater	349,000	\$3,207.08	317,500	8,700	308,800	\$3,203.65	-9.0%	-11.5%	-0.1%	(\$3.43)	-1.3%		\$3,203.65	-0.1%	0.0%
St Paul Park	833 S Washington Co	151,600	\$1,795.29	149,400	23,800	125,600	\$1,865.76	-1.5%	-17.2%	3.9%	\$70.47	4.8%		\$1,865.76	3.9%	0.0%

**Notes:**

- The presence of watershed districts also affects the taxes. This table uses the tax rate for the district with the most residential value.
- Column 10 shows the actual median change in total tax from 2011 to 2012 of all residential homestead parcels in the municipality/school district.
- Voters in the following school districts approved levy questions at the general election November 8, 2011: 200 Hastings, 622 N St Paul/Oakdale, 624 White Bear Lake, 831 Forest Lake, 832 Mahtomedi. Information provided by the districts indicates the following impact of those referenda on 2012 taxes:
  - 200 \$142.56 per 100,000 of value.
  - 622 No impact on 2012. Extends current levy, set to expire in 2012-13, for 10 more years.
  - 624 No impact on 2012. Extends current levy, set to expire after pay 2012, for 6 years beginning with taxes payable in 2013.
  - 831 \$138.54 per 100,000 of value.
  - 832 \$23 per 100,000 of value.

Levy questions in 834 Stillwater were not approved by the voters.

Columns 11-14 show the estimated impact of those levy questions on final 2012 taxes, based on school district estimates. Column 11 shows the estimated additional school tax for 2012. Column 12 shows the new estimated total tax. Column 13 shows the percentage change in tax from 2011 to 2012. Column 14 shows the percentage change in tax from the proposed 2012 tax amount to the estimated final 2012 tax amount.

**Additional tax information is also located on our website:**

[http://www.co.washington.mn.us/info\\_for\\_residents/property\\_tax\\_and\\_assessment/2012\\_tn/](http://www.co.washington.mn.us/info_for_residents/property_tax_and_assessment/2012_tn/)

[http://www.co.washington.mn.us/info\\_for\\_residents/property\\_tax\\_and\\_assessment/documents\\_for\\_property\\_tax\\_administrators/](http://www.co.washington.mn.us/info_for_residents/property_tax_and_assessment/documents_for_property_tax_administrators/)

**Questions:**

Joanne Helm  
 Taxation Division Manager  
 Washington County Department of Property Records and Taxpayer Services  
 14949 62nd Street North PO Box 6  
 Stillwater, MN 55082-0006  
 Phone 651.430.6195  
 Email Joanne.Helm@co.washington.mn.us



## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011  
**REGULAR**  
ITEM #: 12.  
**Motion**

**AGENDA ITEM:** Targeted Pay Adjustments for 2012

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator

**REVIEWED BY:** Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** The Council allocated \$16,525 for targeted pay adjustments in the 2012 Proposed General Fund Budget, in order to enhance retention and recruitment of City staff. Provided that the Council has adopted the Budget and 2012 Tax Levy earlier in the Council meeting, the proposed pay adjustments that follow would implement the Council's allocation for these pay adjustments. **It is requested that the Council authorize the pay adjustments for 2012 as recommended by staff** later in this memorandum.

**BACKGROUND INFORMATION:** In the 2012 Proposed General Fund budget, the Council allocated \$16,525 to be used for targeted pay adjustments for certain positions in order to enhance retention and recruitment of City staff. As I understood the intent of the action, supervisors were to identify what they believed were appropriate increases, with the city administrator to bring forward recommended adjustments in light of the whole City organization. In particular, there was concern with staff in public works maintenance positions that arguably should have been moving through the five-year "steps" in their pay range while the top of the pay range was frozen; they were also frozen in their steps at times during the past few years. Additionally, wages for other positions have become less competitive compared to comparably-sized suburbs in the metropolitan area, and these relationships should be addressed.

The Council also decided not to increase the City's cost toward employee health insurance premiums in 2012. The City received quotes for alternate health insurance plans this fall. The one preferred by staff and recommended to the Council, which would have similar but lower benefit levels to the 2011 plan, would increase the City's cost by \$3,114 in 2012. In order to continue with the goal of enhancing retention and recruitment, given the City's generally below-average wage levels, the Council approved the recommended health insurance plan and reduced the amount available for targeted pay adjustments to \$13,411.

**STAFF REPORT:** The calculations for adjustments to public works maintenance positions are shown among the tables on the attached spreadsheet. To fund all of the positions where they should be in the step system, approximately \$25,000 would be needed. The public works

superintendent has proposed adjustments at this time that would differentiate wages based on employees' tenure with the City, but would be affordable with the funds that the Council has allocated. These adjustments would add \$7,393 to total hourly wages, a 3.875% increase in total hourly wages, and approximately 1.65% of the public works budget in the General Fund.

With those adjustments, \$6,018 remains for targeted adjustments. I focused on the staff with the lowest percentages of the average for their respective positions, with the idea that adjustments should be made such that they would have equal percentages of average salaries. As it turned out, all of the remaining \$6,018 should go to the Fire Chief. With that adjustment, he would be at 79.4% of the average for fire chiefs in cities with populations between 5,000 and 15,000 residents. The next-lowest percentage position is the program support assistant at 79.8% of the average for comparable positions (in the survey as Office Support, Experienced) and, as her percentage is higher than the Fire Chief's after the proposed adjustment, would not receive a pay increase.

For public works maintenance positions, the following hourly rates of pay in 2012 are proposed:

* Rick Gustafson	\$24.30
* Jim Sachs	\$21.59
* Mark Duddeck	\$21.27
* Jamie Colemer	\$19.67
* Bill Leary	\$11.72

For the Fire Chief, the following salary in 2012 is proposed:

* Greg Malmquist	\$66,269
------------------	----------

**FINANCIAL/LEGAL/OTHER CONSIDERATIONS:** During discussions between the Council's Budget and Finance Committee and the Finance staff, there was some indication that some funds may have been "found" that would cover the \$3,114 increase in the City's employer health insurance costs, and thus make the full \$16,525 available for targeted pay adjustments. Due to the press of time to bring the budget and this item to Council for action, staff is not comfortable in addressing this possibility at this time. With a little more time to clarify information, any further adjustments that might be possible can be presented to Council for action. At this time, staff is recommending that the proposed adjustments (above) be made to provide immediate increases for the affected City employees.

The total funding the Council has allocated in 2012 for pay adjustments is not fully sufficient to address the wage adjustments needed for external competitiveness and internal consistency. It would appear that over \$35,000 would have been needed to reach these goals in 2012. The Council should consider making similar amounts of additional funding over the next few years in order bring compensation comparability both internally and externally.



**ATTACHMENTS:**

- 2011 salary comparisons for cities with 5,000 – 15,000 population participating in League of Minnesota Cities salary survey
- Spreadsheet of calculations for pay adjustments (in which the reader may need a bit of luck in picking up the logic to navigate it)

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

# 2011 Salary Comparisons

based on cities participating in the League of Minnesota Cities Salary Survey

Metro area, populations 5,000 to 15,000

	<u>Average Range</u>	<u>Actual "Aged"</u> <u>Average</u>	<u>Lake Elmo</u> <u>% of Actual Avg</u>
Building Inspector	\$49,500 - 61,000	\$60,700	
Lake Elmo	\$54,300 - 68,900	\$55,300 (currently Acting Bldg Official)	91.1%
City Clerk	\$58,500 - 72,500	\$70,900	
Lake Elmo	\$57,100 - 72,400	\$70,400	99.3%
Office Support, Experienced	\$37,100 - 46,200	\$44,500	
Lake Elmo	\$31,200 - 40,600	\$35,500	79.8%
Finance Director	\$68,500 - 89,700	\$85,100	
Lake Elmo	\$57,100 - 72,400	\$69,300	81.4%
Fire Chief (full-time)	\$83,000 - 104,800	\$100,700 (for all metro cities)	59.8%
	\$60,500 - \$85,200	\$ 83,400 (7 cities, 5k - 15k pop)	72.1%
Lake Elmo	\$53,400 - \$67,600	\$ 60,200 (see above %s)	
Community Dev. Dir	\$73,700 - 93,200	\$88,600	
Lake Elmo	\$71,400 - 90,500	\$79,500	89.7%
Planner (general)	\$45,100 - 57,100	\$51,700	
Lake Elmo	\$49,300 - 62,400	\$53,200 (@1.0 FTE)	102.9
PubWks Superintendent	\$62,200 - 76,100	\$72,700	
Lake Elmo	\$58,700 - 74,400	\$70,400	96.8%
PubWks Maintenance	\$40,600 - 51,200	\$50,100 (for "single classification")	
Lake Elmo	\$37,900 - 48,900	\$43,500	86.8%*

\*average when combining all four  
positions on Lake Elmo staff;  
not for each position

City of Lake Elmo  
Targeted Pay Adjustments for 2012  
December 2011

\$16,525 available in Proposed 2012 Budget  
\$3,114 used for increase in Employer contribution to 2012 Health Insurance  
\$13,411 net available for Targeted Pay Adjustments for 2012

<u>Public Works</u>	5-year Step Program				No. St. Paul & Oakdale		Lake Elmo as % of	15-City Average of		Lake Elmo as % of
			<u>Current</u>	<u>Annual</u>	<u>Current Average</u>		<u>2-City Average</u>	<u>Cities Pop 5K-15K</u>		<u>15-City Average</u>
	Yr 5	100%	\$ 23.94	\$ 49,795	\$ 25.25	\$ 52,520	95%	\$ 24.63	\$ 51,236	97%
	Yr 4	97%	\$ 23.22	\$ 48,301	\$ 24.49	\$ 50,944	95%			
	Yr 3	92%	\$ 22.02	\$ 45,812	\$ 23.23	\$ 48,318	95%			
	Yr 2	87%	\$ 20.83	\$ 43,322	\$ 21.97	\$ 45,692	95%			
	Yr 1	83%	\$ 19.87	\$ 41,330	\$ 20.96	\$ 43,592	95%			
	Entry	78%	\$ 18.67	\$ 38,840	\$ 19.70	\$ 40,966	95%	\$ 19.55	\$ 40,655	96%
					<u>Proposed Adjustments</u>		<u>Proposed Change in Wage</u>		<u>Adjustments Needed w/full 5-yr Step Plan</u>	
			<u>Current</u>	<u>Annual</u>	<u>Hourly</u>	<u>Annual</u>	<u>Hourly</u>	<u>Annual</u>	<u>Hourly</u>	<u>Annual</u>
R. Gustafson	20+ yrs		\$ 23.94	\$ 49,795	\$ 24.30	\$ 50,544	\$ 0.36	\$ 749	\$ 24.30	\$ 50,544
J. Sachs	~7 yrs		\$ 20.86	\$ 43,389	\$ 21.59	\$ 44,907	\$ 0.73	\$ 1,518	\$ 24.30	\$ 50,544
M. Duddeck	~5.5 yrs		\$ 19.70	\$ 40,976	\$ 21.27	\$ 44,242	\$ 1.57	\$ 3,266	\$ 24.30	\$ 50,544
J. Colemer	3 yrs		\$ 19.10	\$ 39,728	\$ 19.67	\$ 40,914	\$ 0.57	\$ 1,186	\$ 22.35	\$ 46,488
B. Leary	25+ yrs 0.72 PT		\$ 11.27	\$ 16,905	\$ 11.72	\$ 17,580	\$ 0.45	\$ 675		
				\$ 190,793			<b>Total</b>	<b>\$ 7,393</b>		
								3.875%		
									<b>Total</b>	<b>\$ 24,907</b>

Positions currently less than 80% of "Actual 'aged' average" of wages in cities w/pop 5K-15K in League of Minnesota Cities 2011 salary survey

		Lake Elmo Salary Range	Cities in LMC Survey Salary Range	Lake Elmo as % of Average	80% of Average	Adjustment Needed to = 80% of Avg.	Proposed Adjustments		% of Avg
							Hourly	Annual	
<u>Program Support Assistant</u>									
	Hourly:	\$ 15.01 - \$ 19.53	\$ 17.85 - \$ 22.23						
	Annual:	\$ 31,221 - \$ 40,622	\$ 37,132 - \$ 46,247						
Current Pay:	Hourly:	\$17.07	\$21.40 Average (15 cities)		\$17.12	\$0.05	none	none	
	Annual:	\$35,506	\$44,516 Average (15 cities)	79.8%	\$35,610	\$104	none	none	79.8%
<u>Fire Chief</u>									
	Hourly:	\$ 25.67 - \$ 32.53	\$ 29.09 - \$ 40.97						
	Annual:	\$ 53,402 - \$ 67,652	\$ 60,515 - \$ 85,213						
Current Pay:	Hourly:	\$28.97	\$40.13 Average (7 cities)		\$32.10	\$3.13	\$2.89	\$31.86	
	Annual:	\$60,250	\$83,462 Average (7 cities)	72.2%	\$66,770	\$6,520	\$6,018	\$66,269	79.4%
Total						\$6,624	Total	\$6,018	

Total of Proposed Adjustments

Public Works Positions	\$ 7,393
Program Support Assistant	\$ -
Fire Chief	\$ 6,018
Total Cost	\$ 13,411
Total Available	\$ 13,411



## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011  
REGULAR  
ITEM #: 13.  
Motions; Ordinance & Resolution

**AGENDA ITEM:** New Schedule for Firefighter Pay

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator  
Greg Malmquist, Fire Chief

**REVIEWED BY:** Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** The 2012 Proposed General Fund budget included funds necessary to accomplish changes in the method of compensation for paid on-call firefighters. Somewhat simplistically, the changes would be from *per call* basis to a *per hour* basis for calls and drills, with differential hourly pay for additional certifications or officer status. Provided that the Council has adopted the Budget and 2012 Tax Levy earlier in the Council meeting, the proposed pay schedule would implement the Council's 2012 budget for paid on-call firefighter pay. **It is requested that the Council adopt the proposed ordinance and resolution authorizing the paid on-call firefighter pay schedule 2012 as recommended by staff** and tentatively approved by the Council in September 2011. Appropriate motions would be as follows:

1. *"Motion to Approve Ordinance No. 08 – xxx Amending Section 216.03 of the City Code related Firefighter Compensation."*
2. *"Motion to Approve Resolution No. 2011 – xxx Authorizing the Pay Schedule For Paid On-Call Firefighters in Accordance with Section 216.03 of City Code"*

**BACKGROUND INFORMATION:** The Council discussed this matter in its review of the proposed budget for Fire for 2012. The schedule is consistent with Council direction at that time, and is incorporated in the 2012 proposed budget and tax levy scheduled earlier in the City Council meeting.

**FINANCIAL/LEGAL/OTHER CONSIDERATIONS:** City Code Section 216.03 needs to be amended. It contains specific amounts for hourly compensation that were superseded when changes were made to the current *per call* basis. The proposed ordinance would remove the specifics of compensation, and provide that the Council shall approve paid on-call firefighter pay that may be changed by resolution (and thus avoid the need for an ordinance and subsequent publication and codification expenses). The proposed resolution would effect the new pay plan, and reference the pay schedule as an attachment.

**ATTACHMENTS:**

- Proposed ordinance amending Section 216.03 of City Code
- Proposed with resolution with pay schedule as an attachment

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report..... Interim City Administrator & Fire Chief
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Discussion ..... Mayor & Council Members
- Motion(s)..... Mayor Facilitates

CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA

ORDINANCE NO. 08 - \_\_\_\_\_  
AN ORDINANCE AMENDING SECTION 216.03 OF THE CITY CODE  
RELATING TO THE FIRE DEPARTMENT

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Section 216.13 of the Lake Elmo City Code to read as follows:

Section 216.03 – Compensation: A City employee who is a Paid on-call ~~voluntary firefighter positions~~ shall be compensated at an annual stipend rate of \$2,500 per year. ~~This compensation will be provided that the employee is a Paid on-call to a volunteer firefighter, in good standing, who is a City employee that volunteers for with~~ the Fire Department. ~~City volunteer Paid on-call firefighter positions shall be compensated at a rate of \$10.25 per hour for calls for service in accordance with rates set by a Resolution of the City Council.~~ The compensation for ~~voluntary Paid on-call~~ positions will change as proposed by the City Administrator and approved by the City Council. In addition, an annual and equal contribution to the City's ~~fireman's~~ firefighters retirement/relief association will be provided for each firefighter position regardless of the position or employment classification. The rate of contribution will vary as required by Minnesota Statute.

**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. 08 - \_\_\_\_\_ was adopted on this 6<sup>th</sup> day of December, 2011, by a vote of \_\_\_\_\_ Ayes and \_\_\_\_\_ Nays.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

This Ordinance No. 08 - \_\_\_\_\_ was published on the \_\_\_\_\_th day of December, 2011.

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

**ORDINANCE NO. 08 - \_\_\_\_\_  
AN ORDINANCE AMENDING SECTION 216.03 OF THE CITY CODE  
RELATING TO THE FIRE DEPARTMENT**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 216.13 of the Lake Elmo City Code to read as follows:**

Section 216.03 – Compensation: A City employee who is a Paid on-call firefighter shall be compensated at an annual stipend rate of \$2,500-per year, provided that the employee is a Paid on-call -firefighter in good standing with the Fire Department. Paid on-call firefighter positions shall be compensated in accordance with rates set by a Resolution of the City Council. The compensation for Paid on-call positions will change as proposed by the City Administrator and approved by the City Council. In addition, an annual and equal contribution to the City's firefighters retirement/relief association will be provided for each firefighter position regardless of the position or employment classification. The rate of contribution will vary as required by Minnesota Statute.

**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. 08 - \_\_\_\_\_ was adopted on this 6<sup>th</sup> day of December, 2011, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

This Ordinance No. 08 - \_\_\_\_\_ was published on the \_\_\_\_\_th day of December, 2011.

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

**RESOLUTION NO. 2011 - \_\_\_\_\_**

**RESOLUTION ADOPTING RATES OF PAY  
FOR PAID ON-CALL FIREFIGHTERS**

WHEREAS, the City Council has adopted Ordinance No. 08 - \_\_\_\_\_ which, among other things, provides that the City Council may set rates of pay for Paid on-call Firefighters by a Resolution, and

WHEREAS, the City Council has reviewed the changes in compensation as proposed by the City Administrator, which are consistent with the City's approved 2012 budget,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, Minnesota, that the Rates of Pay for Paid on-call Firefighters be approved as set forth in the schedule attached to this Resolution.

APPROVED by the Lake Elmo City Council this 6<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator



# RATES OF PAY

- **CALL PAY = \$11.61/hr**
  - Certified EMT's shall receive an additional \$1.00 per hour.
  - Certified ENGINEERS shall receive an additional \$1.00 per hour.
  - Officers shall receive an additional \$1.00 per hour.
- **TRAINING and MEETING PAY = \$10.61/hr.**
  - Probationary Incentive Pay = \$500
- **OFFICERS PAY =**
  - DISTRICT CHIEFS (2) - \$2070.00/year
  - CAPTAINS (4) - \$1380.00/year
  - SAFETY OFFICER (1) - \$690.00

	<u>BASED ON YEAREND PERCENTAGE TOTALS</u>	
<b>YEAR END INCENTIVE PAY</b>	26% - Less than 31% = \$400.00	51% - Less than 61% = \$575.00
	31% - Less than 41% = \$450.00	61% - Less than 71% = \$650.00
	41% - Less than 51% = \$525.00	71% & ABOVE = \$750.00

**PAY RATES EFFECTIVE JANUARY 1, 2012**



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/6/11

**REGULAR**

ITEM #: J14

**RESOLUTION (2)**

**AGENDA ITEM:** Conditional Use Permit Amendment and Variances – Christ Lutheran Church Expansion

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Planning Commission

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**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Christ Lutheran Church, 11194 36th Street North, for a Conditional Use Permit amendment and variances related to an expansion of its present facility. The specific action requested from the City is as follows:

- Conditional Use Permit Amendment to allow the expansion of a church within a PF – Public Facility Zoning District.
- Variances from the required 50-foot side yard setback to allow an addition to the building that is set back 8 feet from the Laverne Avenue right-of-way and 38 feet from the western property line.
- A Variance to allow the expansion of the existing facility, including new classroom and general meeting space, without an increase in the number of off-street parking stalls available to the Church.
- A Variance to allow an additional 2,320 square feet of impervious coverage to be added to the site, which presently exceeds the maximum impervious coverage limit of 39.5%.

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

***“Move to adopt a resolution approving a Conditional Use Permit Amendment and a resolution approving Variances for Christ Lutheran Church at 11194 36<sup>th</sup> Street North to expand its current facility and make other improvements to the property”***

**BACKGROUND INFORMATION:** The attached Planning Commission report includes a detailed review of the application along with the original Staff recommendation to the Commission.

**PLANNING COMMISSION REPORT:** The Planning Commission reviewed the Conditional Use Permit Amendment and Variance requests at its November 14, 2011 meeting and conducted a public hearing at this time. In addition to the applicant, three of the neighboring property owners spoke at the hearing. Kevin Busch, representing Christ Lutheran Church, made the following points concerning the proposed work:

- The proposed plans will allow the church to improve two of their four existing entrances, and to specifically improve accessibility into the building at these points.
- The plans address internal circulation needs as well, and a new stairway will help address existing issues.
- The Church is proposing to cover the existing courtyard and make it into an atrium, which also will help with internal circulation deficiencies.
- The second story addition will include classrooms that will serve multiple purposes, including choir practice, Sunday school, meeting space, and other activities.
- The Church is working with a septic designer to look into issues associated with the current septic system, and is also working with a civil engineer to put together a drainage plan.

Three neighboring property owners also spoke, and made comments as follows:

- 36<sup>th</sup> Street has historically been used and the main entrance into the church and is a wider street.
- There is a lot of traffic on Laverne Avenue, including trucks from the Fire Station.
- A neighbor expressed concern that the proposed additional would encroach too closely to Laverne Avenue.
- The church's current drainfield is located very near to the proposed expansion area.
- Additional space for the storage for snow would be needed if the Laverne Avenue improvements were completed.
- There was support expressed for the reconstruction of the church atrium.
- The chairman of the Church's facilities task force addressed the Commission and noted that the church would be building around the drainfield and that the church will be able to continue using the old bank parking lot event after that building is sold.

The Commission questioned why the stairway could not be accommodated somewhere else in the building. Kevin Busch explained that putting the stairway in the atrium area does not work well with the current circulation on the upper level.

The Commission generally expressed concern about the septic system for the property and the timing for the improvements. It was also noted that the proposed improvements would not

necessarily result in an increase in church membership or additional usage of the church building when compared to a typical commercial expansion.

The Planning Commission generally agreed with the draft findings of support for the Comprehensive Plan Amendment and the Variances, and decided to recommend approval of the requests. This recommendation; however, did not include any of the work proposed within the Laverne Avenue right-of-way, which the Commission indicated could come back for approval at a later date (and with more of the details provided for this work). Staff has revised the conditions of approval that were initially drafted to account for the Planning Commission's recommendation to approve only the work outside of the Laverne Avenue right-of-way with the present request. All of the revised conditions of approval as recommended by the Planning Commission are noted in the Resolutions of approval that have been submitted for consideration by the City Council.

**PLANNING COMMISSION RECOMMENDATION:** Based upon the above background information, staff report and Planning Commission recommendation, it is recommended that the City Council approve the Conditional Use Permit Amendment and Variances that have been requested by the Christ Lutheran Church for its property at 11194 36<sup>th</sup> Street North by undertaking the following action:

***“Move adopt Resolution Number 2011-xxx approving a Conditional Use Permit Amendment and 2011-xxx approving Variances for Christ Lutheran Church at 11194 36<sup>th</sup> Street North to expand its current facility and make other improvements to the property”***

Alternatively, the City Council may table taking action on the application and direct either staff or the applicant to provide additional information concerning the request. This is the initial course of action that was recommended by Staff to the Planning Commission, but ultimately not taken by the Commission.

The Council may also consider denying the Conditional Use Permit amendment and/or variances and should develop findings of fact to support a motion for denial based on the evidence presented during the course of the City review.

**ATTACHMENTS:**

1. Resolution No. 2011-xxx approving a CUP amendment
2. Resolution No. 2011-xxx approving variances
3. Staff Report
4. Application Form
5. Application Narrative
6. Location Map/Aerial Photograph
7. Review Letter from Focus Engineering
8. Review Letter from Valley Branch Watershed District

9. Site Plans

- a. Architectural Drawings
- b. Civil Engineering Drawings (Not submitted to Planning Commission)
- c. Landscape Plan (Revised)

10. Site Survey (Not included with Council Packet)

11. Applicant response to City review comments

**SUGGESTED ORDER OF BUSINESS:**

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

City of Lake Elmo Planning Department  
**Conditional Use Permit Amendment and Variance Request**

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**To: Planning Commission**

**From:** Kyle Klatt, Planning Director

**Meeting Date:** 11/14/11

**Applicant:** Christ Lutheran Church

**Owner:** Christ Lutheran Church

**Location:** 11194 36<sup>th</sup> Street North

**Zoning:** PF – Public and Quasi-Public Open Space/Public Facilities

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***Introductory Information***

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***Application  
Summary:***

The City of Lake Elmo has received an application from Christ Lutheran Church, 11194 36<sup>th</sup> Street North, to expand its current facility and make other improvements intended to increase accessibility, improve entrances into the building, provide better interior circulation, and to provide additional space for learning and hospitality. In order to move forward with its plans, the Church has requested the following specific action from the City:

- A Conditional Use Permit amendment to allow for the expansion of an existing structure that pre-dates the City's zoning regulations. Because a Church is permitted by Conditional Use Permit in the PF – Public Facility Zoning District, an expansion or major modification to the building requires a new permit (or amendment) from the City.
- A variance from the side yard setback requirements within a PF –Public Facility zoning district. The site plan submitted by the applicant indicates that the proposed additions to the building will be set back 8 feet from the Laverne Avenue right-of-way and 38 feet from the western property line, both of which are side yard setbacks. The PF zoning district requires a minimum side yard and corner side yard setback of 50 feet.
- A variance from the parking requirements for a PF – Public Facility Zoning District to allow the expansion of a building without an increase in available off-street parking.

The expansion into the existing side yard setbacks would allow the Church to create upgraded entrances into the facility in the form of two new vestibules and covered roof canopies over both of these entrances. Please note that the application narrative provided by the applicant does not seem to accurately portray the setbacks shown on the site plan for the eastern entrance. In addition, the applicant has provided setbacks (and has shown the building setback lines on the site plans) from property lines and

not from the official right-of-way lines. Staff has taken scaled measurements from the site plans and used the right-of-way lines to determine the official setback variance being sought as noted above.

The proposed plans also call for a major reconfiguration of Laverne Avenue as part of the eastern entrance improvements. The applicant is proposing to reconstruct the boulevard along Lavern Avenue to create a drop-off area for visitors to the Church and to install a new sidewalk within the street right-of-way along the length of its property. These improvements would tie in with the overall plans to improve access into the Church facility. Although the request to improve the right-of-way is technically a separate action for consideration by the City, Staff is recommending that these improvements be considered as part of the overall site plan review by the Planning Commission and included in the Planning Commission's recommendation to the City Council.

The attached site plans highlight the proposed changes to the building that are being sought, and also show the reconfiguration proposed for Laverne Avenue. The applicant has also provided a detailed narrative explaining the project and the need for the improvements.

**Property  
Information:**

The Christ Lutheran Church building was initially constructed in the 1950's, and the facility has been expanded and improved at various times over the past several years. The most recent major renovation/expansion occurred in 1996, since that time there is no record of any other significant improvements in the City records. The facility includes several different components, including the sanctuary, offices, atrium, classrooms, conference room, kitchen, and other ancillary functions. Because the facility has been expanded various times in a piecemeal fashion, and given the age of many of the improvements, the Church would like to improve overall access throughout the facility and create additional space for church functions.

The applicant's site is located within the heart of the Village Planning Area, and is one of a series of PF – Public Facility uses that is scattered amongst the residential and commercial uses within the Village. The Church also owns the former Lake Elmo Bank building at 3549 Lake Elmo Avenue North, and uses the parking lot accessory to this building to help provide for the parking demand around the Church on Sundays and during other peak usage times. The attached site survey includes all of the property owned by the Church in this area, which is spread between four separate parcels of land.

In addition to the parking provided on the old bank property, the church has a small amount of parking along the west side of the facility (mostly handicapped stalls) and a larger parking lot immediately north of the building. This parking lot has direct access to Laverne Avenue and indirect access to 36<sup>th</sup> Street along a driveway that runs the length of the church property. In total, there are 33 parking stalls located on the main church site, with an additional 37+ stalls on the old bank site. Just using the parking calculations for the main sanctuary, which has a maximum seating capacity of 266, the church would need to provide 67 parking stalls for the building (4 per seat in the main

assembly hall). The Zoning Ordinance notes that other uses within the facility should be factored into the final evaluation of parking for the site. Since the church is already short on parking for the main assembly hall by itself, any expansion of classroom/meeting space will require a variance from the City's parking standards.

Within the Village area, it is not uncommon for buildings to be located at reduced setbacks from the street and to not provide the required amount of off-street parking otherwise required by the Zoning Ordinance. The City recently revised its requirements for the GB – General Business District in the Village area to allow for reduced setbacks and the waiver of parking requirements. The applicant's proposal is therefore not out of character compared to the commercial uses that are located in close proximity.

The Church is located in an area that has experienced storm water flooding issues in the past, and although the proposed project will not require a Valley Branch Watershed District, the applicant's plans should incorporate storm water mitigation measures to manage the additional runoff from proposed increases in impervious coverage for the site.

**Applicable Codes:**

**Section 154.063 PF – Public and Quasi-Public Open Space**

(B) *Uses allowed by conditional use permit*

(2) Places of Worship

Sections A through F contain the district regulations for the PF Zoning District

**Section 154.018 Conditional Use Permits.**

(A) Granting/Denial. Outlines the general requirements for all conditionally permitted uses in Lake Elmo.

(K) Amendment. In accordance with Section 154.018 K of the Zoning Ordinance, an amended conditional use may be administered in a manner similar to that required for a new permit.

**Section 150.017 Variances.**

(A-I) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

**Findings & General Site Overview**

<b>Site Data:</b>	<p><i>Lot Size:</i> 1.14 acres (3 parcels, including street right-of-way)</p> <p><i>Existing Use:</i> Place of Worship (includes accessory uses)</p> <p><i>Existing Zoning:</i> PF – Public and Quasi-Public Facilities</p> <p><i>Property Identification Numbers (PID):</i> 13.029.21.21.0020; 13.029.21.23.0060; and 13.029.21.23.0061</p>
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## ***Application Review:***

### ***General Review Requirements***

The establishment of the Christ Lutheran Church on the applicant's property pre-dates the current zoning regulations, which now would require a "place of worship" to secure a Conditional Use Permit in order to be permitted on the site. In situations like this, the proper procedure is to review any expansions or alterations on the site as though a Conditional Use Permit was previously granted. The applicant has therefore submitted their request as a Conditional Use Permit amendment to expand the facility in the manner depicted on the attached site plans.

In addition to the Conditional Use Permit amendment request, the applicant is also seeking approval of specific variances, due in part to the current location of the church on a small parcel of land within the City's Village Planning area. The current configuration of the church leaves no room for an expansion that meets the City's underlying zoning requirements as most of the facility is already located within required setback areas. The City's PF zoning district applies to only a few structures within the Village, in which larger setbacks and significant parking requirements are generally out of place.

The City's requirements for the two components of the applicant's request are noted below.

A major component of the plans also includes a request to reconfigure the right-of-way along Laverne Avenue, which Staff is suggesting that the Planning Commission review as part of the overall project. Should this aspect of the planned improvements move forward, the applicant will need to enter into a separate agreement with the City concerning the proposed work. This agreement would ultimately serve as the City's authorization to proceed with the improvements that are proposed.

### ***General Staff Review***

The City Engineer has provided an initial review letter of the applicant's plans, requested additional information in order to complete the City's review. The comments focus on the following aspects of the project: 1) septic system compliance and capacity, 2) Water service connections, 3) work within the City right-of-way, and 4) additional application requirements. While some of the information that has been requested could be submitted at a later date, Staff is concerned that some of the requested information is critical to evaluate all potential impacts from the proposed project.

Although many of these details could be addressed through conditions of approval, Staff is recommending at this time that the Planning Commission table this request in order to assure that all questions and issues identified by Staff have been addressed. Knowing that the applicant is on a schedule and would like to proceed sooner than later with the improvements, Staff will be drafting suggested conditions of approval as part of an alternative course of action that could be taken by the Planning Commission.

While the Conditional Use Permit and Variance requests each have specific standards that must be met by an applicant, the request to make improvements within the Laverne Avenue right-of-way are not subject to these same requirements. As such, the

proposed work does represent a fairly major change to the street, and would have the following impacts on the surrounding neighborhood:

- There are four larger trees (two ash and two maple trees according to the applicant) along Laverne Avenue that would need to be taken down to make room for the proposed driving/drop-off lane. Although these trees could be replaced with new trees elsewhere on the site, there is very little room on the site to do so, and almost no room within the boulevard to maintain trees within the City right-of-way.
- Parking is not allowed along the eastern edge of Laverne Avenue, and is instead allowed only along portion of the street. The proposed drop-off area would eliminate approximately eight parking stalls within the street if parking were not allowed within this new area. The fire chief has recommended that this lane be marked as a fire lane, which would eliminate all parking along the Church's portion of Laverne Avenue.
- Should the City agree to move forward with the plans for Laverne Avenue as proposed, Staff would recommend that the parking/no parking situation along this street be revisited by the City Council. It may make sense to move the "no parking" signs to the opposite side of the entire street since there are seven homes along the east side of the street and only three along the west side of the street. The overall parking situation should be considered as part of any request to modify the boulevard in front of the Church.
- The proposed boulevard work would remove nearly all of the pervious landscaping presently along Lavern Avenue in front of the Church, and adequate storm water plans will be needed to ensure that the additional storm water runoff will not contribute to existing drainage deficiencies in the area.
- If the applicant is permitted to move forward with its project within the City's right-of-way, Staff would like to propose that some additional green space be reclaimed within the boulevard area along Lavern Avenue that is adjacent to the northern parking lot exit. The entire boulevard adjacent to this parking area is paved, but could provide some room for replacement trees and landscaping next to the street.

Prior to reviewing the specific CUP and Variance criteria, Staff would like to add the following additional comments concerning the proposed site development plans:

- The maximum impervious coverage requirement in the PF Zoning District for a lot under five acres is 39.5%. The applicant most likely exceeds this amount, and has been asked to document the actual percentage with the proposed improvements. Should a variance be needed, it will need to be addressed as part of the City's review.
- Although screening of PF structures next to residential districts is addressed by the Zoning Ordinance, this screening is not required across a street. There is also a row of hedges along the applicant's western property line that provides screening between the Church and a residential use. Staff is not

	<p>recommending that any additional screening be required as part of the current request.</p> <ul style="list-style-type: none"> <li>In general, the proposed improvements should not significantly alter the impacts of the Church facility on the surrounding properties. The most significant neighborhood impact will be from the work proposed with the right-of-way and the loss of existing street trees that help maintain the residential character of the area. Any increase in impacts associated with traffic, noise, property values, and other factors will be minimal when compared to the present situation.</li> </ul>
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<p><b>CUP Review Requirements</b></p>	<p>The two sections of code that contain CUP requirements for this project include the PF District regulations and Conditional Use Permit section. First, the PF District requirements contain specific criteria for "Places of Worship". These requirements, with Staff comments, are as follows:</p> <ul style="list-style-type: none"> <li>Direct access is provided to a public street classified by the Comprehensive Plan as major collector or arterial. <i>None of the routes immediately adjacent to the Church is a collector or arterial road; however, the old bank building is adjacent to Lake Elmo Avenue, which would meet this requirement. Since the church's location predates the Zoning Ordinance, this condition will not apply.</i></li> <li>No use may exceed 235 gallons wastewater generation per day per net acre of land. <i>The applicant did not provide a figure for the amount of waste water generated by the Church. The proposed improvements will not significantly increase the demand; however, since the maximum seating capacity of the church will not change with the proposed work. The City Engineer has requested a system inspection report to complete the City's review.</i></li> <li>No on-site sewer system shall be designed to handle more than 5,000 gallons per day. <i>A review conducted by the City Engineer when the 1996 project was submitted for review indicated that the drainage system consisted of a 1,000 tank with a 600 square foot drain field area. Although this is below the threshold for a PF zoning district, the City Engineer has requested additional information and clarification concerning the location and capacity of the current system on the site, and confirmation that the facility is able to comply with current County septic requirements.</i></li> <li>Exterior athletic fields shall not include spectator seating, public address facilities or lighting. <i>There are no athletic fields on this site.</i></li> <li>No freestanding broadcast or telecast antennas are permitted. No broadcast dish or antenna shall extend more than 6 feet above or beyond the principal structure. <i>There are no broadcast antennas on the site.</i></li> </ul> <p>The City is also required to make findings specific to the Conditional Use Permit. For these types of applications, the burden is on the City to show why the use should not</p>
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be permitted due to impacts that cannot be controlled by reasonable conditions. These findings include the following:

1. Effects on the health, safety, morals, convenience, or general welfare of surrounding lands
2. Existing and anticipated traffic conditions including parking facilities on adjacent streets and land
3. The effect on utility and school capacities
4. The effect on property values of property in the surrounding area
5. The effect of the proposed use on the Comprehensive Plan

Provided that all additional submission requirements and application details are provided to the City, Staff would offer the following proposed findings in response to the standards listed above:

1. *The proposed use is to expand and make renovations to an existing facility that will increase accessibility, improve entrances into the building, provide better interior circulation, and to provide additional space for learning and hospitality. Since all of these activities are currently occurring on the premises, the proposed improvements will not significantly alter the current operation or impacts associated with the facility. The proposed improvements will reduce neighborhood impacts by creating clearly designated entrance and exit points while removing all short-term vehicle trips from the traveling lanes of Laverne Avenue.*
2. *The proposed improvements will allow for a more efficient use of parking areas around the site and will create a designated drop-off area away from residential uses.*
3. *The proposed use would have no effect on utility capacities. The City will collect a Water Availability Charge for any additional water capacity that is anticipated from the new addition.*
4. *The proposed amendment would have no effect on property values of surrounding lands.*
5. *The proposed improvements are consistent with the City's Comprehensive Plan considering that the Christ Lutheran Church property is guided for public facility uses according to the future land use map.*

**Variance Review  
 Requirements**

An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below:

1. **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under

consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

2. **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. **Character of locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.
4. **Adjacent properties and traffic.** The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

Given the information that has been submitted by the applicant and pending further review by the Planning Commission, staff would offer the following suggested findings specific to the variances that have been requested by the applicant:

1. *The proposed building additions and the applicant's desire to improve the entrances into an existing facility are a reasonable use of the property. There are no portions of the applicant's site that could accommodate any extension of the existing building without a variance. The structure has been modified at various times in its past, and any accessibility improvements would be difficult to accomplish within the existing footprint of the building due to the current mix of different building elevations, materials, and styles.*
2. *The applicant's site is unique because it is a small parcel located within the Lake Elmo Village Area and is zoned PF – Public Facility. It is the only church located within the City's central business district, and it is surrounded by commercial and residential structures with a variety of setbacks and building sizes.*
3. *The proposed building additions will not change the essential character of the locality because the entrance improvements represent a small portion of the overall building footprint. The City's central business district is comprised of a wide mix of commercial and residential uses, many of which are located very close or immediately adjacent to public right-of-way.*
4. *The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. The proposed additions to the building will not alter or increase any of the existing traffic patterns in the surrounding*

*neighborhood.*

**Conclusions:** Based partially on the review comments submitted by the City Engineer, Staff is recommending that the Planning Commission table the Conditional Use Permit amendment and variance requests by the applicant in order to ensure that all of the City's review comments can be address by the Church. Should the Planning Commission decide to make a recommendation at its meeting based on the information and facts presented, Staff has prepared an alternate recommendation for consideration by the Commission. This alternate recommendation is for approval, but with a series of conditions that address the need for additional information concerning the request. The alternate recommendation and recommended conditions are listed below.

**Resident Concerns:** Staff has not received any feedback from neighboring property owners regarding the proposed Conditional Use Permit amendment. This action requires a public hearing to be conducted by the Planning Commission at which time members of the public may address the Commission regarding this application.

**Additional Information:** The Valley Branch Watershed District has reviewed the proposed site plans and found that the work would not require a permit from the Watershed District. The District's comments regarding erosion control have been included as part of the conditions drafted by staff.

**Conclusion:**

The Christ Lutheran Church, 11194 36<sup>th</sup> Street North, has applied for a Conditional Use Permit amendment and variances from the side yard setback and PF – Public Facility parking standards to expand its current facility and make other improvements intended to increase accessibility, improve entrances into the building, provide better interior circulation, and to provide additional space for learning and hospitality.

The request also includes proposed improvements to the Lavern Avenue right-of-way that are being submitted in conjunction with the zoning applications. These right-of-way improvements are being reviewed as part of a larger project and are included in the Staff recommendation that follows. These improvements could also be considered as a separate issue should the Planning Commission find it appropriate to review the application in such a manner.

**Commission Options:** The Planning Commission has the following options:

- A) Table taking action on the request and consider the application again at its December 12, 2011 meeting.
- B) Recommend approval of the conditional use permit amendment request, with

the conditions as recommended by Staff;

- C) Recommend denial of the conditional use permit amendment request.

The 60-day review period for this application expires on December 7, 2011, but can be extended an additional 60 days if more time is needed to complete the City's review.

**Staff Rec:** Staff is recommending that the Planning Commission table the Conditional Use Permit amendment and variance requests by the applicant in order to give the applicant and City additional time to adequately respond to and address the review comments from the City Engineer.

As an alternate recommendation, Staff has prepared findings of fact to support approval of the applicant's request, and has drafted the following conditions of approval for inclusion with a recommendation of approval by the Planning Commission:

1. The applicant shall submit a septic system inspection report prepared and signed by a licensed septic inspector verifying that the current septic system is compliant with Washington County regulations, and that: a) address the available capacity of the system and states its ability to accommodate the additional use created by the expansion project, or provide a design for its expansion, and b) includes a description of the current system type and components, dimensions, and capacity.
2. The proposed building addition must meet all requirements of Chapter 4 of the Washington County Development Code.
3. The applicant shall provide a detailed narrative to describe the purpose and need for a second water service connection, including projected water uses. The proposed connections shall be subject to review and approval by the City Engineer.
4. The applicant shall pay a Water Availability Charge based on any increase in the Residential Equivalent Connection calculation for the new addition.
5. The applicant shall provide detailed plans and specifications for all work proposed within the City right-of-way in accordance with the City's Design Standards Manual. These plans shall indicate existing conditions, including roadway widths and all public and private utilities within the roadway, and incorporate information as requested by the City Engineer.
6. Any work proposed within a City right-of-way shall only be allowed upon the approval of an improvement/developer's agreement between the City of Lake Elmo and the applicant.

7. The applicant shall provide a calculation for the existing and proposed impervious coverage on the site.
8. The applicant shall submit a storm water management and a drainage and erosion control plan for the site prior to the issuance of a building permit or before any work with may commence within a public right-of-way.
9. The applicant shall submit a lighting plan that includes the light pole details and standards (pole height and type, fixture type, and photometric plans). All new lighting shall conform to Section 150.035 through 150.038 of the City Code.
10. The applicant shall submit a landscape plan for review and approval that provides for replacement of any trees removed as part of the site work. The applicant shall work with the City to identify suitable locations for replacement street trees on the site, giving preference to any suitable locations within the Laverne Avenue boulevard. The applicant shall also consider the conversion of existing or planned paved boulevard areas to natural vegetation where possible as part of the planned street improvements.
11. The applicant shall maintain existing screening and buffering located between the Church site and adjacent residential uses.
12. The applicant shall work with the City to identify appropriate modifications to the no parking designations in the area as part of the proposed street improvements to Laverne Avenue.

**Denial  
Motion**

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

**Template:**

**I move to recommend denial of the request by the Christ Lutheran Church to amend a conditional use permit and further to recommend denial of the applicant's request for variances... (please site reasons for the recommendation)**

**Approval  
Motion**

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

**Template:**

**I move to recommend approval of the request by the Christ Lutheran Church to amend a conditional use permit and further to recommend approval of the applicant's request for variances based on the findings provided in the staff report...(or cite your own)**  
**...with the conditions outlined in the staff report.**



cc: Jim Lohmann, Christ Lutheran Church  
Kevin Busch, Busch Architects

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

**RESOLUTION NO. 2011-xxx**

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE  
CHRIST LUTHERAN CHURCH AT 11194 36<sup>TH</sup> STREET NORTH TO ALLOW AN EXPANSION  
OF THE CHURCH FACILITY*

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

**WHEREAS**, Christ Lutheran Church, 11194 36<sup>th</sup> Street North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for a Conditional Use Permit amendment to allow the expansion to its existing facility by enclosing an open-air atrium and adding new entrances to the east and west sides of the building; and

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

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on November 14, 2011; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated December 6, 2011; and

**WHEREAS**, the City Council considered said matter at its December 6, 2011 meeting.

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

**FINDINGS**

- 1) That the procedures for obtaining said Conditional Use Permit (CUP) Amendment are found in the Lake Elmo Zoning Ordinance, Section 154.018.
- 2) That all the submission requirements of said 154.018 have been met by the Applicant.

- 3) That the proposed CUP Amendment is to allow the expansion of the existing church facility, which includes enclosing an open-air atrium, adding new entry ways to east and west sides of the building, building a new interior stairway, adding new general meeting space to the second level of the building, and making other improvements to increase accessibility, provide better interior circulation, and to provide additional space for learning and hospitality within the facility.
- 4) That the proposed CUP Amendment will be located on property legally described as follows and commonly known as 11194 36<sup>th</sup> Street North:

(Per Deed Record No. 84, Page 607)

All that part of the Northwest quarter (NW1/4) of Section Number Thirteen (13), in Township number Twenty-nine (29) North, of Range number Twenty-one West, described as follows, to-wit;

Beginning at a point in the center of the Elmo Road (so-called) at a point Six hundred and seventy (670) feet Northerly of the Northwest corner of Lot Number One (1) of Block number One (1) of Elmo Park, as surveyed and platted and now of record in the Office of the Register of Deeds in and for said County; thence Easterly on a line parallel to the North line of said Section One hundred and eighty (180) feet to a point, being the point of beginning; thence Northerly on a line parallel to the center line of said road Two hundred and seventeen and eighty one-hundredths (217.80) feet; thence Easterly on a line parallel to the North line of said Section Two Hundred (200) feet; thence Southerly on a line parallel to the center line of said road Two hundred and seventeen and eighty one-hundredths (217.80) feet; thence Westerly on a line parallel to the North line of said Section two hundred (200) feet, to the point of beginning, except Twenty (20) feet on the West Side of said lot which is to be used for private alley, and Thirty three (33) feet on the East side, and Thirty (30) feet on the South side, which is to be used for Public Road.

And (Per Quit Claim Deed Document No. 192551) The West Twenty (20) feet of Lot Thirty-nine (39) County Auditor's Plat No.8, Washington County, Minnesota.

And (Per Warranty Deed Document No. 192552) Lots Eight (8) and Nine (9), Block Two (2), Cloverdale, According to the plat thereof, on file and of record in the Office of the Register of Deeds, Washington County, Minnesota.

- 5) That the proposed structure will not negatively affect the health, safety, morals, convenience, or general welfare of surrounding lands. *The proposed use is to expand and make renovations to an existing facility that will increase accessibility, improve entrances into the building, provide better interior circulation, and to provide additional space for learning and hospitality. Since all of these activities are currently occurring on the premises, the proposed improvements will not significantly alter the current operation or impacts associated with the facility. The proposed improvements*

*will reduce neighborhood impacts by creating clearly designated entrance and exit points and allow for easier access to all portions of the building.*

- 6) The proposed improvements will not affect traffic or parking conditions. *The proposed improvements will allow for a more efficient use of parking areas around the site and will create a designated drop-off area away from residential uses.*
- 7) The proposed improvements will not have an effect on utility or school capacities. *The proposed use would have no effect on utility capacities. The City will collect a Water Availability Charge for any additional water capacity that is anticipated from the new addition.*
- 8) The proposed improvements would have no effect on property values of surrounding lands. *The proposed amendment would have no effect on property values of surrounding lands.*
- 9) The proposed improvements would be consistent with the Comprehensive Plan. *The proposed improvements are consistent with the City's Comprehensive Plan considering that the Christ Lutheran Church property is guided for public facility uses according to the future land use map.*

### **CONCLUSIONS AND DECISION**

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

1. The applicant shall submit a septic system inspection report prepared and signed by a licensed septic inspector verifying that the current septic system is compliant with Washington County regulations, and that: a) address the available capacity of the system and states its ability to accommodate the additional use created by the expansion project, or provide a design for its expansion, and b) includes a description of the current system type and components, dimensions, and capacity.
  - a. Should the current system be found to be a non-compliant system or in need of replacement, a revised septic system plan shall be approved by Washington County prior to the issuance of a building permit for the proposed project.
2. The proposed building addition must meet all requirements of Chapter 4 of the Washington County Development Code.
3. The applicant shall provide a detailed narrative to describe the purpose and need for a second water service connection, including projected water uses. The proposed connections shall be subject to review and approval by the City Engineer.

4. The applicant shall pay a Water Availability Charge based on any increase in the Residential Equivalent Connection calculation for the new addition.
5. No aspect of the proposed plans involving improvements within a City right-of-way shall be constructed without further review and explicit approval by the City Council for right-of-way and street improvements and upon further review and recommendation by the Planning Commission of these plans. This review shall include the following components:
  - a. The applicant shall provide detailed plans and specifications for all work proposed with the City right-of-way in accordance with the City's Design Standards Manual. These plans shall indicate existing conditions, including roadway widths and all public and private utilities within the roadway, and incorporate information as requested by the City Engineer.
  - b. Any work proposed within a City right-of-way shall only be allowed upon the approval of an improvement/developer's agreement between the City of Lake Elmo and the applicant.
  - c. The applicant shall submit a lighting plan that includes the light pole details and standards (pole height and type, fixture type, and photometric plans). All new lighting shall conform to Section 150.035 through 150.038 of the City Code.
  - d. The applicant shall work with the City to identify appropriate modifications to the no parking designations in the area as part of the proposed street improvements to Laverne Avenue.
6. The applicant shall provide a calculation for the existing and proposed impervious coverage on the site.
7. The applicant shall submit a storm water management and a drainage and erosion control plan for the site prior to the issuance of a building permit.
8. The applicant shall submit a landscape plan for review and approval that provides for replacement of any trees removed as part of the site work. The applicant shall work with the City to identify suitable locations for replacement street trees on the site, giving preference to any suitable locations within the Laverne Avenue boulevard. The applicant shall also consider the conversion of existing or planned paved boulevard areas to natural vegetation where possible as part of the planned improvements.
9. The applicant shall maintain existing screening and buffering located between the Church site and adjacent residential uses.

Passed and duly adopted this 6<sup>th</sup> day of December 2011 by the City Council of the City of Lake Elmo, Minnesota.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig Dawson, Interim City Administrator

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

**RESOLUTION NO. 2011-xxx**

*A RESOLUTION APPROVING MULTIPLE VARIANCES TO ALLOW THE CHRIST  
LUTHERAN CHURCH TO EXPAND ITS FACILITY AT 11194 36<sup>TH</sup> STREET NORTH*

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

**WHEREAS**, Christ Lutheran Church, 11194 36<sup>th</sup> Street North (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for the following specific variances to allow the expansion of its current facility as follows:

- a) Variances from the required 50-foot side yard setback to allow an addition to the building that is set back 8 feet from the Laverne Avenue right-of-way and 38 feet from the western property line.
- b) A Variance to allow the expansion of the existing facility, including new classroom and general meeting space, without an increase in the number of off-street parking stalls available to the Church.
- c) A Variance to allow an additional 2,320 square feet of impervious coverage to be added to the site, which presently exceeds the maximum impervious coverage limit of 39.5%.

A copy of said application is on file with the City; and

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

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on November 14, 2011; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated December 6, 2011; and

**WHEREAS**, the City Council considered said matter at its December 6, 2011 meeting.

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

### FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.
- 3) That the proposed variance is to allow an expansion of the Applicant's current facility at 11194 36<sup>th</sup> Street North intended to improve entrances into the building, provide better interior circulation, and to provide additional space for learning and hospitality, and will include the following specific elements:
  - a) Variances from the required 50-foot side yard setback to allow an addition to the building that is set back 8 feet from the Laverne Avenue right-of-way and 38 feet from the western property line.
  - b) A Variance to allow the expansion of the existing facility, including new classroom and general meeting space, without an increase in the number of off-street parking stalls available to the Church.
  - c) A Variance to allow an additional 2,320 square feet of impervious coverage to be added to the site, which presently exceeds the maximum impervious coverage limit of 39.5%.
- 4) That the Variance will be located on property legally described as follows:

(Per Deed Record No. 84, Page 607)

All that part of the Northwest quarter (NW1/4) of Section Number Thirteen (13), in Township number Twenty-nine (29) North, of Range number Twenty-one West, described as follows, to-wit;

Beginning at a point in the center of the Elmo Road (so-called) at a point Six hundred and seventy (670) feet Northerly of the Northwest corner of Lot Number One (1) of Block number One (1) of Elmo Park, as surveyed and platted and now of record in the Office of the Register of Deeds in and for said County; thence Easterly on a line parallel to the North line of said Section One hundred and eighty (180) feet to a point, being the point of beginning; thence Northerly on a line parallel to the center line of said road Two hundred and seventeen and eighty one-hundredths (217.80) feet; thence Easterly on a line parallel to the North line of said Section Two Hundred (200) feet; thence Southerly on a line parallel to the center line of said road Two hundred and seventeen and eighty one-hundredths (217.80) feet; thence Westerly on a line parallel to the North line of said Section two hundred (200) feet,



to the point of beginning, except Twenty (20) feet on the West Side of said lot which is to be used for private alley, and Thirty three (33) feet on the East side, and Thirty (30) feet on the South side, which is to be used for Public Road.

And (Per Quit Claim Deed Document No. 192551) The West Twenty (20) feet of Lot Thirty-nine (39) County Auditor's Plat No.8, Washington County, Minnesota.

And (Per Warranty Deed Document No. 192552) Lots Eight (8) and Nine (9), Block Two (2), Cloverdale, According to the plat thereof, on file and of record in the Office of the Register of Deeds, Washington County, Minnesota.

- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. ***Specific findings: That the proposed building additions and the applicant's desire to improve the entrances into an existing facility are a reasonable use of the property. There are no portions of the applicant's site that could accommodate any extension of the existing building without a variance. The structure has been modified at various times in its past, and any accessibility improvements would be difficult to accomplish within the existing footprint of the building due to the current mix of different building elevations, materials, and styles.***
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: That the applicant's site is unique because it is a small parcel located within the Lake Elmo Village Area and is zoned PF – Public Facility. It is the only church located within the City's central business district, and it is surrounded by commercial and residential structures with a variety of setbacks and building sizes.***
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific findings: That the proposed building additions will not change the essential character of the locality because the entrance improvements represent a small portion of the overall building footprint. The City's central business district is comprised of a wide mix of commercial and residential uses, many of which are located very close or immediately adjacent to the public right-of-way.***
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicants' application for multiple Variances is granted with the following conditions:

1. The applicant shall submit a septic system inspection report prepared and signed by a licensed septic inspector verifying that the current septic system is compliant with Washington County regulations, and that: a) address the available capacity of the system and states its ability to accommodate the additional use created by the expansion project, or provide a design for its expansion, and b) includes a description of the current system type and components, dimensions, and capacity.
  - a. Should the current system be found to be a non-compliant system or in need of replacement, a revised septic system plan shall be approved by Washington County prior to the issuance of a building permit for the proposed project.
2. The proposed building addition must meet all requirements of Chapter 4 of the Washington County Development Code.
3. The applicant shall provide a detailed narrative to describe the purpose and need for a second water service connection, including projected water uses. The proposed connections shall be subject to review and approval by the City Engineer.
4. The applicant shall pay a Water Availability Charge based on any increase in the Residential Equivalent Connection calculation for the new addition.
5. No aspect of the proposed plans involving improvements within a City right-of-way shall be constructed without further review and explicit approval by the City Council for right-of-way and street improvements and upon further review and recommendation by the Planning Commission of these plans. This review shall include the following components:
  - a. The applicant shall provide detailed plans and specifications for all work proposed with the City right-of-way in accordance with the City's Design Standards Manual. These plans shall indicate existing conditions, including roadway widths and all public and private utilities within the roadway, and incorporate information as requested by the City Engineer.
  - b. Any work proposed within a City right-of-way shall only be allowed upon the approval of an improvement/developer's agreement between the City of Lake Elmo and the applicant.
  - c. The applicant shall submit a lighting plan that includes the light pole details and standards (pole height and type, fixture type, and photometric plans). All new lighting shall conform to Section 150.035 through 150.038 of the City Code.
  - d. The applicant shall work with the City to identify appropriate modifications to the no parking designations in the area as part of the proposed street improvements to Laverne Avenue.

6. The applicant shall provide a calculation for the existing and proposed impervious coverage on the site.
7. The applicant shall submit a storm water management and a drainage and erosion control plan for the site prior to the issuance of a building permit.
8. The applicant shall submit a landscape plan for review and approval that provides for replacement of any trees removed as part of the site work. The applicant shall work with the City to identify suitable locations for replacement street trees on the site, giving preference to any suitable locations within the Laverne Avenue boulevard. The applicant shall also consider the conversion of existing or planned paved boulevard areas to natural vegetation where possible as part of the planned improvements.
9. The applicant shall maintain existing screening and buffering located between the Church site and adjacent residential uses.

Passed and duly adopted this 6<sup>th</sup> day of December 2011 by the City Council of the City of Lake Elmo, Minnesota.

\_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig Dawson, Interim City Administrator

City of Lake Elmo  
DEVELOPMENT APPLICATION FORM

Fee \$750.00

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

APPLICANT: Jim Lohmann CLC 1194 26<sup>th</sup> St. N. Lake Elmo 55042  
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-439-8984  
(Home) (Work) (Mobile) (Fax)

Architect  
FEE OWNER: Kevin Busch Busch Architects 3104<sup>th</sup> Ave. So. Mpls, MN 55415  
(Name) (Mailing Address) (Zip)

TELEPHONES: 612-333-2279 651-216-3634 612-339-2336  
(Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): (see attached)

DETAILED REASON FOR REQUEST: (see attached)

RECEIVED

OCT - 7 2011

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

(see attached)

CITY OF LAKE ELMO

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

Signature of Applicant

Date

KC Busch  
Signature of Applicant

10-6-2011  
Date

**Christ Lutheran Church**  
11194 36<sup>th</sup> Street North  
Lake Elmo, MN

**Request for Variance – Description and Hardship**

- a. List of Property Owners: Christ Lutheran Church
- b. Legal Description: DESCRIPTION OF PROPERTY SURVEYED

(Per Deed Record No. 84, Page 607)

All that part of the Northwest quarter (NW1/4) of Section Number Thirteen (13), in Township number Twenty-nine (29) North, of Range number Twenty-one West, described as follows, to-wit;

Beginning at a point in the center of the Elmo Road (so-called) at a point Six hundred and seventy (670) feet Northerly of the Northwest corner of Lot Number One (1) of Block number One (1) of Elmo Park, as surveyed and platted and now of record in the Office of the Register of Deeds in and for said County; thence Easterly on a line parallel to the North line of said Section One hundred and eighty (180) feet to a point, being the point of beginning; thence Northerly on a line parallel to the center line of said road Two hundred and seventeen and eighty one-hundredths (217.80) feet; thence Easterly on a line parallel to the North line of said Section Two Hundred (200) feet; thence Southerly on a line parallel to the center line of said road Two hundred and seventeen and eighty one-hundredths (217.80) feet; thence Westerly on a line parallel to the North line of said Section two hundred (200) feet, to the point of beginning, except Twenty (20) feet on the West Side of said lot which is to be used for private alley, and Thirty three (33) feet on the East side, and Thirty (30) feet on the South side, which is to be used for Public Road.

And

(Per Quit Claim Deed Document No. 192551)

The West Twenty (20) feet of Lot Thirty-nine (39) County Auditor's Plat No. 8, Washington County, Minnesota.

And

(Per Warranty Deed Document No. 192552)

Lots Eight (8) and Nine (9), Block Two (2), Cloverdale, According to the plat thereof, on file and of record in the Office of the Register of Deeds, Washington County, Minnesota.

And

(Per Special Warranty Deed Document Nos. 1123102 (Torrens) and 3155545 (Abstract))

Parcel 1 (Torrens):

The South Forty (40) feet of Lot Twenty-nine (29) and all of Lot Thirty (30), County Auditor's Plat No. 8 as surveyed and platted and now on file in the Office of the Registrar of Titles of Washington County, Minnesota being the Village of Lake Elmo, Minnesota.

Parcel 2 (Abstract):

Lot Twenty-nine except the South 40 feet thereof, County Auditor's Plat No. 8.

1. Parcel Identification Numbers: Cloverdale, Block 2, Lot 8 and Lot 9 (1302921230020); County Auditor's Plat No. 8, Lots 39, 29, 30. (1302921230060); (1302921230053).
2. Parcel Size: 67,158 sf; 1.54 acres.
3. Existing Use of Land: Religious organization; Business; Parking.
4. Current Zoning: P/PF; R-1; GB – see drawings for locations of each.

c. State the Provisions of the Lake Elmo Code...

1. 154.063 PF Public and Quasi-Public Open Space

- a. E. Minimum Requirements: Setback of Primary Structure, 50 feet all four sides of structure.

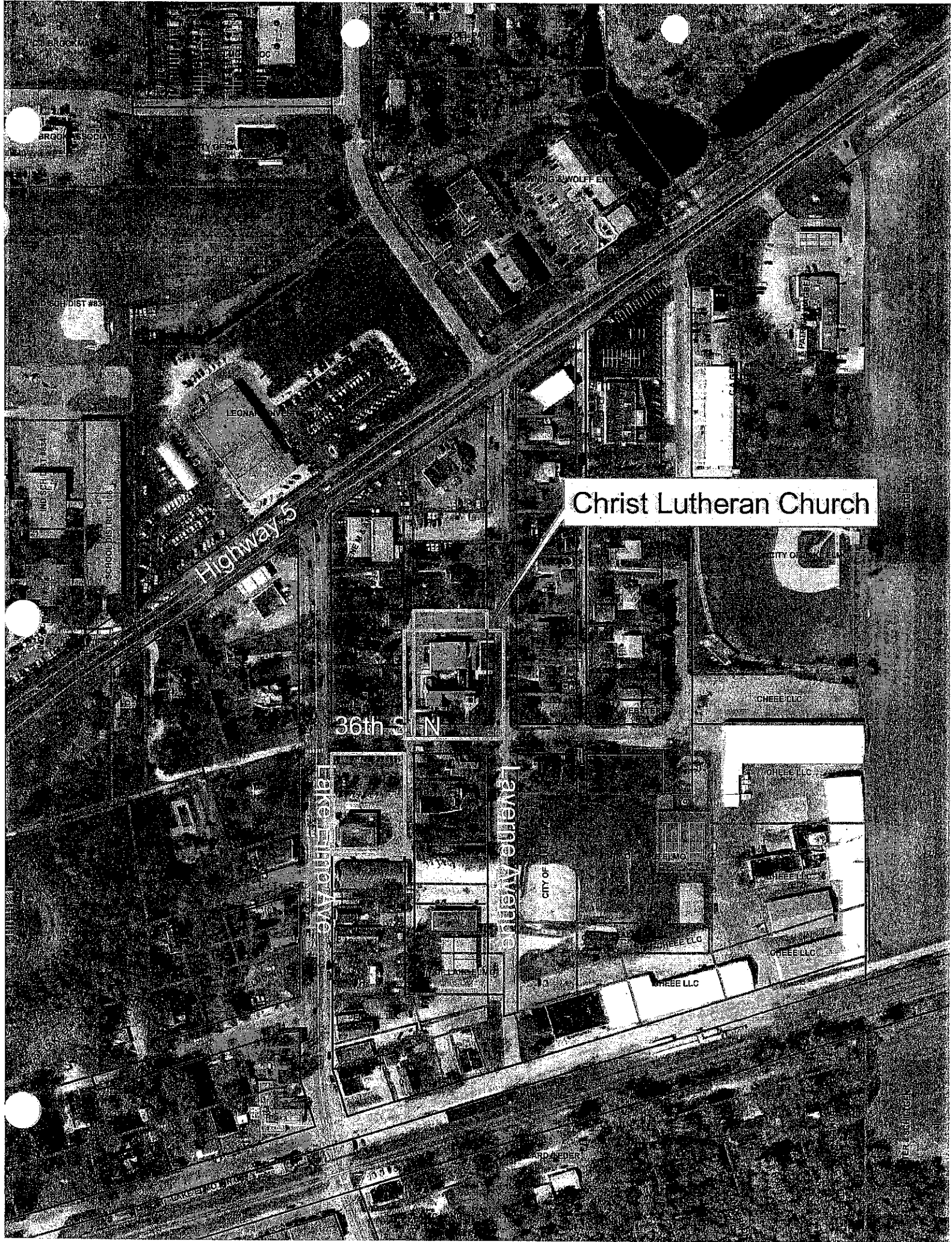
- d. Christ Lutheran Church (CLC) seeks a variance from the building setback requirements found in the Lake Elmo Municipal Code. The current requirement is 50 feet from each property line. Christ Lutheran Church has operated out of its present building for over 55 years. It is hoping to make improvements to the building that include accessibility, entrances, interior circulation, and additional space for learning and hospitality. After many rounds of space planning and design, we determined that the best places to expand our entrances and interior circulation structure were on the east and west sides of the building. Both sides involve extending the building out into the present setback area. On the east side, the proposed building would extend out into the setback 5 feet, with an additional 7 feet when the roof canopy is included. On the west side, the building extension also includes an entrance vestibule extending about 7 feet into the setback area with another 7 feet for a roof canopy. The original building was built prior to formal planning codes and the west end of it is about 11 feet into the setback. The roof canopies do not include enclosed space.

CLC has been an important entity within the Lake Elmo Village area for many years. Our plan is to continue to be a community oriented church, remaining in the Village area for years to come. As we anticipate future growth of our community and as our building needs change over time building updating (construction) is a must so that we can operate our programs successfully and so we can invite and accommodate newer members of our village who may wish to join us.

- e. Jim Lohmann, CLC church member and Building Committee chair, and Kevin Busch of Busch Architects, Inc., architect for the project, met with Lake Elmo Planning Director Kyle Klatt on September 15, 2011, to review the plans that the church has been working on and intending to present to the planning Commission and City Council for approval. There had been other, informal discussions between church leaders and city staff in the year prior to this meeting.
- f. Many plan options were presented and discussed during our two-year planning period. The present setback requirements don't allow us to improve and expand in a way that is efficient spacewise or economically. Our hardship is that without the variance the church would be forced to do nothing or forced to expand the building in such a way that was neither conducive to good building planning nor provide the type of improvements that are greatly needed.
- g. The church property was first built upon and added unto prior to the more formal and restrictive ordinances were in place. Initial structures did not (could not) anticipate future restrictions on property use.

- h. Christ Lutheran Church has been a member and a fixture in this neighborhood for over 60 years. We don't believe the variance will have any view, air, or noise impact on our neighbors. On the west side, our proposed building extension, except for the roof canopy, does not extend further out into the setback area than the existing building. On the east side the Laverne Avenue Right-of-Way establishes extensive space between the church building and neighboring homes.

Thank you for your consideration.



Christ Lutheran Church

Highway 5

36th St N

Laverne Avenue

Laverne Avenue

CITY OF

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC

CHREE LLC



## MEMORANDUM

# FOCUS ENGINEERING, inc.

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

Date: October 31, 2011

To: Kyle Klatt, Lake Elmo Planning Director

Re: City of Lake Elmo  
Christ Lutheran Church  
Building Expansion  
Review of Variance Request

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

From: Ryan Stempski, P.E.

We have received the variance request and Building Expansion plans for the proposed Christ Lutheran Church expansion located at 11194 36<sup>th</sup> Street. The following items were received:

- Request for Variance – Description and Hardship (3 Page List)
- Plan Set (7 pages) dated October 5, 2011, submitted by Busch Architects, Inc.

**This application is incomplete.** Additional items must be submitted before a review of this application can be completed by engineering staff. Please request the applicant to provide and address the following additional items.

### Septic System Compliance and Capacity:

- A septic system inspection Report must be provided and signed by a Licensed Septic Inspector verifying that the current system is compliant with Washington County regulations.
- The Report must address the available capacity of the system and state its ability to accommodate the additional use created by the expansion project; or provide a design for its expansion.
- The Report must include a description of the current system type and components, dimensions, and capacity.
- The proposed building addition must meet all requirements of Chapter 4 of the Washington County Development Code.

### Water Service Connection:

- The applicant is requesting a second water service connection for the building. The applicant must provide a detailed narrative to describe the purpose and need for the second service connection, including projected water uses.
- Only one connection to the Watermain is recommended for the property pending the applicant's explanation. With a new service connection, the existing service should be abandoned.
- Plumbing permit fees will apply to this proposed work.
- Additional Water Available Charge (WAC) units may apply for this expanded facility use.

**Work in the Public Right-of-way:**

- This Plan is proposing improvements within the public R/W. Additional information is needed to evaluate the impact of these improvements to other existing or future facilities and uses of the R/W to determine whether the R/W encroachment can be allowed.
- Detail plans must be provided to indicate the existing conditions including roadway widths and all public and private utilities within the roadway. Utility locates will be required for this information.

**Additional Application Requirements:**

- A calculation of the total added impervious surface must be provided on the application and reported in square feet. The Plan must include necessary Stormwater mitigation measures for applicable city and/or VBWD ordinance requirements.
- The application indicates new light poles. The plans must provide light pole details and standards including pole height and type, fixture type and photometric plans.

Should the application move forward the applicant will be required to provide detailed plans and specifications for all work located in the Public R/W prior to gaining final approval of the application. Details must include but not be limited to the following (*All construction details must be in accordance with the City's Design Standards Manual*):

- Typical Sections for the proposed bituminous street and concrete sidewalk.
- Plan details for all work in the R/W including water service connections, curb details, pavement marking details, and sign details.
- A detailed drainage and grading plan to demonstrate positive drainage within the R/W.
- Concrete curb and gutter and valley gutter will be required along the proposed improvement. All grades must meet or exceed 1% longitudinal grade.
- Signing and striping will be required for the Drop-Off area.
- Parking and no parking requirements along Laverne Avenue must be evaluated along both sides of the street for this area.
- Landscape Plan must be included to address removal of existing trees.
- A development agreement will be required with security sufficient to address all proposed improvements to be installed in city R/W.
- An Ownership and Maintenance Agreement will be required to address the proposed ownership and maintenance of the proposed infrastructure within city R/W.

November 4, 2011



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

**Re: Christ Lutheran Church Addition**

Dear Kyle:

Thank you for submitting information regarding the proposal at the Christ Lutheran Church. On behalf of the Valley Branch Watershed District (VBWD), I have reviewed the information and this letter provides my comments.

The proposed project involves constructing new sidewalks, paving along Laverne Avenue North, and expanding the church with a small building addition. The project does not require a VBWD permit because it will create less than 6,000 square feet and does involve other activities regulated by the VBWD.

Temporary erosion control measures should be installed prior to any earthwork. The erosion control measures should be inspected during construction and maintained as needed. Disturbed areas should be vegetated as soon as possible after disturbance, and no later than 14 days after final grading.

The site is near an area of Laverne Avenue North that floods frequently. While the proposed amount of imperviousness is less than the amount that triggers the need for a VBWD permit, stormwater volume control practices are encouraged wherever feasible.

If you have any questions, please contact me at 952-832-2622.

Sincerely,

John P. Hanson, P.E.  
BARR ENGINEERING COMPANY  
Engineers for the District



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

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

[www.vbwd.org](http://www.vbwd.org)



310 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.333.2379  
Fax: 612.333.2376

CONSULTANT

CITY REVIEW SET  
10.5.2011

#### CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR  
REVISION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT  
SUPERVISION AND THAT I AM A DULY REGISTERED  
ARCHITECT UNDER THE LAWS OF THE STATE OF  
MINNESOTA.

DATE: DECEMBER 4, 2011 200, W.D. 1939  
PRINTED NAME: REYNA, BUSCH

COMMISSION NO.: 02-08

DRAWN BY: NCL/ML

CHECKED BY: KCB

DATE: October 19, 2011

310 ISSUE DATE:

REVISION DATE:

#### PROJECT TITLE

ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH  
LAKE ELMO, MINNESOTA

#### OWNER

CHRIST LUTHERAN CHURCH  
1154 36TH STREET NORTH  
LAKE ELMO, MN 55042

#### SHEET TITLE

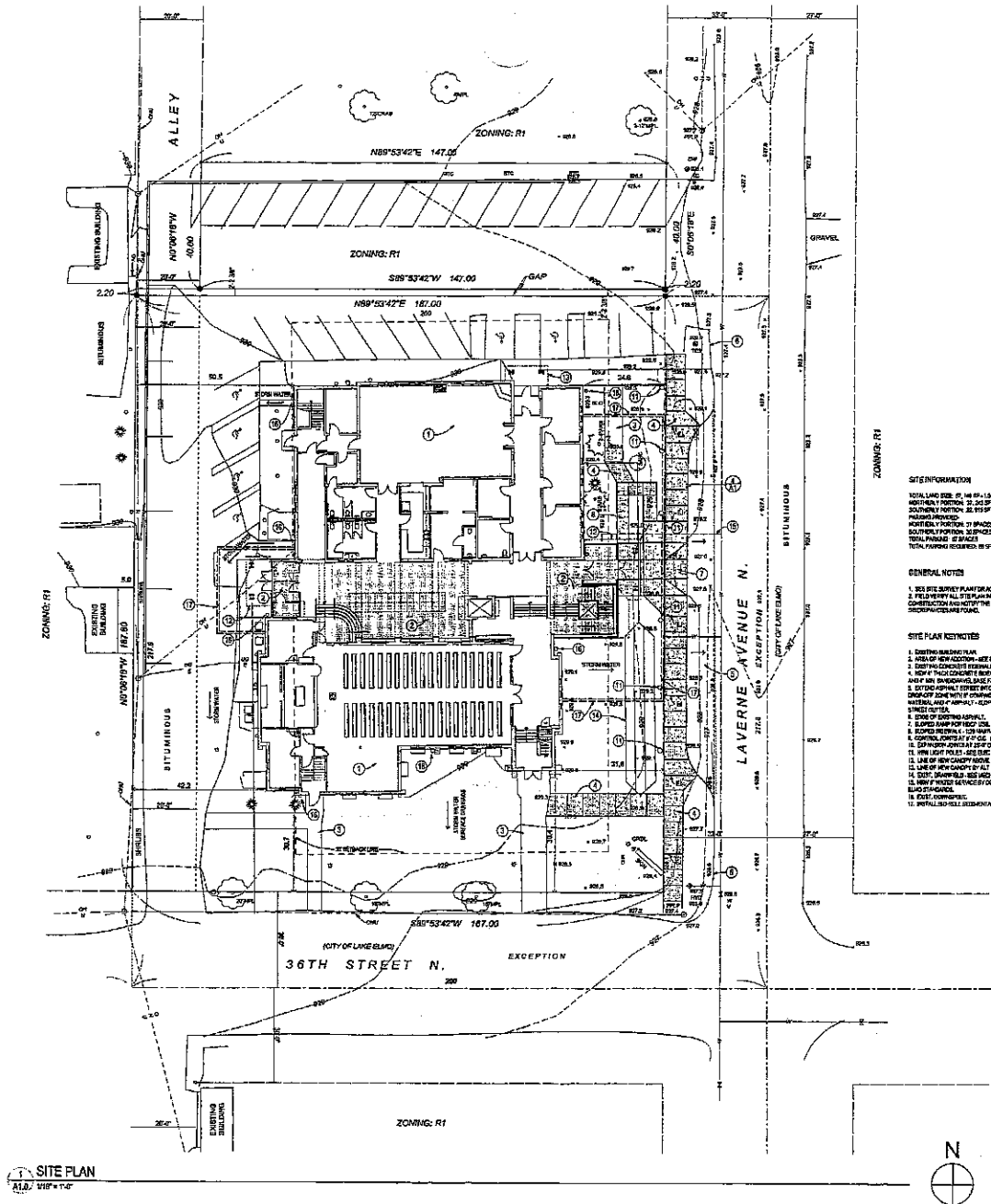
SITE PLAN

UTILITY PLAN

SHEET NO. 1 OF 7

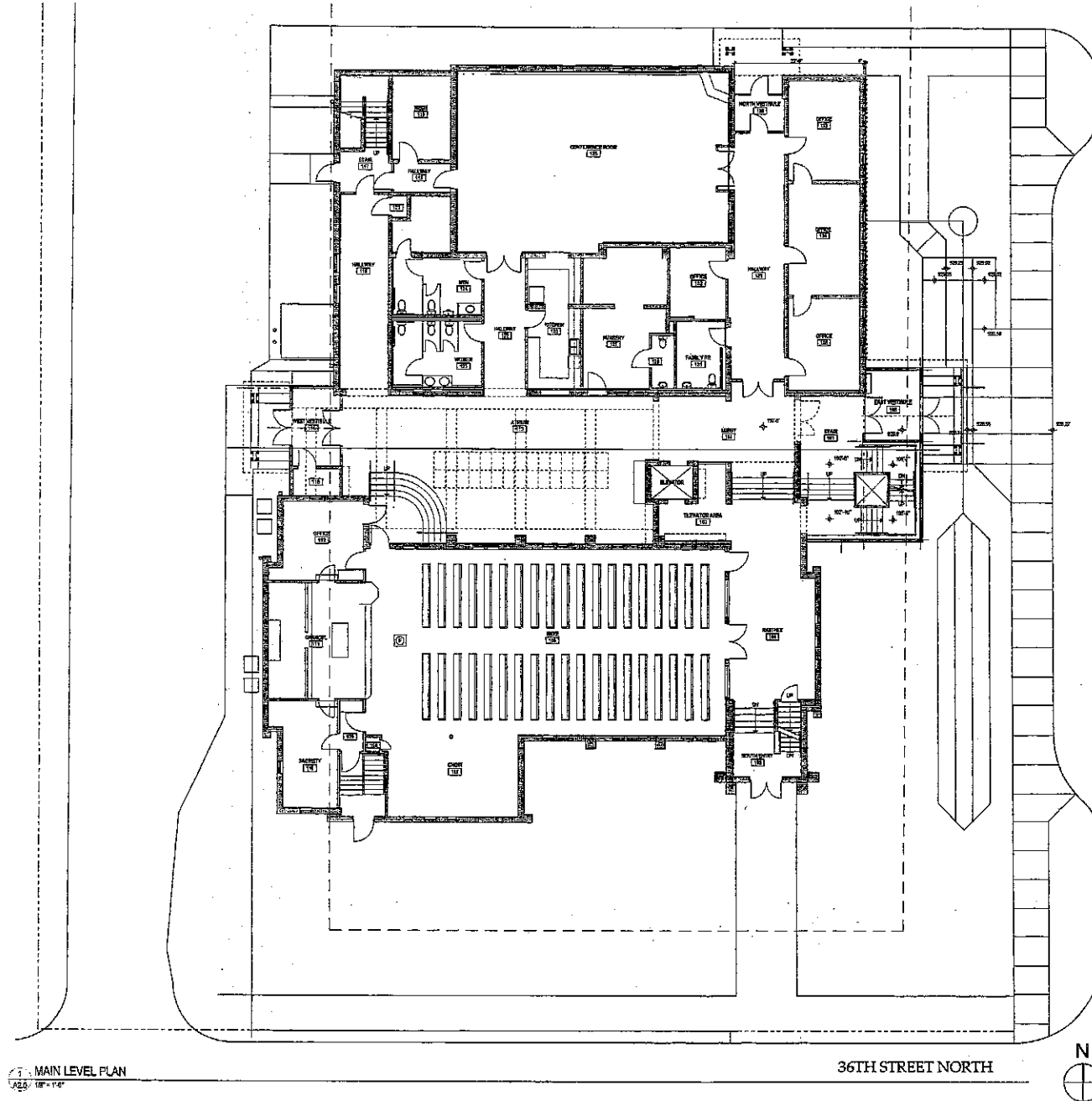
Plot Date: 10/05/11

A1.0



SITE PLAN  
A1.0 1/8" = 1'-0"





316 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.333.2279  
Fax: 612.339.2238

CONSULTANT

CITY REVIEW SET  
10.5.2011

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: OCTOBER 5, 2011 REG. NO. 1650  
PRINTED NAME: KEVIN C. BUSCH

COMMISSION NO.: 09-07

DRAWN BY: KCB, RL

CHECKED BY: KCB

DATE: October 05, 2011

NO ISSUE DATE

REVISION DATES:

PROJECT TITLE

ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH  
LAKE ELMO, MINNESOTA

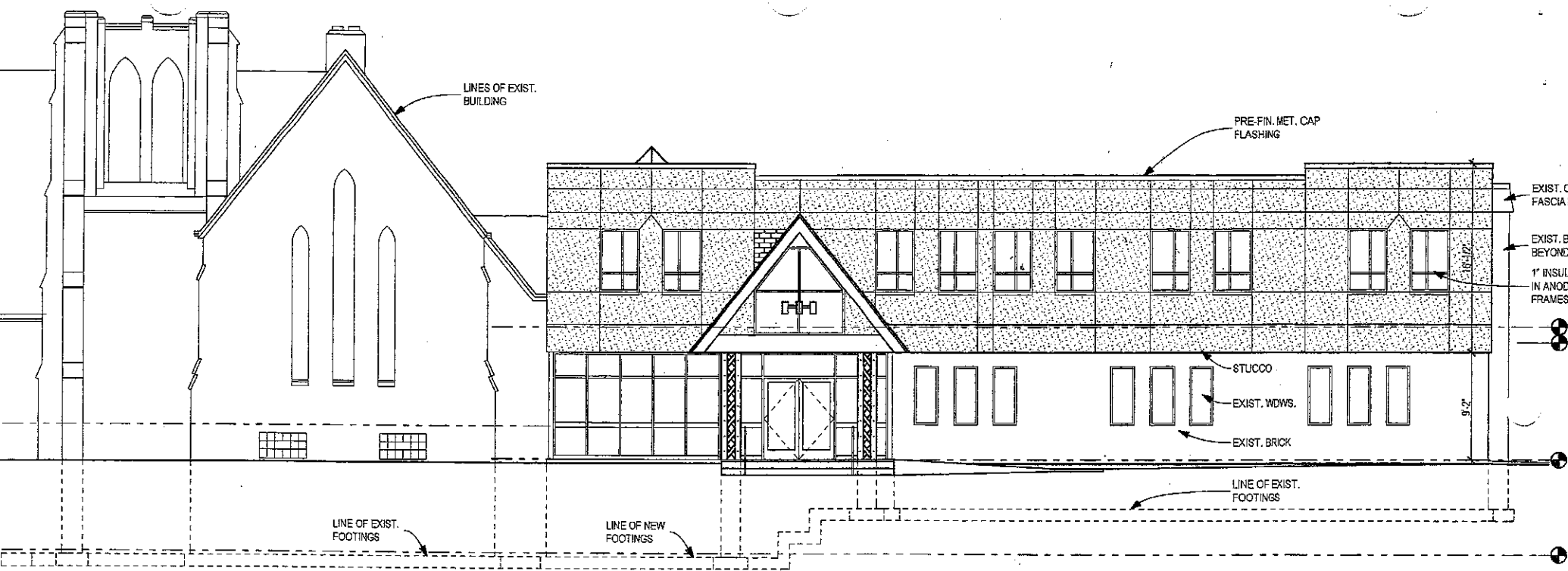
OWNER

CHRIST LUTHERAN CHURCH  
1154 36TH STREET NORTH  
LAKE ELMO, MN 55042

SHEET TITLE

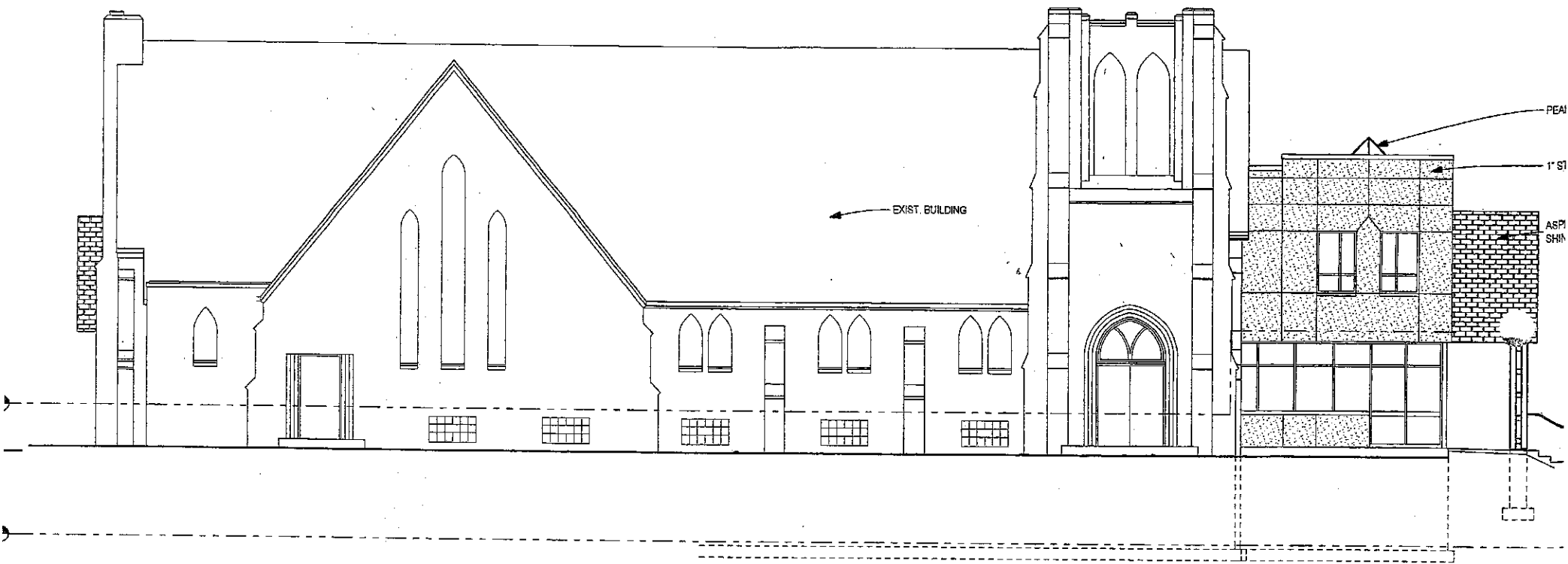
MAIN LEVEL PLAN

SHEET NO. A2.0  
SHEET 3 OF 7  
Plot Date: 10/05/11

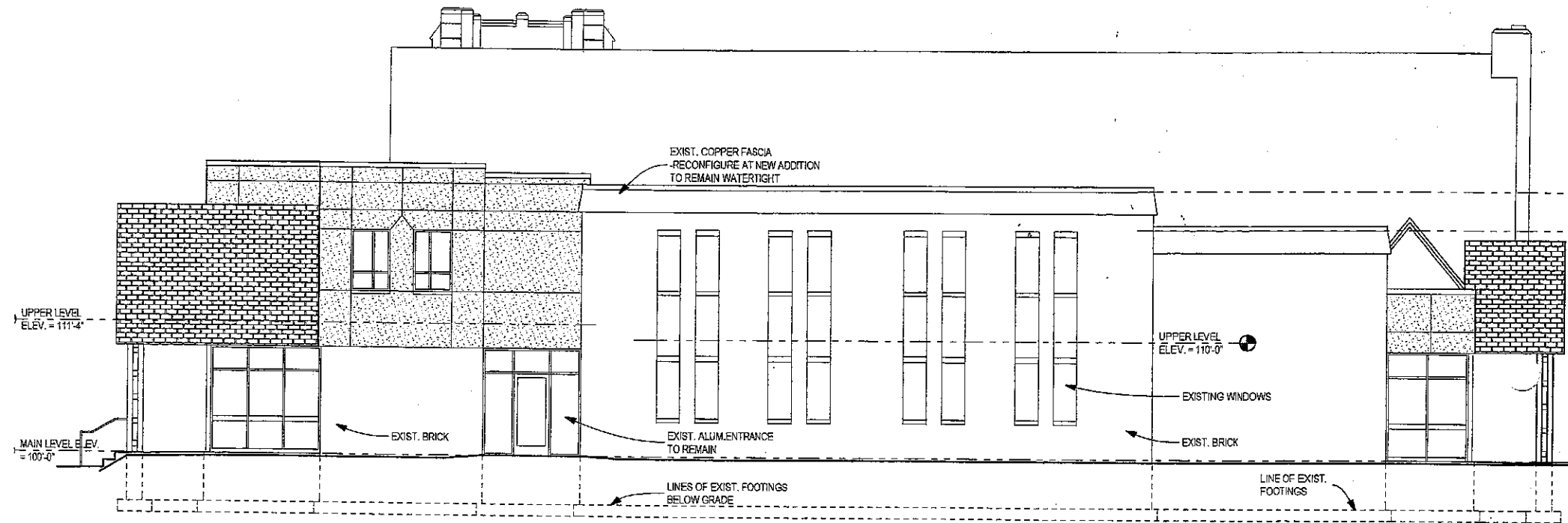


NORTH ELEVATION

1/8" = 1'-0"

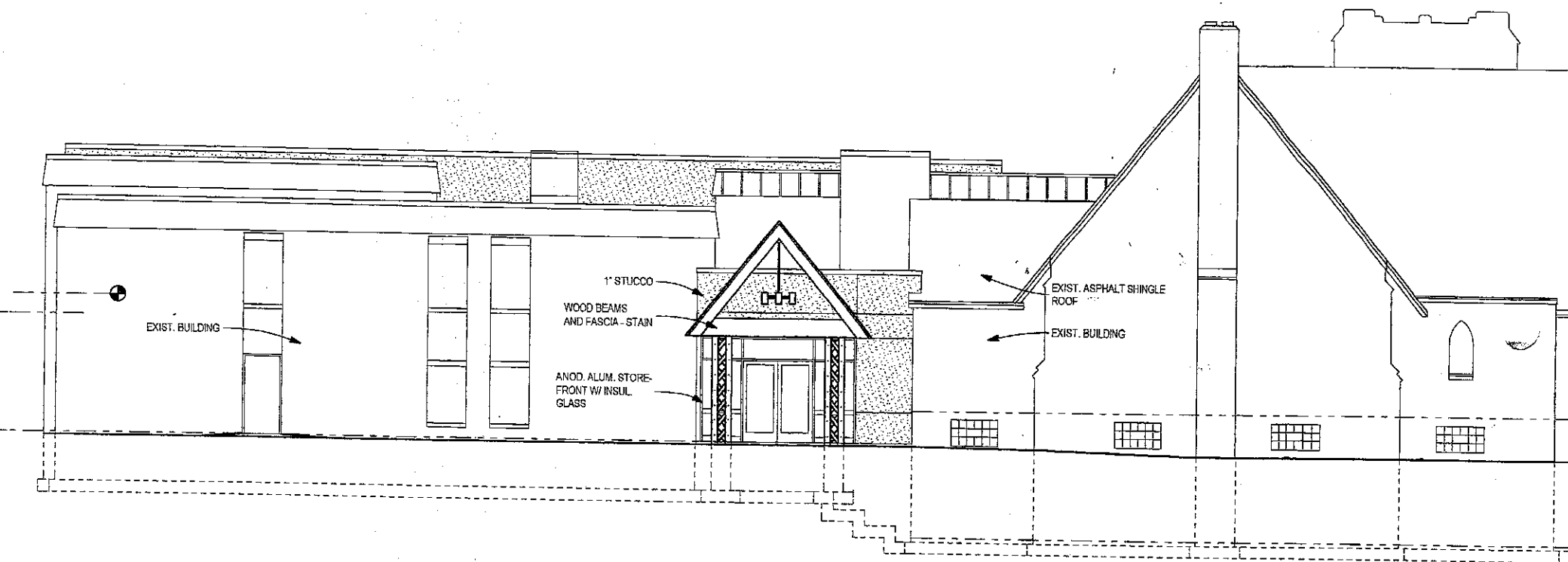


1 SOUTH ELEVATION  
A3.0 1/8" = 1'-0"



1 WEST ELEVATION  
3.1 1/8" = 1'-0"





2 EAST ELEVATION  
3.0 1/8" = 1'-0"



310 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.333.2279  
Fax: 612.338.2336

CONSULTANT

**Larson**  
Engineering of Minnesota

2024 Larson Road  
1000 West Lake Ave. #400  
P.O. Box 1400, St. Paul, MN 55101

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION  
OR REPORT WAS PREPARED BY A LICENSED PROFESSIONAL  
ENGINEER OR ARCHITECT AND THAT I AM A DULY  
LICENSED PROFESSIONAL ENGINEER UNDER THE  
LAWS OF THE STATE OF MINNESOTA.

*Joshua J. Larson*  
MINNESOTA, LICENSE NO. 11111  
DATE 12/05/11 REG. NO. 42882

COMMISSION NO.: 1218092

DRAWN BY: KMK

CHECKED BY: MWN

DATE: 12-08-11

REVISION DATE: 12-08-11

REVISION DATES:

PROJECT TITLE

ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH

11194 36TH STREET NORTH  
LAKE ELMO, MN 55042

OWNER

CHRIST LUTHERAN CHURCH

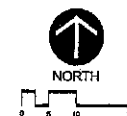
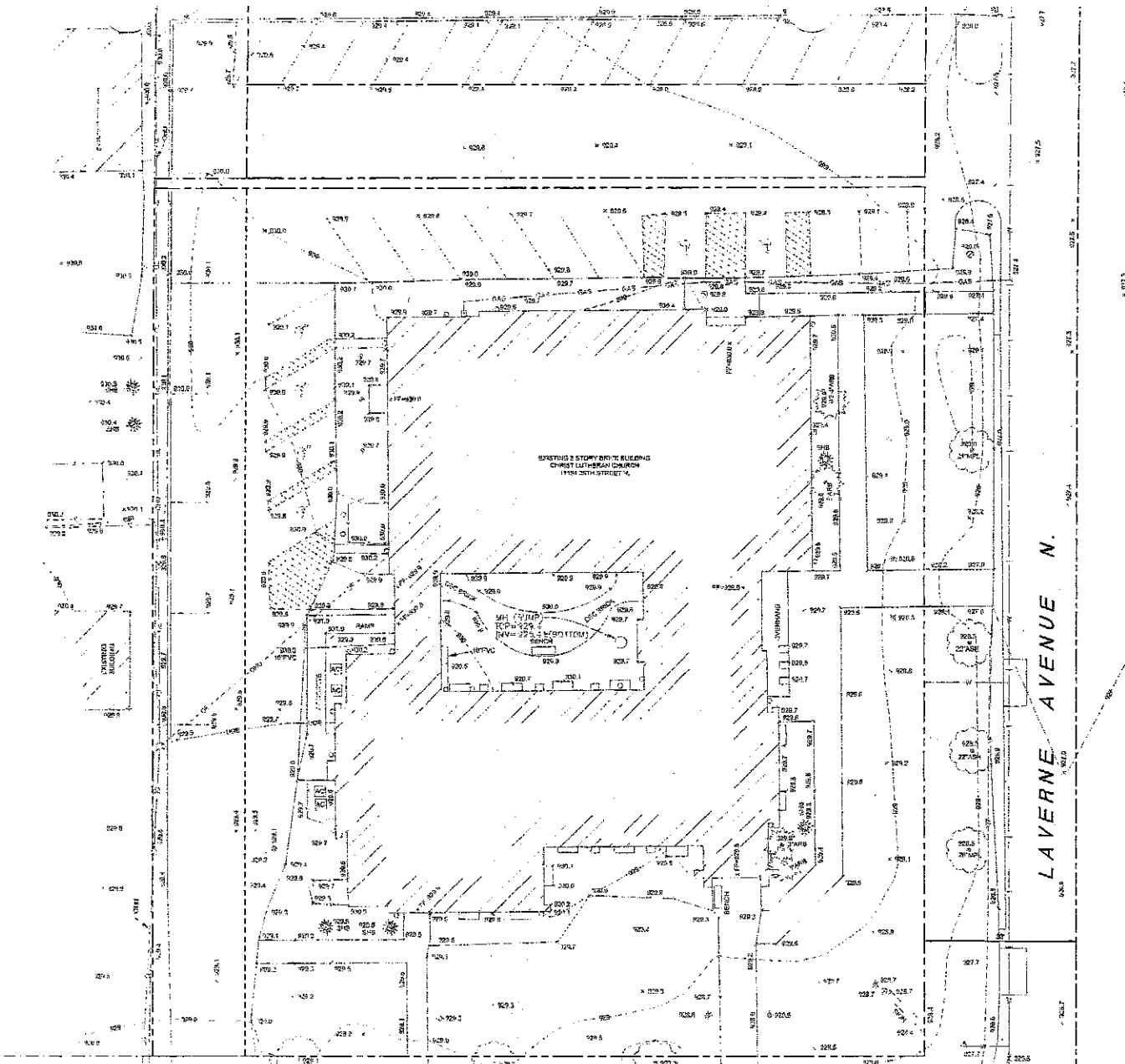
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LAKE ELMO, MN 55042

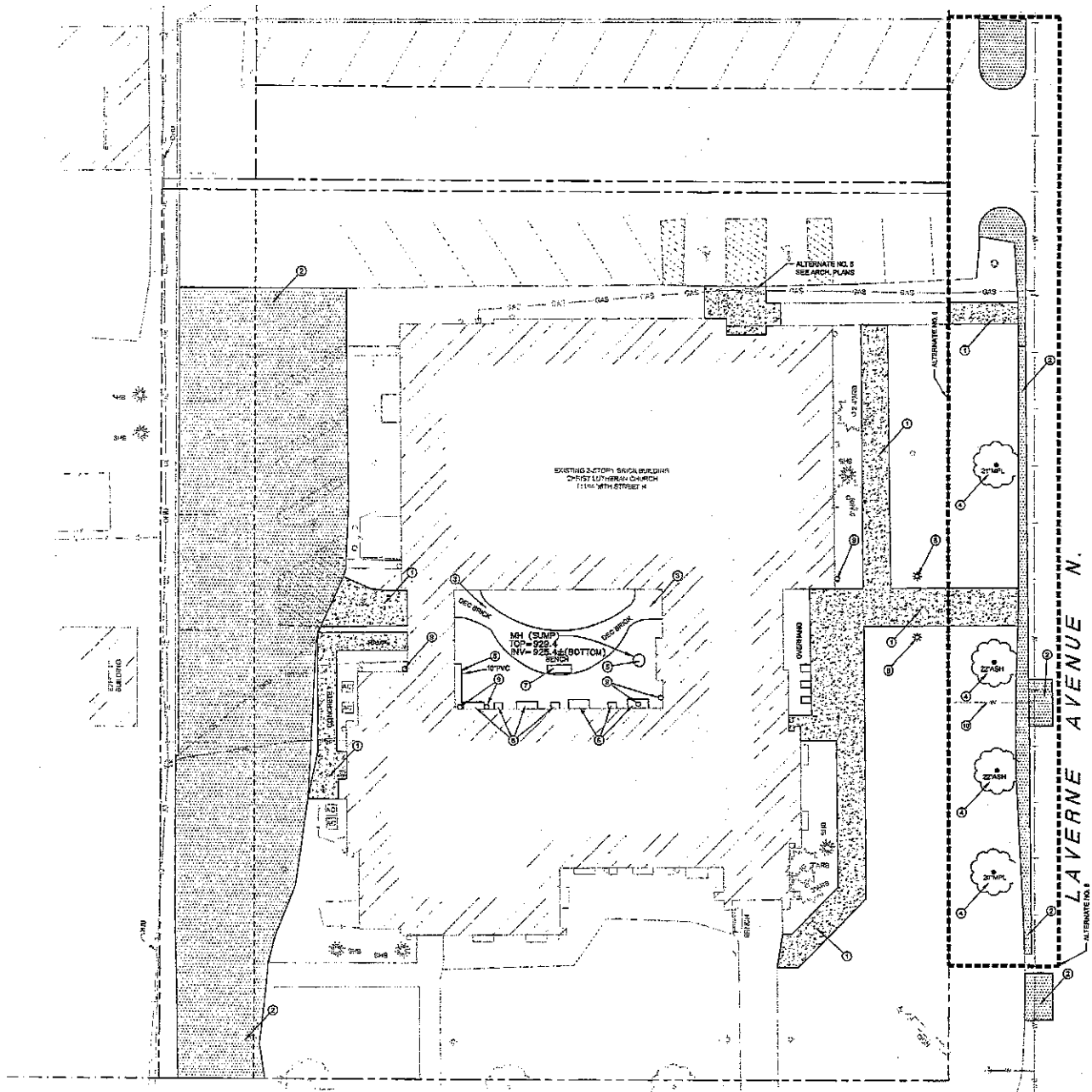
SHEET TITLE

EXISTING CONDITIONS  
PLAN

**C0**

SHEET NO.  
SHEET 1 OF 5





# SYMBOL LEGEND

- REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION
- REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION

## DEMOLITION NOTES

1. SAWCUT, REMOVE, AND DISPOSE OF EXISTING CONCRETE PAVEMENT SECTION.
2. SAWCUT, REMOVE, AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT SECTION.
3. REMOVE AND DISPOSE OF EXISTING BRICK PAVEMENT SECTION.
4. REMOVE AND DISPOSE OF EXISTING TREES.
5. REMOVE AND DISPOSE OF EXISTING STORM SEWER.
6. REMOVE AND DISPOSE OF EXISTING WINDOW WELLS.
7. REMOVE AND DISPOSE OF EXISTING BENCH.
8. REMOVE AND DISPOSE OF EXISTING LIGHT POLES.
9. REMOVE AND DISPOSE OF EXISTING ROOF DRAINS.
10. CAP EXISTING WATER SERVICE CONNECTION PER CITY OF LAKE ELMO STANDARDS.



310 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.333.2279  
Fax: 612.333.2338

## CONSULTANT

**Larson**  
Engineering of Minnesota  
200 Laverne Street  
White Bear Lake, MN 55127  
(763) 441-8300 (763) 441-8301

## CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*James A. Larson*  
DATE: 12-28-11 REG. NO. 52803

COMMISSION NO.: 1211882

DRAWN BY: KSK

CHECKED BY: MFW

DATE: 12-08-11

ISSUE DATE: 12-09-11

REVISION DATES:

## PROJECT TITLE

ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH

11194 36TH STREET NORTH  
LAKE ELMO, MN 55042

## OWNER

CHRIST LUTHERAN CHURCH

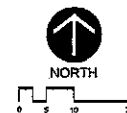
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LAKE ELMO, MN 55042

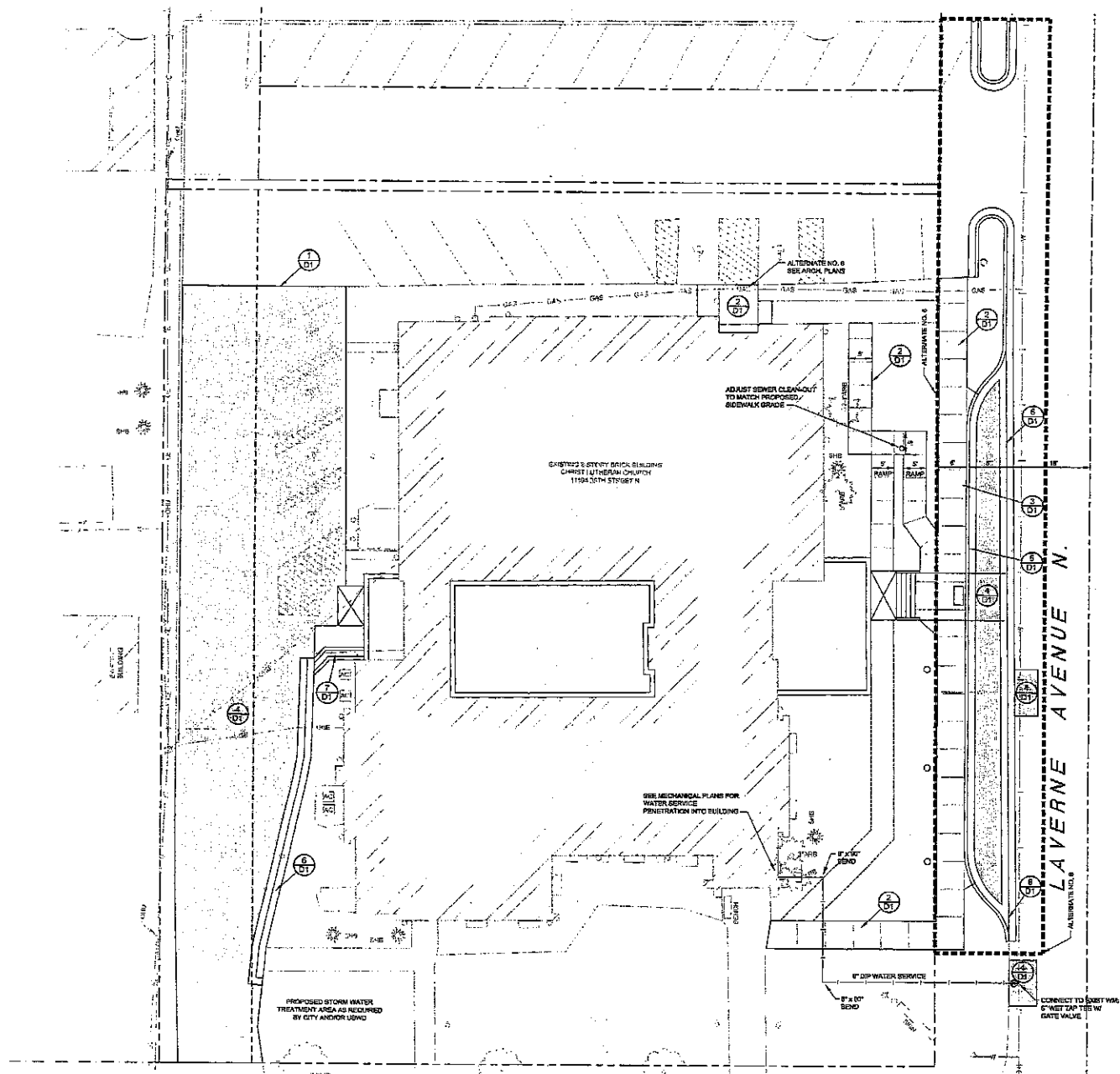
## SHEET TITLE

SITE DEMOLITION PLAN

**C1**

SHEET NO.  
SHEET 2 OF 3





# SYMBOL LEGEND

- NEW 4" BITUMINOUS PAVEMENT OVER NEW 8" CRUSHED AGGREGATE BASE SEE DETAIL 401
- NEW 4" CONCRETE PAVEMENT OVER NEW 4" CRUSHED AGGREGATE BASE SEE DETAIL 301

WHERE APPLICABLE DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB OR BACK OF CURB TO END OF STALL LINE.

## LAKE ELMO STANDARD NOTES

1. Bituminous trails and sidewalks must be constructed to maintain positive drainage away from the pathway throughout the entire length.
2. Trenches and handholes must be constructed to avoid damage to the bituminous trails and sidewalks, that grade of backfill and topsoil must be flush with the path edge to avoid trapping water.
3. Divide sidewalk into sections with expansion joints. Spacing shall not be more than 30 feet greater than 12.5 in any dimension.
4. Concrete pedestrian ramps must be constructed at all intersections.

## IMPERVIOUS AREA NOTE

2,330 SQUARE FEET OF IMPERVIOUS AREA ADDED TO EXISTING SITE.



310 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.339.2279  
Fax: 612.339.2258

## CONSULTANT

**Larson**  
Engineering of Minnesota  
354 Larson Road  
West Lake Park, MN 55151  
(952) 481-8100 / (952) 481-4411

## CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSEST SUPERVISION AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*James D. Larson*  
MICHAEL J. LARSON, P.E.  
DATE: 12-05-11 REG. NO.: 42809

COMMISSION NO.: 12116092

DRAWN BY: KDK

CHECKED BY: MCH

DATE: 12-05-11

REVISION DATE: 12-05-11

REVISION DATES:

## PROJECT TITLE

ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH

11194 35TH STREET NORTH  
LAKE ELMO, MN 55042

## OWNER

CHRIST LUTHERAN CHURCH

11194 35TH STREET NORTH  
LAKE ELMO, MN 55042

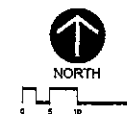
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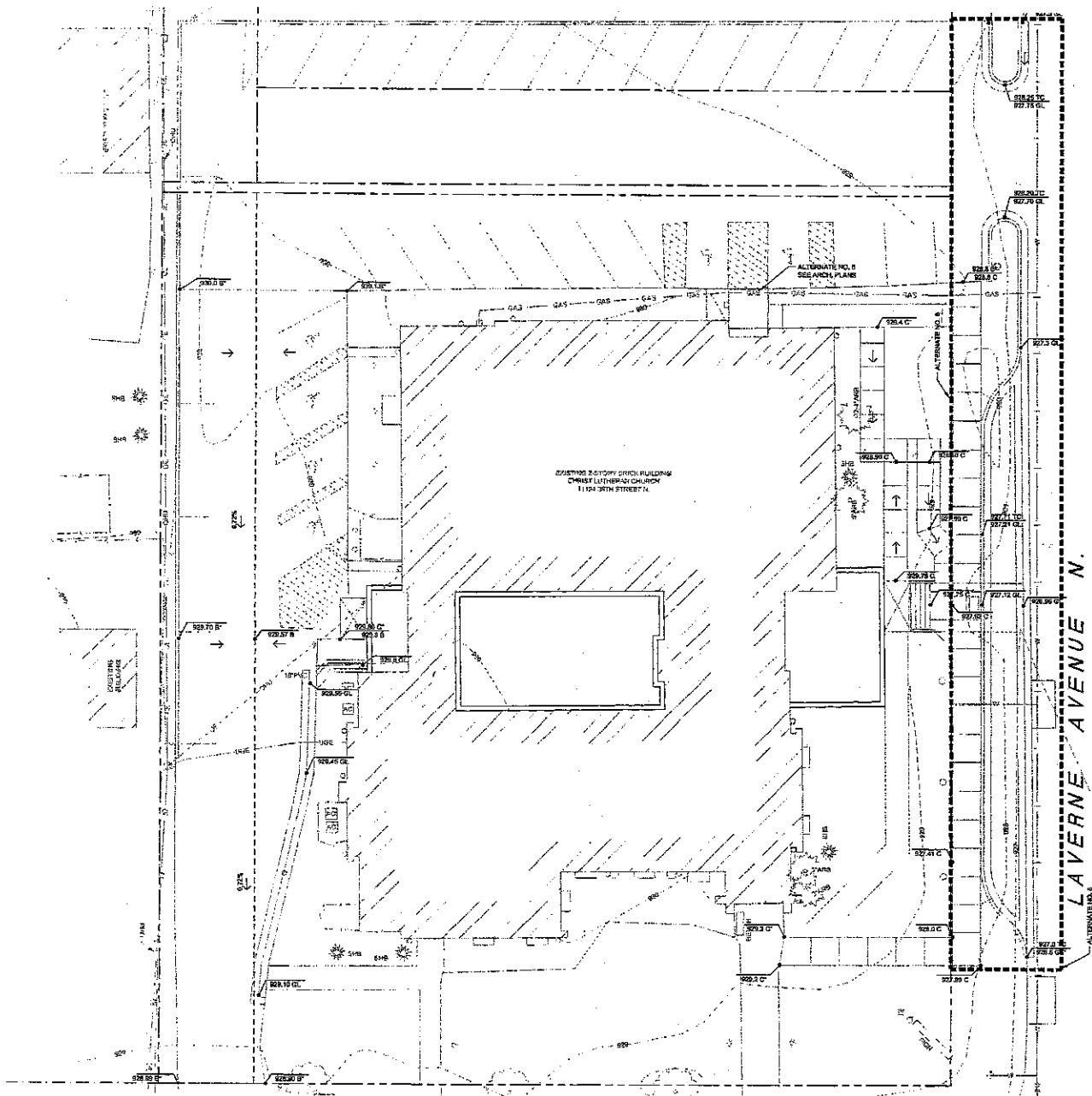
PAVING, DIMENSION, AND  
UTILITY PLAN

**C2**

SHEET NO.

SHEET 3 OF 5





## EROSION CONTROL NOTES

- Owner and Contractor shall obtain MPCA NPDES permit. Contractor shall be responsible for all fees pertaining to this permit. The SWPPP shall be kept on-site at all times.
- Install temporary erosion control measures (silt fences, sediment basins, and rock construction entrances) prior to beginning any excavation or demolition work at the site.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dams, sediment basins or basins, sedimentation structures, and/or other measures to prevent the erosion of exposed soil. All changes shall be recorded in the permit.
- All construction site entrances shall be installed with crushed rock across the entire width of the entrance and from the entrance to a point 50' into the construction zone.
- The line of the silt fence shall be located in a minimum of 6'. The silt fence shall be completed with a silt fence fabric.
- All grading operations shall be conducted in a manner to minimize the potential for site erosion. Sediment control basins shall be installed on all exposed graded portions before any topsoil or seed is applied to the exposed areas.
- All exposed soil areas must be stabilized as soon as possible to limit soil erosion but in no case later than 14 days after the erosion control measures are installed. The contractor shall install temporary or permanent coverings (e.g., mulch, straw, or other erosion control materials) and the construction base components of such, parking lot and similar surfaces are exempt from this requirement.
- The normal wetland protection of any temporary or permanent drainage ditch or area that drains water from any portion of the construction site, or adjacent areas, shall be maintained. The ditch shall be installed within 100 feet from the property edge, or from the point of discharge into any surface water. Stabilization of the soil shall be completed within 14 days after the ditch is installed. The ditch shall be completed within 14 days after the ditch is installed.
- Pipe outlets must be provided with energy dissipaters within 24 hours of connection to surface water.
- All ditches shall be installed with a filter material or soil stabilization fabric, and comply with the Minnesota Department of Transportation Standard Specifications.
- All storm sewers discharging into wetlands or water bodies shall be installed at or below the normal water level of the receiving wetland or water body as an elevation where the downstream slope is 1 percent or flatter. The normal water level shall be the lowest elevation of the outlet of the wetland or water body.
- All storm sewer catch basins not needed for site drainage during construction shall be covered to prevent runoff from entering the storm sewer system. Catch basins necessary for site drainage during construction shall be provided with inlet protection.
- In areas where concentrated flows occur (such as swales and areas in front of which earth dikes and ditches are located), the erosion control facilities shall be backed by stabilization structures to protect these facilities from the concentrated flows.
- Inspect the construction site once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. All inspections shall be recorded in the SWPPP.
- All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 10% of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as it is practicable after discovery. All repairs shall be recorded in the SWPPP.
- If sediment escapes the construction site, all-site accumulation of sediment must be removed in a manner and at a frequency sufficient to inhibit off-site impacts.
- All silt fences must be removed daily.
- All infiltration must be inspected to ensure that no sediment from ongoing construction activity is reaching the infiltration area, and these areas are protected from construction equipment activity across the infiltration area.
- Temporary soil stabilization must have all erosion or other effective sediment controls, and cannot be placed in surface waters, including streamer conveyance runs on dikes and gutter systems, or channels and culverts where there is a bypass in place for the stormwater.
- Collected sediment, silt, and other debris, including debris, paper, plastic, debris, construction and demolition debris and other waste must be disposed of properly and must comply with MPCA disposal requirements.
- Oil, gasoline, paint, and any hazardous substances must be properly stored, including secondary containment, in approved tanks, drums or other containers. Hazardous wastes to storage areas must be provided to prevent spills. Storage and disposal of hazardous waste must be in accordance with MPCA regulations.
- External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine idling is allowed on-site.
- All liquid and solid waste generated by concrete washout operations must be contained in a designated containment facility or impervious liner. A containment liner that does not allow washout liquids to enter ground water is considered an impervious liner. The liquid and solid waste must not contact the ground, and they must not be used from the concrete washout operations or areas. Liquid and solid waste must be disposed of properly and in accordance with MPCA regulations. A sign must be posted adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- Upon completion of the project and stabilization of all graded areas, all temporary erosion control facilities (silt fences, silt basins, etc.) shall be removed from the site.
- All permanent sedimentation basins must be restored to their design condition immediately following completion of the site.
- Construction shall submit Notice of Termination for MPCA NPDES permit within 30 days after final stabilization.

## GRADING NOTES

- Tree protection consisting of snare fence or safety fence installed at the drip line must be in place prior to beginning any grading or construction work at the site.
- All excavations with an elevation ("E") shall be field verified. If elevations vary significantly, notify the Engineer for further instructions.
- Grades shown in point form represent field elevations.
- Restore all disturbed areas with 4" of good quality topsoil and seed and/or mulch.
- The grading contractor shall retain a soils engineer to verify all material in accordance with the specifications.
- All construction shall be performed in accordance with state and local standards specifications for construction.

## SPOT GRADES

S = STORMWATER  
 C = CONCRETE  
 GL = GUTTER LINE  
 TC = TOP OF CURB  
 \* = FIELD VERIFY



**BUSCH**  
 ENGINEERING OF MINNESOTA  
 310 4TH AVENUE SOUTH  
 SUITE 100  
 MINNEAPOLIS, MINNESOTA 55415

Tel: 612.333.2279  
 Fax: 612.333.2335

## CONSULTANT

**Larson**  
 Engineering of Minnesota  
 300 Lagoon Road  
 White Bear Lake, MN 55129  
 (763) 441-9170 / (612) 441-3201

## CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

J. Paul J. Larson  
 MINNESOTA LICENSE NO. 1211052  
 DATE: 10-06-11 PERM. NO. 92902

## COMMISSION NO.

1211052

## DESIGN BY:

KSR

## CHECKED BY:

NJW

## DATE:

10-06-11

## REVISION DATE:

12-06-11

## PROJECT TITLE

ADDITION AND REMODELING OF  
 CHRIST LUTHERAN CHURCH

11154 38TH STREET NORTH  
 LAKE ELMO, MN 55042

## OWNER

CHRIST LUTHERAN CHURCH

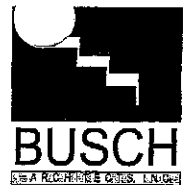
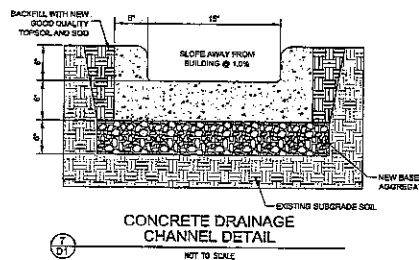
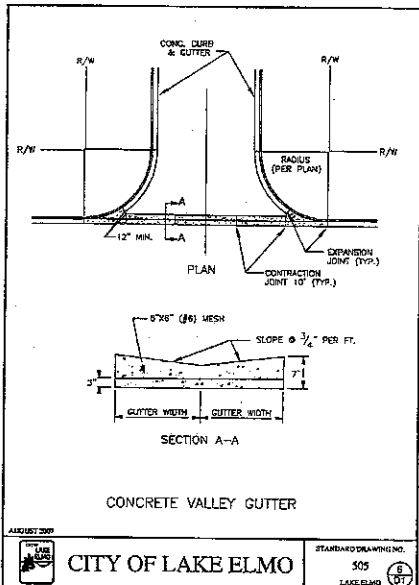
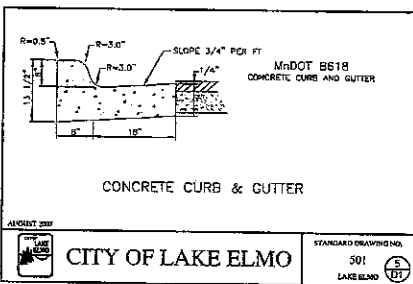
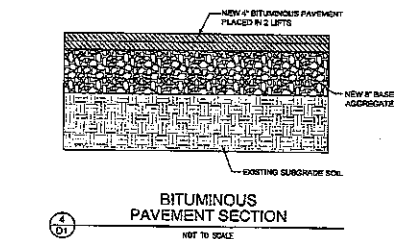
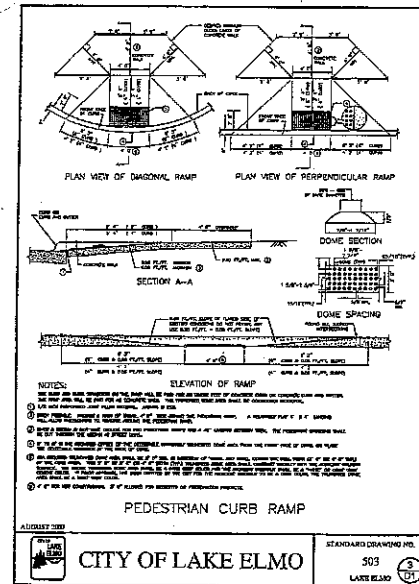
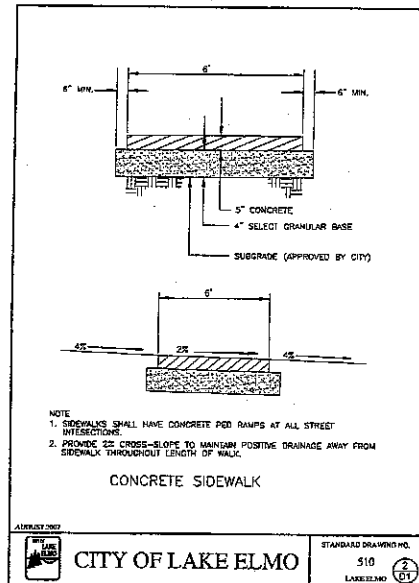
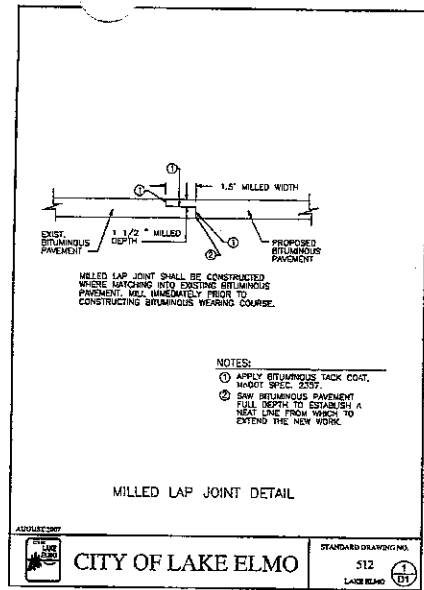
11154 38TH STREET NORTH  
 LAKE ELMO, MN 55042

## SHEET TITLE

GRADING AND EROSION  
 CONTROL PLAN

**C3**

SHEET NO.  
 SHEET 4 OF 5



310 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.333.2270  
Fax: 612.338.2330

CONSULTANT  
**Larson**  
Engineering of Minnesota  
3801 Larson Road  
White Bear Lake, MN 55120  
(763) 441-1100 (763) 441-1101

CERTIFICATION  
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*J. A. Larson*  
J. A. LARSON, P.E.  
DATE: 12-09-11 REG. NO. 23802

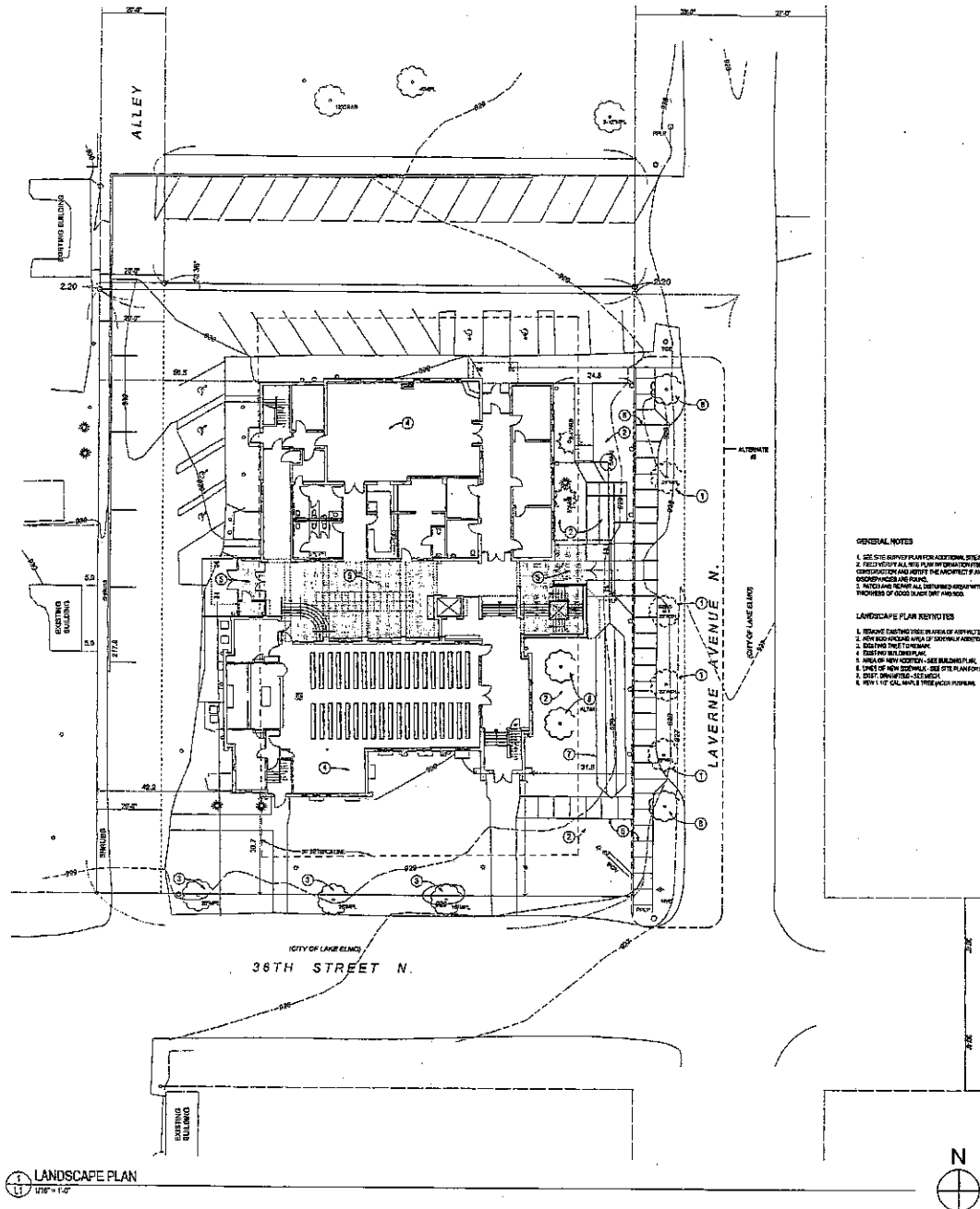
COMMISSION NO.: 12118002  
DRAWN BY: KIK  
CHECKED BY: MWW  
DATE: 12-09-11  
BID ISSUE DATE: 12-09-11  
REVISION DATES:

PROJECT TITLE  
ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH  
11194 36TH STREET NORTH  
LAKE ELMO, MN 55042

OWNER  
CHRIST LUTHERAN CHURCH  
11194 36TH STREET NORTH  
LAKE ELMO, MN 55042

SHEET TITLE  
DETAILS

**D1**  
SHEET NO. 5 OF 6

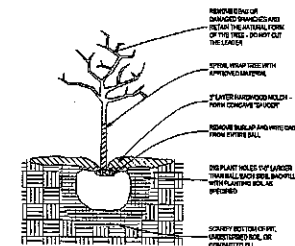


#### GENERAL NOTES

1. SEE SITE SURVEY FOR ADDITIONAL SITE INFORMATION.
2. FIELD VERIFY ALL NEW PLANT INFORMATION TO CONSTRUCTION AND VERIFY THE PROPERTIES AND GRADIENTS OF THE PLANT.
3. NOTCH AND SEAM ALL EXISTING GRASS WITH A THICKNESS OF 600 IN. AND 100.

#### LANDSCAPE PLAN KEYNOTES

1. REMOVED EXISTING TREE IN AREA OF ADDITION.
2. NEW ADDITION AREA OF EXISTING ADDITION.
3. EXISTING TREE TO REMAIN.
4. EXISTING TREE TO REMAIN.
5. NEW ADDITION AREA OF EXISTING ADDITION.
6. LIMIT OF NEW ADDITION. SEE SITE PLAN FOR MORE INFO.
7. EXISTING TREE TO REMAIN.
8. NEW 1" O.D. 10' GAL. WHITE TREE AND PLANTING.



**TREE PLANTING DETAIL**  
1/4" = 1'-0"



318 4TH AVENUE SOUTH  
SUITE 1000  
MINNEAPOLIS, MINNESOTA 55415

Tel: 612.223.2273  
Fax: 612.223.2238

CONSULTANT

**PRELIMINARY DRAWING  
NOT FOR CONSTRUCTION**

#### CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: DECEMBER 8, 2014 REG. NO.: 19897

PRINTED NAME: ADRIAN L. BUCH

COMMISSION NO.: 0048

DESIGNED BY: KCB, M.

CHECKED BY: KCB

DATE: DECEMBER 8, 2014

3RD ISSUE DATE: DECEMBER 8, 2014

REVISION DATE:

#### PROJECT TITLE

ADDITION AND REMODELING OF  
CHRIST LUTHERAN CHURCH  
LAKE ELMO, MINNESOTA

#### OWNER

CHRIST LUTHERAN CHURCH  
1114 30TH STREET NORTH  
LAKE ELMO, MN 55442

#### SHEET TITLE

LANDSCAPE PLAN

**L1.0**  
SHEET NO. 1 OF 1  
DATE: 1/1/2014



30 November 2011

**Mr. Kyle Klatt, Planning Director**  
**City of Lake Elmo**  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**Re: Christ Lutheran Church Building Addition and Remodeling Project (Revised)**  
11194 36<sup>th</sup> Street North  
Lake Elmo, MN 55042

**Mr. Klatt,**

The purpose of this letter is to respond to the Memorandum from Focus Engineering, Inc. dated October 31, 2011 and a re-response to Planning Commission concerns and updating of the response in general.

1. **Septic System Compliance and Capacity:** Barry Brown, Washington County Licensed Septic System Inspector has reviewed the existing septic system on the property and determined that the current system is non-conforming. A report was submitted to the City of Lake Elmo. Mr. Brown has also indicated in the report the only option available to the church is to apply for a permit to install a temporary holding tank. Mr. Brown had attached a preliminary design for the tanks in the report. The Applicant recognizes that a separate variance will be required to install the tanks and that the City allow the church to move forward with the project with the understanding that the variance approval will be obtained prior to securing the building permit.
2. **Water Service Connection:** The new water service will provide for fire protection for the entire building. We anticipate installing a 6-inch diameter pipe. We had anticipated abandoning the present domestic water use line and backfeeding it with the new service if that is acceptable with the City. Detail Plans for this would be included in the Building Permit Review set.
3. **Work in the Public Right-of Way:** Christ Lutheran Church has submitted drawings showing all intended Right-of Way work including all construction details. Since the Planning Commission had concerns regarding this work, the applicant understands that this portion of the project was not included in the Planning Commission approval and will take up the concern at a future meeting. If the Planning Commission ultimately does not approve this part of the project, the church would elect to not do it. If approval is granted then the church, through its A/E team would work with the City Engineer to finalize the design of the improvements.



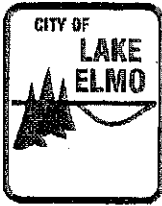
4. Additional Application Requirements: Additions to pervious/non-pervious site-covering calculations are shown on Sheet C2.
5. Light poles along Laverne Avenue are considered to be part of the Laverne Avenue Right-of-way work and will be addressed concurrently. A photometric plan will be prepared and submitted should approval be gained for the Laverne Avenue work.
6. Water connection details will be placed on the Civil Drawings for permitting purposes.
7. All work with-in the City Right-of Way will be done per City standards and the details will be provided on the Building Permit Review set. Civil Plans C0 – C4 indicate positive drainage, curbing and valley gutter as required.
8. As part of the construction, the church will mark the pavement in the drop-off zone along Laverne Avenue with the words "Drop-off only" and will cross-hatch the area of the zone with white, 4" wide markings. Two signs will be posted that say: "Drop-off lane only – no long-term parking".
9. The church agrees that the parking along Laverne Avenue should be evaluated.
10. Removal and replacement of trees is indicated on Sheet L1, Landscape plan. A revised copy of the plan has been forwarded to the City.
11. The church (applicant) will work with the City to develop a satisfactory Develop Agreement related to the work in Laverne Avenue and will satisfy the agreed upon security for the work.
12. The church (applicant) will work with the City to draw up an Ownership and Maintenance Agreement covering ownership and maintenance of the construction in the Laverne Avenue Right-of-way.
13. **Thank you!**

Sincerely,



Kevin C. Busch, AIA, CID, NCARB

Busch Architects, Inc.



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/6/2011  
**REGULAR**  
ITEM #: 15.  
**MOTION**

**AGENDA ITEM:** Demontreville Highlands Area Street Improvements – Authorize the Preparation of the Feasibility Report

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer  
Mike Bouthilet, Public Works  
Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider initiating the 2012 Street Improvement Project by authorizing FOCUS Engineering, Inc. to prepare the Demontreville Highlands Area Street Improvements Feasibility Report in the Lump Sum amount of \$9,600.

**STAFF REPORT AND BACKGROUND INFORMATION:** In accordance with the 2011-2015 Street CIP, the Demontreville Highlands Area streets are tentatively scheduled to be improved during the 2012 construction season (see attached CIP map). In order to initiate this improvement the Council must direct the preparation of a feasibility report as required by the statutory process for public improvements that are specially assessed.

The study will report on the feasibility of the improvements and the estimated project costs to reclaim or reconstruct each street segment, depending on the existing street conditions and findings from the geotechnical investigation which is already in process. The Report will also provide a proposed preliminary assessment roll for each of the benefitting properties. For the Demontreville Highlands Area, the feasibility report will review the potential alternative of narrowing the paved roadway to further pursue greener streets within the City. During the feasibility study potential rain garden locations will be identified and residents will be encouraged to consider the placement of a rain garden within the right-of-way boulevard adjacent to their property.

A proposed schedule of the Demontreville Highlands Area Street Improvements is attached. In order to be in a position to complete the improvements during the 2012 construction season, it is necessary to begin the feasibility report at this time.

The Demontreville Highlands Area includes the following street segments (see attached 2012 Street CIP Location Map):

**Anticipated Street Reconstruction required:**

- Demontreville Trail Circle N from Demontreville Trail N to Cul-de-Sac
- Demontreville Trail Place N from Demontreville Trail Circle N to Cul-de-Sac

**Anticipated Street Reclamation possible:**

- 53<sup>rd</sup> Street N from Demontreville Trail N to Cul-de-Sac
- Hytrail Avenue N from Highlands Trail N to 59<sup>th</sup> Street N
- 59<sup>th</sup> Street N from Hytrail Avenue N to East End Cul-de-Sac
- Highlands Trail N from Demontreville Trail N to TH 36
- Highlands Court N from Highlands Trail N to Cul-de-Sac

**RECOMMENDATION:** Based upon the above staff report and background information, the City Council is respectfully requested to consider initiating the 2012 Street Improvement Project by authorizing FOCUS Engineering, Inc. to prepare the Demontreville Highlands Area Street Improvements Feasibility Report in accordance with the Street Capital Improvement Plan. The suggested motion to approve this action is as follows:

**“Move to Authorize FOCUS Engineering, Inc. to Prepare the Feasibility Report for the Demontreville Highlands Area Street Improvements in the Amount of \$9,600.”**

Alternatively, the City Council does have the authority to further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to Authorize FOCUS Engineering, Inc. to Prepare the Feasibility Report for the Demontreville Highlands Area Street Improvements in the Amount of \$9,600 [as amended and/or modified at tonight’s meeting].”**

**ATTACHMENTS:**

1. Proposed Project Schedule
2. 2012 Street Capital Improvement Plan Location Map

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report..... City Engineer
- Questions from Council to staff..... Mayor Facilitates
- Public Input (if appropriate)..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor Facilitates
- Action on Motion..... Mayor & City Council

**CITY OF LAKE ELMO  
DEMONTREVILLE HIGHLANDS AREA STREET IMPROVEMENTS  
PROPOSED PROJECT SCHEDULE**

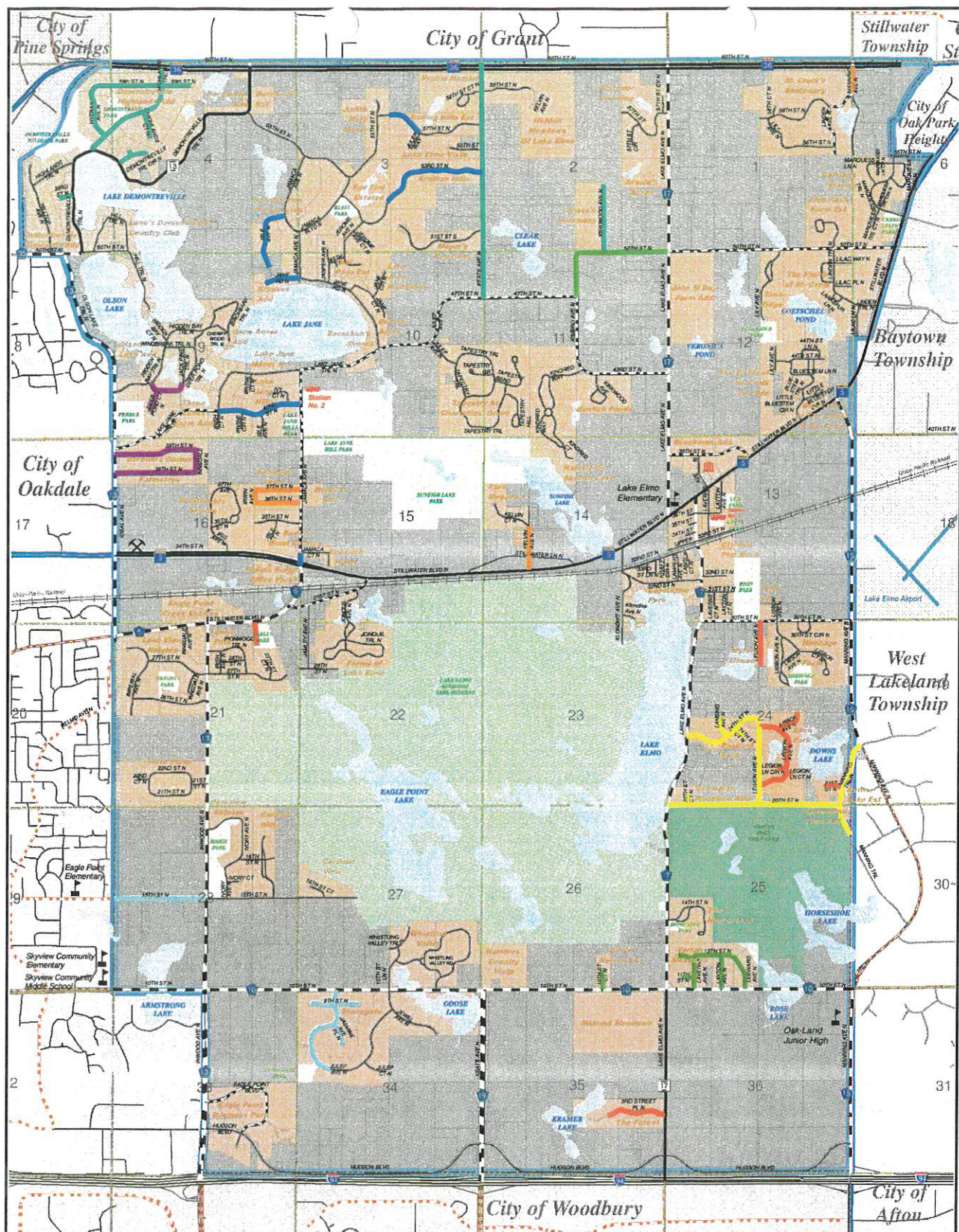
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December 6, 2011	Council orders preparation of Feasibility Report
February 7, 2012	Presentation of Feasibility Report. Council passes resolution receiving Report and calling for Hearing on Improvements to be held March 6, 2012
March 6, 2012	Public Improvement Hearing. Council passes resolution ordering Improvement and preparation of Plans

**PROJECT BECOMES PART OF 2012 STREET AND WATER QUALITY IMPROVEMENTS**

May 15, 2012	Presentation of Plans and Specifications. Council Approves Plans and Specifications and Orders Advertisement for Bids
May 16, 2012	Placement of Advertisement for Bids – Quest CDN. Publication on May 16 – Finance and Commerce. Publication on May 21 & May 28 – Oakdale-Lake Elmo Review. Publication on May 23 & May 30
June 12, 2012	Receive Contractor bids/review and prepare preliminary assessment roll
June 19, 2012	City Council accepts bids and awards Contract.
June 22, 2012	Process and send out Contract Documents.
July 9, 2012	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed.
July 11, 2012	Conduct Pre-Construction Meeting.
July 12, 2012	Contractor begins work.
September 21, 2012	Substantial Completion of Work (Includes Paving and Restoration)
October 5, 2012	Final Completion of Work (Punch List Items)





## 2012 STREET CAPITAL IMPROVEMENT PLAN LOCATION MAP



### IMPROVEMENT YEAR

2009	2013
2010	2014
2011	2015
2012	2016



City Hall  
3600 Levee Avenue N  
651/777-5510  
www.lakeelmo.org



Public Works Building  
3445 Mead Ave N  
651/233-5414



Fire Stations

Station No. 1  
3510 Levee Ave N  
651/779-5005

Station No. 2  
4350 Junction Ave N  
651/779-8882



Schools



Parcels



Subdivisions



City Parks



Golf Course



Lake Elmo Regional  
Park Reserve



Lakes



0 0.15 0.3 0.6 Miles

Map Date: NOVEMBER 2011

Created By

**TKDA**

ENGINEERING • ARCHITECTURE • PLANNING





## MAYOR & COUNCIL COMMUNICATION

DATE: 12/6/2011

REGULAR

ITEM #: 16.

RESOLUTION 2011-XXX

**AGENDA ITEM:** Kirkwood Avenue North Street Improvements – Resolution Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer  
Dave Snyder, City Attorney  
Mike Bouthilet, Public Works  
Joe Rigdon, Interim Finance Director

---

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider adopting Resolution No. 2011-XXX Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report for Street Improvements for Kirkwood Avenue North.

**STAFF REPORT AND BACKGROUND INFORMATION:** On April 26, 2011 a petition was received requesting the city to complete a feasibility report pursuant to Minnesota Statutes, Chapter 429 to improve Kirkwood Avenue North from a gravel roadway to a paved roadway. The petition is an attachment to this agenda report and was signed by at least 35% of the affected properties. The property owners have been informed that if the Council orders the improvements, they may be assessed for these improvements in accordance with the City's Special Assessment Policy for Public Improvements.

As a gravel roadway, Kirkwood Avenue North is not programmed for improvement in the 2011-2015 Street CIP. Therefore, this improvement has not been previously presented to the Council as a planned improvement or budget item. The preparation of a feasibility report is required as part of the statutory process for public improvements that are specially assessed, and must be completed before the Council can take action to order an improvement.

Should the Council choose to move forward with the feasibility report, the estimated cost to complete the report is \$5,200. Should the project be constructed and assessed to the benefitting properties the city share for the various improvements is estimated to be \$45,000 if a lower cost shape and pave improvement is feasible. If a reconstruction is required, the more likely scenario,

the city share is estimated to be \$120,000. The improvement type, depending on the existing street conditions and findings from the geotechnical investigation, and the preliminary assessment breakdown would be determined in the Feasibility Report.

In 2011, a project was completed to improve 50th Street and Kimbro Avenue from a gravel roadway to a paved roadway. Through the public improvement process for this project, property owners from Kirkwood Avenue North inquired about adding their connecting roadway to this project. The City Engineer held a resident meeting on February 23, 2011 after preparing a very preliminary report for improving Kirkwood Avenue North. This work included the evaluation of two potential improvement alternatives with preliminary estimates of cost and a preliminary range of potential assessment amounts for the benefitting properties. The meeting was attended by 4 of the 7 affected properties and the potential assessment amounts presented were \$15,000 per property and \$18,000 per property depending upon which improvement would be required. This information was also mailed out to each of the property owners (refer to the attached letter dated April 15, 2011). Informed with this information, a petition was then received requesting the city to complete a feasibility report for improving Kirkwood Avenue North. The petition was signed by 6 of the 7 affected properties.

If authorized, the Report will evaluate the feasibility of the improvements and the estimated project costs to complete a shape and pave improvement, or to reconstruct the gravel base prior to paving the roadway. The Report will also provide a proposed preliminary assessment roll for each of the benefitting properties. A proposed schedule of the Kirkwood Avenue Street Improvements is attached. In order to be in a position to complete the improvements during the 2012 construction season, it is necessary to begin the feasibility report at this time.

**RECOMMENDATION:** Based upon the above staff report and background information, the City Council is respectfully requested to consider adopting Resolution No. 2011-XXX Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report for Street Improvements for Kirkwood Avenue North. The suggested motion to approve this action is as follows:

**“Move to Approve Resolution No. 2011-xxx Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report for Street Improvements for Kirkwood Avenue North.”**

Alternatively, the City Council does have the authority to further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to Approve Resolution No. 2011-xxx Declaring Adequacy of Petition and Ordering the Preparation of the Feasibility Report for Street Improvements for Kirkwood Avenue North.”  
*[as amended and/or modified at tonight's meeting].*”**

**ATTACHMENTS:**

1. Resolution No. 2011-XXX
2. Petition for Local Improvement Signed by Kirkwood Avenue Residents
3. Letter Sent to Kirkwood Avenue Property Owners Dated April 15, 2011
4. Proposed Project Schedule

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report..... City Engineer
- Questions from Council to staff..... Mayor Facilitates
- Public Input (if appropriate)..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor Facilitates
- Action on Motion..... Mayor & City Council



**COPY**

## CITY OF Lake Elmo

### PETITION FOR LOCAL IMPROVEMENT

DATE:

TO THE CITY COUNCIL OF LAKE ELMO, MINNESOTA:

We, the undersigned, owners representing at least 35% of the affected property parcels abutting on Kirkwood Avenue North, hereby petition the city to complete a feasibility study for street improvements pursuant to Minnesota Statutes, Chapter 429.

We understand that by signing this petition, the City may recommend improvements to be completed that are consistent with the City's design standards for public streets and may recommend additional improvements, as deemed necessary in the City's opinion, to be completed in conjunction with said improvements (such as storm sewer system and drainage provisions as deemed necessary by the City, or extending watermain or sanitary sewer service to unserved properties prior to reconstructing City streets).

We also understand that if the City Council orders the improvements, we may be assessed for these improvements in accordance with the City's Special Assessment Policy for Public Improvements. Consistent with State Statutes and City policies, we understand that the City Council has full authority to authorize improvements to be made, and assessments to be levied against my property, and that any decision to order the improvements is NOT subject to vote by the abutting properties.

(To allow for proper City notifications, each signature must be accompanied by a legibly printed name and address)

SIGNATURE OF PROPERTY OWNER(S)

NAME (printed)

ADDRESS (printed)

- |   |                                      |                             |                     |
|---|--------------------------------------|-----------------------------|---------------------|
| ① | 1. <u>Sarah Mangrum P. 2</u>         | MANZARA,<br>SARAH + ANTHONY | 5050 KIRKWOOD AVE N |
| ② | 2. <u>Robbi Thompson</u>             | Robbi Thompson              | 5170 Kirkwood Ave N |
|   | 3. <u>Carmen Thompson C Thompson</u> | C Thompson                  | 5170 Kirkwood Ave N |
| ③ | 4. <u>Jacquelyn Kristenson</u>       | Jacquelyn Kristenson        | 5230 Kirkwood Ave   |
|   | 5. <u>Allan Kristenson</u>           | Allan Kristenson            | 5230 Kirkwood Ave   |
| ④ | 6. <u>Dan Knipe</u>                  | Dan Knipe                   | 5300 Kirkwood Ave   |
|   | 7. <u>Karen Knipe</u>                | Karen Knipe                 | 5300 Kirkwood Ave   |
| ⑤ | 8. <u>Richard D Hesse</u>            | Richard D Hesse             | 5235 KIRKWOOD AVE N |
|   | 9. <u>Rosalie Hesse</u>              | Rosalie Hesse               | 5235 KIRKWOOD AVE N |
| ⑥ | 10. <u>John Hesse</u>                | John Hesse                  | 5710 KIRKWOOD       |

PETITION FOR LOCAL IMPROVEMENT

Page 2

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Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

(Seal)

  
Sharon Lumby, City Clerk 4-27-11

## Washington County Property Records and Taxpayer Services Department Print this Page

## Welcome to the Washington County Property Information Page.

To obtain property tax information or pay online, please search by one of the following options:

- Parcel ID Number (Example: 11.022.33.44.0001)
- Property Address: House Number (Example: 1234) or Street Name (4th; not 4th Street or 4th Avenue)

Past due tax amounts include penalty and interest calculated as of the Last Update listed. Contact us if you have any questions or need other payoff amounts calculated.

Amounts shown in the **Tax Bill Totals** area is the amount owed after payments. Select **Tax Detail** to display the original Total Tax Amount by year. Special Assessment information is designated by SP.

Our main office is located on the first floor of the Government Center Building at 14949 62nd St N, Stillwater, MN 55082. Enter the Government Center main entrance located to the east of Parking Lot A.

If you have any questions or if your search does not display results, please contact us by calling: (651) 430-6175, Monday through Friday, 8:00 AM to 5:00 PM or by email at [Taxes@co.washington.mn.us](mailto:Taxes@co.washington.mn.us).

## CONTACT INFORMATION

**Washington County  
Taxpayer Services  
Division**  
14949 62nd Street North  
P.O. Box 200  
Stillwater, MN 55082-  
0200  
(651) 430-6175

Washington County  
Home

## Tax Payment Options

All payments made after the due date are considered late and penalty will be applied.

Search By: Property Address: Kirkwood

Search Clear

Total records: 29

Sort by: Property Address

CART: \$0.00

Parcel Number	Owner Name	Property Address
11.029.21.43.0011	CHENOWETH MARK S TRS & BETH A CHENOWETH TRS	4092 KIRKWOOD LN N
11.029.21.43.0010	FIORILLO MARC C & JULIE A	4118 KIRKWOOD LN N
11.029.21.43.0009	GOSSE RANDE R & ANITA R GOSSE	4132 KIRKWOOD LN N
11.029.21.43.0012	OBERG JOHN & TONYA	4143 KIRKWOOD LN N
11.029.21.43.0008	HAMMES NICHOLAS & REGINA	4146 KIRKWOOD LN N
11.029.21.43.0013	EDSTROM ZACHARY & CHRISTINA	4155 KIRKWOOD LN N
11.029.21.43.0014	NOTTLEY OLIVER J & ANGELA	4167 KIRKWOOD LN N
11.029.21.43.0007	KORAL LAWRENCE P & KATHLEEN M	4168 KIRKWOOD LN N
11.029.21.43.0015	WYLAND DAVID E & APRIL L	4177 KIRKWOOD LN N
11.029.21.43.0016	FEDOROWSKI RICHARD P & JAMI	4187 KIRKWOOD LN N
11.029.21.42.0007	PHAN HUY M & LINH T NGUYEN	4190 KIRKWOOD LN N
11.029.21.43.0017	MCGRAW MARLENA & BEAU	4199 KIRKWOOD LN N
11.029.21.42.0006	BUTLER MAURICE & JENNIFER	4220 KIRKWOOD LN N
11.029.21.42.0008	ADAMS BRAD & ALISON	4227 KIRKWOOD LN N
11.029.21.42.0009	LUNDGREN DANIEL J & RUTH M	4251 KIRKWOOD LN N
11.029.21.42.0010	MATHAUS RICHARD A & ERIN N	4265 KIRKWOOD LN N
✓ 02.029.21.43.0002	MANZARA ANTHONY P & SARAH E	5050 KIRKWOOD AVE N
✓ 02.029.21.43.0003	HUOT JOHN R & CHERYL M	5110 KIRKWOOD AVE N
✓ 02.029.21.43.0004	THOMPSON CARMEN M & ROBBIE	5170 KIRKWOOD AVE N
✓ 02.029.21.43.0005	KRISTENSON ALLAN J & JACQUEL	5230 KIRKWOOD AVE N
✓ 02.029.21.42.0001	HESSE RICHARD D & ROSALIE M	5235 KIRKWOOD AVE N
✓ 02.029.21.42.0002	KRIPE DONALD J & KAREN M	5300 KIRKWOOD AVE N
02.029.21.42.0003	LAATSCH JOHN M & MARY CANE & MARY CANE LAATSCH	5760 KIRKWOOD AVE N
02.027.21.42.0002	LAHTI MATT E & KIMBERLY A LANAHAN-LAHTI	6320 KIRKWOOD AVE S
02.027.21.42.0004	SWIFT CARTER Z & BROOKE L	6450 KIRKWOOD AVE S

Back ... First | 1 2 | Last ... Next

ONLINE PAYMENT OF  
PROPERTY TAXES

Online payment is available from this site for both Current and Delinquent property taxes.

NOTE: The following convenience fees are charged and collected by our payment vendor Link2Gov.

■ Check fee is \$1.00 per transaction

■ Credit Card fee is 2.39% of the amount paid. We accept American Express, Discover, MasterCard and Visa.



## City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

April 15, 2011

Property Owners of Kirkwood Avenue North

Re: Follow-up Information from the February Neighborhood Meeting

Dear Property Owner,

This letter is being sent to you as a follow up to the Kirkwood Avenue Property Owner Meeting that was held on February 23, 2011, at Lake Elmo City Hall. At this meeting, City staff reviewed with you the potential improvement options and associated preliminary costs to provide a paved bituminous roadway for Kirkwood Avenue North. The cost information that was presented and discussed at this meeting is summarized below:

- If a "Shape and Pave" bituminous surfacing project is feasible, the very preliminary estimated cost that was presented was roughly \$10,500 to \$15,000 per property.
- If the underlying gravel base is inadequate, a total gravel reconstruction is required prior to paving. The very preliminary estimated cost that was presented for this option was roughly \$12,600 to \$18,000 per property.

To determine which improvement is necessary and provide a better cost estimate, a Feasibility Study would need to be completed. This Study would include an analysis of the road base and underlying soils along Kirkwood Avenue.

As requested, we have attached a Petition Form for Local Improvements. If your neighborhood would like to request the City Council to consider authorizing a feasibility study for Kirkwood Avenue North, you will need to submit the attached petition form indicating this interest by having signatures representing at least 35% of the affected parcels. Once a valid Petition is received by the City of Lake Elmo, the project would be presented to the City Council for consideration. Please keep in mind that receipt of a petition does not guarantee that a Feasibility Study will be commissioned and that the City does not have improvements to Kirkwood Avenue North programmed within the 5-year Street CIP.

Feel free to contact me at 651/292-4487 if you have any questions.

Sincerely,

Ryan W. Stempski, P.E.  
Assistant City Engineer

Enclosure

Cc: Bruce Messelt, City Administrator  
Jack Griffin, City Engineer

**CITY OF LAKE ELMO  
KIRKWOOD AVENUE STREET IMPROVEMENTS  
PROPOSED PROJECT SCHEDULE**

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December 6, 2011	Council orders preparation of Feasibility Report
February 7, 2012	Presentation of Feasibility Report. Council passes resolution receiving Report and calling for Hearing on Improvements to be held March 6, 2012
March 6, 2012	Public Improvement Hearing. Council passes resolution ordering Improvement and preparation of Plans

**PROJECT BECOMES PART OF 2012 STREET AND WATER QUALITY IMPROVEMENTS**

May 15, 2012	Presentation of Plans and Specifications. Council Approves Plans and Specifications and Orders Advertisement for Bids
May 16, 2012	Placement of Advertisement for Bids – Quest CDN. Publication on May 16 – Finance and Commerce. Publication on May 21 & May 28 – Oakdale-Lake Elmo Review. Publication on May 23 & May 30
June 12, 2012	Receive Contractor bids/review and prepare preliminary assessment roll
June 19, 2012	City Council accepts bids and awards Contract.
June 22, 2012	Process and send out Contract Documents.
July 9, 2012	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed.
July 11, 2012	Conduct Pre-Construction Meeting.
July 12, 2012	Contractor begins work.
September 21, 2012	Substantial Completion of Work (Includes Paving and Restoration)
October 5, 2012	Final Completion of Work (Punch List Items)

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

**RESOLUTION NO. 2011-XXX**

**A RESOLUTION DECLARING ADEQUACY OF PETITION AND  
ORDERING PREPARATION OF FEASIBILITY REPORT FOR  
THE KIRKWOOD AVENUE NORTH STREET IMPROVEMENTS**

*WHEREAS, a petition was received requesting the city to complete a feasibility study for street improvements for Kirkwood Avenue North pursuant to Minnesota Statutes, Chapter 429, and*

*WHEREAS, the petition was certified by the city clerk to be properly signed by more than 35% of the affected properties, and*

*WHEREAS, a property owner meeting was scheduled and conducted by the City Engineer to discuss in a preliminary way the anticipated scope of improvements that would be required and provided very preliminary estimates for probable project costs and the associated assessments to the benefitting properties.*

*NOW, THEREFORE, BE IT RESOLVED,*

- 1. A petition requesting the improvement of Kirkwood Avenue North, filed with the Council on December 6, 2011, is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minn. Statute 429.035.*
- 2. The petition for the proposed improvement is hereby referred to the City Engineer and that person is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible, whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.*

Date: \_\_\_\_\_, 2011

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig Dawson  
Interim City Administrator

## **CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 6th day of December 2011, as shown by the minutes of said meeting in my possession.

---

Sharon Lumby  
City Clerk

(Seal)



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/6/2011

**REGULAR**

ITEM #: 17.

**MOTION**

**AGENDA ITEM:** Keats Avenue North Street and Trunk Watermain Improvements –  
Authorize the Preparation of the Feasibility Report

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Craig Dawson, Interim City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer  
Mike Bouthilet, Public Works  
Joe Rigdon, Interim Finance Director

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider initiating the 2012 MSA Street Improvement Project and the 2012 Trunk Watermain Improvement Project by authorizing FOCUS Engineering, Inc. to prepare the Keats Avenue North, Street and Trunk Watermain Improvements Feasibility Report in the Lump Sum amount of \$11,400.

**STAFF REPORT AND BACKGROUND INFORMATION:** In accordance with the 2011-2015 Street CIP, Keats Avenue North is tentatively scheduled to be improved during the 2012 construction season (see attached Street CIP map). In addition, the Keats Avenue Trunk Watermain Improvements was scheduled to be completed in 2011 (see attached Water System CIP map). In order to initiate these improvements the Council must direct the preparation of a feasibility report as required by the statutory process for public improvements that are specially assessed.

The feasibility report will evaluate the necessary scope of improvements to be constructed together with an estimate of project costs to reconstruct each improvement, and will also provide a proposed preliminary assessment roll for each of the benefitting properties. The report will consider Municipal State Aid funding contributions for the MSA street improvement work, and DEED Water System Grant funding contributions for the Trunk Watermain work.

Geotechnical services were completed in 2010 to determine the possibility of completing a pavement reclamation improvement along Keats Avenue. This investigation determined that a street reclamation was not feasible and recommended that the street base be excavated and reconstructed before placing a new bituminous surface. From this report it was determined that the lowest project cost alternative would be achieved by combing the Keats Avenue Street



Reconstruction and the Keats Avenue Trunk Watermain together as one project. The watermain would be installed by open cut trenching followed by the reconstruction of the roadway.

A proposed schedule of the Keats Avenue North Street and Trunk Watermain Improvements is attached. In order to be in a position to complete the improvements during the 2012 construction season it is necessary to begin the feasibility report at this time.

**RECOMMENDATION:** Based upon the above staff report and background information, the City Council is respectfully requested to consider initiating the 2012 MSA Street Improvement Project and the 2012 Trunk Watermain Improvement Project by authorizing FOCUS Engineering, Inc. to prepare the Keats Avenue North Street and Trunk Watermain Improvements Feasibility Report in accordance with the Street and Water System Capital Improvement Plans. The suggested motion to approve this action is as follows:

**“Move to Authorize FOCUS Engineering, Inc. to Prepare the Feasibility Report for the Keats Avenue North Street and Trunk Watermain Improvements in the Amount of \$11,400.”**

Alternatively, the City Council does have the authority to further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to Authorize FOCUS Engineering, Inc. to Prepare the Feasibility Report for the Keats Avenue North Street and Trunk Watermain Improvements in the Amount of \$11,400 [as amended and/or modified at tonight’s meeting].”**

**ATTACHMENTS:**

1. Proposed Project Schedule
2. 2012 Street Capital Improvement Plan Location Map
3. Comprehensive Water Plan Map

**SUGGESTED ORDER OF BUSINESS:**

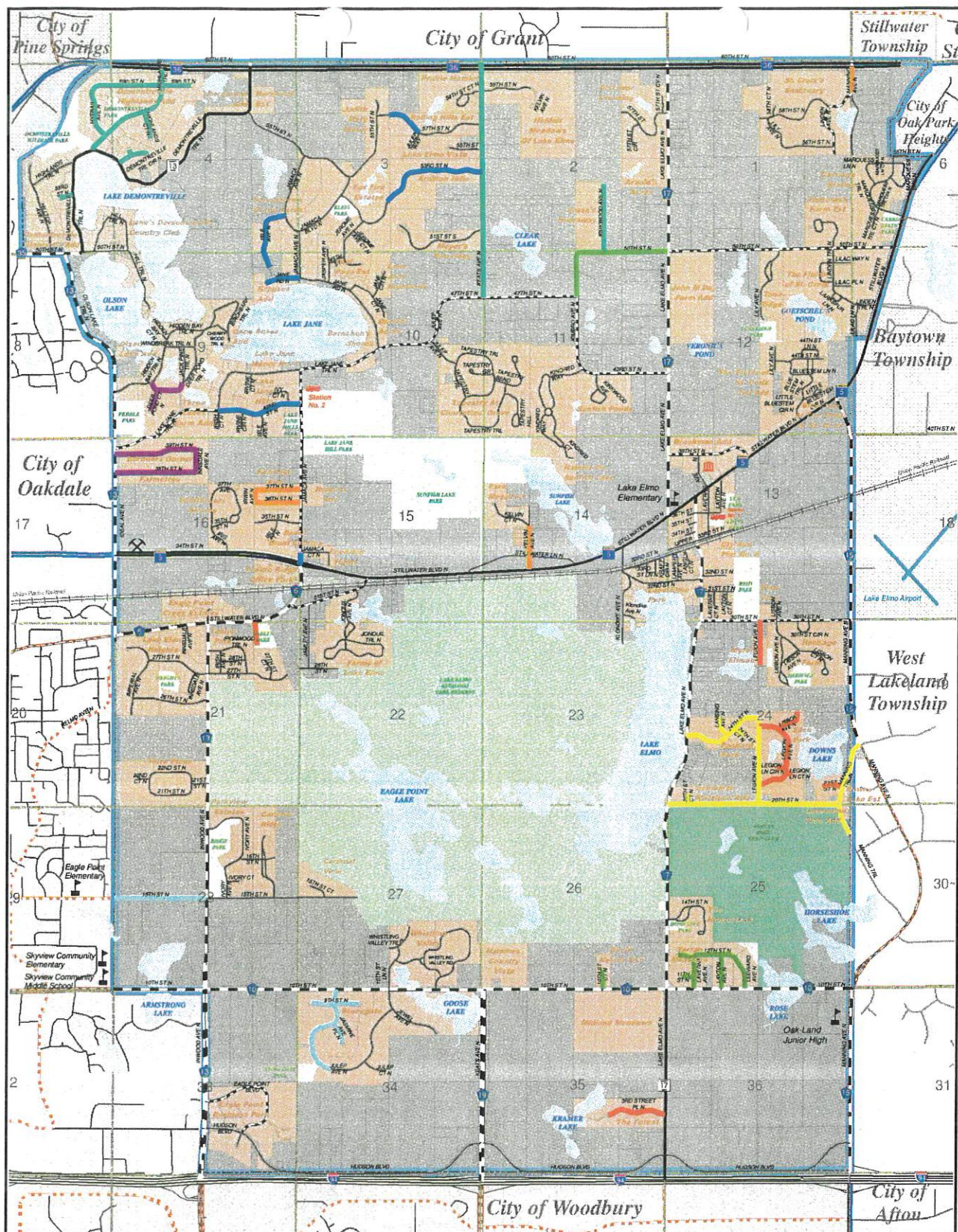
- Introduction of Item ..... City Administrator
- Report..... City Engineer
- Questions from Council to staff..... Mayor Facilitates
- Public Input (if appropriate)..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor Facilitates
- Action on Motion..... Mayor & City Council

**CITY OF LAKE ELMO  
KEATS AVENUE STREET & TRUNK WATERMAIN IMPROVEMENTS  
PROPOSED PROJECT SCHEDULE**

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December 6, 2011	Council orders preparation of Feasibility Report
February 7, 2012	Presentation of Feasibility Report. Council passes resolution receiving Report and calling for Hearing on Improvements to be held March 6, 2012
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November 16, 2012	Final Completion of Work (Punch List Items)





## 2012 STREET CAPITAL IMPROVEMENT PLAN LOCATION MAP



### IMPROVEMENT YEAR

2009	2013
2010	2014
2011	2015
2012	2016



City Hall  
2800 Laverne Avenue N  
65177-5510  
www.lakeelmo.org



Public Works Building  
3445 Mead Ave N  
65123-5414



Fire Stations  
Station No. 1  
3415 Laverne Ave N  
65177-5055



Schools  
Station No. 2  
4235 Laverne Ave N  
65177-5082



Parcels



Subdivisions



City Parks



Golf Course  
Lake Elmo Regional  
Park Reserve



Lakes



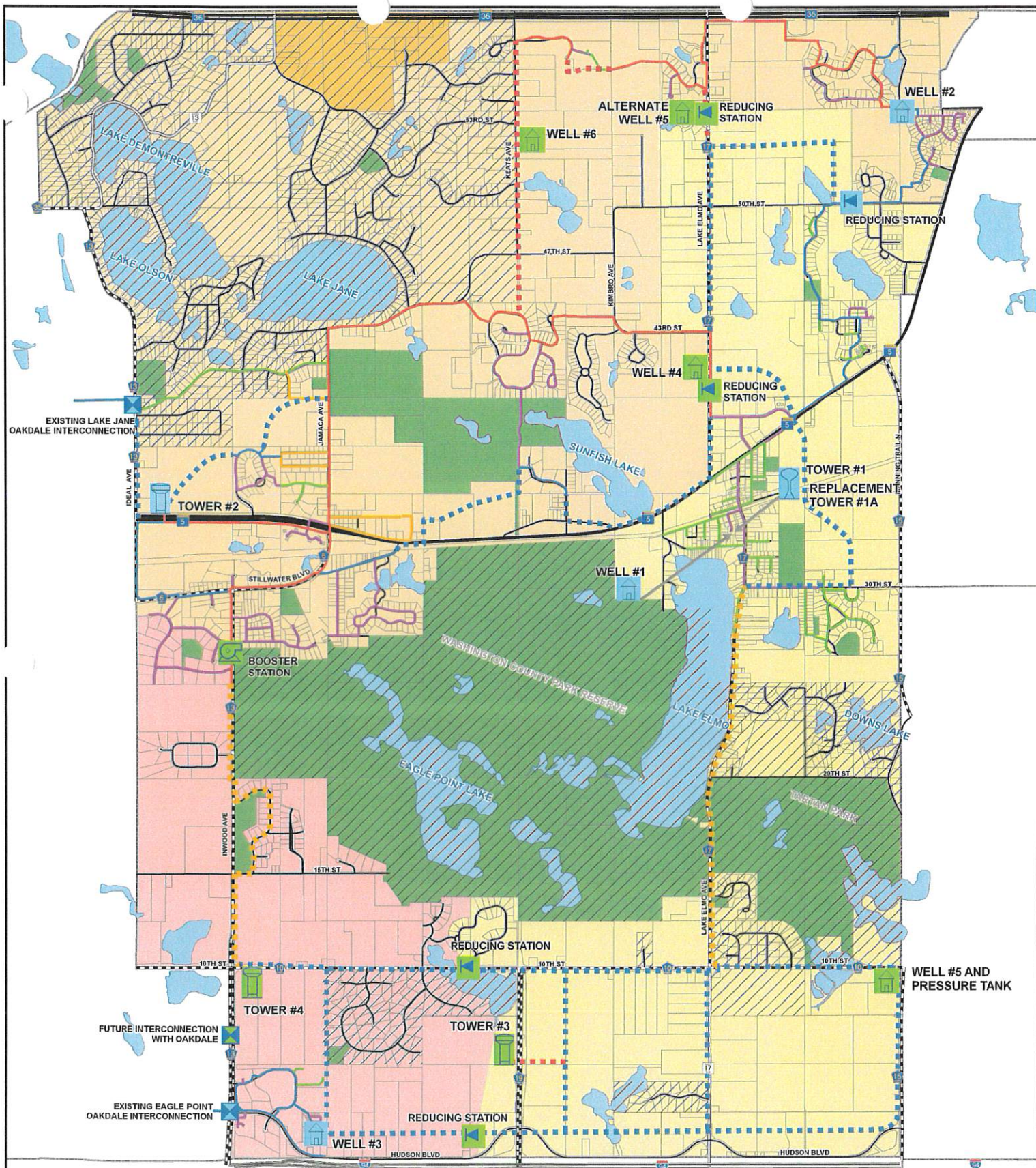
0 0.15 0.3 0.6 Miles


Map Date: NOVEMBER 2011

Created By

**TKDA**  
ENGINEERING • ARCHITECTURE • PLANNING







**CITY OF LAKE ELMO**  
City of Lake Elmo, Minnesota  
APRIL 20, 2009

<ul style="list-style-type: none"> <li> PROPOSED INTERCONNECTION</li> <li> PROPOSED REDUCING STATION</li> <li> PROPOSED BOOSTER STATION</li> <li> PROPOSED WELL</li> <li> PROPOSED WATER TOWERS</li> </ul>	<ul style="list-style-type: none"> <li> EXISTING INTERCONNECTION</li> <li> EXISTING REDUCING STATION</li> <li> EXISTING BOOSTER STATION</li> <li> EXISTING WELL</li> <li> EXISTING WATER TOWERS</li> </ul>
--	--

**EXISTING WATERMAIN**

- 16"
- 12"
- 8"
- 6"; 6" DIP, HDPE
- 4"


**PROPOSED WATERMAIN**

- 12"
- 16"
- POTENTIAL BACK-UP TRUNK WATERMAINS (12" to 16")

**SERVICE AREA**

- LOW (OVERFLOW ELEV. 1,065FT; GROUND ELEV. 900-970FT; PRESSURE 50-60PSI)
- INTERMEDIATE (OVERFLOW ELEV. 1,125FT; GROUND ELEV. 935-1,000FT; PRESSURE 54-63PSI)
- SOUTH HIGH (OVERFLOW ELEV. 1,175FT; GROUND ELEV. 970-1,070FT; PRESSURE 46-89PSI)
- NORTH HIGH (OVERFLOW ELEV. 1,200FT; GROUND ELEV. 970-1,100FT; PRESSURE 44-56PSI)
- AREAS EXCLUDED FROM THE 2030 WATER SUPPLY COMP PLAN

**FIGURE 1**  
**EXISTING AND FUTURE WATER SYSTEM**  
**2030 COMPREHENSIVE WATER SYSTEM PLAN**



**TKDA**  
ENGINEERS • ARCHITECTS • PLANNERS





## MAYOR & COUNCIL COMMUNICATION

DATE: December 6, 2011  
REGULAR  
ITEM #: 18  
Motion

**AGENDA ITEM:** Appointment of City Attorney (General and Prosecution)

**SUBMITTED BY:** Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** City Attorney David Snyder is leaving the Eckberg Lammers law firm and joining the law firm of Johnson & Turner, P.A. His relationship with Eckberg Lammers will continue through December 31, 2011. The Council is requested to continue Mr. Snyder's appointment as City Attorney with the Johnson & Turner firm. An appropriate motion would be:

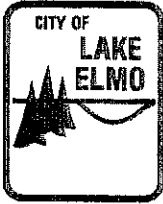
**"Motion To Appoint David K. Snyder as the City Attorney and City Prosecutor with the law firm of Johnson & Turner, P.A., effective January 1, 2012."**

**BACKGROUND INFORMATION:** The City Council appointed Mr. Snyder and the Eckberg Lammers firm as city attorney for general legal services in April 2009, and in 2010 extended legal services to include prosecution. Mr. Snyder is now joining the Johnson & Turner firm, which has its main office in Forest Lake and a local office in Lake Elmo, as a shareholder.

**FINANCIAL/LEGAL/OTHER CONSIDERATIONS:** Mr. Snyder has indicated that he would continue his services under the same terms and conditions as exist currently. Should the Council continue with Mr. Snyder's services, I will authorize that the files related to the City at Eckberg Lammers be transferred to Johnson & Turner.

**SUGGESTED ORDER OF BUSINESS:**

- Introduction & Report.....Interim City Administrator
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Discussion..... Mayor & Council Members
- Motion(s) .....Mayor Facilitates



## MAYOR & COUNCIL COMMUNICATION

DATE: 12/06/2011  
**REGULAR**  
ITEM #: 20  
**MOTION**

**AGENDA ITEM:** Adopting Mayor and City Council Salaries

**SUBMITTED BY:** Sharon Lumby, City Clerk

**REVIEWED BY:** Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** The City Council is asked to consider adopting an increase in Mayor and City Council Salaries effective January 1, 2013:

*“Move to adopt Ordinance approving as of January 1, 2013, the annual salary of the Mayor shall be \$6,250 and the annual salary of each Council Member shall be \$4,860.”*

**BACKGROUND INFORMATION:** At the November 15, 2011 meeting, the City Council discussed the salaries for the Mayor and City Council Members. Interim City Administrator, Craig Dawson, provided a survey of salaries of City Council in the metropolitan area serving 5,000 to 25,000 residents. . By statute and City Code, the Council must set salaries by ordinance prior to a regular city election, and they may not take effect until January 1 of the year following the next city election. The last time the Mayor and City Council received an increase was in 2007 and 2008.

At the November 25<sup>th</sup> meeting, the City Council directed staff to prepare an ordinance to set the salaries of the Mayor and Council Members at 95% average wage to take effect January 1, 2013. The motion was passed 3-2 with Council Members Pearson and Emmons voting against.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council adopt the ordinance to increase the Mayor and City Council salaries effective January 1, 2013.

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

ORDINANCE NO. 08- \_\_\_\_\_

**AN ORDINANCE RELATING TO MAYOR AND COUNCIL SALARIES**

The Lake Elmo City Council hereby ordains that Section 31.08 is amended to read as follows:

**31.08 Salaries of Mayor and City Council Members**

- a. As of January 1, 2013, the annual salary of the Mayor shall be \$6,250 and the annual salary of each council member shall be \$4,860.

**Adoption Date:** Passed by the City Council of the City of Lake Elmo on the 6<sup>th</sup> day of December, 2011.

**Effective Date:** This ordinance shall become effective January 1, 2013.

SEAL

\_\_\_\_\_  
Dean A Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Craig W. Dawson, Interim City Administrator

**Publication Date:** Published on the      day of      December, 2011



## MAYOR & COUNCIL COMMUNICATION

December 2, 2011

TO: Mayor and City Council

FROM: Sharon Lumby, City Clerk

SUBJECT: Candidate Interview Schedule for City Administrator Position

**On November 15<sup>th</sup>**, in a Closed Session the City Council reviewed all applications for the City Administrator position.

**On November 22<sup>nd</sup>**, in a Closed Session, the City Council decided on finalists for this position and the interview procedure.

**On Friday, December 9<sup>th</sup>**, the City Council will have lunch with three candidates at the Lake Elmo Inn from 11:30 a.m. to 12:30 p.m. The Council will interview these candidates on a one-on-one basis from 1:00 p.m. to 6:00 p.m. at the Lake Elmo City Hall.

**On Monday, December 12<sup>th</sup>**, the City Council will have lunch with four candidates at the Lake Elmo Inn from 11:30 a.m. to 12:30 p.m. The Council will interview these candidates on a one-on-one basis from 1:00 p.m. for 7:00 p.m. at the Lake Elmo City Hall.

For the interviews with the Council, each Council member is to send the City Clerk a (one) question they would like each candidate to answer.

The Council may want to schedule another meeting(s) to discuss and proceed with the selection and engagement of the new City Administrator.