

FILE

City of Lake Elmo
3800 Laverne Avenue North

October 4, 2011

**6:30 p.m. Workshop: Meet with Scout Troop to answer questions
for Citizenship Badge**

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: _____ Johnston _____ Pearson _____ Emmons _____ Park _____ 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 September 20, 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. Lions Shelter Roof
 - 4. Authorize signatures for payment of Funds from the Lake Elmo Bank
 - 5. Acceptance/Approval of DNR "Volunteer Assistance Award" and Budget Adjustment 2011-007

J. REGULAR AGENDA:

6. PUBLIC HEARING: 2010 Street and Water Quality Improvements Assessment Hearing
7. PUBLIC HEARING: Kindred Court Drainage Correction
8. Resolution No. 2011-044 Consolidating and Ordering Improvements
9. Confirming Sale, Prescribing the form and details and providing for the payment of \$845,000 General Obligation Improvement Bonds, Series 2011A ; Resolution No. 2011-045
10. PUBLIC HEARING: Consider petition from Alan Kupferschmidt, 2769 Legion Avenue N., vacate a portion of existing dedicated roadway for access to community septic system; Resolution No. 2011-042
11. PUBLIC HEARING: Delinquent Surface Water Utilities
12. Special Event Permit Ordinance – Revised Ordinance Limiting Scope to Larger Events Only
13. Downtown District Sidewalk Maintenance – Reconsider Project, Increase the Scope of Work and Award of Contract
14. Kindred Court Drainage Corrections – Award Contract
15. Appointments to Lake Elmo Library Board
16. Well No. 2 Chlorination System Addition – Reject Quotes and Consider Project with City staff coordinating the equipment purchase and installation
17. Library Updates
18. Discussion/Action on Personnel Matters

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

L. Adjourn

City of Lake Elmo
City Council Meeting Minutes

September 20, 2011

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

PRESENT: Mayor Johnston and Council Members Emmons, Park (arrived 7:06 p.m.), Pearson and Smith

Also Present: Administrator Messelt, Attorney Snyder, City Engineer Griffin, Planning Director Klatt, Finance Director Bouthilet, and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to amend the September 20, 2011 agenda by moving Item #10 to 8 p.m. and Item #11 to 8:30 p.m. Council Member Park seconded the motion. The motion passed 5-0.

ACCEPTED MINUTES:

The September 20, 2011 City Council minutes were accepted as amended by consensus of the City Council.

PUBLIC INQUIRIES:

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve Agenda Items #2 and #4 on the Consent Agenda. Council Member Park seconded the motion. The motion passed 5-0.

- Approve Final Payment to All Weather Services for the 2011 Street Improvement Rain garden Project I the amount of \$25,837; to be paid from the Surface Water Fund
- Approve the proposed Easement Encroachment Agreement for 9630 Whistling Valley Trail

REGULAR AGENDA:

Approve payment of disbursements and payroll

A question was raised on claims for Focus Engineering and TKDA claims. The City Engineer explained the TKDA invoices were for past work done by TKDA

MOTION: Council Member Smith moved to approve payment of disbursements and payroll in the amount of \$176,671.14. Council Member Pearson seconded the motion. The motion passed 5-0.

Authorize City Staff to prepare a City Letter to residents and businesses further explaining the preliminary 2012 Levy and Budget

The City Council requested they review the materials before this information is mailed out. Council Member Pearson did not want to spend \$1,500, but rather address questions through email, phone, etc.

MOTION: Council Member Smith moved to table this item to October 4, 2011 City Council meeting. Council Member Emmons seconded the motion. The motion passed 4-1 (Council Member Pearson voting against.)

Consider a Variance to allow Holding Tanks to be installed for more than 12 months at 2860 Lake Elmo Avenue North

The City Council reviewed the variance request for two holding tanks to be installed at 2860 Lake Elmo Avenue North at the August 23rd City Council meeting. At the August 23rd meeting, the Council requested the applicant research additional alternatives to the two holding tanks being requested. The Council was not comfortable with installing holding tanks.

The applicants brought forward additional options, Equaris and Soil Investigation & Design, they have since explored.

The Council would consider a variance, but the property has to perk and then options evaluated.

MOTION: Council Member Smith moved to table and to require the applicants come back with a recommendation on options. Council Member Park seconded the motion. The motion passed 5-0.

Reconsideration of an Interim Use Permit (IUP) application from Country Sun Farm and Greenhouses Inc. to allow the sale of agricultural produce at 11211 60th Street N

Following the discussions between the applicant and the City, the City Council reconsidered the Interim Use Permit application from Country Sun Farm Greenhouse. The request is to reconsider an application for an IUP, now updated, to allow an Agricultural Sales Business for Country Sun Farm & Greenhouses Inc. The application was originally denied at the August 23rd City Council Meeting.

Keith Bergman noted proposed changes for vehicular access has been discussed toward resolving the Council concerns on safety with MnDOT. There will not be jumping inflatables nor gem mining activities until they can apply and receive approval for a Special Event Permit.

MOTION: Council Member Smith moved to approve Resolution No. 2011-040 approving the Interim Use Permit for an Agricultural Sales Business for two years and to authorize the Mayor to execute the Consent Agreement presented to the City Council related to an interim use permit at 11211 60th Street N. Council Member Pearson seconded the motion. The motion passed 5-0.

Conditional Use Permit Amendment: Rockpoint Church-Overflow Parking Lot Expansion Update

This item was tabled due to concerns expressed by the City Council on potential impacts from vehicular traffic visiting the site. Staff met with the City Engineer and applicant to review the concerns.

Bob Bridges, Exec. Pastor, explained they have looked at the parking lot meeting City's lighting requirements and have reduced the sky glow with fully shielded lights, eliminated height of fixtures and all lights are tuned off by 11 p.m. He said the only residential they are interested in is located in the Preliminary Plat of Deer Glen.

MOTION: Mayor Johnston moved to adopt Resolution No. 2011-041 approving a Conditional Use Permit amendment for Rockpoint Church at 5825 Kelvin Avenue North to allow the expansion of an overflow parking lot. Council Member Pearson seconded the motion. The motion passed 5-0.

Downtown District Sidewalk Maintenance – Award Contract

The City Council considered the award of a contract to Sheehy Construction in the amount of \$48,923 for the Downtown District Sidewalk Maintenance Project ; and to further consider the scope of proposed work to be completed south of the UP railroad Tracks along the west side of Lake Elmo Avenue.

South of the Union Pacific Railroad Tracks: In addition to the downtown district sidewalk maintenance project, staff asked Council direction to (1) complete sidewalk maintenance repairs for the adjacent sidewalk areas south of the UP Railroad tracks and west along Lake Elmo Avenue, or (2) to allow Washington County to remove the sidewalk in this area. Washington County has agreed to contribute up to half the cost for the repairs, but declined to help with this \$8,000 extended sidewalk maintenance project.

Ryan Stempski, City Engineer, reported there were five different companies that attended the pre-bid meeting, and of those, only one contractor submitted their quote by the September 15th deadline. Sheehy Construction's submitted bid for \$49,000 for the sidewalk repairs was somewhat higher than the engineer's estimated bid. Staff did receive a proposal from another contractor for \$12,000 less than Sheehy's price, but it came in after the deadline.

City Engineer Griffin said the narrow time frame where weather would be suitable for an outdoor construction project this year was likely a culprit in deterring proposals from other contractors. He didn't think that waiting would guarantee lower price estimates and would bring on additional costs because staff would have to repeat the process of soliciting price bids and meeting with contractors again.

MOTION: Council Member Smith moved to go out for bids for the entire sidewalk maintenance project next spring. Council Member Pearson seconded the motion. The motion passed 3-2 (Council Member Park and Mayor Johnston voting against.)

Trunk Highway 36 Corridor – Discussion on Access Management Planning and the Mn/DOT Hilton Trail Interchange & J-Turn Projects

City Engineer Griffin gave an overview on the City's long term corridor access management plan.

The City Council received a presentation by MnDOT representatives Adam Josephson and Paul Cakalmeyer on the Trunk Highway 36 Corridor including a status report from Mn/DOT on the Hilton Trail Interchange project, and an explanation on a proposed J-Turn project. The J-Turn project is a proposed interim solution to provide better access for the Highlands Trail and DeMontreville Trail intersections at Trunk Highway 36.

Mayor Johnston commented on his dislike of the backtracking that comes from the J-Turn but didn't see a better option.

Council Member Smith asked that the short term solution be exactly that and asked MnDOT to work on a long term solution of installing a frontage road. She also asked for advanced warning lights for the stop light. Mr. Josephson responded that accident rates go up with warning lights and they are phasing out these lights.

Council Member Emmons asked if MnDOT would help fund the activity of a frontage road. Mr. Josephson stated that City, County and State funds have been secured.

Mr. Josephson asked that the City define what Lake Elmo wants to see for the Trunk Highway 36 Corridor Plan and insert this plan in the City's Comprehensive plan.

Update Re: Library Service Considerations

Administrator Messelt provided library considerations for Council discussion. The Council was in favor of the offer the State Librarian and Director of MELSA to facilitate discussion between Washington County and Lake Elmo regarding cooperative arrangements that would advance other organizations' of efficient and affordable library services for their respective citizens. The Council requested the Mayor send a letter to the State librarian indicating Council's acceptance of such offer.

Mayor Johnston submitted his summary of the meeting he and Council Member Smith attended with the State Librarian and Director of MELSA.

Sarah Linder and Judy Gibson, residents and Friends of the Library, reported on their personal library priorities and input on library priorities from 40 voters at the Fall Festival.

Paul Pallmeyer, Lake Elmo resident, requested access to the library system and didn't want to pay the \$60 per household.

REPORTS:

Highway 36 Corridor in Comprehensive Plan

The Council authorized City Engineer Griffin to work on planning process with the help of a traffic transportation expert and come back with information at a future Council meeting.

The Council adjourned the meeting at 11:05 p.m.

Respectfully submitted by Sharon Lumby, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$ 103,046.37

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: City Staff

BAM

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$103,046.37 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	\$ 6,668.90	Payroll Taxes to IRS 09/22/2011
ACH	\$ 1,198.75	Payroll Taxes to MN Dept. of Revenue 09/22/2011
ACH	\$ 4,044.10	Payroll Retirement to PERA 09/22/2011
DD3575 - DD3590	\$ 21,541.95	Payroll Dated 09/22/2011 (Direct Deposit)
37556 - 37561	\$ 3,005.91	Payroll Dated 09/22/2011 (Payroll)
37562 - 37596	\$ 66,586.76	Accounts Payable Dated 10/04/2011
TOTAL	\$ 103,046.37	

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 \$103,046.37

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 September, 2011, Disbursements, as
Presented [*and modified*] herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 10/04/2011

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 Facilitates
- Action on Motion..... Mayor & City Council

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 09/29/2011 - 1:50 PM

Batch: 004-09-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
10 STAR 10 Star Home Builder										
Chk Req	09/20/2011	5,000.00	0.00	10/04/2011	Escrow Return 8945 27th St #7877		-			
803-000-0000-22900	Deposits Payable									
	Chk Req Total:	5,000.00							No	0000
	10 STAR Total:	5,000.00								
ACEHARD Ace Hardware, Inc										
111401	08/15/2011	57.40	0.00	10/04/2011	Hardware for tool mounting		-			
101-420-2220-44040	Repairs/Maint Eqpt								No	0000
	111401 Total:	57.40								
	ACEHARD Total:	57.40								
ALERTALL Alert-All Corp										
211080320	08/25/2011	1,342.50	0.00	10/04/2011	Fire Prevention items		-			
101-420-2220-42090	Fire Prevention								No	0000
	211080320 Total:	1,342.50								
	ALERTALL Total:	1,342.50								
ARAM Aramark, Inc.										
629-7326556	09/15/2011	21.29	0.00	10/04/2011	Uniforms		-			
101-430-3100-44170	Uniforms								No	0000
	629-7326556 Total:	21.29								
629-7331385	09/22/2011	21.29	0.00	10/04/2011	Uniforms		-			
101-430-3100-44170	Uniforms								No	0000
	629-7331385 Total:	21.29								
629-7333179	09/26/2011	128.53	0.00	10/04/2011	Linen City Hall		-			
101-410-1940-44010	Repairs/Maint Contractual Bldg								No	0000
	629-7333179 Total:	128.53								
	ARAM Total:	171.11								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ASPENMI Aspen Mills, Inc.										
112335	09/13/2011	128.48	0.00	10/04/2011	Jacket, name tag		-			
101-420-2220-44170	Uniforms									No 0000
	112335 Total:	128.48								
	ASPENMI Total:	128.48								
BATTYPL Batteries Plus Woodbury, Corp										
32-735902	09/19/2011	20.27	0.00	10/04/2011	Legion Lift Station battery		-			No 0000
602-495-9450-44030	Repairs/Maint Imp Not Bldgs									
	32-735902 Total:	20.27								
	BATTYPL Total:	20.27								
BIFFS Biff's Inc.										
Multiple	09/21/2011	632.89	0.00	10/04/2011	Portable restrooms		-			No 0000
101-450-5200-44120	Rentals - Buildings									
	Multiple Total:	632.89								
	BIFFS Total:	632.89								
CTYOAKDA City of Oakdale										
20110922945	09/22/2011	409.95	0.00	10/04/2011	Repair, L1, PTO pump		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
	20110922945 Total:	409.95								
	CTYOAKDA Total:	409.95								
EMERGAPP Emergency Apparatus Maint. INC										
20003	09/28/2011	59.30	0.00	10/04/2011	Repair rear strobe on CVI		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
	20003 Total:	59.30								
57101	09/15/2011	3,189.04	0.00	10/04/2011	L1 Repairs		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
	57101 Total:	3,189.04								
57103	09/14/2011	2,177.60	0.00	10/04/2011	E2 Repairs		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
	57103 Total:	2,177.60								
	EMERGAPP Total:	5,425.94								
FASTENAL Fastenal										
MNT1128016	09/07/2011	55.12	0.00	10/04/2011	Hardware		-			No 0000
101-430-3100-42210	Equipment Parts									
	MNT1128016 Total:	55.12								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FASTENAL Total:		55.12								
FOCUS Focus Engineering, Inc.										
22 & 23	09/29/2011	8,581.59	0.00	10/04/2011	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services									
22 & 23 Total:		8,581.59								
24	09/29/2011	1,996.14	0.00	10/04/2011	General Engineering-VRA		-		No	0000
101-420-2400-43030	Engineering									
24	09/29/2011	1,903.78	0.00	10/04/2011	General Engineering-VRA		-		No	0000
101-410-1910-43030	Engineering Services									
24	09/29/2011	4,794.28	0.00	10/04/2011	General Engineering-VRA		-		No	0000
409-480-8000-43030	Engineering Services									
24	09/29/2011	315.00	0.00	10/04/2011	General Engineering-VRA		-		No	0000
404-480-8000-43030	Engineering Services									
24	09/29/2011	365.50	0.00	10/04/2011	General Engineering-VRA		-		No	0000
101-430-3100-43030	Engineering Services									
24	09/29/2011	2,137.00	0.00	10/04/2011	General Engineering-VRA		-		No	0000
601-494-9400-43030	Engineering Services									
24	09/29/2011	180.00	0.00	10/04/2011	General Engineering-VRA		-		No	0000
602-495-9450-43030	Engineering Services									
24	09/29/2011	1,899.50	0.00	10/04/2011	General Engineering-VRA		-		No	0000
603-496-9500-43030	Engineering Services									
24 Total:		13,591.20								
25	09/29/2011	3,534.03	0.00	10/04/2011	Development -Whistling Valley		-		No	0000
203-490-9070-43030	Engineering Services									
25 Total:		3,534.03								
26	09/29/2011	1,521.00	0.00	10/04/2011	Lake Elmo 2010 Street & Water Quality		-		No	0000
417-480-8000-43030	Engineering Services									
26 Total:		1,521.00								
27	09/29/2011	292.50	0.00	10/04/2011	2011 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services									
27 Total:		292.50								
28	09/29/2011	1,960.82	0.00	10/04/2011	2011 Street Improvement/Water Quality		-		No	0000
418-480-8000-43030	Engineering Services									
28 Total:		1,960.82								
29	09/29/2011	1,451.77	0.00	10/04/2011	Lake Elmo court Drainage Correction		-		No	0000
409-480-8000-43030	Engineering Services									
29 Total:		1,451.77								
30	09/29/2011	2,729.27	0.00	10/04/2011	Lake Elmo District Sidewalk Maint.		-		No	0000
409-480-8000-43030	Engineering Services									
30 Total:		2,729.27								
31	09/29/2011	59.00	0.00	10/04/2011	I-94 to 30th Sreet - Village Sanitary		-		No	0000
413-480-8000-43030	Engineering Services									
31 Total:		59.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
32	09/29/2011	277.00	0.00	10/04/2011	10th Street Infrastructure Planning		-			
602-495-9450-43030	Engineering Services									
	32 Total:	277.00								
33	09/29/2011	952.50	0.00	10/04/2011	Supply Well & Pumphouse 4		-			
601-494-9400-43030	Engineering Services									
	33 Total:	952.50								
	FOCUS Total:	34,950.68								
<hr/>										
FOREMOST Foremost Promotions										
133953	09/16/2011	719.17	0.00	10/04/2011	Fire Prevention Items		-			
101-420-2220-42090	Fire Prevention									
	133953 Total:	719.17								
	FOREMOST Total:	719.17								
<hr/>										
Fresh FI Fresh Fields bakery & Cafe										
10101	09/09/2011	526.00	0.00	10/04/2011	Bakery Goods for Fall Festival		-			
204-450-5200-44300	Miscellaneous									
	10101 Total:	526.00								
	Fresh FI Total:	526.00								
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GARELICK Garelick Steel Co, Inc										
213840	09/20/2011	81.65	0.00	10/04/2011	Bollards Sunfish Parking Lot		-			
410-480-8000-45800	Other Equipment									
	213840 Total:	81.65								
	GARELICK Total:	81.65								
<hr/>										
HARTMAN Hartman Homes										
Chk Req	09/20/2011	3,000.00	0.00	10/04/2011	Escrow Return 10150 Tapestry Bend		-			
803-000-0000-22900	Deposits Payable				#7689					
	Chk Req Total:	3,000.00								
	HARTMAN Total:	3,000.00								
<hr/>										
HAWK Hawk Labeling Systems										
184253	09/16/2011	79.68	0.00	10/04/2011	Tapes for labeling Machine		-			
101-420-2220-42000	Office Supplies									
	184253 Total:	79.68								
	HAWK Total:	79.68								
<hr/>										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HAWKINS Hawkins, Inc.										
3264085	09/15/2011	370.32	0.00	10/04/2011	Pump Repair & Valve		-			
601-494-9400-44030	Repairs/Maint Imp Not Bldgs								No	0000
	3264085 Total:	370.32								
	HAWKINS Total:	370.32								
KELCO Kelco Company										
Chk Req	09/27/2011	3,000.00	0.00	10/04/2011	Escrow Return Whistling Valley #7583		-			
803-000-0000-22900	Deposits Payable								No	0000
	Chk Req Total:	3,000.00								
	KELCO Total:	3,000.00								
MARVS Marv's Professional Tools										
241490	09/29/2011	18.90	0.00	10/04/2011	Driver Set		-			
601-494-9400-42400	Small Tools & Minor Equipment								No	0000
	241490 Total:	18.90								
	MARVS Total:	18.90								
MENARDSO Menards - Oakdale										
15162	09/29/2011	51.99	0.00	10/04/2011	Elec. Connectors, Soap, Winshield Wash		-			
101-430-3100-42150	Shop Materials								No	0000
	15162 Total:	51.99								
16404	09/19/2011	30.87	0.00	10/04/2011	City Hall Bldg Supplies		-			
101-410-1940-44010	Repairs/Maint Contractual Bldg								No	0000
	16404 Total:	30.87								
17275	09/21/2011	39.88	0.00	10/04/2011	Paint for Bollards Sunfish parking Lot		-			
404-480-8000-45300	Improvements Other Than Bldgs								No	0000
	17275 Total:	39.88								
	MENARDSO Total:	122.74								
MENARDST Menards - Stillwater										
11555	09/02/2011	4.92	0.00	10/04/2011	Kitchen Supplies		-			
101-420-2220-44300	Miscellaneous								No	0000
11555	09/02/2011	29.44	0.00	10/04/2011	Supplies for fall festival		-			
204-450-5200-44300	Miscellaneous								No	0000
	11555 Total:	34.36								
	MENARDST Total:	34.36								
MILLSCOL Mills Cole										
09/26/11	09/26/2011	55.00	0.00	10/04/2011	Cabled Live Mtg - Planning Commission		-			
101-410-1450-43620	Cable Operations								No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	09/26/11 Total:	55.00								
	MILLSCOL Total:	55.00								
MN NATIV Minnesota Native Landscapes										
7209	09/15/2011	1,075.00	0.00	10/04/2011	Weed Control & Site Visit - Sunfish Park		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs									
	7209 Total:	1,075.00								
	MN NATIV Total:	1,075.00								
MNLABOR DEPT of LABOR & INDUSTRY										
ABR00298191	09/08/2011	10.00	0.00	10/04/2011	Pressure Vessel Permit		-		No	0000
601-494-9400-44300	Miscellaneous									
	ABR00298191 Total:	10.00								
ABR00298621	09/08/2011	10.00	0.00	10/04/2011	Pressure Vessel Permit		-		No	0000
101-420-2220-44300	Miscellaneous									
	ABR00298621 Total:	10.00								
ABR00301811	09/08/2011	10.00	0.00	10/04/2011	Pressure Vessel Permit		-		No	0000
101-430-3100-44300	Miscellaneous									
	ABR00301811 Total:	10.00								
ABR00303101	09/08/2011	10.00	0.00	10/04/2011	Pressure Vessel Permit		-		No	0000
101-430-3100-44300	Miscellaneous									
	ABR00303101 Total:	10.00								
	MNLABOR Total:	40.00								
NAPA NAPA Auto Parts										
683406	09/23/2011	3.20	0.00	10/04/2011	Light Bulb		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	683406 Total:	3.20								
	NAPA Total:	3.20								
NEXTEL Nextel Communications										
761950227-102	09/18/2011	17.80	0.00	10/04/2011	Cell Phone Service - Administration		-		No	0000
101-410-1940-43210	Telephone									
761950227-102	09/18/2011	79.45	0.00	10/04/2011	Cell Phone Service - Fire Dept		-		No	0000
101-420-2220-43210	Telephone									
761950227-102	09/18/2011	17.48	0.00	10/04/2011	Cell Phone Service - Building Dept		-		No	0000
101-420-2400-43210	Telephone									
761950227-102	09/18/2011	34.96	0.00	10/04/2011	Cell Phone Service - Public Works		-		No	0000
101-430-3100-43210	Telephone									
761950227-102	09/18/2011	102.77	0.00	10/04/2011	Cell Phone Service - Parks Dept		-		No	0000
101-450-5200-43210	Telephone									
	761950227-102 Total:	252.46								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NEXTEL Total:		252.46								
POMPS Pump's Tire Service, Inc.										
673053	08/31/2011	155.50	0.00	10/04/2011	Repair Flat Tire on T2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	673053 Total:	155.50								
	POMPS Total:	155.50								
PRESSA Anastasia Press										
09/20/11	09/20/2011	55.00	0.00	10/04/2011	Cabled Live - CC meeting 9/20/11		-		No	0000
101-410-1450-43620	Cable Operations									
	09/20/11 Total:	55.00								
09/27/2011	09/27/2011	55.00	0.00	10/04/2011	Cabled CC Meeting - Special 9/27/11		-		No	0000
101-410-1450-43620	Cable Operations									
	09/27/2011 Total:	55.00								
	PRESSA Total:	110.00								
ROGERS Rogers Printing Services, Corp										
18109	09/14/2011	247.68	0.00	10/04/2011	Forms & Envelopes Utility Billing		-		No	0000
601-494-9400-42030	Printed Forms									
	18109 Total:	247.68								
	ROGERS Total:	247.68								
ROTARYLE Lake Elmo Rotary Club										
09/28/2011	09/29/2011	1,176.00	0.00	10/04/2011	Return Silent Auction Receipts-Fall Fest		-		No	0000
204-450-5200-44300	Miscellaneous									
	09/28/2011 Total:	1,176.00								
	ROTARYLE Total:	1,176.00								
ROWEKAMP Rowekamp Associates Inc.										
2011071	05/17/2011	2,142.50	0.00	10/04/2011	Sign Inventory Software		-		No	0000
101-430-3100-42260	Sign Repair Materials									
	2011071 Total:	2,142.50								
	ROWEKAMP Total:	2,142.50								
TASCH T.A. Schifsky & Sons Inc										
52014	09/06/2011	471.28	0.00	10/04/2011	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	52014 Total:	471.28								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
52065	09/13/2011	127.07	0.00	10/04/2011	Asphalt		-			
101-430-3120-42240	Street Maintenance Materials									No 0000
	52065 Total:	127.07								
52109	09/20/2011	474.46	0.00	10/04/2011	Asphalt		-			
101-430-3120-42240	Street Maintenance Materials									No 0000
	52109 Total:	474.46								
	TASCH Total:	1,072.81								
TWINGAR Twin City Garage Door Corp.										
356098	09/16/2011	110.00	0.00	10/04/2011	Repair Garage Door opener		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg									
	356098 Total:	110.00								
	TWINGAR Total:	110.00								
WASRADIO WASHINGTON COUNTY										
70461	09/19/2011	3,800.76	0.00	10/04/2011	1/4rly user fee for 800 MHz radios		-			No 0000
101-420-2220-43230	Radio									
70461	09/19/2011	38.00	0.00	10/04/2011	Radio repair/maintenance fund		-			No 0000
101-420-2220-43230	Radio									
	70461 Total:	3,838.76								
	WASRADIO Total:	3,838.76								
YOCUM Yocum Oil Company, Inc.										
204222	09/20/2011	160.69	0.00	10/04/2011	Bulk Oil Tanks		-			No 0000
101-430-3100-44010	Repairs/Maint Bldg									
	204222 Total:	160.69								
	YOCUM Total:	160.69								
	Report Total:	66,586.76								



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
CONSENT
ITEM #: 3
MOTION

AGENDA ITEM: Authorization to Proceed with Re-Roofing of Lions Park Shelter

SUBMITTED BY: Mike Bouthilet

THROUGH: Bruce Messelt 

REVIEWED BY: Bruce Messelt, Tom Bouthilet, Carol Kreigler

SUMMARY AND ACTION REQUESTED: The Public Works Department is requesting authorization to contract replacement of the roof shingles on the Lions Park Shelter. No specific motion is needed, as this is recommended to be part of the approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The roof shingles need to be replaced due to age, curling and falling off the building. Once shingles are removed roof boards condition will be evaluated. This is a CIP budgeted item.

STAFF REPORT: Pursuant to State Statute and City Council procurement policy, quotes were solicited from four contractors to replace the roof shingles. The price from the low bid contractor included:

- Remove all existing roofing materials and nails.
- Re-nail loose roof boards.
- Replace rotten or broken boards up to 5% of roof area. \$1.00 sq/ft after the 5%.
- Furnish and install GAF weather watch and ice shield 6' up all eaves.
- Furnish and install 15# underlayment over remaining roof
- Furnish and install GAF Royal Sovereign 25 yr. 3 tab shingles.
- Furnish and install new GAF Cobra ridge vent.
- Furnish and install all Boston style ridging.
- Clean up and remove all roofing debris.
- 10 year warranty on labor, 25 year warranty on material.

The four quotes were from:

- All Seasons Roofing and Construction.....\$5,270.00
- Central Plains Restoration.....\$5,912.78
- Galvin Homes Renovations.....\$6,000.00
- Engel Homes.....\$6,000.00

RECOMMENDATION: It is recommended that the City Council approve as part of the *Consent Agenda* contracting with All Seasons Roofing and Construction to replace the Lions Shelter Roof for \$5,270.00 and \$1.00 sq/ft of boards above the 5% of roof, if deemed necessary by the Public Works Superintendent.

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 action of the Council following such discussion would be:

“Move to proceed as directed at tonight’s meeting.”

ATTACHMENTS: None

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

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



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
CONSENT
ITEM #: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: Authorize Signatures for payment of Funds from the Lake Elmo Bank

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve Resolution 2011- 047 authorizing Mayor Dean Johnston & City Clerk Sharon Lumby as primary signatures on checks for payment of claims and withdraw funds on deposit with the Lake Elmo Bank. The City Council is also asked to approve Council Member Anne Smith and Finance Director Thomas Bouthilet as secondary signatures on checks for payment of claims and withdraw funds in the event of absence of one of the primary signature or an urgent special check is required.

BACKGROUND INFORMATION: City policy requires two signatures on all checks drawn from the Lake Elmo Bank. Please note that the City has no other Checking Accounts at the Lake Elmo Bank, or at any other financial institution.

STAFF REPORT: In January, 2011 the City Council approved the practice of one Council Member and one Staff Member as Primary Signatures. Such practice advances desired checks and balances and separation of duties for financial management and control.

RECOMMENDATION: It is recommended that the City Council approves Resolution 2011-047 authorizing, Mayor Dean Johnston and City Clerk Sharon Lumby as the primary signatures, along with Council Member Anne Smith and Finance Director Thomas Bouthilet as the secondary signature, on checks drawn from the Lake Elmo Bank; or a facsimile signature from all signers.

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 action of the Council following such discussion would be:

**“Move to approve Resolution 2011- 047, Authorizing Mayor Dean Johnston and City Clerk Sharon Lumby as Primary Signatures and Council Member Anne Smith and Finance Director Thomas Bouthilet as secondary signature for all payments of money and withdraw funds on deposit with the Lake Elmo Bank.
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Resolution 2011 - 047

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 Facilitates
- Action on Motion..... Mayor & City Council

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2011- 047

A Resolution Authorizing Signatures for Payment of funds from the Lake Elmo Bank

WHEREAS, on January 4, 2011 the City designated the Lake Elmo Bank as one of the official depository for funds of the City of Lake Elmo;

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council hereby approves the following:

1. Mayor Dean Johnston and City Clerk Sharon Lumby shall be the primary signatures on all checks and order for payments and withdraw funds on deposit with the Lake Elmo Bank.
2. Council Member Anne Smith and Finance Director Thomas Bouthilet shall be the secondary signature on all checks and order for payments and withdraw funds on deposits with the Lake Elmo Bank, in the event absence of one of the primary signatures or an urgent special check is required.
3. Mayor Dean Johnston's, Council Member Anne Smith's, City Clerk Sharon Lumby's, and Finance Director Thomas Bouthilet's facsimile signature may be used to sign all checks and orders for payment of money and withdraw funds on deposit with the Lake Elmo Bank.
4. This Resolution shall continue to be in effect until expresses written notice of its rescission or modification has been received and recorded by the Lake Elmo Bank.

ADOPTED, by the Lake Elmo City Council on this, the 4th day of October, 2011.

Dean Johnston, Mayor

ATTEST:

Bruce Messelt
City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011

CONSENT

ITEM #: 5

MOTION

AGENDA ITEM: Acceptance/Approval of DNR "VOLUNTEER ASSISTANCE AWARD" and Budget Adjustment 2011-007

SUBMITTED BY: Fire Chief Greg Malmquist

THROUGH: City Administrator Bruce Messelt *Bruce*

REVIEWED BY: Finance Director Tom Bouthilet

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to accept/approve as part of tonight's *Consent Agenda* the \$1,500, 50/50 matching grant from the DNR and to approve a budget adjustment to the CIP to allow the purchase of leather turnout boots for the Lake Elmo Fire Department.

BACKGROUND INFORMATION & STAFF REPORT: Based on the recommendation of the dept. equipment Capt and a review by the officers of the dept., we would like to move ahead with the purchase of leather turnout/firefighting boots. We have been looking into this change over for many years and until now, we didn't feel that the quality was there and it was cost prohibitive.

There are several reasons for this change. For the last several years we have been experiencing problems with the quality and durability of the traditional rubber boots we have been using. They also do not offer the fit and support that the leather boots do. The boots we are recommending are certified for structural and wildland firefighting. With the fit and support they offer, we believe we will decrease the chance of slips and falls resulting in firefighter injury that we have experienced in the past.

The selection process conducted by the equipment Capt. involved getting sample boots from four different manufacturers/vendors into the stations. Members from the department tried all the samples on and offered opinions. Neighboring departments that are using leather boots were contacted for feedback. As a result of this research, Globe boots were selected. Globe is the only vendor that offers both men's and women's sizes, not just one size fits all. Globe is the boot of choice for all the departments we contacted and was recently selected by the JPA in the West Metro.

We realize that this is a significant expenditure at \$370/pair x 22 pairs totaling \$8140, but we feel the benefit outweighs the cost. The cost of \$8140 will be reduced by \$1500 with the DNR grant to \$6640. This balance will be paid from the funds remaining in the E2 upgrade project which was originally budgeted at \$32,000 in the CIP. The actual cost of the project is \$15,741.20, with \$16,258.80 in savings.

RECOMMENDATION: Based on the recommendation of the equipment officer, the officers of the department and the extensive research conducted, the City Council is requested to affirmatively consider accepting the DNR Grant for \$1500 and approving a Budget Adjustment to cover the \$6640 balance to purchase leather turnout boots.

Alternatively, the City Council may remove this item from the Consent Agenda and further deliberate and discuss prior to taking action (or tabling this item). The suggested motion following this action would be:

"Move to approve the \$1,500, 50/50 matching grant from the DNR and Budget Adjustment 2011-007 to allow the purchase of leather turnout boots for the Lake Elmo Fire Department."

ATTACHMENTS:

1. DNR Grant Contract
2. Budget Adjustment 2011-007
3. Original Requisition, (adjusted to include new Firefighters)
4. Recommendation Letter

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 Facilitates
- Action on Motion..... Mayor & City Council

Minnesota Department of Natural Resources

402 SE 11th Street • Grand Rapids, MN • 55744



September 16, 2011

RE: 2012 VOLUNTEER FIRE ASSISTANCE AWARD (VFA)

Please find enclosed the grant contract for your "Volunteer Fire Assistance" matching grant award. The amount of the grant is indicated on the grant contract under "Consideration of Payment". Start and end dates are found under "Terms of Grant".

On page five, please sign, as the Grantee, by **two** people who are delegated the authority to sign a legal and binding contract.

Returned by December 15, 2011 to:

Kristie Prah
DNR Fire Center
402 Southeast Eleventh Street
Grand Rapids, Minnesota 55744

After the State Agency signs the contract, I will forward a signed copy back to you. If you need to talk with me, my number is (218) 327-4572.

Thank you.

A handwritten signature in cursive script that reads "Kristie Prah".

Kristie Prah
VFA Grant Contract Specialist
Kristie.prah@state.mn.us

www.mndnr.gov/grants/ruralfire

enc

www.mndnr.gov

AN EQUAL OPPORTUNITY EMPLOYER



PRINTED ON RECYCLED PAPER CONTAINING A MINIMUM OF 10% POST-CONSUMER WASTE

STATE OF MINNESOTA GRANT CONTRACT

This grant contract is between the State of Minnesota, acting through its Department of Natural Resources, Division of Forestry, 402 Southeast Eleventh Street, Grand Rapids, Minnesota 55744 ("State") and LAKE ELMO FIRE DEPT, 3510 LAVERNE AVE N, LAKE ELMO, MN 55042 ("Grantee").

Recitals

1. Under Minn. Stat. 84.085 authorizes the Commissioner of Natural Resources, on behalf of the State, to accept and use grants of money for the United States or other grantors for conservation purposes not inconsistent with the laws of this state and in accordance with the purposes of the grant and applicable Federal and State laws and authorizes the Commissioner to make sub-grants of any money received to other agencies, units of local government, and private nonprofit corporations; and Minn. Stat. 88.067, as amended in Laws of Minnesota 2000, Chapter 231, Section 113, may make grants for procurement of fire suppression equipment and training of fire departments in techniques of fire control. The commissioner may require a local match for any grant. Grantee is a governmental unit and or is a fire fighting entity located in a rural area; and the State is empowered to enter into this grant.
2. The State is in need of fire department assistance to suppress wildland fires.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the State.

Grant Contract

1 Term of Grant Contract

- 1.1 **Effective date:** This grant will cover expenses beginning **September 5, 2011**, although no payments can or will be made until the grant is fully executed and as date signed by the Minnesota Commissioner of Natural Resource or his delegate under Minnesota Statutes Section 16C.05, subdivision 2.
- 1.2 **Expiration date:** **Work on this project must be completed on or before June 1, 2012. The State is to be invoiced on or before June 15, 2012 or the contract will be canceled without further notification.**
- 1.3 **Survival of Terms.** The following clauses survive the expiration or cancellation of this grant agreement: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 12. Publicity and Endorsement; 13. Governing Law, Jurisdiction, and Venue; and 18. Data Disclosure.

2 Grantee's Duties

The Grantee, who is not a state employee, will:

1. Complete work specified in the Project Proposal attached hereto as Exhibit A. This Project Proposal shall be a part of this grant. Highest priority is indicated in the office use only box of Exhibit A; however, any of the listed projects or a combination of the listed projects on Exhibit A, may also qualify for this grant with written approval from the State of Minnesota.
2. Insure all equipment acquired through this grant must be used solely for prevention, suppression and control of fire.
3. Report GPS locations of dry hydrants or water facilities constructed under this grant to Kristie Prah, Rural Fire Programs Assistant, 402 Southeast Eleventh Street, Grand Rapids, Minnesota 55744.

3 Time

The Grantee must comply with all the time requirements described in this grant contract. In the performance of this grant contract, time is of the essence.

4 Consideration and Payment

4.1 4.1 **Consideration.** The State will pay for all services performed by the Grantee under this grant contract as follows:

Compensation. The Grantee will be paid in the amount not to exceed \$1500.00, based on the following computation:

The State shall reimburse Grantee for up to 50% of the reasonable net cost of items purchased or expenditures made, in accordance with the approved project proposal. This reimbursement shall not exceed the total amount of this grant.

- (1) **Travel Expenses.** Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract will not exceed \$0.00 provided that the Grantee will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the commissioner of Minnesota Management and Budget (MMB). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

- (3) **Total Obligation.** The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract will not exceed \$1500.00.

4.2. Payment

- (1) **Invoices.** The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted timely and upon completion by June 15, 2012.

- (2) **Federal funds.** Payments under this grant contract will be made from federal funds obtained by the State through Volunteer Fire Assistance Program, Title 7, CFDA number 10.664 of the Forestry Stewardship Act of 1990. The Grantee is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements imposed by the Grantee's failure to comply with federal requirements.

5 Conditions of Payment

All services provided by the Grantee under this grant contract must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6 Authorized Representative

The State's Authorized Representative is Ronald Stoffel, Wildland Suppression Supervisor, DNR Forestry, 402 Southeast Eleventh Street, Grand Rapids, Minnesota 55744, 218-327-4587 or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is the Fire Chief at (651) 770-5006.

7 Assignment, Amendments, Waiver, and Grant Contract Complete

- 7.1 **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this grant contract without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this grant contract, or their successors in office.
- 7.2 **Amendments.** Any amendment to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.
- 7.3 **Waiver.** If the State fails to enforce any provision of this grant contract, that failure does not waive the provision or its right to enforce it.
- 7.4 **Grant Contract Complete.** This grant contract contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract, whether written or oral, may be used to bind either party.

8 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract.

9 State Audits

Under Minn. Stat. §16C.05, subd. 5, the Grantee's books, records, documents, and accounting procedures and practices relevant to this grant contract are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant contract.

10 Government Data Practices and Intellectual Property

- 10.1. **Government Data Practices.** The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released.

10.2. **Intellectual Property Rights** Not Applicable

11 Workers' Compensation

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

12 Publicity and Endorsement

- 12.1 **Publicity.** Any publicity regarding the subject matter of this grant contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or

jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this grant contract.

12.2 **Endorsement.** The Grantee must not claim that the State endorses its products or services.

13 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract. Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14 Termination

The State may cancel this grant contract at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

15 Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.


Vendor # 0000201630

Contract # 32554
PO#3000006916

Speed Chart R2933793X
3000/R2933793/R293211

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. 16A.15 and 16C.05.

Signed: 

Date: 9/16/2011

Grant contract No. 32554
Purchase Order No. 3000006916

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

3. STATE AGENCY

By: _____
(with delegated authority)

Title: _____

Date: _____

Distribution:
Agency
Grantee - LAKE ELMO FIRE DEPT
State's Authorized Representative - Photo Copy

RURAL FIRE DEPARTMENT VOLUNTEER FIRE ASSISTANCE (VFA) MATCHING GRANT PROJECT PROPOSAL

Complete Mail or email to: **Kristie Prahl**
MN Interagency Fire Center
402 SE 11th Street
Grand Rapids, Minnesota 55744 (218) 327-4572
kristie.prahl@state.mn.us

➔ **POSTMARKED NO LATER THAN..... JUNE 1,** ➔

Fire Department: Lake Elmo Fire Department	Name & Title of person filling out form: Greg Malmquist, Fire Chief
Official FD Mailing Address: 3510 Laverne Ave. No.	Telephone: Day: 651-770-5006 Night: Cell: 651-775-1137 Fire Hall: 651-770-5006
City, State, Zip: Lake Elmo, MN 55042	e-mail: galmquist@lakeelmo.org

1. Population directly benefiting from the project: 8300
2. Fire Department's protection area (square miles): 32
(excluding mutual aid area)
3. Number of fire incidents for the previous year: wildland 6 structural 6 other 2
4. Insurance Services Office rating (ISO). 6/9
5. Fill in the estimated total cost of the project(s) with the dollar amount.

\$ XXXX	Wildland Personal Protective Equipment	\$	Hose, nozzles, water movement items
\$	Excess Property Equipment Conversion	\$	Radios/pagers
\$	Wildland equipment	\$	Breathing apparatus
\$	Foam unit	\$ XXXX	Structural Turnout Gear
\$	Slip-on-unit	\$	Cascade system
\$	Pumps	\$	Structural Equipment (be specific)
\$	Dry Hydrant or water storage system	\$ 7400	Wildland/Structural Leather Firefighting Boots
\$	Other miscellaneous projects (please describe)		

Fire Department Chief's Signature: Greg Malmquist, Chief

Digitally signed by Greg Malmquist, Chief.
 DN: cn=Greg Malmquist, Chief, o=Lake Elmo Fire Department, ou, email=galmquist@lakeelmo.org, c=US
 Date: 2011.05.12 16:12:49 -0500

Date: _____

OFFICE USE ONLY:	
GRANT APPROVED UP TO \$ <u>150000</u>	PRIORITY IS FOR <u>above project</u>
APPROVAL/DATE: <u>9/5/11</u>	CONTRACT NUMBER <u>32554</u>
Modified Project: _____	Approval/date: _____

Exhibit A

6916



BUDGET ADJUSTMENT - 2011

DATE: October 4th, 2011

ACTIVITY # 2011-007

DESCRIPTION: Allocate surplus CIP funds from E2 project to leather boot purchase.

TYPE OF ACTIVITY:

☐ **TRANSFER OF FUNDS**

FROM ACCOUNT # _____ AMOUNT: _____

TO ACCOUNT # _____ AMOUNT: _____

PURPOSE: _____

☐ **BUDGET ADJUSTMENT/DESIGNATION**

FROM ACCOUNT # _____ AMOUNT: \$ _____

PURPOSE: _____

DESIGNATION/NEW ACCOUNT# _____

☒ **OTHER**

FROM ACCOUNT # 2011 CIP - Undesignated AMOUNT: \$6,640

PURPOSE: Purchase leather turnout boots (internal CIP designation)

City
Approval:

Honorable Dean Johnston, Mayor
(on Behalf of City Council)

Bruce Messelt, Administrator
(Attest)

REQUISITION FOR PURCHASE / REPAIR

Department: Fire Department Date: 5/3/2011

Equipment and/or Repair Needed: 23
20 pair of leather turnout boots

Reason for Repair / Replacement: upgrade current boots for durability and safety reasons.

Mileage/Hour Meter Estimated Costs: \$7,400.00⁴ 8140.00

Vendor #1 Name: Metro Fire Phone #

Price \$7,400.00 Other Info

Vendor #2 Name: Phone #

Price Other Info

Vendor #3 Name: Phone #

Price Other Info

Notes:

All brands of boots researched are carried by only one vendor. Metro is the vendor for Glober.

Required Signatures

Department Head: [Signature]

City Administrator: [Signature]

Financial Director: [Signature]

Budget Code

CIP-Equipment

Based on the recommendation of the dept. equipment Capt and a review by the officers of the dept., we would like to move ahead with the purchase of leather turnout/firefighting boots. We have been looking into this change over for many years and until now, we didn't feel that the quality was there yet and it was cost prohibitive.

There are several reasons for this change. For the last several years we have been experiencing problems with the quality and durability of the traditional rubber boots we have been using. They also do not offer the fit and support that the leather boots do. The boots we are recommending are certified for structural and wildland firefighting. With the fit and support they offer, we believe we will decrease the chance of slips and falls resulting in firefighter injury that we have experienced in the past.

The selection process conducted by the equipment Capt. Involved getting sample boots from four different manufacturers/vendors into the stations. Members from the department tried all the samples on and offered opinions. Neighboring departments that are using leather boots were contacted for feedback. As a result of this research, Globe boots were selected. Globe is the only vendor that offers both men's and women's sizes, not the one size fits all. Globe is the boot of choice for all the departments we contacted and was also recently selected by the JPA in the West Metro.

We realize that this is a significant expenditure at \$370/pair x 20 pair, but we feel the benefit outweighs the cost. The upfront cost of \$7400 will be more than covered by the savings we are predicting on the E2 upgrade project which we believe will come in at approx. a 50% reduction from the \$32,000 budgeted. We are also proposing that upon approval of this purchase we would apply for a 50/50 matching grant from the MN DNR.

Based on the recommendation of the equipment officer, the officers of the department and the extensive research conducted, I recommend moving forward with this purchase.

Chief Malmquist

I researched several different boot brands and models. The department looked at Globe's, Lion, Thorogood, and Haix. The boots that I recommend are Globe's. The reasons for choosing globe's are comfort. They also offer men's and women's sizing and fit, which no other boots offer. They also offer pull-on or zippered boots. I have decided on the zippered models because it offers more ankle support and you have less skin exposed. I also like that fact that you can tuck your wild land coveralls into the boots and then zip them up. The pricing for boots are \$370.00 per pair and we are looking to buy 20 sets of boots.

These boots are recommend for wild land, Structural firefighting, and hazardous incidents. They Offer excellent ankle support and traction. They also offer more warmth than the current boots we have for winter operations. They are the most lightweight are comfortable boot that we tried.

They are recommended by other departments that have been using them for years.

I recommend that we apply for the DNR grant which is a 50 50 match to help us purchase these boots.



MAYOR & COUNCIL COMMUNICATION

DATE: 10/4/2011
PUBLIC HEARING
ITEM #: 6
MOTION Res. No. 2011-048

AGENDA ITEM: 2010 Street & Water Quality Improvements – Final Assessment Hearing

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Jack Griffin, City Engineer
Tom Bouthilet, Finance Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The Council is respectfully requested to conduct the Final Assessment Hearing for the 2010 Street & Water Quality Improvements. Pursuant to Minnesota Statutes, Section 429, the Council must conduct a final assessment hearing to declare the amounts to be assessed to the benefitting properties. The Council will also present and hear any objections to the proposed assessment, whether presented verbally or in writing.

Following the completion of the Public Hearing, the City Council is respectfully requested to consider the following motion:

“Move to Approve Resolution No. 2011 – 048, A Resolution Adopting the Final Assessment Roll for the 2010 Street & Water Quality Improvement Project.”

STAFF REPORT: On September 6, 2011, the City Council approved Resolution No. 2011-35 declaring the costs to be assessed, ordering the preparation of the proposed assessment, and calling for the hearing on proposed assessment for the 2010 Street & Water Quality Improvements. The Project has been completed and the total project costs are known.

Pursuant to Minnesota Statutes, Section 429, the Council must declare the amount to be assessed against the benefitting properties and the hearing on the proposed assessment for these improvements must be conducted. Staff has enclosed a Final Assessment Roll, as adopted by the City Council.

The final assessments for each benefiting property are:

- Jane Road North (Concrete Curb): \$2,900 per Unit
- Isle Avenue North (Concrete Curb): \$2,700 per Unit
- 53RD Street North (Bituminous Curb): \$3,000 per Unit
- 57TH Street North (Bituminous Curb): \$4,900 per Unit

Mailed notice has been provided to each assessed property and notice of the public hearing has been duly noticed.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council move to approve the costs to be assessed for the 2010 Street & Water Quality Improvements by undertaking the following action:

“Move to Approve Resolution No. 2011 - 048; a Resolution Adopting the Final Assessment Roll for the 2010 Street & Water Quality Improvement Project.”

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 - 048; a Resolution Adopting the Final Assessment Roll for the 2010 Street & Water Quality Improvement Project *[as amended and/or modified at tonight's meeting].*”

ATTACHMENTS: (2)

1. Resolution No. 2011 - 048
2. Final Assessment Roll

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2011-048

**A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL
FOR THE 2010 STREET & WATER QUALITY IMPROVEMENTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2010 Street & Water Quality Improvements;

NOW, THEREFORE, BE IT RESOLVED,

- 1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefitted by the proposed improvement in the amount of the assessment levied against it.*
- 2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2012, and shall bear interest at the rate of 5.00% percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2011. To each subsequent installment when due shall be added interest for one year on all unpaid installments.*
- 3. The owner of any property so assessed may, at any time prior to the certification of the assessment to the county auditor, pay the whole of the assessment on such property, with the interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 30 or interest will be charged through December 31 of the next succeeding year.*
- 4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.*

Date: October 4, 2011

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

JANE ROAD NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	THOMAS C SKALBECK	8879 JANE ROAD N LAKE ELMO	55042 0902921110023	1	\$2,900
2	RICHARD A & CATHERINE WEIL	8880 JANE ROAD N LAKE ELMO	55042 0902921110020	1	\$2,900
3	JUSTIN W & DANA N BLOYER	8881 JANE ROAD N LAKE ELMO	55042 0902921110006	1	\$2,900
4	PATRICK M MCALLISTER & Derval F Hayes McAllist	8883 JANE ROAD N LAKE ELMO	55042 0902921110008	1	\$2,900
5	MANFRED E & ANKE RIECHERT	8884 JANE ROAD N LAKE ELMO	55042 0902921110002	1	\$2,900
6	WILLIAM W & LOWELLA M STEVENSON	8895 JANE ROAD N LAKE ELMO	55042 0902921110009	1	\$2,900
7	STEVEN R & SHAUN M COLLIER	8896 JANE ROAD N LAKE ELMO	55042 0902921110022	1	\$2,900
8	MARK A & SHANNON GD HELS	8903 JANE ROAD N LAKE ELMO	55042 0902921110010	1	\$2,900
9	JOHN F & VIRGINIA SCHNEIDER	8919 JANE ROAD N LAKE ELMO	55042 0902921110011	1	\$2,900
10	WILLIAM F & VALERIE B BRASS	8930 JANE ROAD N LAKE ELMO	55042 0902921110016	1	\$2,900
11	JEFFREY P & JOAN M WIEDEN	8955 JANE ROAD N LAKE ELMO	55042 0902921110012	1	\$2,900
12	SUZANNE & ROBERT HORNING	8991 JANE ROAD N LAKE ELMO	55042 0902921110013	1	\$2,900
TOTAL				12	\$34,800

ISLE AVENUE NORTH

NO.	NAME	ADDRESS				PID	UNITS	AMOUNT
1	DANNY M & GAIL L COLLYARD	5011	ISLE AVENUE N	LAKE ELMO	55042	0902921110004	1	\$2,700
2	MARY P & SAMUEL R DINER	5014	ISLE AVENUE N	LAKE ELMO	55042	0902921110001	1	\$2,700
3	RICHARD C GUSTAFSON III & JEANNE TREPANIER	5025	ISLE AVENUE N	LAKE ELMO	55042	0402921440015	1	\$2,700
4	PAUL & ANNE GELBMANN	5034	ISLE AVENUE N	LAKE ELMO	55042	0402921440011	1	\$2,700
5	JOHN & EUGENIA CHERNY	5040	ISLE AVENUE N	LAKE ELMO	55042	0402921440016	1	\$2,700
6	DANIEL R & SUZANNE A STARKS	5065	ISLE AVENUE N	LAKE ELMO	55042	0402921440017	1	\$2,700
7	KAREN M MAGILL	5072	ISLE AVENUE N	LAKE ELMO	55042	0402921440012	1	\$2,700
8	THOMAS W & LINDA L S BOCHE	5085	ISLE AVENUE N	LAKE ELMO	55042	0402921440018	1	\$2,700
9	JAMES E & LISA M CIHON	5121	ISLE AVENUE N	LAKE ELMO	55042	0402921440019	1	\$2,700
10	CRAIG T & MAUREEN D FALZONE	5124	ISLE AVENUE N	LAKE ELMO	55042	0402921440013	1	\$2,700
11	LAURA A EASTMAN & DEBRA K NELSON	5158	ISLE AVENUE N	LAKE ELMO	55042	0402921440014	1	\$2,700
12	PHILIP & THERESA LYNN CRAMPTON	5171	ISLE AVENUE N	LAKE ELMO	55042	0402921440020	1	\$2,700
13	MICHAEL J & SALLY E MUELLER	5200	ISLE AVENUE N	LAKE ELMO	55042	0402921410001	1	\$2,700
13	MICHAEL J & SALLY E MUELLER (DEFERRED)	5200	ISLE AVENUE N	LAKE ELMO	55042	0402921410001	1	\$2,700
14	MICHAEL J & SALLY E MUELLER (DEFERRED)					0402921440001	2	\$5,400
15	THOMAS M & MARY JO JASICKI	5221	ISLE AVENUE N	LAKE ELMO	55042	0402921440021	1	\$2,700
16	JAMES A & EILEEN H BLASKO	5180	JAMACA AVENUE N	LAKE ELMO	55042	0402921440008	1	\$2,700
TOTAL							18	\$48,600

FINAL ASSESSMENT ROLL

53RD STREET NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	JEROD F & SUSUAN C DREIS	9480 53rd STREET N LAKE ELMO 55042	0302921310003	1	\$3,000
2	MARY LOU KERAN	9535 53rd STREET N LAKE ELMO 55042	0302921420014	1	\$3,000
3	DOUGLAS RICHARD & KAREN PEPIN	9571 53rd STREET N LAKE ELMO 55042	0302921420013	1	\$3,000
4	STEVEN J & HEIDI MOELLER	9580 53rd STREET N LAKE ELMO 55042	0302921420008	1	\$3,000
5	WILLIAM D & RAE ANN MICHEL	9605 53rd STREET N LAKE ELMO 55042	0302921420012	1	\$3,000
6	ROBERT E & REBECCA L KOHLER	9618 53rd STREET N LAKE ELMO 55042	0302921420007	1	\$3,000
7	GREGG A & JULIE A NIELSEN	9636 53RD STREET N LAKE ELMO 55042	0302921420006	1	\$3,000
8	TIMOTHY & CONSTANCE KERAN	9655 53RD STREET N LAKE ELMO 55042	0302921420011	1	\$3,000
9	KIRBY R & JULIE R SPIKE	9670 53RD STREET N LAKE ELMO 55042	0302921420005	1	\$3,000
10	ROGER C & JERI L STODDARD	9710 53RD STREET N LAKE ELMO 55042	0302921420004	1	\$3,000
11	DARRELL J & CONNIE M OMAN	9715 53RD STREET N LAKE ELMO 55042	0302921420010	1	\$3,000
12	EDWARD J & VIRGINA HILDEBRANT	9765 53RD STREET N LAKE ELMO 55042	0302921420009	1	\$3,000
13	ROBERT A & JOANNE F LEMONDS	9768 53RD STREET N LAKE ELMO 55042	0302921420003	1	\$3,000
14	WILLIAM J & CHONG H WEINBERGER	9805 53RD STREET N LAKE ELMO 55042	0302921410010	1	\$3,000
15	GERARD T & DEBORAH M COONS	9834 53RD STREET N LAKE ELMO 55042	0302921410006	1	\$3,000
16	REXFORD K & LYNN B CATTANACH	9855 53RD STREET N LAKE ELMO 55042	0302921410009	1	\$3,000
17	DANIEL J & JULIE L HOPKINS	9890 53RD STREET N LAKE ELMO 55042	0302921410005	1	\$3,000
18	JOHN P MEUWISSEN	9895 53RD STREET N LAKE ELMO 55042	0302921410008	1	\$3,000
19	BRUCE R & LEANN M KAUFENBERG	9940 53RD STREET N LAKE ELMO 55042	0302921410004	1	\$3,000
20	CHANG HA & KIMBERLY M CHO	9945 53RD STREET N LAKE ELMO 55042	0302921410007	1	\$3,000
TOTAL				20	\$60,000

57TH STREET NORTH

NO.	NAME	ADDRESS				PID	UNITS	AMOUNT
1	BRADLEY L & MARCIA A BERGIE	9481	57TH STREET N	LAKE ELMO	55042	0302921130006	1	\$4,900
2	GREGORY J STEELE	9543	57TH STREET N	LAKE ELMO	55042	0302921130007	1	\$4,900
3	ERIK E & DENISE JOSTES	9568	57TH STREET N	LAKE ELMO	55042	0302921130005	1	\$4,900
4	JOHN E & PATRICIA J JESKA	9605	57TH STREET N	LAKE ELMO	55042	0302921130008	1	\$4,900
5	JOHN H & LISA L BURBAN	9612	57TH STREET N	LAKE ELMO	55042	0302921130004	1	\$4,900
TOTAL							5	\$24,500



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR
ITEM #: 7
PUBLIC HEARING

AGENDA ITEM: Public Hearing: Kindred Court Drainage Correction

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to conduct a Public Hearing, as required under Minnesota Statutes, Chapter 429, regarding Kindred Court Drainage Improvements, which are expected to be consolidated with the 2011 Street and Water Projects and financed via bond issuance.

BACKGROUND INFORMATION: City's Public Works department and the City's Engineer has analyzed drainage conditions near the driveway of 3720 Kindred Court N. and determined that improvements are necessary, cost-effective and feasible. Staff proposes to finance the Improvements by the issuance of General Obligation Improvement Bonds, Series 2011A. This portion of the Improvement is estimated at a cost of not to exceed \$44,200. This Improvement is not assessable to any property owners.

STAFF REPORT: The Kindred Court Drainage Correction, as an addition to the 2011 Street and Water Project, is proposed to be financed through the issuance of General Obligation Improvement Bonds, Series 2011A. The Bonds are issued under Minnesota Statutes, Chapter 429, which requires a Public Hearing. This portion of the Improvement is not assessable to any property owners.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council conduct a Public Hearing under Minnesota Statutes, Chapter 429, regarding the Kindred Court Drainage Correction project.

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

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



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR
ITEM #: 8
MOTION Resolution: 2011-044

AGENDA ITEM: Resolution No. 2011-044 Consolidating and Ordering Improvements

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider Resolution 2011-044 Consolidating and Ordering Improvements to the 2011 Street and Water Quality Project. The suggested motion is as follows:

“Move to approve Resolution 2011-044 Consolidating and Ordering the 2011 Street and Water Quality Project Improvements.”

BACKGROUND INFORMATION: The City Council authorized a 5-year Street Improvement Plan in February, 2009. On December 7, 2010 the City Council ordered the preparation of Plans and Specification for the 2011 Street and Water Improvements. At the February 1, 2011 Council Meeting, Council authorized Plans and Specification for 50th Street and Kimbro “Shape and Pave” improvement.

STAFF REPORT: On June 6, 2011 the City Council ordered Plans and Specifications for the Kindred Court Drainage Correction as an addition to the 2011 Street and Water Quality Project. Tonight’s action will consolidate these projects and allow for financing these Improvements by the issuance of General Obligation Improvement Bonds, Series 2011A.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve Resolution 2011-044 undertaking the following action;

“Move to approve Resolution 2011-044 Consolidating and Ordering the 2011 Street and Water Quality Project Improvements.”

Alternatively, the City Council may elect to table this item or modify the proposed action. If the latter, the suggested motion would be:

“Move to approve Resolution 2011-044 Consolidating and Ordering the 2011 Street and Water Quality Project Improvements, as directed [or modified] at tonight’s meeting.”

ATTACHMENTS:

1. Resolution No. 2011-044

SUGGESTED ORDER OF BUSINESS:

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

CERTIFICATION OF MINUTES

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on October 4, 2011, at 7:00 o'clock P. M. at the City Hall in Lake Elmo, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (pages):

RESOLUTION NO: 2011-044 CONSOLIDATING AND ORDERING
IMPROVEMENTS

I, the undersigned, being the duly qualified and acting recording officer of the public corporation referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to the topic of this resolution; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer October __, 2011.

City Administrator

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

RESOLUTION NO: 2011-044 CONSOLIDATING AND ORDERING IMPROVEMENTS

BE IT RESOLVED by the City Council of the City of Lake Elmo, Minnesota (the City), as follows:

1. The City has, pursuant to Minnesota Statutes, Chapter 429, undertaken proceedings relating to improvements collectively designated the "2011 Street and Water Quality Improvements," and by resolution adopted on December 7, 2010, has ordered said 2011 Street and Water Quality Improvements. The City has further, pursuant to said statutory provisions, undertaken proceedings relating to improvements collectively designated the "50th Street and Kimbro Avenue Street Improvements," and by resolution adopted on February 1, 2011, has ordered said 50th Street and Kimbro Avenue Street Improvements.

2. The City's Public Works department has analyzed drainage conditions near the driveway of 3720 Kindred Court in the City, and has requested that City engineers prepare plans for the correction thereof (the Kindred Court Improvements). Such engineers have determined that the Kindred Court Improvements are necessary, cost-effective and feasible.

3. The City has, on the date hereof, held a public hearing with respect to the Kindred Court Improvements, pursuant to duly published notice.

4. The City finds that the 2011 Street and Water Quality Improvements, the 50th Street and Kimbro Avenue Street Improvements and the Kindred Court Improvements (collectively, the Improvements) could be more economically completed if consolidated and joined as one project. The City proposes to finance the Improvements by the issuance of its General Obligation Improvement Bonds, Series 2011A. The Kindred Court Improvements are hereby ordered, and the Improvements are hereby consolidated pursuant to Minnesota Statutes, Section 435.56.

Upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR
ITEM #: 9
MOTION Resolution: 2011-045

AGENDA ITEM: Confirming Sale, Prescribing the Form and Details and Providing for Payment of \$845,000 General Obligation Improvement Bonds, Series 2011A.

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider Resolution 2011-045 confirming sale, prescribing the forms and details and for providing for the payment of \$ 845,000 General Obligation Improvement Bonds, Series 2011A. the recommended motion is as follows:

“Move to approve Resolution 2011-045, confirming sale, prescribing the forms and details, and providing for the payment of the \$845,000 General Obligation Improvement Bonds Series 2011A.

BACKGROUND INFORMATION: The City Council authorized a 5 year Street Improvement Plan in February, 2009. On December 7, 2010 the City Council ordered the preparation of Plans and Specification for the 2011 Street and Water Improvements. At the February 1, 2011 Council Meeting, Council authorized Plans and Specification for 50th Street and Kimbro “Shape and Pave” improvement. On June 6, 2011 the City Council ordered Plans and Specifications for the Kindred Court Drainage Correction as an addition to the 2011 Street and Water Quality Project. The 2011 street portion of the plan is nearing completion and funding for the project is being proposed through the issuance of General Obligation Improvement Bonds.

STAFF REPORT: The 2011 street portion of the plan is nearing completion and the funding for the project is being proposed through the issuance of General Obligation Improvement Bonds. Proceeds from this bond issue will be used to fund the City’s 2011 Street Improvement Projects. The estimated project cost total of \$808,500, plus financing costs, results in a financing requirement of \$845,000. The attached Set Sale Summary Plan provides details of the bond issuance.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve Resolution 2011-045 by undertaking the following action;

“Move to approve Resolution 2011-045, confirming sale, prescribing the forms and details, and providing for the payment of the \$845,000 General Obligation Improvement Bonds Series 2011A.

Alternatively, the City Council may further discuss, table or modify the proposed action. If the latter, the suggested motion would be:

“Move to approve Resolution 2011-045, confirming sale, prescribing the forms and details, and providing for the payment of the \$845,000 General Obligation Improvement Bonds Series 2011A, as presented [and modified] at tonight’s meeting.”

ATTACHMENTS:

1. Resolution No. 2011-045
2. Finance Plan Summary 2011A

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Paul Donna, Northland Securities
- 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

CERTIFICATION OF MINUTES RELATING TO
\$845,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2011A

Issuer: City of Lake Elmo, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A regular meeting held on October 4, 2011, at
7:00 p.m., at City Hall, Lake Elmo, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 2011-045

RESOLUTION CONFIRMING SALE, PRESCRIBING THE FORM AND
DETAILS AND PROVIDING FOR THE PAYMENT OF \$845,000 GENERAL
OBLIGATION IMPROVEMENT BONDS, SERIES 2011A

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this ____ day of October, 2011.

City Administrator

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

RESOLUTION NO. 2011-045

RESOLUTION CONFIRMING SALE, PRESCRIBING THE FORM AND
DETAILS AND PROVIDING FOR THE PAYMENT OF \$845,000 GENERAL
OBLIGATION IMPROVEMENT BONDS, SERIES 2011A

BE IT RESOLVED by the City Council, City of Lake Elmo, Minnesota (the City), as follows:

SECTION 1. AUTHORIZATION AND SALE.

1.01. Authorization. This Council, by resolution duly adopted on September 6, 2011 (the Preliminary Resolution), authorized the issuance and sale of its General Obligation Improvement Bonds, Series 2011A (the Bonds), pursuant to Minnesota Statutes, Chapters 429 and 475, with proceeds of the Bonds to be used to finance various improvement projects in the City (the Project).

1.2. Ratification of Sale. Pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (9), the requirements as to public sale do not apply to the issuance of the Bonds. The Preliminary Resolution authorized the officers of the City to negotiate with Northland Securities, Inc. (the "Purchaser") for the sale of the Bonds, to approve the sale of the Bonds in an aggregate principal amount not to exceed \$875,000 and to execute a bond purchase agreement for the purchase of the Bonds with the Purchaser, provided that the true interest cost of the Bonds not exceed 3.50%. The sale of the Bonds in the principal amount of \$845,000 to NSI at a true interest cost of _____% for a price of \$_____, plus accrued interest to the date of delivery, is hereby ratified and confirmed, and the Bonds shall be issued on the terms provided herein.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the City Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated as of October 1, 2011, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on February 1 in the years and amounts stated below, and shall bear interest from their date of issue until paid or duly called for redemption, at the annual rates set forth opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2013	\$75,000	%	2018	\$85,000	%

2014	80,000	2019	85,000
2015	80,000	2020	90,000
2016	80,000	2021	90,000
2017	85,000	2022	95,000

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein, provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on February 1 and August 1 in each year, commencing August 1, 2012, each such date being referred to herein as an Interest Payment Date, to the persons in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's close of business on the fifteenth day of the month immediately preceding the Interest Payment Date, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. Bonds maturing in 2019 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2018, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty and not more than 60 days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bonds to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, provided that notice shall be given to any securities depository in accordance with its operational arrangements. No defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on February 1, 20__ and 20__ (the Term Bonds) shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on February 1 in each of the following years the following stated principal amounts of such Bonds:

Term Bonds Maturing February 1, 20--

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

The remaining stated principal amount of such Bonds shall be paid at maturity on February 1, 20__.

Term Bonds Maturing February 1, 20--

<u>Year</u>	<u>Principal Amount</u>
-------------	-------------------------

The remaining stated principal amount of such Bonds shall be paid at maturity on February 1, 20__.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.05. Appointment of Initial Registrar. The City hereby appoints Northland Trust Services, Inc., Minneapolis, Minnesota, as the initial bond registrar, transfer agent and paying agent (the Registrar). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company organized under the laws of the United States or one of the states of the United States and authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar, effective upon not less than thirty days' written notice and upon the appointment and acceptance of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal corporate trust office a register (the Bond Register) in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. The term Holder or Bondholder as used herein shall mean the person (whether a natural person, corporation, association, partnership,

trust, governmental unit, or other legal entity) in whose name a Bond is registered in the Bond Register.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the Holder thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Holder thereof or by an attorney duly authorized by the Holder in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Bonds. At the option of the Holder of any Bond in a denomination greater than \$5,000, such Bond may be exchanged for other Bonds of authorized denominations, of the same maturity and a like aggregate principal amount, upon surrender of the Bond to be exchanged at the office of the Registrar. Whenever any Bond is so surrendered for exchange the City shall execute and the Registrar shall authenticate and deliver the Bonds which the Bondholder making the exchange is entitled to receive.

(d) Cancellation. All Bonds surrendered for payment, transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the Bond Register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of the principal of and interest on the Bond and for all other purposes, and all payments made to or upon the order of such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond

destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith, and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.07. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and the City Administrator, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the date of delivery of such Bond. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond, substantially in the form provided in Section 2.09, has been executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on any Bond shall be conclusive evidence that it has been duly authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Administrator shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

"DTC" shall mean The Depository Trust Company of New York, New York.

"Participant" shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

"Representation Letter" shall mean the Representation Letter pursuant to which the City agrees to comply with DTC's Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever, and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC, if not previously filed with DTC, by the Mayor or City Administrator is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

2.09. Form of Bonds. The Bonds shall be prepared in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF WASHINGTON

CITY OF LAKE ELMO

GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 2011A

No. R-_____ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
_____ %	February 1, 20__	October 1, 2011	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS

CITY OF LAKE ELMO, State of Minnesota (the City) acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual interest rate specified above, payable on February 1 and August 1 in each year, commencing August 1, 2012 (each such date, an Interest Payment Date), all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month immediately preceding the Interest Payment Date. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the

principal office of the Registrar described below, the principal hereof are payable in lawful money of the United States of America by check or draft drawn on Northland Trust Services, Inc., Minneapolis, Minnesota, as bond registrar, transfer agent and paying agent, or its successor designated under the Resolution described herein (the Registrar). For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue (the Bonds) in the aggregate principal amount of \$845,000 issued pursuant to a resolution adopted by the City Council on October 4, 2011 (the Resolution), to finance various improvement projects in the City and is issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Chapters 429 and 475. The Bonds are issuable only in fully registered form, in the denomination of \$5,000 or any integral multiple thereof, of single maturities.

Bonds maturing in 2019 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2018, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City shall cause notice of the call for redemption thereof to be published if and as required by law, and at least thirty and not more than 60 days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail (or, if applicable, provided in accordance with the operational arrangements of the bond depository), to the registered holders of any Bonds, at the holders' addresses as they appear on the bond register maintained by the Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS -
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20__ and 20__ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

Term Bonds Maturing in 20--

Term Bonds Maturing in 20--

<u>Sinking Fund</u>	<u>Aggregate</u>	<u>Sinking Fund</u>	<u>Aggregate</u>
<u>Payment Date</u>	<u>Principal Amount</u>	<u>Payment Date</u>	<u>Principal Amount</u>
	\$		\$

Notice of redemption shall be given as provided in the preceding paragraph.]

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney, and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the designated transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date; subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to any such transfer or exchange.

The Bonds have been designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment as herein provided and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed prior to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City Council has by the Resolution covenanted and agreed to levy ad valorem taxes upon all taxable property in the City and special assessments upon property specially benefited by the local improvements financed by the Bonds, which taxes and special assessments will be collectible for the years and in amounts sufficient to produce sums not less than five percent in excess of the principal of and interest on the Bonds when due, and has appropriated such special assessments and taxes to its General Obligation Improvement Bonds, Series 2011A Bond Fund for the payment of principal and interest; that if necessary for payment of principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City,

without limitation as to rate or amount; that all proceedings relative to the improvements financed by this Bond have been or will be taken according to law; and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Lake Elmo, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and City Administrator.

CITY OF LAKE ELMO, MINNESOTA

(facsimile signature – Mayor)

(facsimile signature – City Administrator)

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: _____

NORTHLAND TRUST SERVICES, INC.,
as Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM - as tenants in common

UTMA as Custodian for
(Cust) (Minor)

TEN ENT - as tenants by the entireties

under Uniform Transfers to Minors Act
(State)

JT TEN -- as joint tenants with right of
survivorship and not as tenants in common

Additional abbreviations may also be used.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the
within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint

attorney to transfer the said Bond on the books kept for registration of the within Bond, with full
power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this
assignment must correspond with the name as it
appears upon the face of the within Bond in every
particular, without alteration or enlargement or
any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an "eligible
guarantor institution" meeting the requirements
of the Registrar, which requirements include
membership or participation in STAMP or such
other "signature guaranty program" as may be
determined by the Registrar in addition to or in
substitution for STAMP, all in accordance with
the Securities Exchange Act of 1934, as
amended.

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF
ASSIGNEE:

[end of bond form]

SECTION 3. GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2011A
CONSTRUCTION FUND. There is hereby established on the official books and records of the
City a separate fund designated the General Obligation Improvement Bonds, Series 2011A
Construction Fund (the Construction Fund), to be held and administered by the City
Administrator separate and apart from all other funds of the City. The City appropriates to the
Construction Fund (a) the sum of \$ _____ from the proceeds of the sale of the Bonds,
and (b) all collections of special assessments levied for the Project until completion and payment
of all costs of the Project. The Construction Fund shall be used solely to defray expenses of the

Project, including but not limited to the transfer to the Bond Fund, created in Section 4 hereof, of amounts sufficient, with other amounts on hand in the Bond Fund, for the payment of interest and principal, if any, due upon the Bonds prior to the completion and payment of all costs of the Project. Upon completion and payment of all costs of the Project, any balance of the proceeds of Bonds remaining in the Construction Fund may be used to pay the cost, in whole or in part, of any other improvements ordered pursuant to Minnesota Statutes, Chapter 429 or any project permitted pursuant to Minnesota Statutes, Section 475.60, as directed by the City Council, and in each case in compliance with the hereinafter-referenced Code, but any balance of such proceeds not so used shall be credited and paid to the Bond Fund.

SECTION 4. GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2011A BOND FUND. There is hereby established on the official books and records of the City a separate fund designated the General Obligation Improvement Bonds, Series 2011A Bond Fund (the Bond Fund). Into the Bond Fund shall be paid (a) the amounts specified in Section 3 above, (b) capitalized interest, accrued interest and unused bond discount, if any, received from the Purchaser upon delivery of the Bonds, (c) any special assessments and taxes collected pursuant to Sections 5 or 6 hereof, except as otherwise provided in Section 3 hereof and (d) any other funds appropriated by the City Council for the payment of the Bonds. The money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. If the balance on hand in the Bond Fund is at any time insufficient to pay principal and interest then due on the Bonds, such amounts shall be paid from other money on hand in other funds of the City, which other funds shall be reimbursed therefor when sufficient money becomes available in the Bond Fund. The Bond Fund shall be maintained until the City has paid, or made provision for the payment of, all of the principal of and interest on the Bonds.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount set forth in (b) above. Thereafter, during each Bond Year (i.e., each twelve month period commencing on February 1 and ending on the following January 31), as monies are received into the Bond Fund, the City Administrator shall first deposit such monies into the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Administrator shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

If the aggregate balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable there from, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Surplus Account in the Bond Fund when the balance therein is sufficient, and the City Council covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation.

In order to ensure compliance with the Code and applicable Regulations (all as defined in Section 8.01 hereof), the Finance Director, upon allocation of any funds to the Bond Fund, shall ascertain the balance then on hand in the Bond Fund. If it exceeds the amount of principal and interest on the Bonds to become due and payable through the next following February 1, plus a reasonable carryover equal to 1/12th of the debt service due in the following bond year, the excess shall (unless an opinion is received from bond counsel stating that another use shall not interfere with the tax exemption of the bonds) be used to prepay or purchase Bonds, or be invested at a yield which does not exceed the yield on the Bonds calculated in accordance with Section 148 of the Code.

SECTION 5. SPECIAL ASSESSMENTS. The City hereby covenants and agrees that, for the payment of the costs of the Project, the City has done or will do and perform all acts and things necessary for the final and valid levy of special assessments in an amount not less than 20% of the cost of the Project financed by the Bonds. The City estimates it has levied or will levy special assessments in the original aggregate principal amount of \$193,505. It is estimated that the principal and interest on such special assessments will be levied beginning in 2011 and collected in the years 2012-2021 in the amounts shown on Appendix I attached hereto. The principal of the special assessments shall be made payable in annual installments, with interest as established by this City Council in accordance with law on installments thereof from time to time remaining unpaid. In the event any special assessment shall at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by this City Council or by any of the officers or employees of the City, either in the making of such special assessment or in the performance of any condition precedent thereto, the City hereby covenants and agrees that it will forthwith do all such further things and take all such further proceedings as shall be required by law to make such special assessment a valid and binding lien upon said property.

SECTION 6. PLEDGE OF TAXING POWERS. For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively come due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In order to produce aggregate amounts which, together with the collections of special assessments as set forth in Section 5, will produce amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City. The taxes will be levied and collected in years and amounts shown on the attached levy computation. Said taxes shall be irrevocable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce said levies in accordance with the provisions of Minnesota Statutes, Section 475.61.

SECTION 7. DEFEASANCE. When all of the Bonds have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to the Holders of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms by depositing with the Registrar on or before that date an

amount equal to the principal, interest and redemption premium, if any, which are then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with the Registrar or with a bank or trust company qualified by law to act as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited for such purpose, bearing interest payable at such times and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been irrevocably provided for, to an earlier designated redemption date, provided, however, that if such deposit is made more than ninety days before the maturity date or specified redemption date of the Bonds to be discharged, the City shall have received a written opinion of bond counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates or earlier designated redemption date.

SECTION 8. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

8.01. General Tax Covenant. The City agrees with the registered owners from time to time of the Bonds that it will not take, or permit to be taken by any of its officers, employees or agents, any action that would cause interest on the Bonds to become includable in gross income of the recipient under the Internal Revenue Code of 1986, as amended (the Code) and applicable Treasury Regulations (the Regulations), and agrees to take any and all actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and the Regulations. All proceeds of the Bonds deposited in the Construction Fund will be expended solely for the payment of the costs of the Project. The Project is and will be owned and maintained by the City and available for use by members of the general public on a substantially equal basis. The City shall not enter into any lease, management contract, use agreement, capacity agreement or other agreement with any non-governmental person relating to the use of the Project, or any portion thereof, or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

8.02. Arbitrage Certification. The Mayor and City Administrator being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with Section 148 of the Code, and applicable Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and Regulations.

8.03. Arbitrage Rebate. It is hereby found that the City has general taxing powers, that no Bond is a "private activity bond" within the meaning of Section 141 of the Code, that 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the City, and that the aggregate face amount of all tax-exempt obligations (other than private activity

bonds) issued by the City and all subordinate entities thereof during the year 2011 is not reasonably expected to exceed \$5,000,000. Therefore, pursuant to Section 148(f)(4)(D) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

If, however, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Bonds, the City hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f) and applicable Regulations.

8.04. Reimbursement. The City certifies that the proceeds of the Bonds will not be used by the City to reimburse itself for any expenditure with respect to the Project which the City paid or will have paid more than 60 days prior to the issuance of the Bonds unless, with respect to such prior expenditures, the City shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Project meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Project as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

8.05. Qualified Tax-Exempt Obligations. The Council hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of tax-exempt obligations which are not private activity bonds (not treating qualified 501(c)(3) bonds under Section 145 of the Code as private activity bonds for the purpose of this representation) which will be issued by the City and all subordinate entities during calendar year 2011 does not exceed \$10,000,000.

8.06. Continuing Disclosure. (a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bond owner means, in respect of a

Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (i) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (ii) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) on or before 365 days after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2011, the following financial information and operating data in respect of the City (the Disclosure Information):
 - (A) the audited financial statements of the City for such fiscal year, prepared in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies there from and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
 - (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under headings: Economic and Financial Information, Summary of Debt and Debt Statistics and General Information – “Major Employers.”

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been filed with the SEC or have been made available to the public on the Internet Web site of the Municipal Securities Rulemaking Board (“MSRB”). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in

the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be described in paragraph (2) hereof, then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events:
- (A) Principal and interest payment delinquencies;
 - (B) Non-payment related defaults, if material;
 - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) Substitution of credit or liquidity providers, or their failure to perform;
 - (F) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the Bonds;
 - (G) Modifications to rights of Bond holders, if material;
 - (H) Bond calls, if material, and tender offers;
 - (I) Defeasances;
 - (J) Release, substitution, or sale of property securing repayment of the Bonds, if material;
 - (K) Rating changes;
 - (L) Bankruptcy, insolvency, receivership or similar event of the obligated person;
 - (M) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
 - (N) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

As used herein, for those events that must be reported if material, an event is "material" if it is an event as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, an event is also "material" if it is an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of

applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

For the purposes of the event identified in (L) hereinabove, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(3) In a timely manner, notice of the occurrence of any of the following events or conditions:

- (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
- (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
- (C) the termination of the obligations of the City under this section pursuant to subsection (d);
- (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
- (E) any change in the fiscal year of the City.

(c) Manner of Disclosure.

- (1) The City agrees to make available to the MSRB, in an electronic format as prescribed by the MSRB from time to time, the information described in subsection (b).
- (2) All documents provided to the MSRB pursuant to this subsection (c) shall be accompanied by identifying information as prescribed by the MSRB from time to time.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of bond counsel to the effect that, because of legislative action or final judicial or administrative actions or

proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.

- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of bond counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

SECTION 9. CERTIFICATION OF PROCEEDINGS.

9.01. Registration of Bonds. The City Administrator is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Washington County and obtain a certificate that the Bonds and the taxes levied pursuant hereto have been duly entered upon the Auditor's bond register.

9.02. Authentication of Transcript. The officers of the City and the County Auditor are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, bond counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits and

certificates, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

9.03. Official Statement. The Preliminary Official Statement relating to the Bonds, dated _____, 2011, prepared and distributed by Northland Securities, Inc., is hereby approved. Northland Securities, Inc. is hereby authorized on behalf of the City to prepare and deliver within seven business days from the date hereof a final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

9.04. Payment of Issuance Costs. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to Northland Trust Services, Inc. on the closing date for further distribution as directed by Northland Securities, Inc.

Upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon the Resolution was declared duly passed and adopted.

APPENDIX I

City of Lake Elmo, Minnesota
General Obligation Improvement Bonds, Series 2011A
Payments on Special Assessments

Year of Collection	Principal	Interest	Total
2012			\$24,019.28
2013			24,019.10
2014			24,018.94
2015			24,019.10
2016			24,018.60
2017			24,019.44
2018			24,018.44
2019			24,018.44
2020			24,019.04
2021			24,018.86

PROJECTED TAX LEVIES

<u>Year of Collection</u>	<u>Levy</u>
2012	
2013	
2014	
2015	
2016	
2017	
2018	
2019	
2020	
2021	
Total	\$

WASHINGTON COUNTY AUDITOR'S CERTIFICATE
AS TO REGISTRATION AND TAX LEVY

The undersigned, being the duly qualified and acting County Auditor of Washington County, Minnesota, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on October 4, 2011, by the City Council of the City of Lake Elmo, Minnesota, setting forth the form and details of an issue of \$845,000 General Obligation Improvement Bonds, Series 2011A, dated as of October 1, 2011 and levying taxes for their payment.

I further certify that the issue has been entered on my bond register and the tax required by law for their payment has been levied and filed as required by Minnesota Statutes, Sections 475.61 to 475.63.

WITNESS my hand officially this ____ day of _____, 2011.

Washington County Auditor

(SEAL)

FINANCE PLAN SUMMARY

City of Lake Elmo, Minnesota

\$845,000

General Obligation Improvement Bonds, Series 2011A

Prepared by:

NORTHLAND  SECURITIES

45 South 7th Street
Suite 2000
Minneapolis, MN 55402
612-851-5900 800-851-2920

September 6, 2011

City of Lake Elmo, Minnesota
\$845,000
General Obligation Improvement Bonds, Series 2011A

PURPOSE

Proceeds from this bond issue will be used to fund public infrastructure improvements related to the 2011 Street and Water Improvement Projects, the 50th and Kimbro Avenue Project and the Kindred Court Drainage Project. The project costs total \$808,000. To that amount we have added the estimated financing costs to arrive at a total bond issue of \$845,000. A detailed illustration of the sources and uses of funds is as follows:

Sources & Uses

Dated 10/01/2011 | Delivered 10/01/2011

Sources Of Funds

Par Amount of Bonds	\$845,000.00
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Total Sources	\$845,000.00
----------------------	---------------------

Uses Of Funds

Total Underwriter's Discount (1.960%)	16,562.00
---------------------------------------	-----------

Costs of Issuance	19,720.00
-------------------	-----------

2011 Street and Water	483,000.00
-----------------------	------------

50th Street	281,000.00
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Kindred court	44,500.00
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Rounding Amount	218.00
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Total Uses	\$845,000.00
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FINANCING

The estimated principal and interest is illustrated as Exhibit B. The principal is scheduled to be repaid annually over a ten year period 2013 – 2022. Interest will be paid semi-annually beginning on August 1, 2012. The interest estimate is based on an assumed rate of 2.65%

The bonds are a general obligation of the City whereby the City pledges it's full faith and credit to repay the bonds. In addition, special assessments against benefitted properties will also be pledged to the payment on the Bonds. The principal payment structure is based on the expected assessment revenue stream and a desire to maintain a level debt service levy.

We understand special assessments totaling \$193,505 will be filed in 2011 over a term of ten years at a rate of 5.00%. The estimated average annual tax levy for the combined projects will be approximately \$75,887 at the 105% required level. The summary cash flow analysis detailing the expected assessment revenues and the tax levy component is illustrated in Exhibit B.

RELATED CONSIDERATIONS

- Bank Qualified - We understand the City (in combination with any subordinate taxing jurisdictions or debt issued by the City on behalf of any 501c3 corporations) does not anticipate issuing more than a total of \$10,000,000 in tax-exempt debt during this calendar year. Therefore the bonds will be designated as "bank qualified" obligations pursuant to Federal Tax Law.
- Arbitrage Compliance –
 - Project / Construction Fund – All tax exempt issues are subject to federal rebate requirements which require all arbitrage earned to be rebated to the U.S. Treasury. The rebate exemption the City expects to qualify for is the "small issuer exemption".
 - Debt Service Fund – The City must maintain a bona fide debt service fund for the bonds or be subject to yield restriction in the debt service fund.

The City should become familiar with the arbitrage compliance rules. We are happy to help in this regard.

- The Bonds will be *global book entry with a bank designated as the paying agent*. As "paperless" bonds, you will avoid the costs of bond printing and annual registrar charges. The Paying Agent will invoice you for the interest semiannually and on an annual basis for the principal coming due. You will be charged only for paying agent/transfer agent services provided by the bank. This cost of services has been capitalized into the bond issue.
- Because this issue is less than \$1,000,000, it is not subject to the Securities and Exchange Commission's continuing disclosure requirements.

1. Type of Bond Sale	Negotiated Sale with Northland Securities
2. Pricing	Wednesday, September 14, 2011
3. Council Consideration	Tuesday, September 20, 2011
4. Statutory Authority	The Bonds are being issued pursuant to Minnesota Statutes 429 and 475.
5. Repayment Term	The Bonds will mature annually each February 1, 2013 - 2022. Interest on the Bonds will be payable on August 1, 2012 and semiannually thereafter on each February 1 and August 1.
6. Security	General obligation pledge of the City. The City expects to fund debt service from a combination of special assessments and property tax collections.
7. Prepayment Feature	The Bonds maturing on or after February 1, 2019 will be subject to prepayment on February 1, 2018 and any day thereafter at a price of par plus accrued interest.
8. Tax Status	Tax exempt opinion provided by Dorsey & Whitney, LLP
9. Credit Rating	The City currently has a Moody's Investor Services "Aa2" rating on their outstanding general obligation bonds. We believe a credit rating will be cost effective therefore, we recommend the City apply for a credit rating on this issue.

EXHIBIT A

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
10/01/2011	-	-	-	-	-
08/01/2012	-	-	13,575.00	13,575.00	-
02/01/2013	75,000.00	0.600%	8,145.00	83,145.00	96,720.00
08/01/2013	-	-	7,920.00	7,920.00	-
02/01/2014	80,000.00	0.850%	7,920.00	87,920.00	95,840.00
08/01/2014	-	-	7,580.00	7,580.00	-
02/01/2015	80,000.00	1.100%	7,580.00	87,580.00	95,160.00
08/01/2015	-	-	7,140.00	7,140.00	-
02/01/2016	80,000.00	1.400%	7,140.00	87,140.00	94,280.00
08/01/2016	-	-	6,580.00	6,580.00	-
02/01/2017	85,000.00	1.750%	6,580.00	91,580.00	98,160.00
08/01/2017	-	-	5,836.25	5,836.25	-
02/01/2018	85,000.00	2.100%	5,836.25	90,836.25	96,672.50
08/01/2018	-	-	4,943.75	4,943.75	-
02/01/2019	85,000.00	2.400%	4,943.75	89,943.75	94,887.50
08/01/2019	-	-	3,923.75	3,923.75	-
02/01/2020	90,000.00	2.650%	3,923.75	93,923.75	97,847.50
08/01/2020	-	-	2,731.25	2,731.25	-
02/01/2021	90,000.00	2.850%	2,731.25	92,731.25	95,462.50
08/01/2021	-	-	1,448.75	1,448.75	-
02/01/2022	95,000.00	3.050%	1,448.75	96,448.75	97,897.50
Total	\$845,000.00	-	\$117,927.50	\$962,927.50	-

Yield Statistics

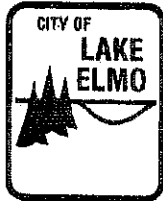
Bond Year Dollars	\$5,086.67
Average Life	6.020 Years
Average Coupon	2.3183650%
Net Interest Cost (NIC)	2.6439613%
True Interest Cost (TIC)	2.6557205%
All Inclusive Cost (AIC)	3.0941703%

EXHIBIT B

Revenue vs D/S

Date	Scheduled P+I	Less:	Equals:		Levy Year	Collection Year	Payable Year
		Assessment Revenues*	City Levy	105% Levy			
02/01/2012	-	-	-	-	-	-	-
02/01/2013	96,720.00	24,019.28	72,700.72	76,335.76	2011	2012	2013
02/01/2014	95,840.00	24,019.10	71,820.90	75,411.95	2012	2013	2014
02/01/2015	95,160.00	24,018.94	71,141.06	74,698.11	2013	2014	2015
02/01/2016	94,280.00	24,019.10	70,260.90	73,773.95	2014	2015	2016
02/01/2017	98,160.00	24,018.60	74,141.40	77,848.47	2015	2016	2017
02/01/2018	96,672.50	24,019.44	72,653.06	76,285.71	2016	2017	2018
02/01/2019	94,887.50	24,018.44	70,869.06	74,412.51	2017	2018	2019
02/01/2020	97,847.50	24,018.44	73,829.06	77,520.51	2018	2019	2020
02/01/2021	95,462.50	24,019.04	71,443.46	75,015.63	2019	2020	2021
02/01/2022	97,897.50	24,018.86	73,878.64	77,572.57	2020	2021	2022
Total	\$962,927.50	\$240,189.24	\$962,927.50				

*Assumes assessments filed in 2011 for \$193,505 for at term of 10 years at a rate of 5.00%.



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/11
REGULAR
ITEM: 10
PUBLIC HEARING
MOTION Res. No. 2011-042

AGENDA ITEM: Platted Road Right-of-Way Vacation Request and Rededication of Applicable Easements

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Kyle Klatt, Planning Director

REVIEWED BY: Bruce Messelt, City Administrator *BAM*
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider a request from Alan and Ralea Kupferschmidt, 2769 Legion Avenue North to vacate a publicly dedicated road right-of-way adjacent to the applicant's property, Lot 9, Block 2 of the Myron Ellman Subdivision.

The applicant has requested this vacation and has proposed dedicating easements back to the City for access and maintenance of existing infrastructure in that area. The applicant is interested in vacating this dedicated right-of-way because their property is considered a corner lot, due to the unimproved right-of-way, and is, therefore, subject to a 25 foot setback from the south property line. The property owner's existing screen porch is only 17 feet from that property line (the home is 25 feet) and they have expressed an interest in expanding this structure towards the unimproved street right-of-way. With the current configuration of the lot and street right-of-way in this location, the proposed expansion cannot proceed without either a variance or a vacation of the street, as presently requested.

Due to the city infrastructure located within the area proposed for vacation and other reasons stated in the attached report, the City Engineers are recommending against the vacation. The Public Works Department, who utilize this site almost daily, have also expressed concern in vacating this platted right-of-way. In addition, the applicant could still pursue a variance to expand the porch, should the right-of-way not be vacated by the City. Given the concerns expressed by various City Departments, Staff is recommending against vacating this property via the following motion:

"Move to adopt Resolution No. 2011-42 denying the vacation of a dedicated right-of-way south of Lot 9, Block 2, Myron Ellman Subdivision"

BACKGROUND INFORMATION: The unimproved, but dedicated road right-of-way was platted to the west and east borders of the Myron Ellman Subdivision in 1969. At that time, the land to the east was not developed, but by dedicating that right-of-way, it left open the possibility of a future connection. Since that time, the property to the east was developed as an Open Space Preservation neighborhood – Heritage Farms – and no connection was made to this unimproved right-of-way. Instead, the City has utilized this land as an access to an otherwise landlocked property used as a community septic system (201 system).

Because various City Departments have expressed concern regarding the vacation of the right-of-way for various reasons, including necessary setbacks for infrastructure and unknown future access needs to the City-owned, landlocked parcel, Staff is recommending denial of the applicant's request as submitted. Please note that, prior to taking action on a request to vacate a road right-of-way, the City Council must conduct a public hearing in accordance with State Statutes. Notice of a public hearing has been published in the local newspaper and was mailed to all property owners within the Myron Ellman Subdivision as well as property owners adjacent to the land proposed for vacation.

Under Minnesota State Statutes, a municipality may vacate public rights-of-way when it can be found that there is no longer any public interest in retaining said right-of-way. In this case, Staff is suggesting that there is still a substantial public interest in maintaining the existing platted 12th Street right-of-way for the following reasons:

- There is a significant amount of infrastructure installed within this right-of-way, including a lift station, pipes leading to the drainfield to the east, and a paved turn-around area.
- The 12th Street right-of-way is the City's only access to the public drainfields located to the east of the applicant's property.
- Although the granting of an easement could maintain the City's existing rights to utilize the right-of-way property, it would also eliminate any required setbacks to this easement. Any potential buildings constructed close to this easement could greatly limit (or raise the cost of) the City's ability to do future work within the right-of-way.

RECOMMENDATION: Based upon the above background information and findings documented in the attached Resolution No. 2011-42, it is recommended that the City Council deny the request to vacate the existing right-of-way south of Lot 9, Block 2 of the Myron Ellman Subdivision via the following motion:

"Move to adopt Resolution No. 2011-42 denying the vacation of a dedicated right-of-way south of Lot 9, Block 2, Myron Ellman Subdivision"

Alternatively, the City Council may table this item or consider approval of the request, if it can make findings that the proposed vacation and rededication of an easement is in the public interest. If the latter, it is recommended the City Council direct staff to prepare a Resolution approving the requested vacation for future Council action via the following motion:

"Move to direct City staff to prepare a Resolution approving the proposed Vacation for future Council consideration, based upon the findings of fact presented and discussed tonight."

ATTACHMENTS:

1. Engineer's Report
2. Resolution No. 2011-42 - Denial
3. Applicant's Submittals
 - a. Application Form
 - b. Petition of Neighbors
 - c. Right-of-Way and Replacement Easement Descriptions (to be vacated and proposed)
4. Map of Right-of-Way to be Vacated

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item/Presentation City Administrator/Staff
- 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

MEMORANDUM

FOCUS ENGINEERING, inc.

September 30, 2011

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

To: Kelli Matzek, City Planner

RE: City of Lake Elmo

CC: Kyle Klatt, Planning Director

Street Vacation Review

Jack Griffin, P.E., City Engineer

Petition by 2769 Legion Avenue N.

From: Ryan Stempksi, P.E.

We have reviewed the application for a Twelfth Street R/W Vacation Petition located on the south end of Legion Avenue North. The petition was submitted by the property owner at 2769 Legion Avenue North. The application included a legal description and drawing of the proposed Street Vacation.

The engineering department recommends denial of this request for the following reasons:

- 1) Protection of city infrastructure for public health and safety. There is a significant amount of public infrastructure installed within this right-of-way (R/W), including a lift station, sewer forcemaln, connecting watermain, and a paved turn-around area. This R/W is critical to access, maintain, improve, and ultimately replace City assets.
- 2) Although the granting of an easement could maintain the City's existing rights to utilize the right-of-way property, it would also eliminate any required setbacks to this easement or may prohibit any future use or expansion of these facilities. Any potential buildings constructed close to this easement could greatly limit (or raise the cost of) the City's ability to do future work within the right-of-way.
- 3) Twelfth Street R/W is currently the only public access to the adjacent City Drainfield located directly to the east of the Myron Ellman subdivision. Removing the current R/W may reduce or limit the City's ability to improve Twelfth Street as an access to this property in the future.

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

RESOLUTION NO. 2011-42

*A RESOLUTION DENYING VACATION OF A PLATTED RIGHT-OF-WAY AND DEDICATION
OF A NEW EASEMENT SOUTH OF LOT 9, BLOCK 2 OF THE MYRON ELLMAN
SUBDIVISION*

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City of Lake Elmo has received a request for a Right-of-Way Vacation from Alan and Ralea Kupferschmidt, 2769 Legion Avenue North, to remove the existing road right-of-way and to replace it with an easement to the City; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the existing road right-of-way south of Lot 9, Block 2 of the Myron Ellman Subdivision, described as follows:

That part of Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies easterly of the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION.

WHEREAS, an associated request has been made to the City Council to dedicate a new drainage and utility easement in replacement of the proposed right-of-way dedication, described as follows:

An easement for drainage and utility purposes over, under and across that part of vacated Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies easterly of the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION.

WHEREAS, an associated request has been made to the City Council to dedicate a new access easement in replacement of the proposed right-of-way dedication, described as follows:

An easement for access purposes over and across that part of vacated Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies easterly of the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION.

WHEREAS, the City Planner reviewed and examined the signatures on said request and determined that such signatures constituted the majority of the landowners abutting upon the portion of easement to be vacated and rededicated; and

WHEREAS, a public hearing to consider the vacation and rededication of the drainage and utility easement and access easement was held on the 4th day of October 2011 before the City Council in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within Myron Ellman Subdivision by the City Planner on the 22nd September, 2011 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will not benefit the public interest because:

- 1) The proposed vacation would limit the potential future uses for City.
- 2) The property proposed for vacation is the only dedicated access to a land-locked piece of property owned by the City.
- 3) The City Engineers have expressed concern regarding the potential impact of a reduced or eliminated setback to the City infrastructure located in that area.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of an existing right-of-way and dedication of a new drainage and utility easement and access easement is hereby denied in accordance with the property descriptions provided above.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 4th day of October 2011.

Effective Date: _____

AYES

NAYS

Dean A. Johnston, Mayor

Brett Emmons, Council

Nicole Park, Council

Steve DeLapp, Council

Anne Smith, Council

Approved:

Dean A. Johnston, Mayor

Attested by:

Bruce Messelt, City Administrator

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

Fee \$ _____

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

APPLICANT: ALAN KUPFERSCHMIDT 2769 LEGION AVE. N. W. ELMO. 55042
(Name) (Mailing Address) (Zip)

TELEPHONES: 651-777-9857
(Home) (Work) (Mobile) (Fax)

FEE OWNER: _____
(Name) (Mailing Address) (Zip)

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

PROPERTY LOCATION (Address and Complete (Long) Legal Description): 2769 LEGION AVE. N.
W. ELMO, MN 55042, MYRON ELLMAN SUB-DIVISION
LOT-# 6017

DETAILED REASON FOR REQUEST: BUILDING A FOUR SEASON PORCH ON SOUTH SIDE OF
HOUSE, REPLACING A OLD 3-SEASON PORCH. AND HAVE APPLIED FOR NEW BUILDING
PERMIT, AND HAVE TROUBLE WITH AND OLD EASEMENT OF A STREET THAT WOULD
NEVER BE. THERE IS A STATE SET BACK OF 34', WE ARE REQUESTING THE STREET BE LOCATED
BY RESOLUTION.

*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:

RECEIVED

SEP - 9 2011

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.

Alan Kupferschmidt 9-9-2011
Signature of Applicant Date

Raleane Kupferschmidt 9/9/2011
Signature of Applicant Date

My name is Alan Kupferschmidt, and I live at 2769 legion ave n in lake Elmo , I am taking down a old three season porch and have applied for a building permit. To build a four season porch. There is a old street easement that will never be, which is causing trouble with are building permit there is a 24 ft set back from street easement. We are requesting a street vacation by resolution, I am petitioning for this. Will you sign in support. This means there will never be a street built.

Alan Kupferschmidt # 007.

Rakane Kupferschmidt # 007

Arthur M. Freundt # 0001

Mary C. Freundt # 0001

David A. Hoff #

Elizabeth (Betty) Hoffman #

Roddy A. Hoff # 0027

Judy A. Hoff # 0027

23 September 2011

To the city of lake Elmo,

This is description of the street that is the cause, of are building permit on hold. The street is called twelfth st on and old map, this is located between lot 0001 and 0017 my house 2769 legion ave n. I have petition to have the street vacated by resolution and abandon. The street is also by 0027, this street has never been develop or never will be. I have petition to have the street vacated by resolution and abandon. This will free up any trouble with other home owners, on the sale of there house, or building permits.

Thank you
Alan Kupferschmidt

A handwritten signature in cursive script, reading "Alan Kupferschmidt". The signature is written in dark ink and is positioned below the typed name.

STREET VACATION

(PROPOSED STREET VACATION)

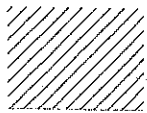
That part of Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies easterly of the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION.

(PROPOSED EASEMENT)

An easement for drainage and utility purposes over, under and across that part of vacated Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies easterly of the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION.

(PROPOSED EASEMENT)

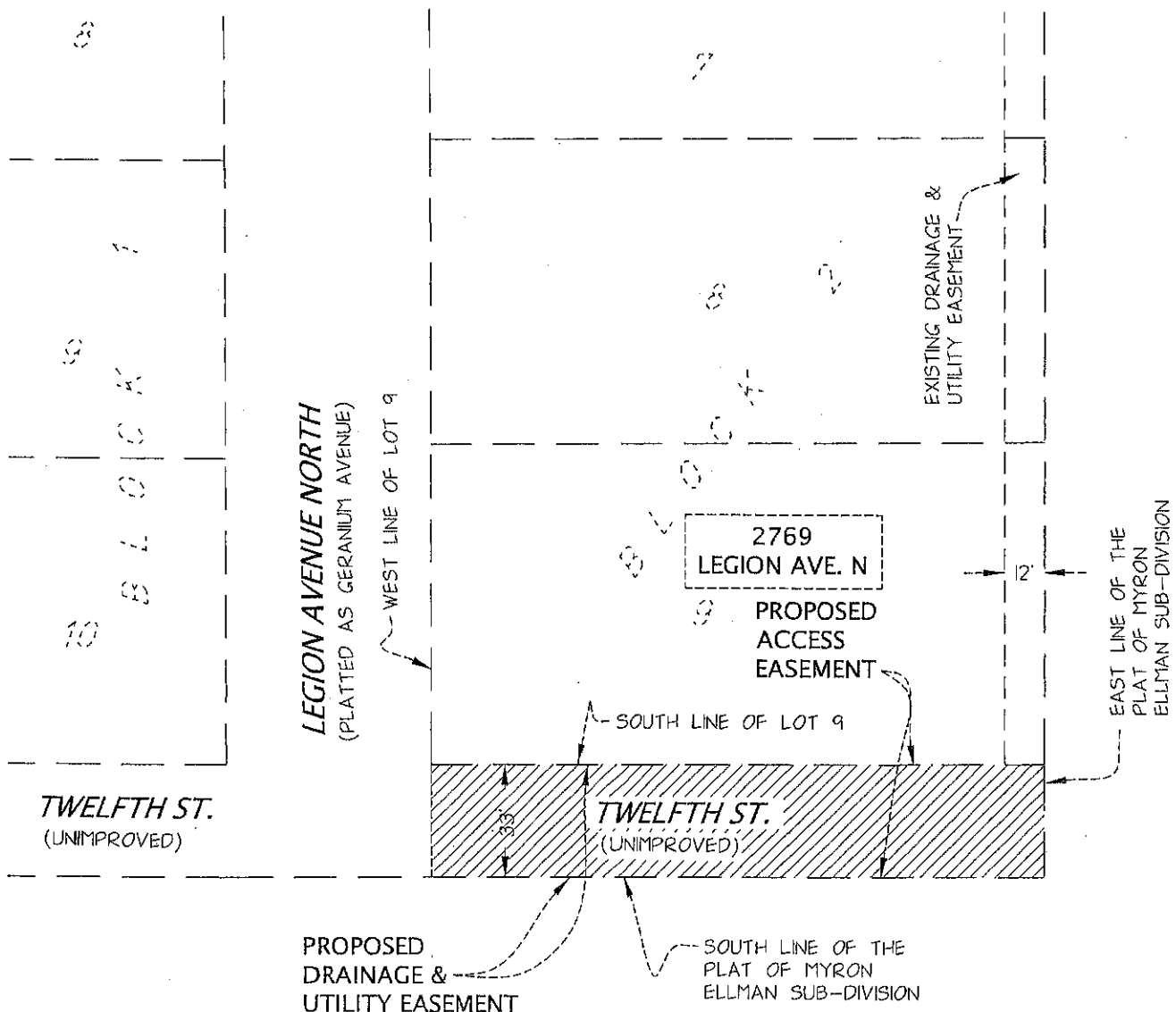
An easement for access purposes over and across that part of vacated Twelfth Street as dedicated on the plat of MYRON ELLMAN SUB-DIVISION, Washington County, Minnesota which lies easterly of the southerly extension of the west line of Lot 9, Block 2, said MYRON ELLMAN SUB-DIVISION.



PROPOSED
STREET
VACATION



NORTH
1"=50'





MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR
ITEM #: 11
PUBLIC HEARING
MOTION Res. No. 2011-046

AGENDA ITEM: DELINQUENT SURFACE WATER UTILITIES

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Cathy Bendel, C & J Consulting

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to conduct a Public Hearing and, upon its completion, affirmatively consider approval of Resolution 2011-046, authorizing certification to the Washington County Auditor for unpaid surface water Utility bills. The recommended motion to act on this is as follows:

"Move to approve Resolution 2011-046, authorizing certification to the Washington County Auditor for unpaid surface water utility bills."

BACKGROUND INFORMATION: The City of Lake Elmo has the authority by, Minn. State Statue 444.075, subd.3 and City Ordinance to assess property owners for unpaid surface water utilities and services. Affected homeowners with past due balances were sent notification of the proposed assessment. A Notice of Public Hearing for unpaid surface water utilities was published in the Oakdale/Lake Elmo Review on September 28, 2011. Homeowners will have until October 14, 2011 to pay the balance without additional fees.

STAFF REPORT: The City operates the water, sewer and surface water under its Enterprise funds. Enterprise funds account for specific City operations that are financed and operated similar to a private business. Generally, the services are provided to identifiable beneficiaries, as well as the general public, and all or most of the costs come from user's fees.

The user fees collected are utilized to operate the City's respective water, sewer and surface water systems. The certification process to assess property owners, listed on exhibit A (attached), for unpaid services will assure collection of charged fees. The deadline to certify the unpaid surface water utility to the County is October 15, 2011.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council authorize certification to the Washington County Auditor by undertaking the following action:

“Move to approve Resolution 2011-046, authorizing certification to the Washington County Auditor for unpaid surface water utility bills.”

Alternatively, the City Council may further discuss, table or modify this item. If the latter, the suggested motion would be:

“Move to approve Resolution 2011-046, authorizing certification to the Washington County Auditor for unpaid surface water utility bills, as presented [and modified] at tonight’s meeting.”

ATTACHMENTS:

1. Resolution 2011-046
2. Exhibit A
3. Public Notice Hearing, September 28, 2011

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2011 – 046
RESOLUTION AUTHORIZING CERTIFICATION TO
WASHINGTON COUNTY AUDITOR FOR
UNPAID SURFACE WATER UTILITY BILLS

WHEREAS, Minn. Stat. 444.075, subd. 3, permits certification of unpaid charges to the county auditor for collection with taxes payable;

WHEREAS, the Municipal Code for the City of Lake Elmo contains a provision to certify delinquent accounts to the County Auditor for collection with taxes payable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA, THAT:

1. The list of delinquent accounts, a copy of which is attached hereto as Exhibit A, and made a part hereof, is hereby accepted and shall be certified to the Washington County Auditor for collection with taxes payable.
2. The certified amount shall be payable over a period of one year, and one installment with interest as provided in Exhibit A.
3. The owner of the property may, at any time prior to certification to the County Auditor, pay the delinquent amount to the City Finance Director.
4. The Deputy Clerk shall forthwith transmit a certified duplicate of Exhibit A to the County Auditor to be extended on the property tax lists of Washington County. Such delinquent accounts shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED, by the Lake Elmo City Council on the 4th day of October, 2011.

Dean Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

City of Lake Elmo2011 Proposed Assessment RollAs of 9/30/2011

EXHIBIT A

Billing Address	Amount	Fee	Total	PID
796 LARPEN TEUR AVE	413.55	25.00	438.55	302921220002
796 LARPEN TEUR AVENUE	63.82	25.00	88.82	302921220005
5222 KEATS AVENUE N	92.24	25.00	117.24	302921430002
5222 KEATS AVENUE N	102.12	25.00	127.12	302921440003
8465 DEMONTREVILLE TRAIL N	221.33	25.00	246.33	402921130002
10472 STILLWATER LANE N	116.19	25.00	141.19	1402921310001
10350 STILLWATER LANE N	136.14	25.00	161.14	1402921310002
10350 STILLWATER LANE N	542.65	25.00	567.65	1502921410001
10472 STILLWATER LANE N	343.92	25.00	368.92	1502921420004
10112 10TH STREET N	25.51	25.00	50.51	2602921330004
12415 55TH STREET N	165.00	25.00	190.00	102921130003
12415 55TH STREET N	165.00	25.00	190.00	102921140002
12415 55TH STREET N	165.00	25.00	190.00	102921140003
1696 IVY AVE N	156.73	25.00	181.73	2802921110003
11330 50TH STREET N	165.00	25.00	190.00	102921340002
5414 LAKE ELMO AVENUE N	165.00	25.00	190.00	202921410009
5760 KIRKWOOD AVENUE N	165.00	25.00	190.00	202921420003
9918 59TH STREET COURT N	165.00	25.00	190.00	302921110021
9605 57TH STREET N	122.65	25.00	147.65	302921130008
9990 RICHMOND AVE #400 S	82.50	25.00	107.50	302921130014
9873 55TH STREET N	115.50	25.00	140.50	302921140010
9696 55TH STREET N	122.65	25.00	147.65	302921210004
5427 JAMACA AVENUE N	165.00	25.00	190.00	302921320018
622 CALLE HIDALGO	165.00	25.00	190.00	302921320020
9765 53RD STREET N	88.00	25.00	113.00	302921420009
9548 51ST STREET N	88.00	25.00	113.00	302921430010
9884 51ST STREET N	122.65	25.00	147.65	302921440011
8648 DEMONTREVILLE N	123.75	25.00	148.75	402921120014
8410 59TH STREET N	165.00	25.00	190.00	402921210011
8390 59TH STREET N	88.00	25.00	113.00	402921210012
8350 59TH STREET N	21.67	25.00	46.67	402921210014
3521 SETTLERS WAY	165.00	25.00	190.00	402921230016
8036 50TH STREET N	13.85	25.00	38.85	402921330015
8076 HILL TRAIL N	165.00	25.00	190.00	402921330038
PO BOX 165	165.00	25.00	190.00	402921330051
5850 HYTRAIL AVE N	88.00	25.00	113.00	502921110011
5480 HIGHLANDS TRL N	165.00	25.00	190.00	502921130004
7970 DEMONTREVILLE TRL N	165.00	25.00	190.00	502921140006
5431 HILLTOP AVE N	88.00	25.00	113.00	502921420022
7730 50TH ST N	88.00	25.00	113.00	502921430002
14810 30TH STREET N	165.00	25.00	190.00	602920220001
5651 MANNING AVE N	165.00	25.00	190.00	602920230001
12404 MARQUESS WAY N	122.65	25.00	147.65	602920310016
12362 MARQUESS WAY N	68.75	25.00	93.75	602920310018
12497 MARQUESS WAY N	66.00	25.00	91.00	602920310034
12521 MARQUESS WAY N	88.00	25.00	113.00	602920310035

5091 MARQUESS TRL CIR N	122.65	25.00	147.65 602920320057
5049 MARQUESS TRL CIR N	122.65	25.00	147.65 602920330023
4596 LILAC LN	165.00	25.00	190.00 702920230012
5011 ISLE AVE N	88.00	25.00	113.00 902921110004
4990 JAMACA AVE NO	165.00	25.00	190.00 902921110019
8554 HIDDEN BAY TRL N	122.65	25.00	147.65 902921130001
23995 HINTON AVE	165.00	25.00	190.00 902921130004
8027 N 50TH ST	165.00	25.00	190.00 902921220014
8027 N 50TH ST	14.05	25.00	39.05 902921220023
8450 HIDDEN BAY TRL N	122.65	25.00	147.65 902921240003
4385 JACK PINE TRL N	122.65	25.00	147.65 902921310009
8206 DEER POND TRL N	165.00	25.00	190.00 902921320003
8162 HIDDEN BAY TRL	165.00	25.00	190.00 902921320026
4415 OLSON LAKE TRAIL N	158.90	25.00	183.90 902921320031
8234 39TH STREET N	122.65	25.00	147.65 902921330001
8340 LAKE JANE TRL	122.65	25.00	147.65 902921340008
8690 LAKE JANE TRL N	122.65	25.00	147.65 902921420014
4150 IRISH CT	165.00	25.00	190.00 902921430018
8625 42ND STREET N	88.00	25.00	113.00 902921430025
4033 ISLE AVENUE N	71.50	25.00	96.50 902921440014
4120 ISLE AVENUE N	88.00	25.00	113.00 902921440026
9330 JANE COURT N	14.87	25.00	39.87 1002921210007
9477 JANE ROAD N	165.00	25.00	190.00 1002921240012
9404 LAKE JANE TRAIL N	88.00	25.00	113.00 1002921240014
3124 HUMBOLDT AVENUE S	23.91	25.00	48.91 1002921430005
3124 HUMBOLDT AVE S	122.65	25.00	147.65 1002921410003
10133 47TH STREET N	165.00	25.00	190.00 1102921230003
4424 KIMBRO AVE N	165.00	25.00	190.00 1102921310002
4258 KINDRED WAY	122.65	25.00	147.65 1102921310010
4037 KINDRED WAY	88.00	25.00	113.00 1102921340012
3580 LINDEN AVE	68.75	25.00	93.75 1102921340026
4227 KIRKWOOD LN N	122.65	25.00	147.65 1102921420008
4835 LILAC PL N	88.00	25.00	113.00 1202921110020
4943 LILAC WAY N	88.00	25.00	113.00 1202921110030
ONE VETERANS DR #73	165.00	25.00	190.00 1202921120017
4938 LILY AVE N	88.00	25.00	113.00 1202921120020
1311 50TH ST N	122.65	25.00	147.65 1202921210003
4779 LAKE ELMO AVE	122.65	25.00	147.65 1202921220005
11857 44TH ST LN N	122.65	25.00	147.65 1202921410019
11820 LITTLE BLUESTEM CT N	88.00	25.00	113.00 1202921410030
11598 44TH ST N	122.65	25.00	147.65 1202921420019
4488 LILY AVE N	122.65	25.00	147.65 1202921420024
4442 LILY AVE N	122.65	25.00	147.65 1202921420026
4354 LITTLE BLUESTEM TRL N	122.65	25.00	147.65 1202921420038
11912 STILLWATER BLVD	165.00	25.00	190.00 1202921440002
3699 LAVERNE AVE N	165.00	25.00	190.00 1302921230008
PO BOX 180	165.00	25.00	190.00 1302921230056
3624 LAYTON AVE N	165.00	25.00	190.00 1302921240005
11008 32ND STREET N	10.68	25.00	35.68 1302921320075
3258 LAKE ELMO AVE	165.00	25.00	190.00 1302921320084
PO BOX 166	122.65	25.00	147.65 1302921320089

3010 LISBON AVENUE N	165.00	25.00	190.00	1302921430007
3030 LISBON AVENUE N	88.00	25.00	113.00	1302921430009
3778 KINDRED COURT N	165.00	25.00	190.00	1402921210013
10032 STILLWATER LANE N	24.81	25.00	49.81	1402921320006
10902 33RD STREET LANE N	88.00	25.00	113.00	1402921410016
10961 32ND STREET N	88.00	25.00	113.00	1402921440010
10949 32ND STREET N	105.00	25.00	130.00	1402921440011
10941 32ND STREET N	122.65	25.00	147.65	1402921440012
3733 JAMACA AVENUE N	10.32	25.00	35.32	1502921220002
3733 JAMACA AVENUE N	10.48	25.00	35.48	1502921220005
9089 JAMACA COURT N	16.27	25.00	41.27	1502921320003
9089 JAMACA COURT N	128.70	25.00	153.70	1502921320022
8708 INDIAN BLVD S	122.65	25.00	147.65	1502921320031
9260 31ST STREET N	14.67	25.00	39.67	1502921330017
3030 JANERO AVENUE N	122.65	25.00	147.65	1502921330027
2994 JAMLEY AVENUE N	88.00	25.00	113.00	1502921330039
9260 31ST STREET N	165.00	25.00	190.00	1502921340002
9495 STILLWATER BOULEVARD	122.65	25.00	147.65	1502921340006
9447 STILLWATER BOULEVARD	122.65	25.00	147.65	1502921340007
8321 38TH STREET N	165.00	25.00	190.00	1602921210012
8110 38TH STREET N	165.00	25.00	190.00	1602921220030
3033 INWOOD AVENUE N	88.00	25.00	113.00	1602921430010
8659 STILLWATER BOULEVARD	165.00	25.00	190.00	2102921120004
8659 STILLWATER BOULEVARD	165.00	25.00	190.00	2102921120007
8748 IRONWOOD TRAIL N	122.65	25.00	147.65	2102921120038
8655 27TH STREET N	88.00	25.00	113.00	2102921130002
8685 27TH STREET N	122.65	25.00	147.65	2102921130004
3555 WILLOW LAKE BOULEVARD	122.65	25.00	147.65	2102921210023
2841 IMPERIAL AVENUE N	88.00	25.00	113.00	2102921220009
2580 IMPERIAL AVENUE N	88.00	25.00	113.00	2102921230007
8154 26TH STREET N	122.65	25.00	147.65	2102921230013
2621 INNSDALE AVENUE N	165.00	25.00	190.00	2102921240006
8180 21ST STREET N	88.00	25.00	113.00	2102921330014
2809 JAMLEY AVENUE N	165.00	25.00	190.00	2202921220014
2035 COUNTY ROAD D EAST SUITE	88.00	25.00	113.00	2202921230012
2769 LISBON AVENUE COURT N	88.00	25.00	113.00	2402921110012
10746 MANNING TRAIL CT N	122.65	25.00	147.65	2402921210009
11407 24TH STREET COURT N	122.65	25.00	147.65	2402921310004
11108 12TH STREET N	105.00	25.00	130.00	2502921330005
PO BOX 882	77.00	25.00	102.00	2602921110001
1756 LAKE ELMO AVENUE N	165.00	25.00	190.00	2602921110002
10072 10TH STREET N	165.00	25.00	190.00	2602921330001
10112 10TH STREET N	165.00	25.00	190.00	2602921330002
4505 WHITE BEAR PKWY #1400	165.00	25.00	190.00	2702921340005
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65	2702921420004
9654 WHISTLING VALLEY ROAD	165.00	25.00	190.00	2702921420013
9634 WHISTLING VALLEY ROAD	82.50	25.00	107.50	2702921430010
9155 16TH STREET N	82.50	25.00	107.50	2802921130012
1625 IVY AVENUE N	122.65	25.00	147.65	2802921140008
820 JEWEL AVE	82.50	25.00	107.50	3402921120004
9106 9TH ST N	122.65	25.00	147.65	3402921220002

605 JULEP CT N	122.65	25.00	147.65 3402921240012
928 LAKE ELMO AVE N	122.65	25.00	147.65 3502921110004
10699 10TH STREET N	165.00	25.00	190.00 3502921120004
760 LAKE ELMO AVE N	88.00	25.00	113.00 3502921140003
10483 10TH STREET N	122.65	25.00	147.65 3502921210001
220 LAKE ELMO AVE N	165.00	25.00	190.00 3502921440007
5412 LAKE ELMO AVE N	88.00	25.00	113.00 1302921320081
12415 55TH ST N	165.00	25.00	190.00 102921110008
971 SIBLEY MEMORIAL HWY	165.00	25.00	190.00 102921110013
12415 55TH ST N	165.00	25.00	190.00 102921110015
12415 55TH ST N	165.00	25.00	190.00 102921110016
971 SIBLEY MEMORIAL HWY	165.00	25.00	190.00 102921110017
12415 55TH STREET N	165.00	25.00	190.00 102921120007
12415 55TH ST N	165.00	25.00	190.00 102921120011
11693 56TH STREET N	95.66	25.00	120.66 102921130007
5734 LILY AVE N.	122.65	25.00	147.65 102921130011
4828 BALD EAGLE AVE	165.00	25.00	190.00 102921130012
4828 BALD EAGLE AVE	165.00	25.00	190.00 102921130015
4828 BALD EAGLE AVE	165.00	25.00	190.00 102921130019
8950 LAKE JANE TRL N	122.65	25.00	147.65 102921130021
971 SIBLEY MEMORIAL HWY	165.00	25.00	190.00 102921130022
4828 BALD EAGLE AVE	165.00	25.00	190.00 102921130023
2507 PRAIRIE OAK TRAIL	165.00	25.00	190.00 102921130024
8950 LAKE JANE TRL N	122.65	25.00	147.65 102921130025
8950 LAKE JANE TRL N	122.65	25.00	147.65 102921130028
971 SIBLEY MEMORIAL HIGHWA	165.00	25.00	190.00 102921130029
8950 LAKE JANE TRL N	122.65	25.00	147.65 102921140014
8950 LAKE JANE TRL N	122.65	25.00	147.65 102921140015
11771 56TH STREET N	165.00	25.00	190.00 102921140016
971 SIBLEY MEMORIAL HIGHWA	165.00	25.00	190.00 102921140021
4828 BALD EAGLE AVE	165.00	25.00	190.00 102921140023
275 3RD ST S #302	165.00	25.00	190.00 102921440005
45805 CAMBRIDGE WAY	165.00	25.00	190.00 202921120001
2480 7TH AVENUE E	88.00	25.00	113.00 202921140017
10977 57TH STREET N	122.65	25.00	147.65 202921140025
705 SE RIVERSIDE DR	165.00	25.00	190.00 302921140001
8036 50TH ST N	165.00	25.00	190.00 402921330014
8017 N 50TH ST	122.65	25.00	147.65 802921110009
4415 OLSON LAKE TRL	88.00	25.00	113.00 802921140056
800 NICOLLET MALL N	88.00	25.00	113.00 802921410002
8200 HIDDEN BAY TRL N	413.22	25.00	438.22 902921130009
23995 HINTON AVE	40.58	25.00	65.58 902921240018
1621 SANDHURST DR	165.00	25.00	190.00 902921340016
9393 JANE RD N	165.00	25.00	190.00 1002921240008
9906 TAPESTRY ROAD N	62.23	25.00	87.23 1002921410013
18328 MINNETONKA BLVD	122.65	25.00	147.65 1102921320025
10150 TAPESTRY BEND	122.65	25.00	147.65 1102921320026
10178 TAPESTRY HILL	122.65	25.00	147.65 1102921330010
10079 TAPESTRY HILL	122.65	25.00	147.65 1102921330017
1299 NORELL AVE N	165.00	25.00	190.00 1302921320041
6715 PENN AVE SO	88.00	25.00	113.00 1302921320076

6715 PENN AVE SO	88.00	25.00	113.00 1302921320080
3459 LAKE ELMO AVENUE N	122.65	25.00	147.65 1302921320085
PO BOX 25071	111.38	25.00	136.38 1402921230004
3575 LAKE ELMO AVENUE N	98.54	25.00	123.54 1402921230005
3575 LAKE ELMO AVENUE N	165.00	25.00	190.00 1402921230006
3575 LAKE ELMO AVENUE N	111.38	25.00	136.38 1402921230009
3536 KELVIN COURT N	157.66	25.00	182.66 1402921230010
3575 LAKE ELMO AVENUE N	98.54	25.00	123.54 1402921230011
5611 HUGO ROAD	122.65	25.00	147.65 1502921310007
PO BOX 1245	165.00	25.00	190.00 1502921430006
7975 AFTON RD N	122.65	25.00	147.65 2202921210005
7975 AFTON RD N	122.65	25.00	147.65 2202921210010
7975 AFTON RD N	122.65	25.00	147.65 2202921210016
2936 JONQUIL TRAIL N	116.15	25.00	141.15 2202921220026
2966 JONQUIL TRAIL N	122.65	25.00	147.65 2202921220030
7975 AFTON RD N	122.65	25.00	147.65 2202921220034
5294 MARQUESS TRAIL N	122.65	25.00	147.65 2302921110003
2231 MANNING TRAIL N	145.46	25.00	170.46 2402921130004
2813 LAKE ELMO AVENUE N	88.00	25.00	113.00 2402921220003
972 EVERGREEN LN	10.79	25.00	35.79 2402921320011
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921410003
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921410004
102 BRIDGEWATER DR	88.00	25.00	113.00 2702921410010
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921420002
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921420003
4505 WHITE BEAR PKWY #1400	165.00	25.00	190.00 2702921420007
4505 WHITE BEAR PKWY #1400	165.00	25.00	190.00 2702921420008
9590 WHISTLING VALLEY TRAIL	158.33	25.00	183.33 2702921420012
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921430004
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921430005
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921430006
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921430007
4505 WHITE BEAR PKWY #1400	165.00	25.00	190.00 2702921430011
4505 WHITE BEAR PKWY #1400	165.00	25.00	190.00 2702921430012
4505 WHITE BEAR PKWY #1400	165.00	25.00	190.00 2702921430013
9550 WHISTLING VALLEY TRAIL	155.00	25.00	180.00 2702921430016
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921440005
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921440006
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921440007
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921440008
4505 WHITE BEAR PKWY #1400	122.65	25.00	147.65 2702921440009
10 SECOND ST NE #401	165.00	25.00	190.00 3402921110006
350 HWY 212	2,459.45	39.94	2,499.39 3302921440036
14949 62ND STREET N	1,960.34	31.83	1,992.17 602920310060
14949 62ND STREET N	636.60	25.00	661.60 1302921210010
401 DEMERS ST	74.11	25.00	99.11 1302921230025
401 DEMERS ST	95.62	25.00	120.62 1302921230054
401 DEMERS ST	16.77	25.00	41.77 1302921230055
2520 WHITE BEAR AVENUE	46.55	25.00	71.55 1302921320006
10941 32ND STREET N	47.12	25.00	72.12 1302921320048
10941 32ND STREET N	47.12	25.00	72.12 1302921320049

8975 HIGHWAY 5	34.22	25.00	59.22 1602921410016
8975 HIGHWAY 5	34.22	25.00	59.22 1602921410017
8975 HIGHWAY 5	34.22	25.00	59.22 1602921410018
8975 HIGHWAY 5	20.02	25.00	45.02 1602921410029
8975 HIGHWAY 5	20.02	25.00	45.02 1602921410031
10021 47TH STREET N	543.47	25.00	568.47 1602921420002
1524 PASCAL ST N	40.01	25.00	65.01 3302921440029
595 LAKE RIDGE DR	1,949.52	25.00	1,974.52 3402921340004
5750 MEMORIAL AVE N	856.70	25.00	881.70 602920210001
10112 10TH STREET N	522.43	25.00	547.43 3402921130001
10112 10TH STREET N	444.90	25.00	469.90 3502921220001
	40,953.41	6,546.77	47,500.18

CITY OF LAKE ELMO
NOTICE OF HEARING
ON PROPOSED ASSESSMENT FOR
CURRENT MUNICIPAL SERVICES AND/OR MUNICIPAL UTILITIES

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of the City of Lake Elmo, Minnesota, will meet in the Council Chambers in the City of Lake Elmo, Minnesota, on the 4th day of October, 2011 at 7:00 p.m. to consider, and possibly adopt the proposed assessment for unpaid municipal services or municipal utilities.

You may prior to certification of assessment to the County Auditor, pay the entire assessment. If the assessment is not prepaid before October 13, 2011, the rate of eight percent (8%) interest or a charge of \$25.00, whichever is greater, will be applied to the assessment balance. The assessment will be due in full for the taxes payable 2012 calendar year.

The proposed assessment roll is on file for public inspection at the Finance Director's office. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may, upon such notice, consider any objection to the amount of a proposed individual assessment to the affected owners as it deems advisable.

Sharon Lumby, City Clerk

Publish in the September 28, 2011 Oakdale-Lake Elmo Review



MAYOR & COUNCIL COMMUNICATION

DATE: 9/6/11 10/4/11
REGULAR
ITEM #: 12
MOTION

AGENDA ITEM: Special Event Permit Ordinance – Revised Ordinance Limiting Scope to Larger Events Only

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: David Synder, City Attorney
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider and adopt a new ordinance to regulate special events within the City of Lake Elmo. A draft ordinance concerning special events, as recommended by the Planning Commission, was presented to the City Council on December 7, 2010 but was not acted upon by the Council at this time. After subsequent discussion by the Council, it was decided to revisit this ordinance with the direction that the regulations should only apply to larger events.

Based on the work that was done with the Planning Commission late last year, Staff is recommending that the City Council reconsider the ordinance as originally drafted by the Planning Commission, but with a specific notation that a special event would only include those events at which more than 100 people in a given day would be present. Should the Council decide that a "larger event" comprises more people than this (or if the Council would like to consider an alternate definition for a larger event), the proposed ordinance could be revised accordingly.

The recommended motions to act on this are as follows:

"Move to adopt Ordinance No. 08-053 adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo"

"Move to adopt Resolution No. 2011-36 authorizing summary publication of Ordinance 08-053"

BACKGROUND INFORMATION: A Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis and is intended to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate

provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

Based on the direction from the Council as noted above, Staff has attached the proposed draft ordinance in addition to the Staff report presented to the Council back in December of 2011. This report contains a summary of the Ordinance, some of the background concerning its preparation, and the Planning Commission's recommendation to approve the Ordinance.

RECOMMENDATION: Based upon the above background information and Staff report, the Planning Commission and Staff recommend that the City Council adopt the proposed Special Event Permit Ordinance, which has been drafted to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods, by undertaking the following action:

"Move to adopt Ordinance No. 08-053 adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo"

"Move to adopt Resolution No. 2011-36 authorizing summary publication of Ordinance 08-053"

Alternatively, as this is a City-initiated action, the City Council may make changes to the document as drafted by the Planning Commission or may table taking action of the request to solicit additional feedback from Staff. The Council may also choose to not adopt the proposed ordinance if it finds that Special Events should not be regulated within the City of Lake Elmo.

ATTACHMENTS

1. Ordinance 2011-053– Special Event Permits
2. Resolution 2011-36 (Authorizing summary publication)
3. City Council Report Dated 12/7/10

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
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-054

**AN ORDINANCE ADDING TO THE LAKE ELMO CITY CODE OF ORDINANCES BY
ADDING TO CHAPTER 110 OF THE BUSINESS REGULATIONS: BUSINESS
REGULATIONS TO PROMOTE THE ORDERLY, COMPATIBLE AND SAFE USE OF
PROPERTY FOR TEMPORARY SPECIAL EVENTS AND TO ASSURE ADEQUATE
PROVISION OF PARKING, TRAFFIC, SANITARY FACILITIES, UTILITIES, PEACE
AND TRANQUILITY OF RESIDENTIAL NEIGHBORHOODS AND SAFETY
SERVICES**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XI: Business Regulations; Chapter 110 – General Licensing Provisions, by adding the following language:

§ 110.070 SPECIAL EVENT PERMITS.

(A) *Purpose and intent.* The purpose of this Chapter is to promote the orderly, compatible and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, peace and tranquility of residential neighborhoods and safety services.

(B) A Special Event shall include the following:

(1) Any temporary, privately-sponsored event, typically conducted outdoors, open to the general public, held on public or privately owned property that will be attended by over 100 people within a 24-hour period where such event would not otherwise be permitted under the City's zoning regulations.

(2) An Agricultural Sales Business as defined in Section 11.01 that is conducted for less than three (3) months in any calendar year. A Special Event Permit for an Agricultural Sales Business may be issued once per year and for no more than two consecutive years.

(C) Exceptions: "Special Event" shall not apply to the following:

(1) Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, or fairs conducted pursuant to Minn. Stats. Chapter 38.

(2) Special events or activities permitted or permitted by other State laws or regulations of the City of Lake Elmo, including publicly-sponsored activities in the local park system and any other lawfully established event for which the City Council has expressly

granted approval prior to adoption of this ordinance, unless said event is expanded or enlarged, in which case a Special Event Permit will be required.

(3) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, etc.

(4) Garage sales

(5) National Night-Out or Night-to-Unite established through the City of Lake Elmo.

(D) Permit Required

(1) No person on or after the effective date of this Chapter shall conduct or allow to be conducted any special event as defined in this ordinance without first obtaining a Special Event Permit.

(E) Requirements for Issuance of a Permit

(1) The following standards shall apply to all special events:

(a) Maximum Number of People. The permittee shall not sell tickets to nor permit attendance at the permit location of more than the maximum number of people stated in the special event permit.

(b) Sound Equipment. Sound producing equipment, including but not limited to public address systems, radios, amplifiers, musical instruments and other recording and playback devices, shall not be operated on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to the peace and tranquility of the citizens of Lake Elmo.

(c) Sanitary Facilities. In accordance with Minnesota State Board of Health regulations and standards and local specifications, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of persons expected to attend the event.

(d) Security. The permittee shall employ at his/her own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless Washington County Sheriff's Department is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.

(e) Food Service. The operator of the special event shall be responsible for securing any permits, if necessary, from the Washington County Health Department for any food services that are made available on the premises.

(f) Fire Protection. The permittee shall, at his/her own expense, take adequate steps to insure fire protection as determined by the City of Lake Elmo Fire Chief.

(g) Duration of Special Event. The permittee shall operate the special event only on those days and during the hours specified on the permit.

(h) Cleanup Plan. The special event applicant is responsible for clean up of the site upon completion of the special event, and shall specify the amount of time anticipated to restore the site to its pre-event condition as part of an application. Any clean up or restoration work required by the City may be charged to the applicant. Any City service that requires overtime will be at the expense of the applicant.

(i) Waiver. The City Council, or City Administrator for those permits that are subject to an administrative review and approval process, may grant a waiver from the requirements of this Chapter in any particular case where the applicant can show that strict compliance with this Chapter would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this Chapter unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.

(j) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance and property damage insurance with limits determined by the City Administrator if reasonably determined necessary. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the City Clerk in writing at least ten (10) days before the expiration or cancellation of said insurance.

(k) Miscellaneous. Prior to the issuance of a permit, the City Council, or City Administrator for those permits that are subject to an administrative review and approval process, may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons, attendant or of the citizens of the City of Lake Elmo including, but not limited to, restrictions on parking and vehicle access, lighting, litter and noise.

(2) In addition to the requirements listed above, the following shall also apply to a Special Event Permit for an Agricultural Sales Business:

(a) All performance standards as specified in Section 154.110 for Agricultural Sales Businesses. The City Council, or City Administrator for those permits that are subject to an administrative review and approval process, may exempt the applicant from any of these standards that are deemed unnecessary given the nature or duration of the event.

(F) Application Procedures.

(1) A written application for a Special Event Permit shall be filed on forms provided by the City with the City Administrator not less than thirty (30) days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or

parties conducting the event and the property owner, if different, and shall be accompanied by the fee payable hereunder. Upon submission of an application for a Special Event Permit, City staff will review the request and advise the applicant of the need for additional information, if any.

(G) Fees

- (1) The fee for a Special Event Permit shall be as established by the City Council.

(H) Granting a Permit

(1) Administrative Review and Approval. The City Administrator, or his/her designee, shall review and determine whether or not a request for a special event and/or street closing is acceptable. The City Administrator shall have the authority to issue Special Event Permits for those events that meet the criteria of this Ordinance. In the event the City Administrator determines the activity does not meet these criteria, such applications shall be referred to the City Council for consideration.

(2) City Council Review and Approval. The City Administrator shall refer any application for a Special Event Permit that may adversely affect the safety, health and welfare of the citizens of Lake Elmo due to the size, location, or potential impacts of the event to the City Council for final action.

(J) Denial of Permit

(1) The City Council shall have the right to deny the permit if, in the judgment of the City Council, the granting of a permit would adversely affect the safety, health and welfare of the citizens of Lake Elmo or if other criteria herein are not met. The applicant shall be notified of such denial and may appear before the City Council to appeal such denial.

(K) Transferability

(1) No permit granted under this Chapter shall be transferred to any other person or place without consent of the City Council, upon written application made therefore.

(L) Enforcement and Penalties

(1) The City Administrator and other such officers, employees, or agents as the City Council or City Administrator may designate, shall enforce the provisions of this Chapter in accordance with Section 10.99 of the City Code.

(2) The holding of a special event in violation of any provision of this Chapter shall be deemed a public nuisance and may be abated as such.

(3) Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

(M) Revocation of Permit

(1) The permit for a special event may be revoked by the City Council at any time if any of the conditions necessary for the issuing of or contained in the permit are not complied with or if any of the provisions of this Chapter are violated.

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. 08-054 was adopted on this 4th day of October, 2011 by a vote of ____ Ayes and ____ Nays.

Mayor Dean A. Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-054 was published on the ____ day of _____, 2011.

CITY OF LAKE ELMO

RESOLUTION NO. 2011-043

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-054 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-054, an ordinance to regulate Special Events within the City of Lake Elmo to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-054 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-054. The ordinance amends Title XI of the City Code, Business Regulations, and adds a new section concerning Special Events to Chapter 110 – General Licensing Provisions. Any activity defined as a Special Event will need to secure a Special Event Permit from the City in accordance with the ordinance. The Ordinance defines a Special Event as either: 1) any temporary, privately-sponsored event, typically conducted outdoors, open to the general public and held on public or privately owned property, that will be attended by over 100 people within a 24-hour period, where such event would not otherwise be permitted under the City's zoning regulations, or 2) an Agricultural Sales Business as defined in Section 11.01 that is conducted for less than three months in any calendar year.

Other provisions in the Ordinance include a list of exceptions, permit requirements, application procedures, process for granting a permit, and enforcement and penalties.

The full text of Ordinance No.08-054 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean A. Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 2011.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 14
MOTION *Resolution No. 2010-073*
Ordinance No. 08-034

AGENDA ITEM: Consider Adoption of Special Event Permit Ordinance

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: David Synder, City Attorney
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to review and, if appropriate, affirmatively consider a new ordinance to regulate special events within the City of Lake Elmo. A Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis, is intended to promote the orderly, compatible, and safe use of property for temporary special events, and is designed to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

Should the City Council wish to go further than a review at tonight's meeting, the recommended motions to act approve the proposed Ordinance are as follows:

SUGGESTED "Move to adopt Ordinance No. 08-034 adding provisions to the Lake
MOTIONS: *Elmo City Code to regulate special events within the City of Lake Elmo"*

*"Move to adopt Resolution No. 2010-073 authorizing summary
publication of Ordinance 08-034"*

BACKGROUND INFORMATION: This ordinance was first brought forward as a follow-up to several requests for events within the City of Lake Elmo that would normally not be allowed under the City's zoning regulations. The most significant of these events was a Rowing Regatta on Lake Elmo that was ultimately permitted in the absence of any formal regulations concerning such events (and also due to the fact that the event took place on a public water body and within the regional park preserve).

Staff has over the past several years also received requests for a "pet carnival" and other such events, as well as promotions by local businesses. This ordinance is very similar to a document that was reviewed by the Planning Commission more than a year ago, but never further refined or adopted by the City.

One of the more significant changes to the proposed ordinance since the version previously reviewed by Planning Commission has been the addition of a new category of special events for Agricultural Sales Businesses. Specifically, the Ordinance now includes a provision that would allow an Agricultural Sales Business that is conducted for a period of three months or less to be permitted by a Special Event Permit. The ordinance would allow such a permit to be issued for two consecutive years; otherwise, any agricultural sales businesses operating for a longer term would need to obtain an Interim Use Permit in accordance with recent amendments to the City Code.

The Agricultural Sales provision is a direct result of recent discussions and action by the Planning Commission and City Council regarding agricultural businesses. The proposed ordinance would provide an alternate to a full interim use permit in cases where a grower or importer would like to sell agricultural products for a limited time. As an example of how this permit would be applied is a situation in which a grower needs to supplement the sales of their produce grown on-site, due to the loss of a crop due to bad weather or other unforeseen circumstances.

The proposed ordinance does include several exemptions for events sponsored by a public entity, events that take place in an athletic field, family gatherings, and other such activities.

ADDITIONAL INFORMATION: The model used for the draft ordinance was taken from the City of North St. Paul. This ordinance was chosen as it was fairly broad in terms of its coverage, while some other examples staff researched were very specific to certain types of events. This broad and simple ordinance will be easier to administer, as Lake Elmo currently has just a few events to which the permit may pertain.

City History - In 2006 the Council approved an ordinance allowing Commercial Social Outdoor Events as a conditional use in the agricultural zoning district, which it then repealed in April of 2007. A Special Event Permit is different than the Commercial Social Outdoor Events in the following ways:

- 1) A Special Event Permit would be required and reviewed for each event and would not guarantee a future permit would be received by the applicant or property owner. A Commercial Social Outdoor event was established as a Conditional Use Permit (CUP) and would have run with the property in perpetuity.
- 2) The City Council would have the discretion to deny a Special Event Permit. If a CUP was received and the conditions of a Commercial Social Outdoor Event were being met, the City would have a difficult time revoking the permit.

- 3) A Special Event Permit would not necessarily be based on a zoning district. A CUP for a Commercial Social Outdoor Event was allowed only in the Agricultural zoning district.
- 4) Special Event Permit could be intended to regulate temporary, outdoor privately-sponsored events open to the general public, held on public or privately-owned property, and impacting city facilities or services. The draft ordinance provided identifies specific gathering types that would not require a permit, such as a wedding. The only application received by the City to implement the Commercial Social Outdoor Event ordinance was to hold weddings on a property in the city.

Should the City Council adopt the propose ordinance as prepared by the Planning Commission, the Council will need to determine the fees for this type of permit. Because the 2011 Fee Schedule will be considered by the Council at its next meeting, Staff is recommending that the fees for Special Events be addressed with other fees at the Council's subsequent meeting.

Part of the justification for requiring a Special Event Permit for certain events is to help ensure that any potential public costs associated with the event are properly addressed. As noted in the attached ordinance, the City may charge for any required clean-up from the event, and provisions are included that require the applicant to provide adequate police, fire, and sanitary services during the duration of the event.

PLANNING COMMISSION REPORT: The Planning Commission conducted a public hearing regarding the proposed Special Event Permit Ordinance at its November 8, 2010 meeting. No public comments were received at the meeting; however, the Commission tabled taking action on the Ordinance and requested that Staff review the Ordinance with the City Attorney before making its recommendation to the City Council. Staff reviewed the proposed ordinance with the City Attorney and City Administrator in order to provide some clarity concerning the intent of the ordinance, and based on these discussions, suggested that the following modifications be made to the ordinance:

- That special events that last less than three consecutive days be permitted through an administrative review process rather than requiring action by the City Council.
- That a special event permit be required for non-profit organizations in addition to other property owners. The intent of the proposed ordinance is to ensure that larger events do not create any problems that may negatively impact the public or result in costs that must be born by the City. Whether an event is sponsored by a private business or non-profit entity, requiring a special event permit can help the City reduce the potential for any unforeseen costs or impacts. The Attorney has offered an opinion that private clubs should not be regulated differently than a for-profit business.

- That the provisions related to exceptions specifically state that only activities that have been previously authorized by the City are exempt from the ordinance, and that if expanded or enlarged, these events would need to secure a permit.

The Commission considered these changes, and ultimately recommended further modifications to allow the City Administer to approve all Special Event Permits, with a provision that allows the Administrator to refer permits to the Council as necessary. Staff has further clarified the review requirements in the draft ordinance so that all denials must be made by the City Council.

The City Attorney has noted that the City could try to define a threshold for small events based on experience, such as by reference to an event that is known to bring in less than 30 people but does not implicate public infrastructure, traffic, etc. In looking back at previous events that were conducted in the City that would be considered a special event under the proposed ordinance, Staff has been unable to identify any specific type of activity that would seem to have met this threshold.

The Attorney has also suggested that the Planning Commission and City Council may want to consider special events that have occurred in the past to determine if they can be used as a guide concerning any problems that arose and how these issues may have been addressed. Some typical problems include traffic back-ups, informal road closures, late night noise, minor trespassing, insufficient restrooms, and other similar occurrences.

Staff has made other minor revisions to the ordinance based on comments from the Planning Commissions, and all changes and revisions recommended by the Planning Commission are included in the attached ordinance.

The Planning Commission unanimously recommended approval of the Special Event Ordinance at its November 22, 2010 meeting.

RECOMMENDATION: Based upon the above background information and Staff report, the Planning Commission and Staff recommend that the City Council review the proposed Ordinance at tonight's meeting. If appropriate, the Council may also consider adoption of the proposed Special Event Permit Ordinance, which has been drafted to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

Should the City Council wish to go further than a review at tonight's meeting, the recommended motions to act approve the proposed Ordinance are as follows:

**SUGGESTED
MOTIONS:**

"Move to adopt Ordinance No. 08-034 adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo"

***"Move to adopt Resolution No. 2010-073 authorizing summary
publication of Ordinance 08-034"***

Alternatively, as this is a City-initiated action, the City Council may make changes to the document as drafted by the Planning Commission or may table taking action of the request to solicit additional feedback from the community and staff. The Council may also choose to not adopt the proposed ordinance, if it finds that Special Events should not be regulated within the City of Lake Elmo. Should any changes be made during tonight's review, the recommended revised motions for consideration would be:

"Move to adopt Ordinance No. 08-034 adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo [as amended at tonight's meeting]."

"Move to adopt Resolution No. 2010-073 authorizing summary publication of Ordinance 08-034 [as amended at tonight's meeting]."

ATTACHMENTS

1. Ordinance 2008-034 – Special Event Permits
2. Resolution 2010-073 (Authorizing summary publication)

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 Facilitates
- Action on Motion Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 14
MOTION *Resolution No. 2010-073*
Ordinance No. 08-034

AGENDA ITEM: Consider Adoption of Special Event Permit Ordinance

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: David Synder, City Attorney
Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to review and, if appropriate, affirmatively consider a new ordinance to regulate special events within the City of Lake Elmo. A Special Event Permit is intended to provide some regulation of temporary events on a case-by-case basis, is intended to promote the orderly, compatible, and safe use of property for temporary special events, and is designed to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

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The Planning Commission unanimously recommended approval of the Special Event Ordinance at its November 22, 2010 meeting.

RECOMMENDATION: Based upon the above background information and Staff report, the Planning Commission and Staff recommend that the City Council review the proposed Ordinance at tonight's meeting. If appropriate, the Council may also consider adoption of the proposed Special Event Permit Ordinance, which has been drafted to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods.

Should the City Council wish to go further than a review at tonight's meeting, the recommended motions to act approve the proposed Ordinance are as follows:

**SUGGESTED
MOTIONS:**

"Move to adopt Ordinance No. 08-034 adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo"

***“Move to adopt Resolution No. 2010-073 authorizing summary
publication of Ordinance 08-034”***

Alternatively, as this is a City-initiated action, the City Council may make changes to the document as drafted by the Planning Commission or may table taking action of the request to solicit additional feedback from the community and staff. The Council may also choose to not adopt the proposed ordinance, if it finds that Special Events should not be regulated within the City of Lake Elmo. Should any changes be made during tonight's review, the recommended revised motions for consideration would be:

“Move to adopt Ordinance No. 08-034 adding provisions to the Lake Elmo City Code to regulate special events within the City of Lake Elmo [as amended at tonight's meeting].”

“Move to adopt Resolution No. 2010-073 authorizing summary publication of Ordinance 08-034 [as amended at tonight's meeting].”

ATTACHMENTS

1. Ordinance 2008-034 – Special Event Permits
2. Resolution 2010-073 (Authorizing summary publication)

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 Facilitates
- Action on Motion Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 10/4/2011

REGULAR

ITEM #: 13

MOTION

AGENDA ITEM: Downtown District Sidewalk Maintenance – Reconsider Project, Increase the Scope of Work, and Award of Contract

SUBMITTED BY: Ryan Stempiski, Assistant City Engineer

THROUGH: Bruce A. Messelt, City Administrator *BAM*

REVIEWED BY: Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to reconsider the Downtown District Sidewalk Maintenance work and award a contract to Parkos Construction in the amount of \$43,600.45. This includes an expanded work scope with an additional 240 feet of sidewalk maintenance south of the UP Railroad Tracks along the west side of Lake Elmo Avenue.

BACKGROUND INFORMATION AND STAFF REPORT: The City Council rejected the bids for the Downtown District Sidewalk Maintenance work on September 20, 2011, and expressed an interest in expanding the scope of work to include the additional 240 feet of sidewalk south of the UP Railroad Tracks. It was anticipated that staff would obtain quotes for reconsideration of the expanded project with the work to be completed in the spring of 2012. The bid rejected was from Sheehy Construction in the amount of \$48,923. Staff provided the council a rough estimate for the expanded work scope of \$8,000+/-.

Following the September 20th Council Meeting, staff contacted a few contractors regarding the project work and schedule. It was clarified with interested contractors that if a contract were awarded on October 4, 2011, the project could be completed this year. With that information, staff updated the contract documents to include the additional work scope and changed the project completion date from October 21st to October 28th. Contractor quotes were requested and two quotes were received. Parkos Construction submitted a quote in the amount of \$43,600.45 which includes \$6,782.76 for the additional work. Sheehy Construction submitted a quote in the amount of \$49,367.00 which includes \$6,866.00 for the additional work.

Should the Council choose to award the project; staff will issue the Notice to Proceed to the selected Contractor. Downtown Businesses will be notified of the start of work and a Pre-

Construction Meeting will be held with the Contractor to coordinate the project schedule and logistics. The updated completion date for this Contract is October 28, 2011.

The Downtown District Sidewalk Maintenance work consists of various existing sidewalk safety and maintenance improvements along both sides of Lake Elmo Avenue from approximately 240 feet south of the Union Pacific (UP) Railroad tracks to Trunk Highway 5. The work will serve to mitigate several safety hazards, drainage corrections, and pavement distresses. Several sidewalk panels are uneven, which creates an unsafe tripping hazard for pedestrians. Some panels contain distresses that require complete replacement. The sidewalk in front of 3476 Lake Elmo Avenue has shifted and now directs water to the basement of the building. The proposed repairs will consist of crack sealing sidewalk panels, saw cutting trip hazards to a smooth edge, patch spawl areas, remove and replace complete panels, and panel overlays.

FUNDING: If a contract is awarded, this project will be jointly funded by the City and Washington County. Washington County has agreed to reimburse the City for 50% of the total project costs, except for the added work south of the UP Railroad. The total estimated project cost is \$55,000, with a County participation amount estimated to be roughly \$24,000. The City share would be funded through the Infrastructure Reserve Fund.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider awarding a Construction Contract to Parkos Construction. The suggested motion to approve this action is as follows:

“Move to Approve the Award of a Contract to Parkos Construction in the amount of \$43,600.45 for the Downtown District Sidewalk Maintenance Project.”

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 the Award of a Contract to Parkos Construction in the amount of \$43,600.45 for the Downtown District Sidewalk Maintenance Project *[as amended and/or modified at tonight's meeting].*”

ATTACHMENTS:

1. Parkos Construction Quote
2. Sheehy Construction Quote
3. Project Manual (available upon request at City Hall)

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item/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

**CONSTRUCTION CONTRACT FOR THE
DOWNTOWN DISTRICT SIDEWALK MAINTENANCE PROJECT**

This Contract, made this 27th day of September 2011, by the City of Lake Elmo, Minnesota (hereinafter called the "Owner") and Parkos Construction (hereinafter called the "Contractor").

WITNESSETH that the parties hereto agree as follows:

(A) The Contractor shall provide all labor, services, materials, equipment and machinery, transportation, tools, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities, and all other facilities and incidentals, including profit and overhead, necessary for the performance, testing, start-up, and completion of the work as described herein:

DESCRIPTION OF WORK:

The scope of work under this contract is for a complete project in accordance with the plans and specifications for the Downtown District Sidewalk Maintenance Project, dated September 6, 2011. The work is to be done on the existing sidewalks in the Downtown Area located along Lake Elmo Avenue and in accordance with the project manual Location Maps. **An additional 240 feet of sidewalk located south of the Union Pacific Railroad Tracks and along the west side of Lake Elmo Avenue has been added to the scope of work (not shown in the Location Maps).** The project maintenance work includes crack sealing, sawing of trip hazards, spawling repair, panel replacement, and concrete overlay per the attached specifications and drawings. All disturbed areas are to be restored to preconstruction conditions and all construction debris is to be removed after completion of the project. Contractor must keep working areas clean and maintain access to property owners at all times.

Actual quantities will be measured and paid per the unit price provided in the quote form completed by the Contractor. No additional work in excess of the estimated quantities listed on the quote form will be paid unless approved by the City of Lake Elmo, prior to the work being completed.

All work shall be completed within the specified time frame and under the terms and conditions provided within this Construction Contract, and in accordance with the "General Conditions" shown in this contract. The contractor shall complete the proposed work by October 28, 2011.

The Owner will make payment for the whole contract upon acceptance by the Owner of all work required hereunder and in compliance with all the terms and conditions of this contract.

TOTAL PROJECT COST (INSERT FROM QUOTE FORM): \$43,600.45

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date first above written.

Parkos Construction
(Contractor)

(City of Lake Elmo)

GENERAL CONDITIONS

- I. **CHANGES IN WORK.** - The Owner may at any time, make changes in the drawings and specifications, within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract or in the time required for its performance, an equitable adjustment will be made, and this contract will be modified accordingly by a "Contract Change Order". No charge for any extra work or material will be allowed unless the same has been ordered on such contract change order by the Owner and the price therefore stated in the order.
- II. **INSPECTION OF WORK.** - All materials and workmanship will be subject to inspection, examination, and test, by the Owner, who will have the right to reject defective material and workmanship or require its correction.
- III. **COMPLETION OF WORK.** - If the Contractor refuses or fails to complete the work within the time specified in paragraph B of this contract, or any extension thereof, the Owner may terminate the Contractor's rights to proceed. In such event the Owner may take over the work and prosecute the same to completion by contract or otherwise, and the Contractor will be liable for any excess cost occasioned the Owner thereby; and the Owner may take possession of and utilize in completing the work such materials and equipment as may be on the site of the work and necessary therefore. If the Owner does not terminate the right of the Contractor to proceed, the Contractor will continue the work, in which event, actual damages for delay will be impossible to determine, and in lieu thereof, the Contractor may be required to pay to the Owner the sum of \$100 as liquidated damages for each calendar day of delay, and the Contractor will be liable for the amount thereof. Provided, however, that the right of the Contractor to proceed will not be terminated because of delays in the completion of the completion of the work due to unforeseeable causes beyond the Contractor's control and without Contractor's fault or negligence.
- IV. **RELEASES.** - Prior to final payment, the Contractor will submit evidence that all payrolls, material bills, and other indebtedness connected with the work have been paid as required by the Owner.
- V. **OBLIGATION TO DISCHARGE LIENS.** - Acceptance by the Owner of the completed work performed by the Contractor and payment therefore by the Owner will not relieve the Contractor of obligation to the Owner (which obligation is hereby acknowledged) to discharge any and all liens for the benefit of subcontractors, laborers, material-person, or any other persons performing labor upon the work or furnishing material or machinery for the work covered by this contract, which have attached to or may subsequently attach to the property, or interest of the Owner.
- VI. **NOTICES AND APPROVAL IN WRITING.** - Any notice, consent, or other act to be given or done hereunder will be valid only if in writing.
- VII. **CLEANING UP.** - The Contractor shall keep the premises free from accumulation of waste material and rubbish and at the completion of the work shall remove from the premises all rubbish, implements and surplus materials.
- VIII. **WARRANTY.** - Contractor warrants and guarantees that title to all work, materials, and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to Owner no later than the time of payment free and clear of all Liens. If within one year after completion of the work, any work is found to be defective, Contractor shall promptly, without cost to the Owner, correct such defective work as approved by the Owner.
- IX. **IDEMNIFICATION.** - Contractor shall defend and indemnify the city against claims brought or actions filed against the city or any of its officers, employees or agents for property damage, bodily injury or death to third persons, arising out of or relating to contractors work under the contract.
- X. **WORKERS' COMPENSATION INSURANCE.** - Contractor shall provide a certificate of insurance showing evidence of workers' compensation coverage or provide evidence of qualification as a self-insurer of workers' compensation.
- XI. **LIABILITY INSURANCE REQUIREMENTS.** - A certificate of insurance acceptable to the City shall be filed with the City prior to the commencement of the work. The certificate and the required insurance policies shall contain a provision that the coverage afforded under the contract will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the city. Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$1,000,000 each occurrence and an aggregate limit of not less than \$2,000,000. The CGL insurance shall cover liability arising from premises, operations, independent contractors, subcontractors, products-completed operations, personal injury and advertising injury, and contractually-assumed liability. The city shall be named as an additional insured under the CGL. Contractor shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,000,000 each accident and an aggregate limit of not less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.

CITY OF LAKE ELMO DOWNTOWN SIDEWALK MAINTENANCE
QUOTE FORM FOR ESTIMATED QUANTITIES

September 23, 2011

ADDRESS	CRACK SEAL (LF)	SAW CUT TRIP HAZARD (LF)	SPAWL PATCH (SF)	PANEL REPLACEMENT (SF)	PANEL OVERLAY (SF)
3610 LAKE ELMO AVENUE	10	30	81		
3549 LAKE ELMO AVENUE	31	18		72	
3537 LAKE ELMO AVENUE	36	28	5		
3521 LAKE ELMO AVENUE	8	13	2	63	
3515 LAKE ELMO AVENUE	39	16	1	77	
3511 LAKE ELMO AVENUE	7	25	24	438	
3479 LAKE ELMO AVENUE	22		5	96	
3476 LAKE ELMO AVENUE					585
3459 LAKE ELMO AVENUE	9	30			
3442 LAKE ELMO AVENUE				60	
3394 LAKE ELMO AVENUE	26	2		16	
3390 LAKE ELMO AVENUE	7				
ADDED WORK S OF UP RR TRACKS	42	16		264	
TOTAL ESTIMATED QUANTITY	237 LF	178 LF	118 SF	1086 SF	585 SF

UNIT PRICE (PROVIDED BY CONTRACTOR)	23.54	19.26	37.12	20.78	13.07
	5,578.98	3,428.28			7,645.95
TOTAL ESTIMATED COST (FOR EACH TYPE OF CORRECTION)	4,890	3,120	4,380	22,567	7,620

TOTAL ESTIMATED COST FOR PROJECT
(INSERT TOTAL PROJECT COST ON
PAGE 1 OF THE CONSTRUCTION
CONTRACT)

42,277.00

#43,600.45

**CONSTRUCTION CONTRACT FOR THE
DOWNTOWN DISTRICT SIDEWALK MAINTENANCE PROJECT**

This Contract, made this 26 day of September 2011, by the City of Lake Elmo, Minnesota (hereinafter called the "Owner") and Sheehy Construction (hereinafter called the "Contractor").

WITNESSETH that the parties hereto agree as follows:

(A) The Contractor shall provide all labor, services, materials, equipment and machinery, transportation, tools, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities, and all other facilities and incidentals, including profit and overhead, necessary for the performance, testing, start-up, and completion of the work as described herein:

DESCRIPTION OF WORK:

The scope of work under this contract is for a complete project in accordance with the plans and specifications for the Downtown District Sidewalk Maintenance Project, dated September 6, 2011. The work is to be done on the existing sidewalks in the Downtown Area located along Lake Elmo Avenue and in accordance with the project manual Location Maps. **An additional 240 feet of sidewalk located south of the Union Pacific Railroad Tracks and along the west side of Lake Elmo Avenue has been added to the scope of work (not shown in the Location Maps).** The project maintenance work includes crack sealing, sawing of trip hazards, spawling repair, panel replacement, and concrete overlay per the attached specifications and drawings. All disturbed areas are to be restored to preconstruction conditions and all construction debris is to be removed after completion of the project. Contractor must keep working areas clean and maintain access to property owners at all times.

Actual quantities will be measured and paid per the unit price provided in the quote form completed by the Contractor. No additional work in excess of the estimated quantities listed on the quote form will be paid unless approved by the City of Lake Elmo, prior to the work being completed.

All work shall be completed within the specified time frame and under the terms and conditions provided within this Construction Contract, and in accordance with the "General Conditions" shown in this contract. The contractor shall complete the proposed work by October 28, 2011.

The Owner will make payment for the whole contract upon acceptance by the Owner of all work required hereunder and in compliance with all the terms and conditions of this contract.

TOTAL PROJECT COST (INSERT FROM QUOTE FORM): \$49,367.00

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date first above written.


(Contractor) Daniel M. Krause, President

(City of Lake Elmo)

GENERAL CONDITIONS

- I. **CHANGES IN WORK.** - The Owner may at any time, make changes in the drawings and specifications, within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract or in the time required for its performance, an equitable adjustment will be made, and this contract will be modified accordingly by a "Contract Change Order". No charge for any extra work or material will be allowed unless the same has been ordered on such contract change order by the Owner and the price therefore stated in the order.
- II. **INSPECTION OF WORK.** - All materials and workmanship will be subject to inspection, examination, and test, by the Owner, who will have the right to reject defective material and workmanship or require its correction.
- III. **COMPLETION OF WORK.** - If the Contractor refuses or fails to complete the work within the time specified in paragraph B of this contract, or any extension thereof, the Owner may terminate the Contractor's rights to proceed. In such event the Owner may take over the work and prosecute the same to completion by contract or otherwise, and the Contractor will be liable for any excess cost occasioned the Owner thereby; and the Owner may take possession of and utilize in completing the work such materials and equipment as may be on the site of the work and necessary therefore. If the Owner does not terminate the right of the Contractor to proceed, the Contractor will continue the work, in which event, actual damages for delay will be impossible to determine, and in lieu thereof, the Contractor may be required to pay to the Owner the sum of \$100 as liquidated damages for each calendar day of delay, and the Contractor will be liable for the amount thereof: Provided, however, that the right of the Contractor to proceed will not be terminated because of delays in the completion of the completion of the work due to unforeseeable causes beyond the Contractor's control and without Contractor's fault or negligence.
- IV. **RELEASES.** - Prior to final payment, the Contractor will submit evidence that all payrolls, material bills, and other indebtedness connected with the work have been paid as required by the Owner.
- V. **OBLIGATION TO DISCHARGE LIENS.** - Acceptance by the Owner of the completed work performed by the Contractor and payment therefore by the Owner will not relieve the Contractor of obligation to the Owner (which obligation is hereby acknowledged) to discharge any and all liens for the benefit of subcontractors, laborers, material-person, or any other persons performing labor upon the work or furnishing material or machinery for the work covered by this contract, which have attached to or may subsequently attach to the property, or interest of the Owner.
- VI. **NOTICES AND APPROVAL IN WRITING.** - Any notice, consent, or other act to be given or done hereunder will be valid only if in writing.
- VII. **CLEANING UP.** - The Contractor shall keep the premises free from accumulation of waste material and rubbish and at the completion of the work shall remove from the premises all rubbish, implements and surplus materials.
- VIII. **WARRANTY.** - Contractor warrants and guarantees that title to all work, materials, and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to Owner no later than the time of payment free and clear of all Liens. If within one year after completion of the work, any work is found to be defective, Contractor shall promptly, without cost to the Owner, correct such defective work as approved by the Owner.
- IX. **IDEMNIFICATION.** - Contractor shall defend and indemnify the city against claims brought or actions filed against the city or any of its officers, employees or agents for property damage, bodily injury or death to third persons, arising out of or relating to contractors work under the contract.
- X. **WORKERS' COMPENSATION INSURANCE.** - Contractor shall provide a certificate of insurance showing evidence of workers' compensation coverage or provide evidence of qualification as a self-insurer of workers' compensation.
- XI. **LIABILITY INSURANCE REQUIREMENTS.** - A certificate of insurance acceptable to the City shall be filed with the City prior to the commencement of the work. The certificate and the required insurance policies shall contain a provision that the coverage afforded under the contract will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the city. Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$1,000,000 each occurrence and an aggregate limit of not less than \$2,000,000. The CGL insurance shall cover liability arising from premises, operations, independent contractors, subcontractors, products-completed operations, personal injury and advertising injury, and contractually-assumed liability. The city shall be named as an additional insured under the CGL. Contractor shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,000,000 each accident and an aggregate limit of not less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.

CITY OF LAKE ELMO DOWNTOWN SIDEWALK MAINTENANCE
 QUOTE FORM FOR ESTIMATED QUANTITIES

September 23, 2011

ADDRESS	CRACK SEAL (LF)	SAW CUT TRIP HAZARD (LF)	SPAWL PATCH (SF)	PANEL REPLACEMENT (SF)	PANEL OVERLAY (SF)
3610 LAKE ELMO AVENUE	10	30	81		
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3511 LAKE ELMO AVENUE	7	25	24	438	
3479 LAKE ELMO AVENUE	22		5	96	
3476 LAKE ELMO AVENUE					585
3459 LAKE ELMO AVENUE	9	30			
3442 LAKE ELMO AVENUE				60	
3394 LAKE ELMO AVENUE	26	2		16	
3390 LAKE ELMO AVENUE	7				
ADDED WORK S OF UP RR TRACKS	42	16		264	
TOTAL ESTIMATED QUANTITY	237 LF	178 LF	118 SF	1086 SF	585 SF

UNIT PRICE (PROVIDED BY CONTRACTOR)	\$49.00 LF	\$20.00 LF	\$64.00 SF	\$17.00 SF	\$16.00 SF
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TOTAL ESTIMATED COST (FOR EACH TYPE OF CORRECTION)	\$11,613.00	\$3,560.00	\$6,372.00	\$18,462.00	\$9,360.00
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TOTAL ESTIMATED COST FOR PROJECT
 (INSERT TOTAL PROJECT COST ON
 PAGE 1 OF THE CONSTRUCTION
 CONTRACT)

\$49,367.00



MAYOR & COUNCIL COMMUNICATION

DATE: 10/4/2011
REGULAR
ITEM #: 14
MOTION

AGENDA ITEM: Kindred Court Drainage Corrections – Award Contract

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce A. Messelt, City Administrator

BAM

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works Superintendent
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider the award of a contract for the Kindred Court Drainage Corrections. Contractor quotes will be received by the City Engineer on Monday, October 3, 2011. Quotes have been requested from T.A. Schifsky & Sons, Inc. and Hardrives, Inc. and a recommendation for award may be presented at the October 4, 2011 City Council Meeting.

BACKGROUND INFORMATION AND STAFF REPORT: The Kindred Court Drainage Corrections are needed to restore positive drainage to a section of roadway that retains storm water runoff. The storm water ponding along the roadway edge has created significant deterioration of the street and results in an icing safety hazard during the winter months. The ponding is a result of a localized roadway settlement in a relatively flat graded area.

At the June 7, 2011, City Council Meeting, the City Engineer was authorized to prepare Plans and Specifications and to obtain quotes to correct this issue. The Plans and Specifications were completed and distributed to local qualified contractors. An onsite meeting was held with T.A. Schifsky & Sons, Inc. and Hardrives, Inc. to review the project scope and identify expectations for the project. Both contractors expressed interest in the project and expressed the ability to complete the work this year.

A project budget was provided at the June 7 City Council meeting in the amount of \$44,500. The post design Engineer's Estimate for construction is \$27,000. The engineering for design and construction services is estimated at \$6,200. Should the city receive favorable quotes and the Council chooses to award the project; staff will immediately issue a Notice to Proceed and conduct a preconstruction meeting to initiate the construction work. The completion date for this Contract is November 4, 2011.

The Kindred Court Drainage Correction work includes the reconstruction of the roadway segment to restore positive drainage to the intended outlet. This work consists of removal of the pavement and aggregate base in sections of the street, testing of the underlying soils (and correction of the soils if necessary), and lowering the street outlet and gutterline of the curb to gain an approximate 1% grade. The street will then be rebuilt with aggregate base and a 3-inch bituminous surface, including new bituminous curb. The corrective work is to be done on approximately 190 feet of the southern cul-de-sac of Kindred Court.

CONSIDERATION OF RAIN GARDENS: Consideration was given for an alternative solution using a localized rain garden and curb cut to drain the ponded street segment together with additional rains gardens to capture a significant portion of the contributing runoff. By draining the street at the new low point the street base and subgrade could be left in place, leaving only the need to restore the bituminous surface. The rain gardens would require excavation in the boulevard, the center island, and at the discharge outlet with a series of catch basins, storm sewer and under drains.

City staff contacted the property owner where the rain garden would be installed and the resident communicated no interest at this location. In addition, this location presented several difficult challenges with mature trees, existing sidewalk and existing utilities all competing for the limited boulevard. A preliminary cost estimate indicated no savings over the street reconstruction alternative. Due to these reasons this alternative was not further pursued.

FUNDING: As presented by the City Engineer at the June 7, 2011 City Council Meeting, the Kindred Court Drainage Corrections are considered a maintenance activity. Therefore, no property assessments are recommended. Funding for this project has been added to the bond issuance for the 2011 Street and Water Quality Improvements.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider awarding a Construction Contract for the Kindred Court Drainage Corrections. The suggested motion to approve this action is as follows:

“Move to Approve the Award of a Contract for the Kindred Court Drainage Corrections to _____, Inc. in the amount of \$ _____;

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 the Award of a Contract for the Kindred Court Drainage Corrections to _____, Inc. in the amount of \$ _____;
[as amended and/or modified at tonight’s meeting].”

ATTACHMENTS:

1. Contract Sent to Contractors
2. Quote Form Sent to Contractors

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

**CONSTRUCTION CONTRACT FOR THE
KINDRED COURT DRAINAGE CORRECTIONS PROJECT**

This Contract, made this _____ day of _____, **2011**, by the City of Lake Elmo, Minnesota (hereinafter called the "Owner") and _____ (hereinafter called the "Contractor").

WITNESSETH that the parties hereto agree as follows:

(A) The Contractor shall provide all labor, services, materials, equipment and machinery, transportation, tools, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities, and all other facilities and incidentals, including profit and overhead, necessary for the performance, testing, start-up, and completion of the work as described herein:

DESCRIPTION OF WORK:

The goal of this project is to correct a pothole that holds water in the streets and to achieve positive drainage from STA 1+22 to STA 2+53 per the attached plan and profile dated September 29, 2011. The scope of work under this contract is for a complete project in accordance with the plan dated September 29, 2011, for the Kindred Court Drainage Corrections Project. The major work items include the removal and disposal of bituminous pavement, common excavation, localized subgrade correction, placement of aggregate, bituminous paving (including 4" or 6" bituminous curb), concrete driveway construction, and sodding. The work is to be done on Kindred Court and contained within the half of the street as identified on the attached plan. All disturbed areas are to be restored to preconstruction conditions and all construction debris is to be removed after completion of the project. Contractor is to provide 48 hour notice to impacted residents prior to closing off access during construction of concrete driveways. Access shall be allowed to residents at all other times during the project.

Actual quantities will be measured and paid per the unit price provided in the quote form completed by the Contractor. No additional work in excess of the estimated quantities listed on the quote form will be paid unless approved by the City of Lake Elmo, prior to the work being completed.

All work shall be completed within the specified time frame and under the terms and conditions provided within this Construction Contract, and in accordance with the "General Conditions" shown in this contract. The contractor shall complete the proposed work by November 4, 2011.

The Owner will make payment for the whole contract upon acceptance by the Owner of all work required hereunder and in compliance with all the terms and conditions of this contract.

TOTAL PROJECT COST (INSERT FROM QUOTE FORM): _____

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date first above written.

(Contractor)

(City of Lake Elmo)

GENERAL CONDITIONS

- I. **CHANGES IN WORK.** - The Owner may at any time, make changes in the drawings and specifications, within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract or in the time required for its performance, an equitable adjustment will be made, and this contract will be modified accordingly by a "Contract Change Order". No charge for any extra work or material will be allowed unless the same has been ordered on such contract change order by the Owner and the price therefore stated in the order.
- II. **INSPECTION OF WORK.** - All materials and workmanship will be subject to inspection, examination, and test, by the Owner, who will have the right to reject defective material and workmanship or require its correction.
- III. **COMPLETION OF WORK.** - If the Contractor refuses or fails to complete the work within the time specified in paragraph B of this contract, or any extension thereof, the Owner may terminate the Contractor's rights to proceed. In such event the Owner may take over the work and prosecute the same to completion by contract or otherwise, and the Contractor will be liable for any excess cost occasioned the Owner thereby; and the Owner may take possession of and utilize in completing the work such materials and equipment as may be on the site of the work and necessary therefore. If the Owner does not terminate the right of the Contractor to proceed, the Contractor will continue the work; in which event, actual damages for delay will be impossible to determine, and in lieu thereof, the Contractor may be required to pay to the Owner the sum of **\$100** as liquidated damages for each calendar day of delay, and the Contractor will be liable for the amount thereof. Provided, however, that the right of the Contractor to proceed will not be terminated because of delays in the completion of the completion of the work due to unforeseeable causes beyond the Contractor's control and without Contractor's fault or negligence.
- IV. **RELEASES.** - Prior to final payment, the Contractor will submit evidence that all payrolls, material bills, and other indebtedness connected with the work have been paid as required by the Owner.
- V. **OBLIGATION TO DISCHARGE LIENS.** - Acceptance by the Owner of the completed work performed by the Contractor and payment therefore by the Owner will not relieve the Contractor of obligation to the Owner (which obligation is hereby acknowledged) to discharge any and all liens for the benefit of subcontractors, laborers, material-person, or any other persons performing labor upon the work or furnishing material or machinery for the work covered by this contract, which have attached to or may subsequently attach to the property, or interest of the Owner.
- VI. **NOTICES AND APPROVAL IN WRITING.** - Any notice, consent, or other act to be given or done hereunder will be valid only if in writing.
- VII. **CLEANING UP.** - The Contractor shall keep the premises free from accumulation of waste material and rubbish and at the completion of the work shall remove from the premises all rubbish, implements and surplus materials.
- VIII. **WARRANTY.** - Contractor warrants and guarantees that title to all work, materials, and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to Owner no later than the time of payment free and clear of all Liens. If within one year after completion of the work, any work is found to be defective, Contractor shall promptly, without cost to the Owner, correct such defective work as approved by the Owner.
- IX. **IDEMNIFICATION.** - Contractor shall defend and indemnify the city against claims brought or actions filed against the city or any of its officers, employees or agents for property damage, bodily injury or death to third persons, arising out of or relating to contractors work under the contract.
- X. **WORKERS' COMPENSATION INSURANCE.** - Contractor shall provide a certificate of insurance showing evidence of workers' compensation coverage or provide evidence of qualification as a self-insurer of workers' compensation.
- XI. **LIABILITY INSURANCE REQUIREMENTS.** - A certificate of insurance acceptable to the City shall be filed with the City prior to the commencement of the work. The certificate and the required insurance policies shall contain a provision that the coverage afforded under the contract will not be canceled or allowed to expire until at least 30 days prior written notice has been given to the city. Contractor shall maintain commercial general liability (CGL) insurance with a limit of not less than \$1,000,000 each occurrence and an aggregate limit of not less than \$2,000,000. The CGL insurance shall cover liability arising from premises, operations, independent contractors, subcontractors, products-completed operations, personal injury and advertising injury, and contractually-assumed liability. The city shall be named as an additional insured under the CGL. Contractor shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,000,000 each accident and an aggregate limit of not less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.

CITY OF LAKE ELMO

September 29, 2011

KINDRED COURT DRAINAGE CORRECTIONS

QUOTE FORM FOR ESTIMATED QUANTITIES

ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT
	KINDRED COURT DRAINAGE CORRECTION				
1	MOBILIZATION	LS	1		\$0.00
2	SILT FENCE	LF	25		\$0.00
3	SAWCUT PAVEMENT (ALL TYPES)	LF	251		\$0.00
4	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	262		\$0.00
5	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	EA	1		\$0.00
6	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	SY	80		\$0.00
7	COMMON EXCAVATION (CV)	CY	109		\$0.00
8	SUBGRADE CORRECTION	SY	83		\$0.00
9	SUBGRADE PREPARATION	RS	2		\$0.00
10	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	36		\$0.00
11	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	22		\$0.00
12	BITUMINOUS MATERIAL FOR TACK COAT	GAL	13		\$0.00
13	6" CONCRETE DRIVE	SY	60		\$0.00
14	CLASS 5 AGGREGATE	TN	91		\$0.00
15	CLASS 3 RIP RAP W/GEOTEXTILE FABRIC	CY	4		\$0.00
16	DITCH GRADING	LF	25		\$0.00
17	TOPSOIL BORROW	CY	30		\$0.00
18	SODDING	SY	121		\$0.00
TOTAL PROJECT AMOUNT					\$0.00



MAYOR & COUNCIL COMMUNICATION

DATE: 10/4/2011

REGULAR

ITEM #: 15

MOTION

AGENDA ITEM: Appointments to Lake Elmo Library Board

SUBMITTED BY: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council approve appointments to the Lake Elmo Library Board.

BACKGROUND INFORMATION: At July 19th meeting, the City Council approved Resolution No. 2011-029, establishing a public library system, authorizing a library levy, and establishing a public library board for the City.

Pursuant to Minnesota Statutes 134.09, the City Council hereby

- Establishes a five-person Library Board, with members to be appointed by the Mayor with the approval of the City Council from among the residents of the City.
- The initial Library Board will have two residents of the City each appointed for a one-year term, two residents of the City each appointed for a two-year term, and one resident of the City appointed for a three-year term. Not more than one council member shall at any time be a member of the Library Board.
- Said appointments will be effective on January 1, 2012, or a date to be determined by the City Council.
- All terms will be for three years, commencing on October 10 of the year the term begins with Library Board member allowed to serve no more than three consecutive three-year terms.

STAFF REPORT: Staff has received letters/indications of interest from the following:

Judy Gibson
Rosemary Meier
Jenna Weis
Paul Ryberg

Steve DeLapp
Larry Green
Judith Blackford
Sarah Linder

RECOMMENDATION: Based upon express desire to serve and a random selection to vacant positions (pursuant to Statutes), it is recommended that the City Council appoint: two residents for a one-year term, two residents for a two-year term and one resident for a three-year term and one Council member.

"Move to appoint Steve DeLapp and Sarah Linder for one-year terms on the Library Board"

"Move to appoint Larry Green and Jenna Weis for two-year terms on the Library Board"

"Move to appoint Judy Gibson for a three-year term on the Library Board"

It is also recommended that the following individuals be appointed as Alternates to the Library Board:

"Move to appoint Rosemary Meier, Paul Ryberg and Judith Blackford as Alternates to the Library Board."

The City Council may also appoint up to one position on the Library Board. Alternatively, the Council may wish to appoint a Council Liaison to the Library Board.

"Move to appoint Council Member _____ as City Council Liaison to the Library Board"

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... City Clerk
- Call for Motion Mayor & City Council
- Discussion.....Mayor Facilitates
- Action on Motion..... Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR
ITEM #: 16
MOTION

AGENDA ITEM: Well No. 2 Chlorination System Addition – Reject Quotes and Consider Project with City staff coordinating the Equipment Purchase and Installation

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Bruce A Messelt, City Administrator *BAW*

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to reject the quotes received on September 1, 2011, and consider authorizing staff to proceed with the purchase and coordination work for the installation of a new chlorination system for Well No. 2, in an estimated material and installation amount of \$30,000.

BACKGROUND INFORMATION AND STAFF REPORT: Over the course of the past year, the Well No. 2 water supply system returned periodic positive tests indicating a presence of coliform bacteria in the water supply. In each case, the Lake Elmo Public Works staff has worked diligently with the Minnesota Department of Health to quickly correct the problem. As a long-term response to this issue, it is staff's recommendation to voluntarily chlorinate the water supply at Well No. 2 on a more permanent basis.

Wellhouse No. 2 was initially designed and constructed with the anticipation that chlorination addition would someday be required. Therefore, the existing facility already has a chlorine ready room and requires only the purchase and installation of the chemical feed equipment at this time. To meet recent safety standards implemented by OSAH additional safety equipment is necessary for a compliant project. Specifically the work includes furnishing and installing chlorination feed equipment, combination emergency shower and eye wash unit, water tempering equipment and electric hot water heater, and all piping, plumbing, electrical work and controls for a complete functioning system.

On September 1, 2011, staff received three Contractor quotes to furnish and install all the equipment and components required for a complete, functional chlorination system in Wellhouse No. 2. These quotes were based upon the Plans and Specifications prepared by TKDA and dated

August 19, 2011. Three quotes were received from qualified Contractors in the amounts of \$43,334, \$53,650, \$54,700. In staff's opinion, the low quote remained substantially higher than anticipated for the project. Therefore, staff did not immediately bring these quotes forward for consideration by the Council.

After reviewing the project scope in detail and contacting various contractors and suppliers it is staff's opinion that the work can be accomplished more economically by having City staff coordinate the purchase and installation work by acquiring quotes directly from the equipment suppliers and various contractors. The work includes a Chlorination System with booster pump, electrical, plumbing, controls, and safety equipment to meet State OSAH requirements and the requirements of the Minnesota Department of Health (MDH). The work also requires staff to submit and receive a permit for the project through the Minnesota Department of Health. The attached work plan provides an outline of the major equipment needs together with the various equipment quotes received to date.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to reject the quotes received on September 1, 2011, and consider authorizing staff to proceed with the purchase and coordination work. The proposed motion to approve this action is as follows:

“Move to reject all quotes received on September 1, 2011 for the Well No. 2 Chlorination System Addition Project, and authorize staff to proceed with the purchase and coordination work for the installation of a Chlorination System for Well No. 2, in an estimated material and installation amount of \$30,000.”

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 reject all quotes received on September 1, 2011 for the Well No. 2 Chlorination System Addition Project, and authorize staff to proceed with the purchase and coordination work for the installation of a Chlorination System for Well No. 2, in an estimated material and installation amount of \$30,000.”
[as amended and/or modified at tonight's meeting].”

ATTACHMENTS:

1. Well No. 2 Chlorination System Addition – Proposed Work Plan

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item/Report City Engineer/Public Works Superintendent
- 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

WELL NO. 2 CHLORINATION SYSTEM ADDITON
PROPOSED WORK PLAN

Cara Geheren, P.E. 651.300.4261

Jack Griffin, P.E. 651.300.4264

Ryan Stempski, P.E. 651.300.4267

RE: September 29, 2011

CHLORINATION FEED EQUIPMENT**\$ 6,360**

- Vacuum Operated Gas Feed System w/Automatic Switchover
 - Vacuum Regulator
 - Automatic Switchover Module
 - Automatic Gas Control Valve
 - Ejector
 - Tubing and Fittings
- Dual Electronic Cylinder Chlorine Scale
- Booster Pump, piping & fittings

CHLORINE GAS DETECTOR**\$ 1,631****AUTOMATIC FLOW PROPORTIONAL CONTROL VALVE****\$ 2,250****AUTOMATIC CONTROL VALVES FOR CHLORINE CLYINDERS****Optional****Not Included:**

- **Electrical** **\$??**
 - Wiring of Booster Pumps
 - 115V Plug-in for Gas Detector
 - 115V Plug-in for Flow Proportional Control Valve
- **SCADA (Telemetry)** **\$??**
 - Signal wire to Booster Pump
 - Signal wire to Gas Detector
 - Signal wire to Flow Proportional Control Valve
- **MISC** **\$??**
 - Sales Taxes on Equipment (if applicable)
 - Taps on Main Discharge Line
 - Added Tubing and Fittings

EMERGENCY PLUMBING FIXTURES**\$ 8,990**

- Combination emergency shower and eyewash unit
- Water Tempering Equipment
- Electric Hot Water Heater
- Piping and Fittings (core and seal walls)
- Water Supply to Existing Eyewash (Fluoride Room)
- Install floor drain (Chlorine Room)

Estimated Total Equipment Purchase and Installation Costs:**\$19,231**

- *Plus Electrical (estimated – no quote received)* **\$ 2,000**
- *Plus SCADA (estimated – quote pending)* **\$ 3,000**
- *Plus MISC (estimated – no quote received)* **\$ 2,000**
- *Contingency Fund – 10%* **\$ 2,500**

TOTAL ESTIMATED INSTALLATION COSTS**\$28,800**



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR
ITEM #: 17
DISCUSSION/ACTION

AGENDA ITEM: Update Re: Library Establishment – Discussion/Action
SUBMITTED BY: City Council (Follow-up from September 27th Meeting)
THROUGH: Bruce A. Messelt, City Administrator *BAW*
REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: This item has been scheduled for the City Council in order to update the Council and public on efforts to retain and enhance library services for the Lake Elmo community. City Council action on specific items may be requested (on the attached), depending upon the status of research and preparation efforts

BACKGROUND INFORMATION & STAFF REPORT: On September 20th and 27th, 2011, the Lake Elmo City Council directed City staff to undertake certain actions in preparation of establishing a municipal library, effective January 1st, 2012. A current listing of these action items is attached.

On July 19th, 2011, the Lake Elmo City Council voted (5-0) to approve Resolution No. 2011-024, establishing a Municipal Library, and directed City staff to work with Washington County to address considerations for continued resident access to Washington County Libraries and potential contracting with Washington County for certain library services

On Thursday, July 28th, 2011, City staff met with Washington County staff to discuss the City's action (attached), review the aforementioned service considerations, and clarify issues relating to establishment of a library levy. No issues remain with respect to establishing a municipal library levy and supplanting the former County library levy; and no further City action is required.

The County Board addressed the County Library Budget on August 16th, 2011 but did not provide a formal response to its request for clarification regarding both resident access to County libraries and contracting for library services.

On September 13th, 2011, the Lake Elmo City Council voted to include in its *Preliminary* 2012 Levy a Library Levy in the amount of \$260.078. Washington County passed its *Preliminary*

2012 Levy without inclusion of the same amount, which would have been collected from Lake Elmo property tax owners.

Immediately prior to and subsequent to this action, meetings have been held to further define the options available to the City and steps now required to establish and/or maintain library services in Lake Elmo.

Prior to these actions, several formal meetings and informal discussions among City and County officials have led to an understanding that long-term County provision of full library services in Lake Elmo is not viable, given both County budgetary considerations and County-wide consolidation of services to address identified efficiencies, economies of scale and customer preferences. Other historical markers include:

- On June 29th, 2010, the City Council adopted Resolution No. 2010-031 establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo. However, this Resolution could be dissolved by action of the City Council, if sufficient progress was made in discussions directed at "maintaining and improving existing library services or transferring library services from the County to the City..."
- On August 17th, 2010, the City Council approved Resolution 2010-041 "staying establishment of a Public Library System, authorizing a Library Levy, and Establishing a Public Library Board for the City of Lake Elmo," pending outcome of further discussions with the County.
- In May 2011, the City Council directed City staff to explore the feasibility of the City undertaking library service provision, within some form of continued affiliation or association with Washington County. Since that time, City staff has also engaged the assistance of the Friends of the Rosalie E. Wahl Library in exploration of alternative service models.
- On July 5th, 2011, the City Council directed that County Library representatives be invited to attend an upcoming Council Workshop to further discuss this item. The County respectfully declined this invitation, pending County Board discussion of future Library services at its July 12th, 2011 Meeting and a stated desire for Lake Elmo to prepare a position statement for the County to consider.
- On July 12th, the County Board received a report from Library Director Conley (attached), which outlined budget scenarios for 2012. The County Board did not take further action on this item.

RECOMMENDATION: It is recommended the City Council briefly review and discuss the actions, decisions and research undertaken, to date,. Appropriate Council direction is also recommended, should the City Council wish to proceed with specific actions.

ATTACHMENTS: Task Listing

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item & Brief Staff Report..... City Staff
- Questions from Council to Staff..... Mayor & City Council
- Public Input, if Appropriate.....Mayor Facilitates
- Discussion..... Mayor & City Council
- ActionMayor Facilitates

LIBRARY CONSIDERATIONS – September 27th, 2011

- I. Proposed *Mission Elements* for Lake Elmo Library and Programs
 - To provide Library materials and services for Lake Elmo Residents
 - i. Emphasis on Children's and Adult/Senior Collection
 - ii. Emphasis on current periodicals and Best Sellers
 - iii. To facilitate community-based programming opportunities
 - To provide Electronic Library Services for Lake Elmo Residents
 - i. Emphasis on Computers and Internet Access
 - ii. Emphasis on E-books, DVDs, CDs, Books on Tape, etc.
 - iii. To facilitate other E-based programming opportunities
 - To provide full Integrated Library Services to requesting Lake Elmo Residents
 - i. Preliminary Plan – Reimbursement for Non-Resident access to MELSA
 - ii. Full Plan – Integrated Library Services at Lake Elmo Library
- II. Start-up Considerations
 - Facility: Authorization to proceed with facility comparison and associated needs/ costs for specific facility options
 - i. Rented facility – Existing Library Building
 - ii. City-owned facility – Lake Elmo Arts Center
 - Library Board: Completion of solicitation of Interested Citizens
 - i. Council Action on Board Applications – October 4th
 - ii. Drafting of Bi-Laws
 - Collection: Authorization to solicit donations of books, media, shelves, furnishings
 - i. Use of Friends of Library to facilitate
 - ii. Begin collection cataloguing
 - iii. Pricing of "Opening Day" Collection of current periodicals and books
 - iv. Use of willing partners to augment with additional donations
 - IT: Authorization to proceed with pricing of Internet, computers, software
 - i. Recommend new computers
 - ii. Consider local cataloguing system versus ILS system
 - iii. Contact possible corporate partners
 - Technical Support: Authorize solicitation of technical support
 - i. Quotes for consultant
 - ii. Continue to explore partner/contract options
 - iii. Consider staff needs from January 1st on
 - iv. Prepare Volunteer staffing plan

- Budget: Continue to Refine/Prepare Budget
 - i. Prepare Accounting System for Library Activities for Council review
 - ii. Prepare Cash-flow plan for Library budget for Council review

II. Other Considerations

- Request State Librarian/MELSA Facilitation with Washington County - Draft
 - Request clarification from Washington County on process for ILS access - Completed
 - Consider alternative options for contracting/affiliation/association
-
- Timeline for Above Tasks: October 4th, 2011 for Council Update/Action



MAYOR & COUNCIL COMMUNICATION

DATE: 10/04/2011
REGULAR &
CLOSED SESSION
ITEM #: 18
DISCUSSION/ACTION

AGENDA ITEM: Discussion/Action on Personnel Matters

SUBMITTED BY: Request of Mayor and City Council

THROUGH: Bruce A. Messelt, City Administrator *BAW*

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: This item has been scheduled as a follow-up to recent Mayor and City Council discussions regarding personnel matters. It is respectfully requested that the City Council address the following topics:

1. Update/Direction on Interim City Administrator/City Administrator Search
2. Closed Session Re: Personnel Matter/Finance Department/Springsted Study

BACKGROUND INFORMATION & STAFF REPORT: This item has been scheduled at the request of the City Council to address certain personnel matters. Specific Council action or direction emanating from this Agenda Item will be discussed at the Meeting. Additional information will also be distributed prior to or at the time of the Meeting.

RECOMMENDATION: It is respectfully requested that the City Council discuss, provide direction, and/or act upon certain personnel matter, to be presented at tonight's meeting.

ATTACHMENTS: None. Additional information will also be distributed prior to or at the time of the Meeting.

SUGGESTED ORDER OF BUSINESS:

- Introduction/Presentation of Item City Clerk/City Attorney
- Discussion Mayor & City Council

- Public Input, if AppropriateMayor Facilitates
- Discussion on Item #1Mayor Facilitates
- Direction/Action on Item #1 Mayor & City Council
- Motion to Close Session Mayor & City Council
- Discussion on Item #2Mayor Facilitates
- Direction/Action on Item #2 Mayor & City Council
- Motion to Open Session Mayor & City Council
- Summary of Closed SessionCity Clerk/City Attorney