

FILE

City of Lake Elmo
3800 Laverne Avenue North

October 18, 2011

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: _____ Johnston _____ Emmons _____ Park _____ Pearson _____ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPT MINUTES:
 - 1. October 4, 2011 City Council Minutes will be on the November 1st Council agenda
- 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. 2011 Street and Water Quality Improvements Project; Payment Certificate #3
 - 4. 2011 Crack Seal Project; Obtain Contract Quotes & Award Contract
 - 5. Purchase of Holiday Street Lights
 - 6. No Parking signs along Laverne Avenue N.; Ordinance No. 08-054

J. REGULAR AGENDA:

7. Consider Ordinance Change to "Slow, No Wake" Provisions on Lake Jane, Lakes DeMontreville/Olson and Lake Elmo
8. Library Updates

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



MAYOR & COUNCIL COMMUNICATION

DATE: 10/18/2011
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$ 183,116.56

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$183,116.56 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	\$ 7,057.55	Payroll Taxes to IRS 10/06/2011
ACH	\$ 1,184.68	Payroll Taxes to MN Dept. of Revenue 10/06/2011
ACH	\$ 3,904.50	Payroll Retirement to PERA 10/06/2011
DD3591 – DD3629	\$ 25,379.70	Payroll Dated 10/06/2011 (Direct Deposit)
37597 – 37599	\$ 15,554.58	Payroll Dated 10/06/2011 (Payroll)
37600 – 37639	\$ 130,035.55	Accounts Payable Dated 10/18/2011
TOTAL	\$ 183,116.56	

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 \$183,116.56

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 10/18/2011

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

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

Accounts Payable To Be Paid Proof List

User: joan z
Printed: 10/13/2011 - 1:59 PM
Batch: 002-10-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALEXAIR Alex Air Apparatus, Inc 20556 10/04/2011 101-420-2220-44040 Repairs/Maint Eqpt 20556 Total: ALEXAUR Total:		2,007.88 2,007.88 2,007.88	0.00	10/18/2011	Required annual inspections of SCBA's		-	No		0000
ARAM Aramark, Inc. 629-7318862 10/13/2011 101-420-2220-44010 Repairs/Maint Bldg 629-7318862 Total: 629-7318863 10/13/2011 101-420-2220-44010 Repairs/Maint Bldg 629-7318863 Total: 629-7336118 09/29/2011 101-430-3100-44170 Uniforms 629-7336118 Total: 629-7340949 10/06/2011 101-430-3100-44170 Uniforms 629-7340949 Total: ARAM Total:		93.78 93.78 92.95 92.95 21.71 21.71 21.71 230.15	0.00	10/18/2011	Monthly rug service, Station #2 Monthly rug service, Station #1 Uniforms Uniforms		-	No		0000
BOUTHTOM Bouthilet Thomas 09/2/2011 09/02/2011 204-450-5200-44300 Miscellaneous 09/2/2011 Total: BOUTHTOM Total:		300.00 300.00 300.00	0.00	10/18/2011	Silly String Fall Festival		-	No		0000
C&J CONS C & J Consulting Services, LLP 09-2011 10/03/2011 101-410-1520-43150 Contract Services 09-2011 Total:		3,175.00 3,175.00	0.00	10/18/2011	Monthly Acctg Services - Sept 2011		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
C&J CONS Total:		3,175.00								
CATESFIN Cares Fine Homes										
Chk Req	10/06/2011	3,000.00	0.00	10/18/2011	Escrow Return 10929 57th St #7357		-		No	0000
803-000-0000-22900	Deposits Payable	3,000.00								
Chk Req Total:		3,000.00								
CATESFIN Total:		3,000.00								
CDW CDW Government Inc.										
ZTJ4189	09/26/2011	48.71	0.00	10/18/2011	Hard Drive Fire Dept Computer		-		No	0000
101-420-2220-44300	Miscellaneous	48.71								
ZTJ4189 Total:		48.71								
CDW Total:		48.71								
COMCAST COMCAST										
09/27/2011	09/27/2011	7.90	0.00	10/18/2011	Monthly Service		-		No	0000
101-420-2220-44300	Miscellaneous	7.90								
09/27/2011 Total:		7.90								
COMCAST Total:		7.90								
COMPENSA Compensation Consultants, Ltd										
October	09/28/2011	40.00	0.00	10/18/2011	Monthly Admin Fee - October 2011		-		No	0000
101-410-1320-44300	Miscellaneous	40.00								
October Total:		40.00								
COMPENSA Total:		40.00								
COVERALL Coverall of The Twin Cities										
7070170737	10/01/2011	321.38	0.00	10/18/2011	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	321.38								
7070170737 Total:		321.38								
COVERALL Total:		321.38								
CTYBLOOM City of Bloomington										
Sept 2011	09/30/2011	40.00	0.00	10/18/2011	Lab Bacteria Tests		-		No	0000
601-494-9400-42270	Utility System Maintenance	40.00								
Sept 2011 Total:		40.00								
CTYBLOOM Total:		40.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYROSEV City of Roseville										
0215218	10/05/2011	1,551.58	0.00	10/18/2011	Monthly IT Services - October 2011		-	No		0000
101-410-1450-43180	Information Technology/Web									
	0215218 Total:	1,551.58								
	CTYROSEV Total:	1,551.58								
ECKBERG Eckberg Lamers Briggs Wolff										
09-2011	09/30/2011	4,052.87	0.00	10/18/2011	Legal Services - Prosecution		-	No		0000
101-420-2150-43045	Attorney Criminal									
	09-2011 Total:	4,052.87								
114163	08/31/2011	10,588.18	0.00	10/18/2011	Legal Services - Civil		-	No		0000
101-410-1320-43040	Legal Services									
114163	08/31/2011	1,046.50	0.00	10/18/2011	Legal Services - Development		-	No		0000
203-490-9070-43040	Legal Services									
	114163 Total:	11,634.68								
	ECKBERG Total:	15,687.55								
EMERGAUT Emergency Automotive tech, Inc										
10655	09/29/2011	16,933.40	0.00	10/18/2011	Upgrade Lights on E2 to LED		-	No		0000
410-480-8000-45800	Other Equipment									
	10655 Total:	16,933.40								
	EMERGAUT Total:	16,933.40								
ENVENTIS ENVENTIS										
737500	10/01/2011	455.98	0.00	10/18/2011	Telephone/Data Service-PW Oct 2011		-	No		0000
101-430-3100-43210	Telephone									
	737500 Total:	455.98								
738507	09/01/2011	566.62	0.00	10/18/2011	Telephone/Data Service CH Oct 2011		-	No		0000
101-410-1940-43210	Telephone									
	738507 Total:	566.62								
	ENVENTIS Total:	1,022.60								
FERGUSON Ferguson Waterworks										
s01330352.004	09/23/2011	3,444.16	0.00	10/18/2011	Meter and Meter Repair		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
s01330352.004	09/23/2011	574.60	0.00	10/18/2011	Curb stop caps and hydrant flags		-	No		0000
601-494-9400-44030	Repairs/Maint Imp Not Bldgs									
	s01330352.004 Total:	4,018.76								
	FERGUSON Total:	4,018.76								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
FXL FXL, Inc.											
Oct	10/01/2011	2,000.00	0.00	10/18/2011	Assessing Services - October 2011		-			No	0000
101-410-1320-43100	Assessing Services										
Oct Total:		2,000.00									
FXL Total:		2,000.00									
HAWKINS Hawkins, Inc.											
3269071	09/30/2011	901.50	0.00	10/18/2011	Chlorine and Flouride		-			No	0000
601-494-9400-42160	Chemicals										
3269071 Total:		901.50									
HAWKINS Total:		901.50									
KDV Kern DeWenter Viere Ltd											
134694	09/30/2011	3,159.00	0.00	10/18/2011	Financial Services - September 2011		-			No	0000
101-410-1520-43150	Contract Services										
134694 Total:		3,159.00									
KDV Total:		3,159.00									
KUBITSCH Kubitschek Richard											
Chk Req	10/11/2011	3,000.00	0.00	10/18/2011	Escrow Return 3308 LE Ave #7610		-			No	0000
803-000-0000-22900	Deposits Payable										
Chk Req Total:		3,000.00									
KUBITSCH Total:		3,000.00									
LARSON LARSON DIESEL SERVICE, Corp											
1109*19001	09/19/2011	20.27	0.00	10/18/2011	Exhaust Clamp 00-1		-			No	0000
101-430-3120-42210	Equipment Parts										
1109*19001 Total:		20.27									
LARSON Total:		20.27									
LEOIL Lake Elmo Oil, Inc.											
09/30/2011	09/30/2011	183.77	0.00	10/18/2011	Fuel		-			No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
09/30/2011 Total:		183.77									
LEOIL Total:		183.77									
LERELIEF Lake Elmo Fire Relief Assn.											
10/12/2011	10/12/2011	7,175.00	0.00	10/18/2011	Fire State Aid		-			No	0000
101-420-2250-44925	City Contribution										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
10/12/2011	10/12/2011	40,692.00	0.00	10/18/2011	Fire State Aid		-		No	0000
101-420-2250-44920	Fire State Aid									
	10/12/2011 Total:	47,867.00								
	LERELJEF Total:	47,867.00								
Lillie Newspapers Inc. Lillie Suburban										
09/30/2011	09/30/2011	161.27	0.00	10/18/2011	Legal Publishing in the Newspaper		-		No	0000
101-410-1320-43510	Legal Publishing									
	09/30/2011 Total:	161.27								
	Lillie Total:	161.27								
LMCIT Cities Insurance Trust League of M										
38149	09/29/2011	500.00	0.00	10/18/2011	Insurance		-		No	0000
204-450-5200-44300	Miscellaneous									
	38149 Total:	500.00								
	LMCIT Total:	500.00								
LOFF Loffler Companies, Inc.										
1304113	10/03/2011	294.74	0.00	10/18/2011	Copy Machines Overages & Base - Sept 11		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	1304113 Total:	294.74								
	LOFF Total:	294.74								
LUCZAK Carole Luczak										
10/06/2011	10/06/2011	21.52	0.00	10/18/2011	Mileage for Clerk Conference		-		No	0000
101-410-1320-43310	Mileage									
	10/06/2011 Total:	21.52								
	LUCZAK Total:	21.52								
MARONEYS Maroney's Sanitation, Inc										
0000403468	10/05/2011	108.30	0.00	10/18/2011	Waste Removal - City Hall		-		No	0000
101-410-1940-43840	Refuse									
0000403468	10/05/2011	47.68	0.00	10/18/2011	Waste Removal - Fire		-		No	0000
101-420-2220-43840	Refuse									
0000403468	10/05/2011	207.82	0.00	10/18/2011	Waste Removal - Public Works		-		No	0000
101-430-3100-43840	Refuse									
0000403468	10/05/2011	207.82	0.00	10/18/2011	Waste Removal - Parks		-		No	0000
101-450-5200-43840	Refuse									
	0000403468 Total:	571.62								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MARONEYS Total:		571.62								
MENARDSO Menards - Oakdale										
21683	10/04/2011	30.14	0.00	10/18/2011	Cement for Sunfish Bollards			No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
21683 Total:		30.14								
MENARDSO Total:		30.14								
METCOU Metropolitan Council										
0000971839	10/04/2011	1,282.98	0.00	10/18/2011	Monthly Wastewater Svs - November			No		0000
602-495-9450-43820	Sewer Utility - Met Council									
0000971839 Total:		1,282.98								
METCOU Total:		1,282.98								
MILLEREX Miller Excavating, Inc.										
15822, 15823	09/29/2011	648.90	0.00	10/18/2011	Grading Gravel roads			No		0000
101-430-3120-43150	Contract Services									
15822, 15823	09/29/2011	6,762.05	0.00	10/18/2011	Sunfish Lot Grading, Dirt and Boulders			No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
15822, 15823 Total:		7,410.95								
MILLEREX Total:		7,410.95								
ONECALL Gopher State One Call										
19788	10/03/2011	194.30	0.00	10/18/2011	Line Locates - Sept 2011			No		0000
101-430-3100-43150	Contract Services									
19788 Total:		194.30								
ONECALL Total:		194.30								
PITNEY Pitney Bowes										
446656	10/03/2011	230.83	0.00	10/18/2011	Postage Machine Rental			No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
446656 Total:		230.83								
PITNEY Total:		230.83								
POSITIVE Positive Promotions, Inc.										
4224140	09/16/2011	801.13	0.00	10/18/2011	Fire Prevention Supplies			No		0000
101-420-2220-42090	Fire Prevention									
4224140 Total:		801.13								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
POSITIVE Total:		801.13								
PRESSA Anastasia Press										
10/04/2011	10/04/2011									
101-410-1450-43620	Cable Operations	55.00	0.00	10/18/2011	Cabled CC Mtg - 10/5/11		-		No	0000
10/04/2011 Total:		55.00								
10/11/11	10/11/2011	55.00	0.00	10/18/2011	Cabled Live Workshop - CC Mtg 10/11/11		-		No	0000
101-410-1450-43620	Cable Operations	55.00								
10/11/11 Total:		55.00								
PRESSA Total:		110.00								
RIVRCOOP River Country Cooperative										
09/30/2011	09/30/2011	1,023.57	0.00	10/18/2011	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids	1,023.57								
09/30/2011 Total:		1,023.57								
RIVRCOOP Total:		1,023.57								
SURPLUS Surplus Services										
00009476	09/30/2011	10.00	0.00	10/18/2011	Strobe Lights		-		No	0000
101-430-3100-42400	Small Tools & Minor Equipment	10.00								
00009476 Total:		10.00								
20032471	09/30/2011	65.00	0.00	10/18/2011	Furniture, Book Case - Library		-		No	0000
206-450-5300-42000	Office Supplies	65.00								
20032471 Total:		65.00								
SURPLUS Total:		75.00								
TKDA TKDA, Inc.										
002011002786	10/03/2011	1,253.14	0.00	10/18/2011	2011 Street Improvement-Water Quality		-		No	0000
418-480-8000-43030	Engineering Services	1,253.14								
002011002786 Total:		1,253.14								
002011002787	10/03/2011	112.86	0.00	10/18/2011	General Engineering-VRA		-		No	0000
409-480-8000-43030	Engineering Services	112.86								
002011002787 Total:		112.86								
002011002787	10/03/2011	224.27	0.00	10/18/2011	General Engineering-VRA		-		No	0000
601-494-9400-43030	Engineering Services	224.27								
002011002787 Total:		224.27								
002011002788	10/03/2011	337.13	0.00	10/18/2011	2011 Seal Coat Project		-		No	0000
409-480-8000-43030	Engineering Services	337.13								
002011002788 Total:		337.13								
002011002789	10/03/2011	13.20	0.00	10/18/2011	Lake Elmo Court Drainage Correction		-		No	0000
409-480-8000-43030	Engineering Services	13.20								
002011002789 Total:		13.20								
002011002789	10/03/2011	202.18	0.00	10/18/2011	Lake Elmo Court Drainage Correction		-		No	0000
409-480-8000-43030	Engineering Services	202.18								
002011002789 Total:		202.18								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
002011002790	10/03/2011	2,326.71	0.00	10/18/2011	Lake Elmo District Sidewalk Maint		-	No		0000
409-480-8000-43030	Engineering Services									
002011002790	Total:	2,326.71								
TKDA	Total:	4,132.36								
VEOLIA Veolia Environmental Services										
G50001966754	10/10/2011	99.41	0.00	10/18/2011	Dumpster for Fall Festival		-	No		0000
101-430-3100-44380	Clean-up Days									
G50001966754	Total:	99.41								
VEOLIA	Total:	99.41								
VISALE40 VISA										
8040	09/30/2011	555.00	0.00	10/18/2011	Conference - Fire Dept		-	No		0000
101-420-2220-44370	Conferences & Training									
8040	Total:	555.00								
VISALE40	Total:	555.00								
XCEL Xcel Energy										
51-0117417-0	10/13/2011	39.86	0.00	10/18/2011	Welcome Sign		-	No		0000
101-430-3160-43810	Street Lighting									
51-0117417-0	Total:	39.86								
51-4504807-7	10/13/2011	49.59	0.00	10/18/2011	Lights at Legion Park		-	No		0000
101-450-5200-43810	Electric Utility									
51-4504807-7	10/13/2011	93.34	0.00	10/18/2011	Lift Station		-	No		0000
602-495-9450-43810	Electric Utility									
51-4504807-7	10/13/2011	35.71	0.00	10/18/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
51-4504807-7	Total:	178.64								
51-4572945-7	10/13/2011	29.32	0.00	10/18/2011	Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
51-4572945-7	Total:	29.32								
51-4576456-3	10/13/2011	314.35	0.00	10/18/2011	Fire Station 2		-	No		0000
101-420-2220-43810	Electric Utility									
51-4576456-3	Total:	314.35								
51-4580376-5	10/13/2011	348.34	0.00	10/18/2011	City Hall		-	No		0000
101-410-1940-43810	Electric Utility									
51-4580376-5	10/13/2011	34.36	0.00	10/18/2011	Traffic Lights		-	No		0000
101-430-3160-43810	Street Lighting									
51-4580376-5	10/13/2011	194.82	0.00	10/18/2011	City Hall		-	No		0000
101-410-1940-43810	Electric Utility									
51-4580376-5	Total:	577.52								
51-4733556-8	10/13/2011	17.30	0.00	10/18/2011	Tennis Court		-	No		0000
101-450-5200-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-5044219-0	51-4733556-8 Total: 10/13/2011	17.30								
101-450-5200-43810	Electric Utility	48.12	0.00	10/18/2011	Parks Bldg		-		No	0000
51-5275289-3	51-5044219-0 Total: 10/13/2011	48.12								
101-450-5200-43810	Electric Utility	9.95	0.00	10/18/2011	Pebble Park		-		No	0000
51-5356323-8	51-5275289-3 Total: 10/13/2011	9.95								
601-494-9400-43810	Electric Utility	2,673.35	0.00	10/18/2011	Wells 1 & 2		-		No	0000
51-5522332-2	51-5356323-8 Total: 10/13/2011	2,673.35								
101-430-3160-43810	Street Lighting	44.78	0.00	10/18/2011	Traffic Lights		-		No	0000
51-5747685-4	51-5522332-2 Total: 10/13/2011	44.78								
101-450-5200-43810	Electric Utility	132.95	0.00	10/18/2011	Arts Center		-		No	0000
51-5916043-7	51-5747685-4 Total: 10/13/2011	132.95								
602-495-9450-43810	Electric Utility	19.15	0.00	10/18/2011	Lift Station		-		No	0000
51-6429583-8	51-5916043-7 Total: 10/13/2011	19.15								
602-495-9450-43810	Electric Utility	16.09	0.00	10/18/2011	Lift Station		-		No	0000
51-6433976-2	51-6429583-8 Total: 10/13/2011	16.09								
101-420-2220-43810	Electric Utility	304.93	0.00	10/18/2011	Fire Station 1		-		No	0000
51-6625457-1	51-6433976-2 Total: 10/13/2011	304.93								
101-450-5200-43810	Electric Utility	33.16	0.00	10/18/2011	Legion Park		-		No	0000
51-6736544-2	51-6625457-1 Total: 10/13/2011	33.16								
101-430-3160-43810	Street Lighting	1,917.61	0.00	10/18/2011	Street Lights		-		No	0000
51-6928283-3	51-6736544-2 Total: 10/13/2011	1,917.61								
101-430-3160-43810	Street Lighting	31.30	0.00	10/18/2011	Street Lights		-		No	0000
51-6956201-4	51-6928283-3 Total: 10/13/2011	31.30								
101-450-5200-43810	Electric Utility	103.29	0.00	10/18/2011	VFW Ballfield Lights		-		No	0000
51-7538112-1	51-6956201-4 Total: 10/13/2011	103.29								
101-430-3100-43810	Electric Utility	500.19	0.00	10/18/2011	Public Works		-		No	0000
51-8126093-5	51-7538112-1 Total: 10/13/2011	500.19								
601-494-9400-43810	Electric Utility	21.01	0.00	10/18/2011	Water Tower 2		-		No	0000
51-8711719-3	51-8126093-5 Total: 10/13/2011	21.01								
101-430-3160-43810	Street Lighting	11.41	0.00	10/18/2011	Speed Sign Hwy 5		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-8711719-3 Total:		11.41								
XCEL Total:		7,024.28								
Report Total:		130,035.55								



MAYOR & COUNCIL COMMUNICATION

DATE: 10/18/2011

CONSENT 3

ITEM #:

MOTION as part of Consent Agenda

AGENDA ITEM: 2011 Street and Water Quality Improvements – Partial Payment No. 3

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Joe Rigdon, Finance Department

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve partial payment to Hardrives, Inc. for the 2011 Street and Water Quality Improvements project in the amount of \$101,530.37. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: Hardrives, Inc., the Contractor for the project, has submitted Partial Payment Certificate No. 3 in the amount of \$101,530.37. This request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$22,138.69.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* Partial Payment No. 3 in the amount of \$101,530.37.

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

**“Move to approve Partial Payment No. 3 in the amount of \$101,530.37
to be paid from the Project Fund for the
2011 Street and Water Quality Improvements project.
[and amended and/or modified at tonight's meeting].”**

ATTACHMENTS: (1)

1. Payment Certificate No. 3 for the 2011 Street and Water Quality Improvements project

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

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

TKDA

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owner

444 Cedar Street, Suite 1500
Saint Paul, MN 55101

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

Proj. No. 14732.001 Cert. No. 3 St. Paul, MN, September 8, 2011
To City of Lake Elmo, Minnesota Owner
This Certifies that Hardrives, Inc., Contractor
For 2011 Street and Water Quality Improvements
Is entitled to One Hundred One Thousand Five Hundred Thirty Dollars and 37/100 (\$101,530.37)
being 3rd estimate for partial payment on contract with you dated April 19, 2011
Received payment in full of above Certificate.
Hardrives, Inc. _____, 2011
TKDA
Larry D. Bohrer
Larry D. Bohrer, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 469,524.99		
All previous payments		\$ 319,104.74	
All previous credits			
Extra No.			
" "			
" "			
" "			
Credit No.			\$
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 101,530.37	
Totals	\$ 469,524.99	\$ 420,635.11	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ 48,889.88	
	\$ 469,524.99	\$ 469,524.99	\$ -

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

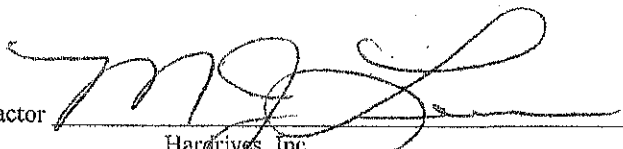
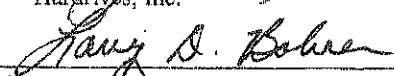
PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 3 Period Ending August 31, 20 11 Page 1 of 1 Proj. No. 14732.001
Contractor Hardrives, Inc. Original Contract Amount \$469,524.99
Project 2011 Street and Water Quality Improvements
Location City of Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>442,773.80</u>
Total Approved Credits	\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>
Approved Extra Orders Amount Completed	\$	<u>0.00</u>
Total Amount Earned This Estimate	\$	<u>442,773.80</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>5</u> % Retained	\$	<u>22,138.69</u>
Less Previous Payments	\$	<u>319,104.74</u>
Total Deductions	\$	<u>341,243.43</u>

Amount Due This Estimate	\$	<u>101,530.37</u>
--------------------------	----	-------------------

Contractor 
Hardrives, Inc.
Engineer 
Larry D. Bohrer, P.E.

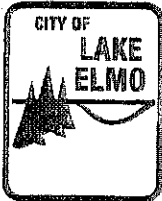
Date 9/13/11
Date 9-9-11

ESTIMATE NO. 3

Date: August 31, 2011

2011 STREET AND WATER QUALITY IMPROVEMENTS
LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 14732.001

ITEM NO.	DESCRIPTION	UNIT	UNIT PRICE	CONTRACT QUANTITY	QUANTITY TO DATE	CONTRACT AMOUNT	AMOUNT TO DATE
TARTAN MEADOWS NEIGHBORHOOD							
1	MOBILIZATION	LS	4,632.25	1	1	\$ 4,632.25	\$ 4,632.25
2	TRAFFIC CONTROL	LS	968.23	1	1	\$ 968.23	\$ 968.23
3	SILT FENCE	LF	2.69	285	0	\$ 766.65	\$ -
4	INLET PROTECTION	EA	96.82	14	0	\$ 1,355.48	\$ -
5	SAWCUT PAVEMENT (ALL TYPES)	LF	2.15	1,012	671	\$ 2,175.80	\$ 1,442.65
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	4.30	155	289	\$ 666.50	\$ 1,242.70
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	EA	80.69	2	2	\$ 161.38	\$ 161.38
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	SY	5.38	101	4	\$ 543.38	\$ 21.52
9	SUBGRADE CORRECTION	SY	2.00	986	0	\$ 1,932.00	\$ -
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	0.80	19,294	19,294	\$ 15,435.20	\$ 15,435.20
11	HAUL OUT EXCESS MILLINGS (LV)	CY	6.00	1,084	978	\$ 5,604.00	\$ 5,606.00
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	220.03	49	49	\$ 10,781.47	\$ 10,781.47
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	48.95	1,797	1894	\$ 87,963.15	\$ 92,711.30
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	51.06	1,537	1832.6	\$ 78,479.22	\$ 83,355.45
15	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	890	775	\$ 1,840.40	\$ 1,658.50
16	2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	SY	15.99	214	289	\$ 3,419.72	\$ 4,618.22
17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	3,480	0	\$ 7,273.20	\$ -
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	511.27	13	14	\$ 6,846.51	\$ 7,167.78
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	809.61	1	0	\$ 809.61	\$ -
20	ADJUST MANHOLE	EA	458.24	1	1	\$ 458.24	\$ 458.24
21	6" CONCRETE DRIVE	SY	46.26	134	0	\$ 6,198.84	\$ -
22	CONCRETE CURB CUT FOR RAIN GARDEN	EA	263.68	12	10	\$ 3,162.96	\$ 2,636.60
23	CLASS 3 RIP RAP W/GEOTEXTILE FABRIC	CY	102.21	4	0	\$ 408.84	\$ -
24	DITCH GRADING	LF	2.37	210	190	\$ 497.70	\$ 450.30
25	IMPORT AND PLACE TOPSOIL	CY	14.52	481	382	\$ 5,984.12	\$ 5,546.64
26	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	2.15	145	650	\$ 311.75	\$ 1,397.50
27	SODDING	SY	2.70	4,354	0	\$ 11,755.80	\$ -
	SUBTOTAL TARTAN MEADOWS NEIGHBORHOOD					\$ 282,132.40	\$ 240,643.13
DAVID NELSON ESTATES NEIGHBORHOOD							
1	MOBILIZATION	LS	1,639.88	1	1	\$ 1,639.88	\$ 1,639.88
2	TRAFFIC CONTROL	LS	268.95	1	1	\$ 268.95	\$ 268.95
3	SILT FENCE	LF	2.69	100	0	\$ 269.00	\$ -
4	INLET PROTECTION	EA	96.83	2	0	\$ 193.66	\$ -
5	SAWCUT PAVEMENT (ALL TYPES)	LF	2.15	163	89	\$ 350.45	\$ 191.35
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	4.30	17	28	\$ 73.10	\$ 120.40
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (FLUME)	EA	80.69	1	1	\$ 80.69	\$ 80.69
8	REMOVE & DISPOSE OF EXIST. CONCRETE PAVEMENT (DRIVEWAYS)	SY	5.34	13	0	\$ 69.42	\$ -
9	SUBGRADE CORRECTION	SY	2.00	138	0	\$ 276.00	\$ -
10	RECLAIM EX. BIT. AND BASE MATERIALS, 8-INCH DEPTH	SY	0.80	2,750	2,750	\$ 2,200.00	\$ 2,200.00
11	HAUL OUT EXCESS MILLINGS (LV)	CY	1.00	101	0	\$ 101.00	\$ -
12	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	378.11	6	6	\$ 2,268.66	\$ 2,268.66
13	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	50.76	246	272.2	\$ 12,486.96	\$ 13,816.87
14	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	53.69	207	248	\$ 11,113.63	\$ 13,315.12
15	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	116	75	\$ 248.24	\$ 160.50
16	2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	SY	15.05	32	27	\$ 513.60	\$ 433.35
17	SAW & SEAL STREET (40' INTERVALS)	LF	2.09	380	0	\$ 782.40	\$ -
18	ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	560.43	1	2	\$ 560.43	\$ 1,120.86
19	REPAIR CASTING AND ADJUST CATCH BASIN & INSTALL CONCRETE WINGS	EA	841.89	1	0	\$ 841.89	\$ -
20	6" CONCRETE DRIVE	SY	53.79	22	0	\$ 1,183.38	\$ -
21	CONCRETE CURB CUT FOR RAIN GARDEN	EA	295.86	2	2	\$ 591.72	\$ 591.72
22	DITCH GRADING	LF	10.78	5	10	\$ 59.80	\$ 107.60
23	IMPORT AND PLACE TOPSOIL	CY	24.66	62	30	\$ 2,150.16	\$ 1,040.40
24	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	10.76	25	52	\$ 269.00	\$ 559.52
25	SODDING	SY	2.70	531	0	\$ 1,433.70	\$ -
	SUBTOTAL DAVID NELSON ESTATES NEIGHBORHOOD					\$ 38,909.92	\$ 37,916.87
60TH STREET AND KIMBRO AVENUE							
1	MOBILIZATION	LS	3,075.56	1	1	\$ 3,075.56	\$ 3,075.56
2	TRAFFIC CONTROL	LS	699.30	1	1	\$ 699.30	\$ 699.30
3	SILT FENCE	LF	2.68	100	0	\$ 268.00	\$ -
4	CLEAR AND GRUB TREE	EA	236.69	20	20	\$ 4,733.80	\$ 4,733.80
5	SAWCUT PAVEMENT (ALL TYPES)	LF	2.15	100	155	\$ 215.00	\$ 333.25
6	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT	SY	1.29	1,067	1067	\$ 1,376.43	\$ 1,376.43
7	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	4.30	8	33	\$ 34.40	\$ 141.90
8	COMMON EXCAVATION (CV) (P)	CY	7.42	289	289	\$ 2,144.38	\$ 2,144.38
9	SUBGRADE CORRECTION	SY	4.63	1,050	1050	\$ 4,861.50	\$ 4,861.50
10	SUBGRADE PREPARATION OF GRAVEL SURFACE	RS	180.00	38	38	\$ 6,840.00	\$ 6,840.00
11	PLACE & COMPACT RECLAIM MATERIAL (FROM OTHER SITES) (LV)	CY	1.00	1,239	978	\$ 1,239.00	\$ 978.00
12	2360 TYPE LV3 BITUMINOUS NON-WEARING COURSE	TN	49.88	1,201	1209	\$ 59,905.08	\$ 60,304.92
13	2360 TYPE LV4 BITUMINOUS WEARING COURSE	TN	50.74	1,201	1209	\$ 60,938.74	\$ 61,344.65
14	BITUMINOUS MATERIAL FOR TACK COAT	GAL	2.14	504	260	\$ 1,078.56	\$ 536.00
15	2360 TYPE LV4 BITUMINOUS WEAR COURSE, DRIVES	SY	15.60	356	108	\$ 5,563.60	\$ 1,700.40
16	GUARDRAIL, MN/DOT TYPE 8307 OR 8388	LF	35.50	210	212	\$ 7,455.00	\$ 7,526.00
17	CLASS 5 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	17.43	204	204	\$ 3,555.72	\$ 3,555.72
18	DITCH GRADING	LF	10.76	20	20	\$ 215.20	\$ 215.20
19	SEEDING, FERTILIZER AND WOOD FIBER BLANKET	SY	2.15	420	764	\$ 903.00	\$ 1,642.60
20	STRIPING - 4" YELLOW STRIPING	LF	0.22	2,320	2375	\$ 510.40	\$ 522.50
21	STRIPING - 4" WHITE STRIPING	LF	0.22	7,440	7374	\$ 1,636.80	\$ 1,622.28
22	INSTALL SIGN PANEL	SF	32.28	5	5	\$ 161.40	\$ 161.40
	SUBTOTAL 60TH STREET AND KIMBRO AVENUE					\$ 187,402.67	\$ 184,314.80
	TOTAL ESTIMATE NO. 3					\$ 469,524.99	\$ 442,773.80



MAYOR & COUNCIL COMMUNICATION

DATE: 10/18/2011
CONSENT
ITEM #: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: 2011 Crack Seal Project – Obtain Contractor Quotes and Award Contract

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Craig Dawson, Interim City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Mike Bouthilet, Public Works
Joe Rigdon, Finance Department

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving the 2011 Crack Seal Project by directing staff to obtain contractor quotes and retain a contractor to complete the work for a not to exceed total project amount of \$19,000. This project is part of the 2011 Infrastructure Reserves Budget. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION AND STAFF REPORT: In accordance with the City's annual street maintenance program, certain street segments have been scheduled to be seal coated in 2012. Best pavement management practices have been established that require these streets to be crack sealed in 2011, one construction season in advance, to prepare the street for the seal coat treatment. This allows the crack sealing to fully adhere to the pavement surfaces, and also allows the Public Works staff to perform minor patching and leveling in preparation of the seal coat work. A field review was recently completed by engineering staff to field verify the proposed street segments.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* the 2011 Crack Seal Project and authorize staff to retain a Contractor to complete the work in amount not to exceed a total project budget of \$19,000.

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

**“Move to authorize Staff to retain a Contractor to complete the 2011 Crack Seal Project
in a total project amount not to exceed \$19,000. *[and amended
and/or modified at tonight’s meeting].*”**

ATTACHMENTS: (2)

1. Quote Package
2. Location Map

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

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

2011 CRACK SEAL PROJECT

CITY OF LAKE ELMO, MINNESOTA

FOCUS PROJECT NO. 2011.109

TABLE OF CONTENTS

<u>Title</u>	<u>Pages</u>
Cover & Table of Contents	1
Construction Contract	2
Quote Proposal	1
Location Map	1
Street List	1
MnDOT Certified Source List	1

**CONSTRUCTION CONTRACT FOR THE
2011 CRACK SEAL PROJECT; PROJECT NO. 2011.109**

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:

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 Contractor shall route ($\frac{3}{4}$ " x $\frac{3}{4}$ "), clean, dry, and seal existing bituminous cracks in the streets shown on the attached Location Map dated October 12, 2011. The work shall be completed per the applicable MnDOT Special Provisions (SP 2005) and in accordance with the special provisions outlined within this Construction Contract. The Contractor shall provide all necessary traffic control in accordance with the MMUTCD.

The Contractor shall provide certification that the sealant meets MnDOT 3725. Manufacturers and products are allowed only from the certified source list. Sealant materials may be placed during a period of rising temperature after the air temperature has reached 50 degrees F. The street surface must be completely dry and remain so throughout the application of the sealant material. The Contractor shall conduct the operation so that routing of cracks, cleaning, drying, and sealing are a continuous operation. Traffic shall not be allowed to knead together or damage the routed joints. Routed joints not sealed before traffic is allowed on the pavement shall be re-routed, if necessary, when routing and sealing operations resume at no additional cost to the Owner. Cleaning shall continue until the joint is dry and all dirt, dust or deleterious matter is removed from the joint and adjacent pavement to the satisfaction of the Engineer.

Bond breaker tape is to be installed and shall consist of regular masking tape or other suitable bond breaker tape designed for use with hot pour sealants. The width of the tape may be equal to but not more than 1/8 inch narrower than the width of the saw cut.

The joints shall be sealed when the sealant material is at the pouring temperature recommended by the manufacturer. The Contractor shall fill the joint such that after cooling, the sealant is flush with the adjacent pavement along the edges and the center does not sag more than 1/8 inch below the pavement or shoulder surface. Care shall be taken in the sealing of the joints so that the joints are not overfilled and the final appearance shall present a neat fine line. Sand shall not be spread on the sealed joints to allow for opening to traffic. The sealant shall be tack free before opening to traffic. A given quantity of sealant material shall never be heated at the pouring temperature for more than six (6) hours and shall never be reheated.

The Contractor shall replace any sealant that loses its bond within two years after the sealant is applied.

Actual quantities will be measured and paid per the unit price provided in the quote form completed by the Contractor. The City may add or reduce the number of streets in the project due to quote price, and the amount of crack sealing being performed.

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 15, 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.

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 two years 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.

**QUOTE PROPOSAL FOR
2011 CRACK SEAL PROJECT
PROJECT NO. 2011.109
CITY OF LAKE ELMO, MINNESOTA**

ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT
1	ROUTE AND SEAL CRACKS	LBS	15,000		
TOTAL CRACK SEAL PROJECT				\$	

The quantities herein are approximate only. Payment will be made for the actual quantities of work ordered and installed. We have examined the site of the work and are acquainted with all conditions affecting the construction of the work.

We understand and agree that the City may chose to award the project to the lowest responsible quote or in the best interest of the City. The City reserves the right to reject any or all quotes, to waive any informalities in any Quote, and to omit any part of the above work.

We agree that if this Proposal is accepted, we will execute a Contract in the form attached to this bid package. If we are awarded the Contract, we will complete the work by **November 15, 2011**.

Respectfully submitted,

Firm Name _____

Signature _____

Signed by _____

Title _____

Contact Phone Number _____

Address _____

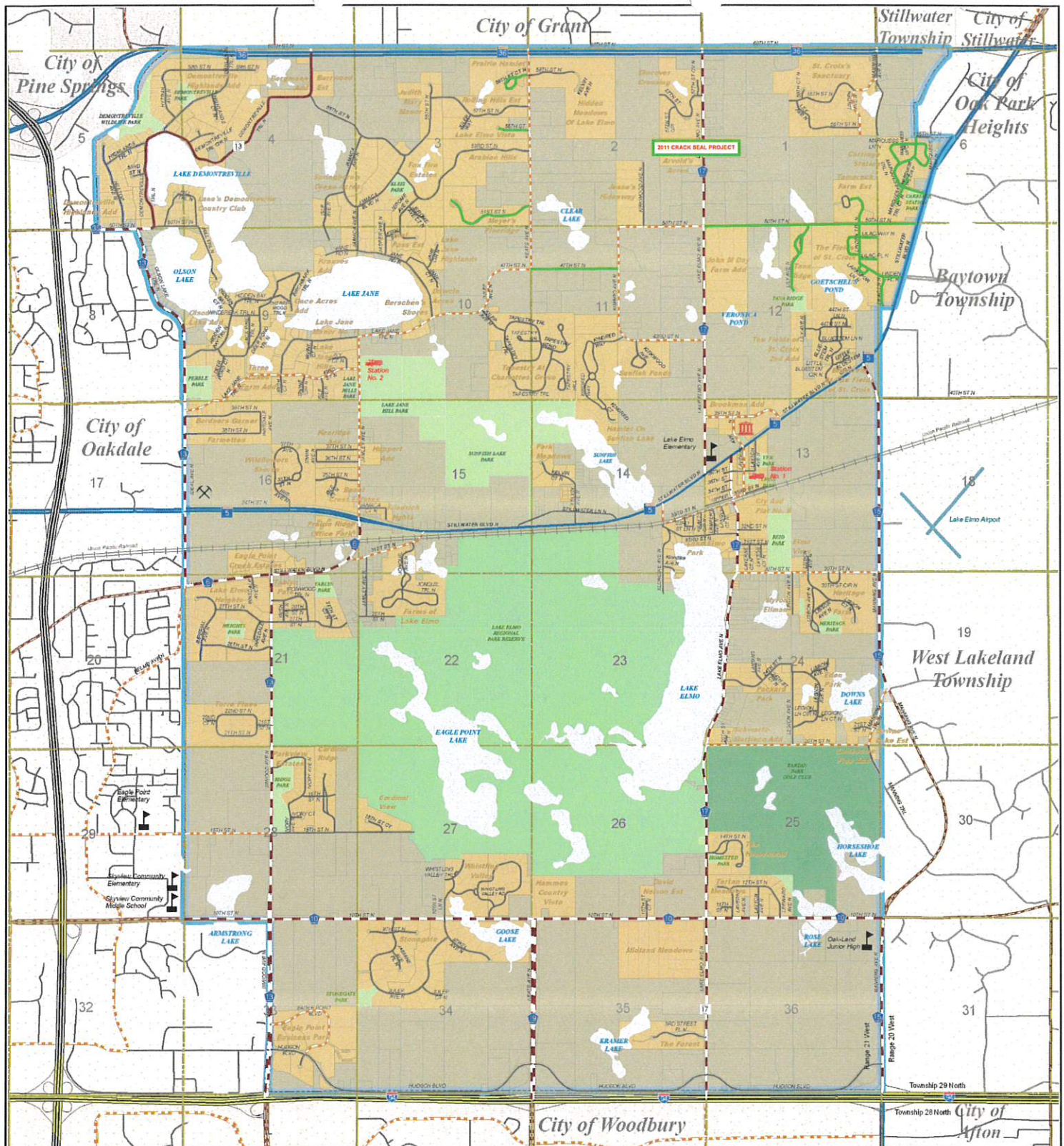
City of Lake Elmo
2011 Crack Seal Project
Project No. 2011.109
October 13, 2011

STREET SEGMENTS SCHEDULED FOR CRACK SEAL IN 2011									
Street Segment	From	To	Length	Width	CDS	LBS	Area (SF)	Area (SY)	
47TH ST N	KEATS AVE	KIMBRO AVE N	2,657	32	0	1,063	85,033	9,448	
50TH ST N	MN TH 5 (STILLWATER BLVD)	LINDEN TRAIL N	1,751	24	0	438	35,016	3,891	
50TH ST N	LILY AVE N	LINDEN TRAIL N	1,553	24	0	388	31,062	3,451	
50TH ST N	CSAH 17 (LAKE ELMO AVE N)	LILY AVE N	3,474	24	0	793	63,475	7,053	
51ST ST N	KEATS AVE N	WEST END	2,934	24	0	733	58,872	6,519	
55TH ST	KEATS AVE	WEST CUL-DE-SAC	950	24	53	344	27,518	3,058	
59TH STREET CT N	KEATS AVE N	WEST	1,453	23	0	418	33,426	3,714	
LARKSPUR LN N	LINDEN TRAIL	LINDEN TRAIL	533	22	0	147	11,736	1,304	
LILAC LN N	LINDEN TRAIL N	SOUTH END	905	22	0	311	24,917	2,769	
LILAC PL N	LINDEN TRAIL N	EAST END	533	22	0	223	17,856	1,984	
LILAC WAY N	LINDEN TRAIL	EAST END	533	22	0	223	17,856	1,984	
LILY AVE N	50TH ST	SOUTH END	3,006	30	0	1,177	94,181	10,465	
LINDEN TRL N	LILAC WAY	LILAC PLACE	1,801	22	0	495	39,532	4,404	
LINDEN TRL N	LILAC LANE N	MN TH 5 (STILLWATER BLVD)	557	32	0	223	17,832	1,981	
LINDEN TRL N	LARKSPUR LN	LARKSPUR LANE	216	22	0	59	4,755	528	
LINDEN TRL N	50TH ST N	LINDEN TRAIL	415	22	0	114	9,121	1,013	
LINDEN TRL N	50TH ST	NORTH END	2,053	24	0	616	49,276	5,475	
LINDEN TRL N	LILAC PLACE	LARKSPUR CT	218	22	0	60	4,797	533	
LINDEN TRL N	LARKSPUR LANE	LILAC LANE N	524	22	0	144	11,529	1,281	
MARQUESS LANE CV N	MARQUESS LANE	CUL-DE-SAC	175	24	60	101	8,064	896	
MARQUESS LN N	MARQUESS LANE	MARQUESS CV	351	26	0	97	7,721	858	
MARQUESS LN N	MARQUESS TRAIL	MARQUESS CV	1,005	24	0	251	20,093	2,233	
MARQUESS TRAIL CT N	MARQUESS TRAIL	CUL-DE-SAC	407	24	60	159	12,711	1,412	
MARQUESS TRL N	MARQUESS TRAIL	CUL-DE-SAC	584	24	60	203	16,257	1,808	
MARQUESS TRL N	MARQUESS LANE	MARQUESS TRAIL CIRCLE	829	24	0	207	16,583	1,843	
MARQUESS TRL N	55TH ST N	MARQUESS LANE	207	24	0	52	4,139	460	
MARQUESS TRL N	MARQUESS WAY	MARQUESS WAY	408	24	0	102	8,169	908	
MARQUESS TRL N	MARQUESS WAY	MARQUESS LANE	479	24	0	120	9,573	1,064	
MARQUESS TRL N	MN TH 5 (STILLWATER BLVD)	MARQUESS TRAIL CIRCLE	723	24	0	181	14,467	1,607	
MARQUESS WAY N	MARQUESS TRAIL	MARQUESS TRAIL	1,458	24	0	365	29,169	3,241	
			32,394		TOTALS	10,000	784,638	87,182	
								CRACK SEAL PROJECT COST \$	15,000.00

Minnesota Department of Transportation

Hot Pour Joint Filler and Crack Sealer Certified Source List

3725
McAsphalt, Ind Beram 3060 LM
Deery American Corp. Deery 101 ELT
Crafco Roadsaver 522
P & T Products Durafill 3725
W.R. Meadows Sealtight 3405 MLR
Maxwell Products Elastoflex 72



The City of Lake Elmo



- Municipal Street
- Municipal State Aid Street
- County Road
- County State Aid Highway
- MN Highway
- Interstate
- Railroad
- Section Line
- Lake Elmo City Limit



City Hall
3885 Lincoln Ave. NW
651.777.0338
www.lakeelmo.org

Public Works Building
1641 16th Ave. NW
651.777.0344

Fire Stations

Station No. 1
5700 Lincoln Ave. NW
651.777.3000

Station No. 2
6215 Lincoln Ave. NW
651.777.4002

Schools



Parcels



Subdivisions



City Parks



Golf Course



Lake Elmo Regional Park Reserve



Lakes



Map Date: October 2008

Created By

TKDA
ENGINEERS • ARCHITECTS • PLANNERS



MAYOR & COUNCIL COMMUNICATION

DATE: 10/18/2011

CONSENT

ITEM #: 5

MOTION

AGENDA ITEM: Holiday Street Lighting

SUBMITTED BY: Mike Bouthilet

THROUGH: Craig Dawson

REVIEWED BY: Craig Dawson, Anne Smith

SUMMARY AND ACTION REQUESTED:

Purchase new holiday street lighting for the downtown area of Lake Elmo.

BACKGROUND INFORMATION:

The current holiday lights are in 13 years old and in poor shape. The current lights were donated by the Jaycees, but unfortunately they were purchased without consulting staff. The lights are too wide and have been hit numerous times by truck traffic. The lights are also too heavy to be put up by ladder, so a boom truck has to be rented for installation and removal. The new lights are significantly lighter, narrower, and LED powered which is a more durable and energy efficient light. The lights are placed primarily on Lake Elmo Ave between 33rd Street and TH5, along TH5 from Gorman's Restaurant to Hagbergs, and on the corner of Laverne and 36th Street.

STAFF REPORT:

Two quotes for 24 new lights (12 ea. bell, 12ea. flame candle) were as follows:

- Main Street Design \$5,508.00 plus tax (no shipping charges)
- Temple Display \$6,420.00 plus tax and \$513.00 shipping

Funding has been requested to the Jaycees, but we will not know how much, if any, until they meet again on November 3rd. Current funding will be from the Fall Festival Fund and any donated money from the Jaycees will go back to the fund.

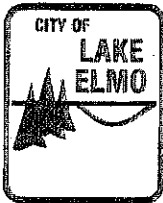
Some of the pole outlets have to be repaired or new outlets added. Cost is undetermined because it is a by the hour electrician cost, but a not to exceed \$800.00 figure be included in this request.

RECOMMENDATION: Purchase the Holiday Lights from Main Street Designs for \$5,508.00 plus tax, and a not to exceed \$800.00 electrical budget from the Fall Festival Fund and any donated money reimbursed to the fund.

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

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



MAYOR & COUNCIL COMMUNICATION

DATE: 10/18/2011
CONSENT
ITEM #: 6
MOTION [or DISCUSSION]

AGENDA ITEM: Consider Ordinance No. 08-054 – No Parking Signs at Laverne Avenue North at Highway 5

SUBMITTED BY: Request of City Staff

THROUGH: Mike Bouthilet, Public Works Director

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider Ordinance No. 08-054 regarding the proposed modifications for “No Parking” signs on Laverne Avenue North at Highway 5.

BACKGROUND INFORMATION & STAFF REPORT: This item has been scheduled at the request of the City Public Works Department. It has been reported that increased traffic from parents bringing/picking up their children at the Lake Elmo Elementary School have safety concerns for the intersection of Laverne Avenue North and Highway 5. Park and Ride cars are parked too close to the Stop sign causing cluttering and impaired visibility for drivers to pull out onto Highway 5.

If approved, the Public Works Department would post one “No Parking Here to Corner” sign South Bound – West Side from Highway 5 North 80 feet and two “No Parking” Signs North Bound 180 feet from Highway 5 East Side.

RECOMMENDATION: The City Council is respectfully requested to consider Ordinance No. 08-054 regarding the proposed modification for Laverne Avenue North at Highway 5:

“Move to approve Ordinance No. 08-054, directing placement of one “No Parking Here To Corner” sign, South Bound – West Side from Highway 5 North 80 feet and Two “No Parking” signs North Bound – 180 feet from Highway 5 East Side”

ATTACHMENTS: Ordinance No. 08-054

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

**ORDINANCE NO. 08-054
AN ORDINANCE ADDING CHAPTER 73, SCHEDULE 1:
(PARKING PROHIBITED)
TO THE LAKE ELMO MUNICIPAL CODE**

Section 1. Amendments: Chapter 73: Parking Schedules, Schedule 1: Parking Prohibited is hereby added to the Lake Elmo Municipal Code: to wit:

1. One "No Parking Here To Corner" Sign, South Bound – West Side from Highway 5 North 80 feet; Laverne Avenue North at Highway 5;
2. Two "No Parking" Signs North Bound – 180 feet from Highway 5 East Side

Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council on October 18, 2011.

Dean A. Johnston, Mayor

ATTEST:

Sharon Lumby
City Clerk

Published in the Oakdale-Lake Elmo Review on the day of November, 2011



MAYOR & COUNCIL COMMUNICATION

DATE: 10/18/2011

REGULAR

ITEM #: 7

DISCUSSION/ACTION

AGENDA ITEM: Accept Petitions and Consider Possible Revisions to Ordinance Section 97.21 Regarding "No Wake" Hours of Operation on Area Lakes

SUBMITTED BY: Request of Mayor & City Council

THROUGH: Craig Dawson, Interim City Administrator
Dave Snyder, City Attorney
Mike Bouthilet, Public Works Director

SUMMARY AND BACKGROUND INFORMATION: The City Council has scheduled this item to accept resident petitions and discuss possible revisions to City Ordinance Section 97.21 governing operation of motor craft and the hours of "no wake" speeds on area lakes. These lakes include Olson-Demontreville, Jan and Elmo.

Lake Elmo has restrictions in place on area lakes for "no wake" operation from sunset to 12 noon the following day. However, there is no record of any significant enforcement actions taken with respect to this provision. Enforcement is undertaken by the Washington County Sheriff's Office on behalf of the City of Lake Elmo.

In August, area property owners from Lake Jane submitted a petition to the City requesting the City Council changes these "slow, no wake" provisions to sunset to 9 AM. Earlier this week, other property owners from Lake Jan submitted a petition to the City opposing such changes. Property owners along lakes Olson-Demontreville and Elmo have spoken predominantly against such changes.

Attached for Council information are the state regulations governing surface water activities and restrictions. According to state officials, Lake Elmo's current time restrictions have been previously deemed acceptable (they mix clearly-stated approved time restrictions found in Section 6110.3700 Subpart 6). The City Council has the option of leaving the current restrictions as is, adopting a set of restrictions currently enumerated by the MNDNR, or changing the current restrictions and seeking a variance from the MNDNR should these new time restrictions not follow enumerated options.

Additionally, the MNDNR has opined that any change in such restrictions should, at a minimum, be applied to all connected bodies of water (Olson-Demontreville, for example). Restrictions

which change between different connected bodies of water, or vary from lake to lake within a jurisdiction are noted to be more difficult to post and enforce but are not, however, prohibited outright. It is also noted that, as public lakes, non-adjacent property owners, other residents of Lake Elmo, and other Minnesotans and non-residents utilize these lakes in accordance state and local regulations.

As the State of Minnesota's Department of Natural Resources has jurisdiction and statutory review over such local ordinances (to ensure they are not in conflict with State law), any action taken by the City Council will have to be submitted to MNDNR for final approval.

OTHER CONSIDERATIONS: The Minnesota DNR has not undertaken its review of the City's Ordinance, including both recently made or previously adopted but apparently not submitted for DNR review. It is anticipated that this effort will be initiated sometime this fall, after the City Council considers tonight's issue.

RECOMMENDATION: It has been requested that the City Council accept the residents' petitions and consider possible changes to Ordinance Section 97.21 Regarding "Slow, No Wake" Provisions relating to hours of operation on area lakes. The City Attorney can advise the City Council, should the Council wish to take specific action at tonight's meeting. Should formal changes be made to the Ordinance, however, it should be noted that DNR approval will still be required.

ATTACHMENTS:

1. Ordinance Section 97.21 – Current Language
2. Water Surface Use Rules and Statutes – MNDNR (FEB 2007)
3. Lake Jane Resident Petition #1 – August 25, 2011
4. Lake Jane Resident Petition #2 – October 12, 2011

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Questions from Council Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion, if Appropriate..... Mayor & City Council
- Discussion Mayor Facilitates
- Action on Motion, if Appropriate Mayor & City Council

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-050

AN ORDINANCE TO ALLOW THE CITY COUNCIL TO EXTEND THE "NO
WAKE" REQUIREMENTS UNDER THE WATER SURFACE USE
ORDINANCE

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 97.21 subdivision (B) is hereby amended to read as follows:

(B) *Hours of operation.*

(1) Normal Conditions - No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day.

(2) High Water Conditions - No person shall operate any motorboat at a speed other than a slow, no-wake speed ~~when a lake level exceeds the ordinary high water mark.~~

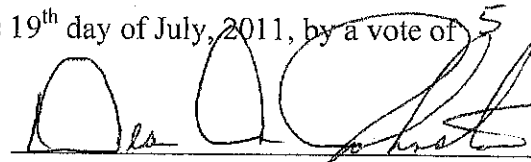
changed by
Council
9-6-11

(3) Other Conditions - Alternative or modified no-wake time periods may be established by the City Council by Resolution as part of a special event or other condition. No person shall operate any motor boat in a manner which creates a wake when no-wake signs are posted.

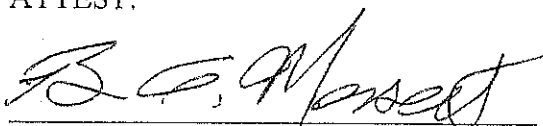
Section 2. Adoption Date

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

This Ordinance No. 08-050 was adopted on this 19th day of July, 2011, by a vote of 5 Ayes and 0 Nays.


Mayor Dean Johnston

ATTEST:


Bruce A. Messelt, City Administrator

This Ordinance No. 08-50 was published on the 27th day of July, 2011

Water Surface Use Rules And Statutes



**Minnesota Department
of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046**

February 2007

Dear Water Surface Use Manager:

Each year the Minnesota Department of Natural Resources (DNR) receives numerous inquiries regarding water surface use management. This packet contains general information concerning the rules and statutes that may govern the water surface of lakes and rivers in Minnesota.

Water surfaces are managed through numerous statutes and rules. Minnesota Rules parts 6110.3000-.3800, Water Surface Use Management (WSUM) Rules describe the goals of the rules, require an assessment of the water surface use conditions, and establish water surface management standards or parameters, which may be included in an ordinance. For more specific information, a copy of the statutes and rules are enclosed. Also, see the note on "Enforcement" in the sample ordinance that is enclosed.

Governmental units formulating, amending or deleting controls for water surface use must submit the following information to the DNR for review prior to adopting a proposed WSUM ordinance:

- **A water surface worksheet with a map of the water body, highlighting the affected areas.**
- **A statement explaining the necessity for the ordinance and the solution to the problem this ordinance will offer.**
- **A copy of the proposed ordinance (sample wording is included).**
- **An account of the public hearing held concerning the proposed controls, including an account of the statements of each person who testified.**

Generally, if more than one governmental unit at the same level (town to town, city to city or county to county) has jurisdiction over the particular body of water, they all must have an ordinance with identical restrictions and have a signed joint powers agreement. All of the affected governmental units must submit the required information to the DNR for approval. Enclosed is an example of a WSUM ordinance that was approved by the DNR. If for some reason the DNR denies the proposed ordinance, then the denial will be sent in the form of a letter, which will explain the reasons for denial. The governmental unit may amend the proposed ordinance in accordance with the denial letter and resubmit the proposed ordinance for a second review by the DNR.

The DNR will notify the governmental unit in writing of approval or denial within 120 days after receiving all of the above information. The governmental unit adopting an ordinance must provide for notification of the ordinance to the public, which involves placing signs at public watercraft launch sites outlining essential elements of the ordinance.

For further information about water surface use management, call me at the DNR, Boat and Water Safety Section at (651) 259-5343 or e-mail me at: kim.elverum@dnr.state.mn.us.

Sincerely,

Kim A. Elverum
Boat and Water Safety Coordinator

Enclosures

MINNESOTA WATER SURFACE USE MANAGEMENT RULES

6110.3000 POLICY.

It is the policy of this state to promote full use and enjoyment of waters of the state, to promote safety for persons and property in connection with such use, and to promote uniformity of laws relating to such use.

Statutory Authority: M.S. § 361.25

6110.3100 SCOPE.

As part of implementing that policy, Minnesota Statutes, sections 378.32 and 459.20 authorize counties, cities, and towns to regulate by ordinance the use of surface waters by watercraft, upon approval of any such ordinance by the commissioner. Minnesota Statutes, section 361.26, subdivision 2a authorizes the commissioner to regulate such use by rule, upon request of a county, city or town, and after the rule is approved by the majority of the counties affected. Parts 6110.3000 to 6110.4200, however, shall not apply to units of government other than counties, cities, and towns, or to counties, cities, or towns adopting ordinances identical to and on the same body of water as a lake conservation district ordinance.

Statutory Authority: M.S. § 361.25

6110.3200 GOAL OF WATER SURFACE USE MANAGEMENT.

The goal of water surface use management shall be to enhance the recreational use, safety, and enjoyment of the water surface of Minnesota and to preserve these water resources in a way that reflects the state's paramount concern for the protection of its natural resources. In pursuit of that goal, an ordinance or rule shall:

- A. where practical and feasible, accommodate all compatible recreational uses;
- B. minimize adverse impact on natural resources;
- C. minimize conflicts between users in a way that provides for maximum use, safety, and enjoyment; and
- D. conform to the standards set in part 6110.3700.

Statutory Authority: M.S. § 361.25

6110.3300 STATUTORY AUTHORITY.

Parts of 6110.3000 to 6110.4200 are required by Minnesota Statutes, section 361.25. They provide procedures for the development and approval of rules and ordinances for resolving water surface use conflict by regulating:

- A. type and size of watercraft;
- B. type and horsepower of motors;
- C. speed of watercraft;
- D. time of use;
- E. area of use; and
- F. the conduct of other activities on the water body where necessary to secure the safety of the public and the most general public use.

Statutory Authority: M.S. § 361.25

6110.3400 JURISDICTION OF COMMISSIONER.

The commissioner shall exercise his discretion under Minnesota Statutes, section 361.26, subdivision 2 to regulate a water body when so requested by a county, city, or town only when the water body:

- A. is traversed by a state or international boundary; or
- B. is within the jurisdiction of two or more counties which cannot agree on the content of

ordinances; and

C. regulation is necessary to achieve the goals in part 6110.3200.

In all other cases, water surface use regulation shall be by county, city, or town ordinance as specified in Minnesota Statutes, sections 378.32 and 459.20. If a body of water is located within the jurisdiction of two or more cities or towns which cannot agree on the content of ordinances, any such city or town may petition the county in which they are located to adopt an ordinance.

Statutory Authority: M.S. § 361.25

6110.3500 EXISTING ORDINANCES AND RULES.

All existing ordinances and rules adopted on or after January 1, 1975 affecting water surface use shall be brought into compliance with parts 6110.3000 to 6110.4200 within a reasonable time period after promulgation of these parts.

Statutory Authority: M.S. § 361.25

6110.3600 ASSESSMENT OF CONDITIONS.

Subpart 1. **Factors to consider.** The commissioner of any governmental unit formulating, amending, or deleting controls for surface waters shall acquire and consider the following information, noting factors that are not relevant:

A. Physical characteristics:

- (1) size: normal surface acreage, if available, or the basin acreage listed in the Division of Waters Bulletin No. 25, An Inventory of Minnesota Lakes;
- (2) crowding potential: expressed as a ratio of water surface area to length of shoreline;
- (3) bottom topography and water depth;
- (4) shore soils and bottom sediments;
- (5) aquatic flora and fauna;
- (6) water circulation: for lakes, the existence and locations of strong currents, inlets, and large water level fluctuations; for rivers and streams, velocity and water level fluctuations;
- (7) natural and artificial obstructions or hazards to navigation, including but not limited to points, bars, rocks, stumps, weed beds, docks, piers, dams, diving platforms, and buoys; and
- (8) regional relationship: the locations and the level of recreational use of other water bodies in the area.

B. Existing development:

- (1) Private: to include number, location, and occupancy characteristics of permanent homes, seasonal homes, apartments, planned unit developments, resorts, marinas, campgrounds, and other residential, commercial, and industrial uses.
- (2) Public: to include type, location, size, facilities, and parking capacity of parks, beaches, and watercraft launching facilities.

C. Ownership of shoreland: to include the location and managing governmental unit of shoreline in federal, state, county, or city ownership as well as private, semipublic, or corporate lands.

D. Public regulations and management: to include federal, state, or local regulations and management plans and activities having direct effects on watercraft use of surface waters.

E. History of accidents which have occurred on the surface waters.

F. Watercraft use: to include information obtained in the morning, afternoon, and evening on at least one weekday and one weekend day, concerning the number and types of watercraft in each of the following categories: kept or used by riparians, rented by or gaining access through resorts or marinas, using each public watercraft launching facility, in use on the waterbody.

G. Conflict perception and control preferences: to include opinions gained by surveys or through public meetings or hearings of riparians, transients, local residents, and the public at large.

Subp. 2. **Written statement.** Any governmental unit formulating, amending, or deleting controls for surface waters shall submit to the commissioner the following:

- A. the information requested in subpart 1, portrayed on a map to the extent reasonable;
- B. a statement evaluating whether the information reveals significant conflicts and

explaining why the particular controls proposed were selected;

C. the proposed ordinance; and

D. a description of public hearings held concerning the proposed controls, including an account of the statement of each person testifying.

Subp. 3. **Commissioner review and approval.** The commissioner shall require the ordinance proposer to provide additional information of the kind described in subpart 1 when needed in order to make an informed decision. The commissioner shall approve the ordinance if it conforms with these rules.

Statutory Authority: M.S. § 361.25

6110.3700 WATER SURFACE MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** To promote uniformity of ordinances or rules on the use of watercraft on surface waters of this state, to encourage compliance and to ease enforcement, the commissioner and any government unit formulating such ordinances or rules shall follow these standards. When formulating an ordinance or rule, it is not required that all the standards listed below be incorporated into every ordinance or rule. Rather, the commissioner or governmental unit shall select from the standards listed below such standard(s) as are needed to regulate the surface use of waters.

Subp. 2. **Watercraft type and size.** Controls may be formulated concerning the type and/or size of watercraft permissible for use on surface water body(ies) or portions thereof.

Subp. 3. **Motor type and size.** Controls, if any, concerning the maximum total horsepower of motor(s) powering watercraft on surface waters shall utilize one or more of the following horsepower cutoffs or motor types: 25 hp; 10 hp; electric motors; no motors.

Subp. 4. **Direction of travel.** Directional controls, if used, shall mandate watercraft to follow a counterclockwise path of travel.

Subp. 5. **Speed limits.** Controls, if any, concerning the maximum speeds allowable for watercraft on surface waters shall utilize one or more of the following miles-per-hour cutoffs:

A. "Slow-No Wake" means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five mph.

B. 15 mph.

C. 40 mph.

Subp. 6. **Effective Time.** Controls must use one or more of the following time periods:

A. sunrise to sunset or sunset to sunrise the following day;

B. 9:00 a.m. to 6:00 p.m. or 6:00 p.m. to 9:00 a.m. the following day;

C. noon to 6:00 p.m. or 6:00 p.m. to noon the following day;

D. all 24 hours of the day.

Controls must be in effect during one of the following calendar divisions: all year; Memorial Day weekend through Labor Day weekend; on all weekends and legal holidays occurring within Memorial Day weekend through Labor Day weekend.

Controls governing the use of watercraft may be adopted which are placed into effect based upon specific water elevations.

Subp. 7. **Area zoning.** Controls shall clearly specify which portion of the water body is affected by such controls.

Area controls may be formulated concerning any of the subject matter covered in the water surface management standards in subparts 2 to 9.

Controls concerning a "Slow-No Wake" shall be established for the entire water body or portion thereof according to the following criteria: within 100 feet or 150 feet from the shore; or where watercraft speed or wake constitutes a hazard to persons, property, or the natural resources; or where it has been determined that such control(s) would enhance the recreational use and enjoyment of the majority of users.

Subp. 8. **Conduct of other activities on a body of water.** Controls formulated by a governmental unit which restricts other activities (such as swimming or scuba diving) shall conform to part 6110.3200.

Subp. 9. **Emergencies.** In situations of local emergency, temporary special controls may be

enacted by a county, city, or town for a period not more than five days without the commissioner's approval. The commissioner shall be notified, however, as soon as practicable during this five-day period.

Subp. 10. **Additional evidence.** A government unit may submit additional evidence if it feels that variance from the afore-stated standards is necessary to best address a particular problem. The commissioner will review such evidence and shall grant a variance if there are circumstances peculiar to the body or bodies of water in question of such magnitude as to overshadow the goal of uniformity.

Statutory Authority: M.S. § 361.25

6110.3800 ADMINISTRATIVE PROVISIONS.

Subpart 1. **Enforcement and penalties.** Any government unit adopting ordinances pursuant to Minnesota Statutes, sections 378.32 and 459.20 shall provide for their enforcement and prescribe penalties for noncompliance. Rules established pursuant to Minnesota Statutes, section 361.26 shall be enforced by conservation officers of the Department of Natural Resources and the sheriff of each county.

Rules or ordinances shall contain a provision exempting authorized resource management, emergency, and enforcement personnel when acting in the performance of their assigned duties. They may also provide for temporary exemptions from controls through the use of permits issued by the unit of government adopting the ordinance or rule.

Subp. 2. **Commissioner's approval for proposed ordinances.** Any governmental unit formulating ordinances or desiring amendments and deletions to existing ordinances shall submit the written statement required by these rules with the proposed ordinance to the commissioner pursuant to Minnesota Statutes, section 378.32 for his approval or disapproval. Determination of approval or disapproval shall be based upon the written statement and the compatibility of the ordinance with these rules. If the proposed ordinance is disapproved by the commissioner and a satisfactory compromise cannot be established, the governmental unit may initiate a contested case hearing to settle the matter.

The commissioner shall notify the governmental unit in writing of his approval or disapproval of proposed ordinances within 120 days after receiving them pursuant to Minnesota Statutes, section 378.32. Failure to so notify shall be considered approval.

Subp. 3. **Public notice.** Any governmental unit adopting ordinances shall provide for adequate notification of the public, which shall include placement of a sign at each public watercraft launching facility outlining essential elements of such ordinances, as well as the placement of necessary buoys and signs. All such signs and buoys shall meet requirements specified in Minnesota Statutes, section 361 and parts 6110.1500 to 6110.1900.

The commissioner shall publish and update at his discretion a listing of watercraft use rules and ordinances on surface waters of the state for distribution to the public.

Statutory Authority: M.S. § 361.25

RELEVANT WATER SURFACE USE STATUTES

CHAPTER 86B

86B.201 STATE LAW AND LOCAL ORDINANCE AUTHORITY.

Subdivision 1. **Application of state law.** The provisions of this chapter and of other applicable laws of this state shall govern the operation, equipment, numbering, and all other related matters for a watercraft operated on the waters of this state, or the time when an activity regulated by this chapter may take place.

Subd. 2. **Local authority to adopt ordinance.** (a) This chapter does not limit the authority of a political subdivision of this state to adopt regulations that are not inconsistent with this chapter and the rules of the commissioner relating to the use of waters of this state that are wholly or partly within the territorial boundaries of a county or entirely within the boundaries of a city.

(b) A city of the first class of over 200,000 or the park board of the city may forbid the use of motorboats or boats with attached motors on its lakes.

Subd. 3. **Nonmotorized carry-on access.** A person may access any public waters through public land with a hand-carried nonmotorized watercraft.

HIST: 1990 c 391 art 9 s 9; 1997 c 226 s 11

86B.205 WATER SURFACE USE ORDINANCE.

Subdivision 1. **Assistance.** The commissioner shall develop and publish guidelines to assist counties adopting water surface use ordinances for waters within their jurisdiction.

Subd. 2. **Surface use ordinances.** (a) A county board may, by ordinance, regulate the surface use of bodies of water located entirely or partially within the county and not located entirely within the boundary of a single city or lake conservation district established by law.

(b) If a body of water is located within more than one county, a surface use ordinance is not effective until adopted by the county boards of all the counties where the body of water lies under section 471.59 or placed into effect by order of the commissioner under subdivision 9.

(c) With the authorization of an affected city or lake conservation district, a county board may assume and exercise the powers in subdivisions 2 to 5 with respect to bodies of water lying entirely within that city or lake conservation district. The regulation by the county of the surface use of a portion of a body of water located within the boundary of a city must be consistent with any city regulation existing on May 25, 1973, of the surface use of that portion of the body of water. After January 1, 1975, the ordinance must be consistent with the provisions of this chapter and rules of the commissioner under this chapter.

Subd. 3. **Prior ordinances invalid without approval.** A surface use zoning ordinance adopted under subdivisions 2 to 5 by a local governmental unit after May 25, 1973, is invalid unless it is approved by the commissioner.

Subd. 4. **Approval of ordinances.** A proposed surface use zoning ordinance must be submitted to the commissioner for review and approval before adoption. The commissioner must approve or disapprove the proposed ordinance within 120 days after receiving it. If the commissioner disapproves the proposed ordinance, the commissioner must return it to the local governmental unit with a written statement of the reasons for disapproval.

Subd. 5. **County regulatory authority.** A county board may:

(1) regulate and police public beaches, public docks, and other public facilities for access to a body of water, except:

(i) regulations are subject to subdivision 6;

(ii) a county board may not regulate state accesses; and

(iii) a municipality may by ordinance preempt the county from exercising power under this

subdivision within its jurisdiction;

(2) regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities in a manner consistent with other state laws and the rules of the commissioner of natural resources, the pollution control agency, and the commissioner of health, and with the applicable municipal building codes and zoning ordinances where the marinas are located;

(3) regulate the construction, installation, and maintenance of permanent and temporary docks and moorings in a manner consistent with state and federal law, permits required under chapter 103G, and sections 86B.111 and 86B.115;

(4) except as provided in subdivision 6, regulate the type and size of watercraft allowed to use the body of water and set access fees;

(5) subject to subdivision 6, limit the types and horsepower of motors used on the body of water;

(6) limit the use of the body of water at various times and the use of various parts of the body of water;

(7) regulate the speed of watercraft on the body of water and the conduct of other activities on the body of water to secure the safety of the public and the most general public use; and

(8) contract with other law enforcement agencies to police the body of water and its shore.

Subd. 6. Public access restrictions. The county board must allow the same types and sizes of watercraft and horsepower of motors to access and enter the lake or water body as are generally allowed to be operated on the lake or water body. Special use exceptions that are not dependent on lakeshore or property ownership may be granted by permit.

Subd. 7. County acquisition of public access. A county board may acquire by purchase, gift, or devise land for public access to a lake or stream and may improve the land as a park or playground if the land is less than ten acres and is contiguous to the meander line of a navigable lake or stream wholly or partly within the county and not entirely within the corporate limits of a city.

Subd. 8. Advisory assistance. The county board may invite any municipal council or town board or the soil and water conservation district board of supervisors or watershed district board of managers to designate a representative to advise and consult with the county board on water use regulation and improvement.

Subd. 9. Watercraft use rules for local waters. (a) On request of a county, city, or town, the commissioner may, after determining it to be in the public interest, establish rules relating to the use of watercraft on waters of this state that border upon or are within, in whole or in part, the territorial boundaries of the governmental unit.

(b) The rules shall be established in the manner provided by sections 14.02 to 14.62, but may not be submitted to the attorney general nor filed with the secretary of state until first approved by resolutions of the county boards of a majority of the counties affected by the proposed rules.

(c) The rules may restrict:

- (1) the type and size of watercraft and size of motor that may use the waters affected by the rule;
- (2) the areas of water that may be used by watercraft;
- (3) the speed of watercraft;
- (4) the times permitted for use of watercraft; or
- (5) the minimum distance between watercraft.

(d) When establishing rules, the commissioner shall consider the physical characteristics of the waters affected, their historical uses, shoreland uses and classification, and other features unique to the waters affected by the rules.

(e) The commissioner shall inform the users of the waters of the rules affecting them at least two weeks before the effective date of the rules by distributing copies of the rules and by posting of the public accesses of the waters. The failure of the commissioner to comply with this paragraph does not affect the validity of the rules or a conviction for violation of the rules.

(f) The cost of publishing rules and of marking and posting waters under this subdivision shall be paid by the counties affected by the rules, as apportioned by the commissioner.

(g) Regulations or ordinances relating to the use of waters of this state enacted by a local governmental unit before January 1, 1972, shall continue in effect until repealed by the local

governmental unit or superseded by a rule of the commissioner adopted under this subdivision.

History: 1990 c 391 art 9 s 10

86B.211 WATER SAFETY RULES.

The commissioner shall adopt rules that relate to:

- (1) the application for, form, and numbering of watercraft licenses;
- (2) the size, form, reflectorized material, and display of watercraft license numbers, which must comply with the requirements of the federal watercraft numbering system;
- (3) placement and regulation of docks, piers, buoys, mooring or marking devices, and other structures in the waters of this state;
- (4) rules of the road for watercraft navigation;
- (5) standards for equipment used in the towing of persons on water skis, aquaplanes, surfboards, saucers, and other devices;
- (6) standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment;
- (7) standards of safe load and power capacity;
- (8) accounting, procedural, and reporting requirements for county sheriff;
- (9) designation of swimming or bathing areas;
- (10) standards of safety for watercraft offered for rent, lease, or hire;
- (11) the use of surface waters of this state by watercraft as provided and in accordance with section 86B.205, subdivision 9, paragraphs (c) and (d), including:
 - (i) standards and criteria for resolving conflicts in the use of water surfaces by watercraft;
 - (ii) procedures for dealing with problems involving more than one local governmental unit;
 - (iii) procedures for local enforcement; and
 - (iv) procedures for enforcing the restrictions in section 86B.205, subdivision 9, paragraph (c); and
- (12) other rules determined by the commissioner to be necessary to implement the provisions of this chapter.

HIST: 1990 c 391 art 9 s 11; 1991 c 259 s 10

STATUTES ON LAKE IMPROVEMENT DISTRICTS

103B.551 BOARD OF DIRECTORS.

Subdivision 1. **Membership.** After a lake improvement district is established, the county board, joint county authority, or commissioner that established the district shall appoint persons to serve as an initial board of directors for the district. Subsequent board members must be elected by persons owning

property in the district at the annual meeting of the district. The number, qualifications, terms of office, and method of election, removal, and filling of vacancies of directors shall be as provided in the order creating the board of directors. The initial and all subsequent boards of directors must include persons owning property within the district, and a majority of the directors must be residents of the district.

Subd. 2. **Compensation.** The directors shall serve with compensation as determined by the property owners at the annual meeting and may be reimbursed for their actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.

Subd. 3. **Powers.** County boards, joint county authorities, statutory and home rule cities, and towns may, by order, delegate the powers in this section to the board of directors of a district to be exercised within the district. Programs and services undertaken must be consistent with the statewide water and related land resources plan prepared by the commissioner of natural resources and with regional water and related land resources plans. A body of water may not be improved by using authority granted under this section unless the public has access to some portion of the shoreline. County boards, joint county authorities, statutory and home rule cities, and towns may delegate their authority to a district board of directors to:

- (1) acquire by gift or purchase an existing dam or control works that affects the level of waters in the district;
- (2) construct and operate water control structures that are approved by the commissioner of natural resources under section 103G.245;
- (3) undertake projects to change the course current or cross section of public waters that are approved by the commissioner of natural resources under section 103G.245;
- (4) acquire property, equipment, or other facilities, by gift or purchase to improve navigation;
- (5) contract with a board of managers of a watershed district within the lake improvement district or the board of supervisors of a soil and water conservation district within the district for improvements under chapters 103C and 103D;
- (6) undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities;
- (7) develop and implement a comprehensive plan to eliminate water pollution;
- (8) conduct a program of water improvement and conservation;
- (9) construct a water, sewer, or water and sewer system in the manner provided by section 444.075 or other applicable laws;
- (10) receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
- (11) make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs;
- (12) maintain public beaches, public docks, and other public facilities for access to the body of water;

(13) provide and finance a government service of the county or statutory or home rule city that is not provided throughout the county or, if the government service is provided, the service is at an increased level within the district; and

(14) regulate water surface use as provided in sections 86B.205, 103G.605, and 103G.621.

HIST: 1990 c 391 art 2 s 40; 1996 c 385 art 2 s 7; 2000 c 396 s 3

PARK DISTRICT STATUTES

398.08 GENERAL POWERS.

Park districts shall have all the rights, powers, privileges and immunities of a municipal corporation at common law and they shall be subject to the duties of a municipal corporation at common law. Except as otherwise limited in this chapter they shall have perpetual succession, may sue and be sued, may use a corporate seal, may acquire by lease, purchase, gift, condemnation or otherwise such real and personal property as the purposes of the board may require and may hold, manage, control, sell, convey, lease or otherwise dispose of such property or its interests therein. The board shall have full authority to exercise all the powers of the district, to make all necessary or desirable contracts, to procure public liability and other insurance protection as may be necessary or desirable, to hire and employ help and assistance as its needs require, to exercise the power of eminent domain, to enact ordinances and to declare that the violation thereof shall be a penal offense and to prescribe the penalties, thereof, not to exceed a fine of \$100, or imprisonment in a statutory city or county jail for a period of not more than 90 days, or both, and in either case the cost of prosecution may be added to the penalties imposed. The board shall have full power and authority to acquire and establish parks and to operate, maintain, protect, improve and preserve a park system and to conduct a recreational program in its parks.

History: 1955 c 806 s 8; 1973 c 123 art 5 s 7

398.09 SPECIFIC POWERS (Subd. (a) only).

Park district boards in addition to the foregoing general powers shall have these specific powers:

(a) The power to regulate by ordinance the use of the waters of any lake lying wholly within a park established under this chapter and the use of any lake shore which is within a park established under this chapter and the waterfront immediately abutting such lake shore for not to exceed 300 feet therefrom, by all persons, including persons boating, swimming, fishing, skating or otherwise, in, upon or about said lake, lake shore and abutting waterfront, subject to regulation by the state of Minnesota.

See MN Stats. for remainder of section

History: 1955 c 806 s 9; 1957 c 160 s 1; 1973 c 123 art 5 s 7; 1984 c 654 art 2 s 127; 1986 c 444; 2001 c 44 s 4

STATUTES REGARDING CITIES AND TOWNS

459.20 AUTHORITY OVER PUBLIC WATERS.

The governing body of any home rule charter or statutory city or town in the state has, with respect to any body of water situated wholly within its boundaries, all the powers to improve and regulate the use of such body of water subject to section 86B.205, subdivision 6, as are conferred on county boards by sections 86B.205 and 103F.801, and to establish and administer lake improvement districts under sections 103B.501 to 103B.581. With respect to any body of water situated wholly within the contiguous

boundaries of two or more home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water subject to section 103F.751, as are conferred on county boards by sections 86B.205 and 103F.801, and to establish and administer lake improvement districts as provided under sections 103B.501 to 103B.581, provided that no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 103B.501 to 103B.581. References in sections 86B.205, 103B.501 to 103B.581, and 103F.801 to the county board shall be construed to refer to the governing body of a home rule charter or statutory city or the board of supervisors of a town.

History: 1973 c 123 art 5 s 7; 1973 c 702 s 24; 1975 c 311 s 1; 1978 c 726 s 17; 1986 c 439 s 5; 1986 c 443 s 16,17; 1990 c 391 art 8 s 46

WATER SURFACE USE WORKSHEET

APPLICANTS FOR WATER SURFACE USE ORDINANCES ARE REQUIRED BY MINN. RULE 6110.3600 TO SUPPLY THE FOLLOWING INFORMATION REGARDING THE WATER BODY TO BE REGULATED. YOU MAY USE THIS FORM OR SEPARATE SHEETS TO PROVIDE THE NECESSARY INFORMATION. **(PLEASE NOTE ANY INFORMATION THAT IS NOT RELEVANT.)**

Physical Characteristics

- a. Size - normal surface acreage, if available, or the basin acreage listed on the DNR Web Page or in the Division of Waters Bulletin No. 25 "An Inventory of Minnesota Lakes."

_____ surface acres (or) _____ basin average

- b. Crowding potential - expressed as a ratio of water surface area to length of shoreline.

_____ surface acres: _____ miles of shoreline

- c. Bottom topography and water depth (deepest & average) (available from DNR regional or area fisheries headquarters).

- d. Shore soils and bottom sediments (available from DNR regional or area fisheries headquarters).

- e. Aquatic flora and fauna (available from DNR regional or area fisheries headquarters).

- f. Water Circulation

For Lakes: the existence and locations of strong currents, inlets, and large water level fluctuations.

For Rivers and Streams: velocity and water level fluctuations.

- g. Natural and artificial obstructions or hazards to navigation, including but not limited to points, bars, rocks, stumps, weed beds, docks, piers, dams, diving platforms, and buoys.

- h. Regional relationship – the locations and the level of recreational use of other water bodies in the area.
- 2. Existing development.
 - a. Private – to include number, location, and occupancy characteristics of permanent homes, seasonal homes, apartments, planned unit developments, resorts, marinas, campgrounds, and other residential, commercial, and industrial uses.
 - b. Public – to include type, location, size, facilities, and parking capacity of parks, beaches, and watercraft launching facilities.
- 3. Ownership of shoreland - to include the location and managing governmental unit of shoreline in federal, state, county, or city ownership as well as private semi-public or corporate lands.
- 4. Public regulations and management – to include federal, state or local regulations and management plans and activities having direct effects on watercraft use of surface waters.
- 5. History of accidents which have occurred on the surface waters (available from sheriff's office).
- 6. Watercraft use – to include information obtained in the morning, afternoon and evening on at least one weekday and one weekend day, concerning the number of types of watercraft in each of the following categories:
 - a. Kept or used by riparians.
 - b. Rented by or gaining access through resorts or marinas.

- c. Using each public watercraft launching facility.
- d. In use on the waterbody.

7. Conflict perception and control preferences – to include opinions, gained by surveys or through public meetings or hearings of riparians, transients, local residents, and the public at large.

IN ADDITION TO THE ABOVE, APPLICANTS ARE ALSO REQUIRED TO PROVIDE:

- 1. The information requested in Minn. Rule 6110.3600, portrayed on a map to the extent reasonable.
- 2. A statement evaluating whether the information reveals significant conflicts and explaining why the particular controls proposed were selected.
- 3. The proposed ordinance.
- 4. A description of public hearings held concerning the proposed controls, including an account of the statement of each person testifying.

NAME (TYPE OR PRINT) _____

SIGNATURE _____

TITLE OF PERSON
COMPLETING FORM _____

PHONE / E_MAIL _____

Return completed form to:

Minnesota Department of Natural Resources
Boat and Water Safety Section
500 Lafayette Road
St. Paul, Minnesota 55155-4046

SAMPLE WATER SURFACE USE ORDINANCE

STATE OF MINNESOTA
COUNTY OF _____
(CITY OR TOWN OF _____)
ORDINANCE NO. _____

AN ORDINANCE REGULATING THE SURFACE USE OF (specify body of water).

Be it ordained and enacted by the (*County Board of Commissioners, City Council or Town Board*), State of Minnesota, that these amendments following, by this act, hereby replace and nullify those like numbered clauses now existing and a part of (*County, City or Town*) Ordinance No. _____, or are newly enacted sections which, upon their enactment, become a part of (*County, City or Town*) Ordinance No. _____.

Section 1: PURPOSE, INTENT AND APPLICATION: As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, AND Minnesota Rules 6110.3000 - 6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of _____ in (*County, City or Town*), Minnesota, said bodies of water being located entirely within the boundaries of (*County, City or Town*), to promote its fullest use and enjoyment by the public in general and the citizens of (*County, City or Town*) in particular, to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of (*County, City or Town*), Minnesota.

Section 2: DEFINITIONS: Terms used in this ordinance related to boating are defined in M.S. § 86B.005.

Section 3: SURFACE ZONING OF (specify body of water) BY RESTRICTING SPEEDS DURING CERTAIN HOURS (items given are samples only to assist in drafting an ordinance – alternate restrictions may also be appropriate):

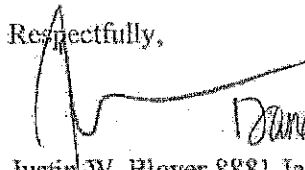
- (a) During the hours of 9:00 a.m. and 6:00 p.m. on each and every day of the week, watercraft shall be subject to a 40 MPH speed limit.
- (b) During the hours of 6:00 p.m. and 9:00 a.m. on the following day, on each and every day of the week, no watercraft shall be operated in excess of fifteen (15) miles per hour.
- (c) Slow-no wake speed 24 hours per day when the lake level on Lake _____ exceeds feet as measured at the gauge located at _____. Such restrictions shall become effective upon publication in a local daily newspaper as a news item or on a specified date, whichever is later. All public watercraft accesses shall be posted prior to and during the time restrictions are in place. In addition, notice of said restrictions shall also be posted at the _____ (*Courthouse / City Hall*).

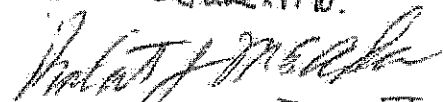
August 25, 2011

Mr. Mayor and Council Members,

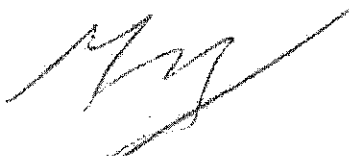
The home owners and tax payers of Lake Jane respectfully request to have city ordinance 97.21 sub section b changed. We request the changed ordinance read: *Hours of operation*. No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day except Lake Jane. On Lake Jane no person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and 9 am the following day.

Respectfully,


Justin W. Bloyer 8881 Jane Rd N
VI + 40R10
Donaven Chase
9125 Lake Jane Rd N.


8956 Lake Jane Tr.
Lake Elmo.

Gary Kienling
9441 Jane Rd N


WARREN J. BAUERFELD JR
9112 Jane Rd No

Lucy H. Gobash
9369 Jane Rd N.

Ada & John Stasny
9250 Lake Jane Tr No

Tom Sharbeck
8899 Jane Rd N.
Lake Elmo. MN 55042

James L. T. Jr
9077 Jane Rd N

Mark Heik
8903 Jane Road N.
Lake Elmo, MN 55042

Joan Wieden
8955 Jane Rd. No
Lake Elmo, MN 55042

Dech Letch
9025 Jane Rd N.
Lake Elmo, MN 55042

Jeffrey P Laramy
9404 Lake Jane Trail N.

David McArthur
8883 Jane Rd. N.

Jean Oling
9057 Lake Jane Tr. N

Anne McGee
Lake Jane Tr. N.
(Anne McGee)

9040 LK. Jane Tr. N.

Jimmy Schneider
8919 Jane Rd.

Brian Harvill
9322 LAKE JANE TRAIL

8690 Lake Jane Tr. N

Kelly Schmidt Block 2
8644 Lake Jane Tr Lot 2 & Lot 3
Lake Elmo, MN 55042

W R Park
4589 Birch Bark Tr
LAKE ELMO MN 55042

John Maxwell
4611 BIRCHBARK TR. N.
LAKE ELMO, MN. 55042

Conrad Adams Lots 5+6
1530 Eng L St #2 St Paul
651 771-4566

Signed for
John Burke

1201 Front Ave
STP MN 55109

Jean Fontaine
8718 Lake Jane Tr. N.

Staci Fernandez
8990 LAKE JANE TR.

5090 MARQUESS TR. CI N

KATHY KLECKER
9199 JANE RD N

Brooklyn Martin
9335 Jane Rd N

Darlene Mogren
8738 Lake Jane Tr. N.

Jean Schmitt
8766 Lake Jane Tr.

Phil Schmitt
9199 Lake Jane Tr

Dick LaBere
9406 Jane Rd N.
Next to Schmitt

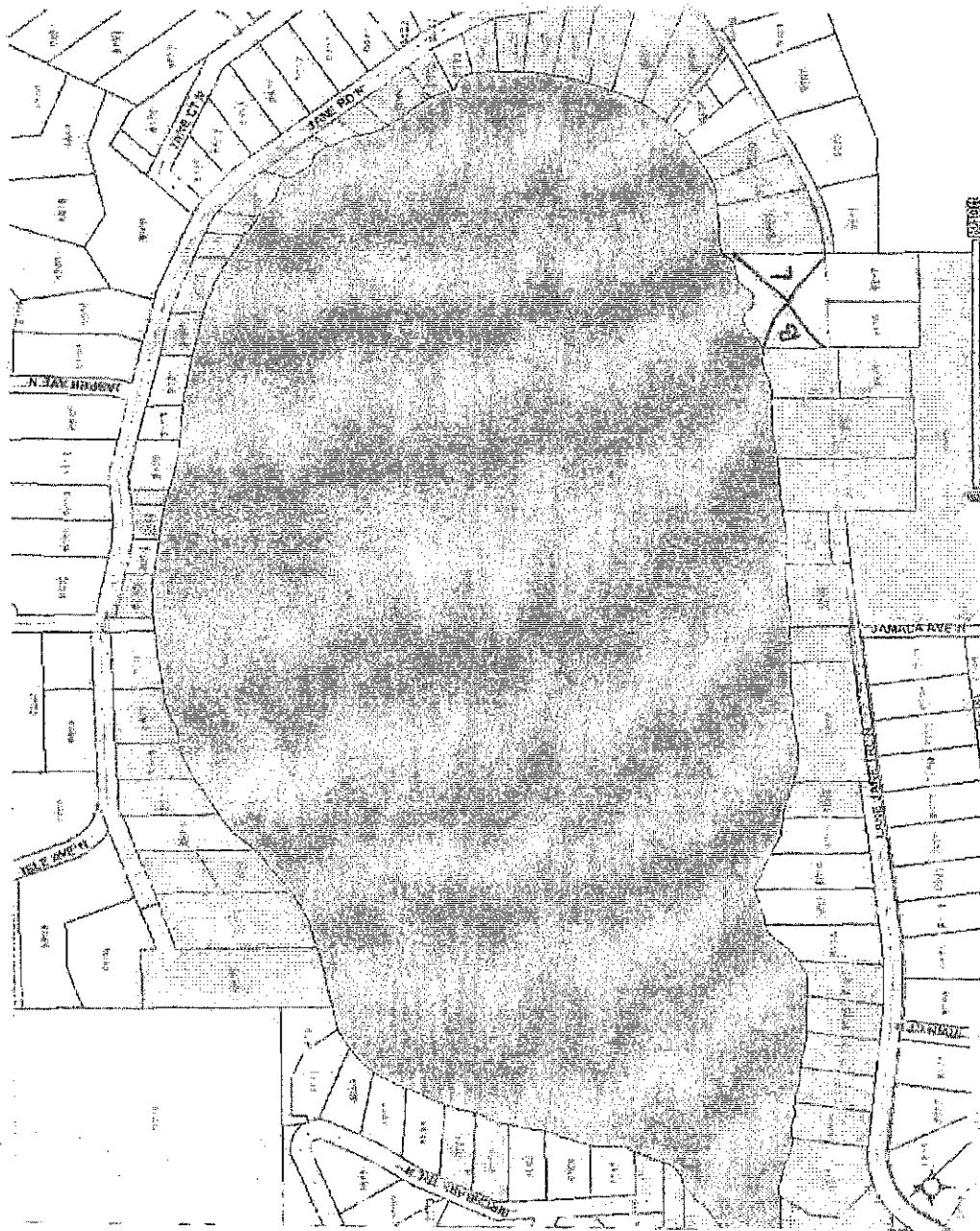
Paul LaBere
8896 Lake Jane Tr. N.
Lake Elmo, MN 55042

Signed for
Dennis O'Brien
9306 Lake Jane Tr

Mary Van Dusen
9399 Jane Rd W
Lake Elmo

Kingston County Parcel Inquiry

Home | Comments



Map of Kingston County

Zoom In

August 25, 2011

City of Lake Elmo City Hall
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Lake Elmo City Council

- ☐ *Dean Johnston*
- ☐ *Mike Pearson*
- ☐ *Brett Emmons*
- ☐ *Anne Smith*
- ☐ *Nicole Park*

Dear Council Members,

I am writing today to share my thoughts and feelings about a no-wake rule on Lake Jane. A memory was made this summer that my family and I will truly never forget. That was watching my son learn to water ski for the first time. He enjoyed every minute. Seeing our children water ski is something we look forward to in years to come. There are so many hard working home owners on this lake that find enjoyment out of water sports. This is why I find this rule to be ridiculous, *and strongly oppose it.*

There is nothing more enjoyable to see people out on the water enjoying their time. I understand that boats and jet-skis make noise and they create waves on the shoreline and we need to be respectful of private properties and all the hard work that people put in to them but isn't it to be expected living on water, shorelines will change from year to year.

What is this ordinance going to do to the value of our homes? The homes we all work as hard for.

The lake is here for our enjoyment and the enjoyment of others. Please take my thoughts into consideration.

Thank you for your time,

Brianna Olinger

9095 Lake Jane Trl N
Lake Elmo, MN 55042

We have lived on Lake Jane for 18 years and would very much like to repeal the noon wake limitation. I feel safety, among other issues, plays a big part. Everyone rushes out to ski and tube at the noon hour causing a dangerous amount of traffic. I am grateful nothing tragic has happened as yet. I feel the 9am wake time would greatly improve this problem. Thank you for your time and consideration.

Douglas A. & Jill I. Foster
9409 Jane Road North
Lake Elmo, Mn 55042

Justin,

As I reflect on the needs of our lake community I think there are many key points that must be considered and we should ask our representatives at the city, county and state Gov't to change the current regulations that govern our land use. As a land owner, Tri Lakes Board member, business owner and neighbor I think we must respect our environment but must also have fair use and apply distributive justice in our regulations. **This is not the current state.**

The use of Lake Jane and all Tri lakes are already governed but DNR and State regulations. In the 80's and the 90's additional city regulations were instituted at a time when lake levels were not controlled. With the advent of water level control with wiers and Valley Branch Watershed water control the original drivers no longer exist. As of this date Lake Jane is still well below normal water levels and the OHW and would benefit from additional water. Recent discussion about the OHW mark needs to be revisited also as it is only beneficial for building and benchmark for regulating construction via ordinance and has little meaning for the immediate lakeshore environment. **I would suggest that more contemporary governance be instituted to reflect current land and water needs with change in regulations that responds to the tax base and landowners.**

It is unfortunate that some of our more vocal neighbors have attempted to reclaim additional land during the recent lower water levels and now are suffering damage to their retaining walls, but the forces of nature will prevail if history is our teacher. I would suggest the city be more cautious in granting the permits to build these in times of low water and not attempt to restrict the majority from using the lake environment to protect the structures at times of normal water levels. I have reviewed the recent data from the scientific community showing that wind and weather are far more distractive than boat traffic and suggest the city/DNR be reminded of same.

I observe that the current state regulations are not usually enforced. The abuse primarily appears to be from non residents and in effect penalizes those of us that attempt to comply with city regulations. On Lake Jane the early morning fishermen with high speed boats with wakes, Jet skis within 150 of shorelines or other boaters as well as their use in the hour before sunset is the norm not the exception. These are not usually our neighbors. Those of us that wait until noon are often the last to have access to the lake, and I suggest that it is our taxable lakeshore that allows and funds their enjoyment while we are abiding by the restrictive regulations.

It seems odd to me that in the winter that I have cars, snowmobiles and 4 wheelers within inches of my shoreline at all hours of the day and night and they have equal or more environmental impact not to mention noise and light pollution without restriction. Why can we not have summer regulations allowing us as landowners to have similar water use?

I suggest that safety be considered as well, as we compress the time for lake use we concentrate the heavy use to often half of the day, observing the chaos between noon and 1 I believe is soon to create accidents as we have already had a couple accidents as well as several near misses with kids on tubes or swimming. Expanded hours would distribute the boaters and I believe improve safety.

Lake shore values will continue to suffer more if we choose to regulate and restrict our home owners with unreasonable lake restrictions. These do not exist on many

other metro lakes and my realtor friends note that this will be a bigger problem going forward. Lets try and change to at least competitive property values by equalizing water use.

The lakes have evolved into recreational lakes. The idea of creating environmental lakes no longer exists amongst the rank and file. Though a rare individual may want to eliminate any motorized use, the funding by the state continues to drive broad use recreation and it is time we adapt by regulation for us property owners as well as off lake visitors to utilize the water as well. Stocking, ramp access, enforcement and water maintenance continues to suggest wanting diverse use not restricted use.

I would accept a 9 AM compromise for boat waves as I believe this would be accepted by most of my neighbors. I am happy to discuss this further and you are welcome to share this with the city, DNR or State.

John P Hamerly, M.D.

651 777 7786

]

City of Lake Elmo City Hall
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Lake Elmo City Council

- *Dean Johnston*
- *Mike Pearson*
- *Brett Emmons*
- *Anne Smith*
- *Nicole Park*

Dear Council Members,

The reason for this letter is to oppose and ask for an ordinance change of no wake restrictions on Lake Jake.

My name is Jerry Heroff; as a homeowner on the lake since 2001, my family and I strongly oppose the no wake till noon rule for many reasons:

- 1) With busy schedules (a family of five) it affects our quality time on the lake together, especially on the weekends. As we all know, summers in Minnesota are very short and our time on the lake is limited to about 3 months a year. We find ourselves staring at a lake that we cannot enjoy until 12 noon every day. We ask ourselves why and the reason we hear is because of "boat noise" which is no different from passing cars, snowmobiles, planes, dogs or any other "noise" affiliated with being alive. This makes no sense to us.
- 2) At noon on the lake, everyone is out all at once which could lead to a dangerous situation because of the sudden traffic. There is usually an all-at-once rush to be out on the lake (especially on weekends/holidays).
- 3) As a property owner and tax payer on the lake, this major restriction costs home owners thousands if not millions (combined) in lost resale value and severely deters potential buyers. It adds to the time a lakeshore property remains on the market. I experienced this myself in 2008-2009 when a potential sale of my property was lost due to this rule. The no wake till noon rule was the only reason the buyer purchased elsewhere (on a lake with no restrictions). People do not like government rules, especially when they cater to very few over all and have no valid purpose.

To summarize my take on the no wake till noon rule—it is bad for active families, discriminatory, costs the homeowners money, is unfair and does not make sense.

I ask the Mayor and the Council to please give Tri-Lakes lakeshore property owners the reasoning behind this rule other than citing "noise".

Thank you for your consideration,

Jerry Heroff

651-470-0359

August 25, 2011

City of Lake Elmo City Hall
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Lake Elmo City Council

•████████ Dean Johnston

•████████ Mike Pearson

•████████ Brett Emmons

•████████ Anne Smith

•████████ Nicole Park

Dear Council Members,

I am writing today to ask the Lake Elmo City council to rescind the no-wake ordinance on Lake Jane.

I was on the commission that reviewed the no-wake times on the lakes in Lake Elmo. At the time we were told anything less than a sunset to noon no-wake time would not pass the city council. I hope times have changed and the council is open to allow boaters full use of the lake.

I understand the concern about erosion on the shore line. I own an access to Lake Jane on the north side of the lake. I don't believe that the waves from the boats do anymore damage then the natural waves on the lake. The current ordinance also reads that it is no-wake 100 feet from the shore and that should remain in the lake ordinance. I would also like to see a 40 mph speed limit on the lake for safety reasons.

Lake Jane is a small lake and when you get over 10 boats going over 20 mph the lake can feel very crowded. The way it is now people wait till noon and all go out at the same time. If the time can be extended into the morning hours I believe that not as many boaters will be out at the same time spreading out the traffic and reducing the dangers of boating on the lake.

Thank you for your willingness to review this situation and for serving the people of Lake Elmo.

Paul Huot

4955 Jamaca Ave N

Lake Elmo, MN 55042

Paul Huot

Huot Manufacturing Company

p.huot@huot.com

651-646-1869 ext 4027

fax 651-646-0457

8-17-2011

Dear Lake Elmo Mayer and City Council members,

We are Jeff and Laurie Ylinen. We have lived on Lake Jane at 9401 Lake Jane Trail No. for 30 years.

We are writing to ask you to listen to the lake owners of Lake Jane, Olson and Demontreville and allow us (and the public) to use our Lakes. Please rescind the no wake decision that was put into effect on Aug 9, 2011. We think that although you thought you were trying to do the right thing, you acted too quickly and were under informed when you made that decision.

We also are asking you to remove the current no wake before noon and only drive counter clockwise rules because these rules create an unsafe and confusing condition on the lakes. Over the years we have observed that when you restrict when people can use a lake for waterskiing, tubing and other boating activities that create a wake, you cause congestion during the times that it can be used for these activities. In other words, the less time people can use a lake creates congestion during the times people can use the lake and therefore creates an unsafe and frankly not fun condition. If people could use the lake all day as Minnesota law provides, boating activity would be spread out over the day and therefore would create a more fun and safer condition on the lakes of Lake Elmo. What would you rather have? A little less noise on the lake in the morning or a safer lake for the people who use it? If you have ever been boating on a congested lake you would understand what we are trying to convey here.

We have also talked with our lake neighbors over the years when their homes were up for sale (and there have been many over 30 years) and remember them talking about resale values of their homes going down and buyer interest being affected because of restrictions on the lake.

So, our message is respectfully this:

Eliminate current restrictions:

- No more AM restrictions
- No more boating counterclockwise only
- Rescind the "no wake" at the lake level that was just passed 8-9-2011

Reasons:

- Less congestion (safer) and less confusion by allowing people to use the lake at all hours allowed by state law.
- Higher home property values and more attractive to potential buyers.
- This is what the majority of the people on the lake want (less/no restrictions)
- More time to enjoy the lake during the already short Minnesota summer.

Please, let us use the lake!

Thank you,

Jeff and Laurie Ylinen
9401 Lake Jane Trail No.

August 16, 2011

City of Lake Elmo City Hall
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Lake Elmo City Council

- *Dean Johnston*
- *Mike Pearson*
- *Brett Emmons*
- *Anne Smith*
- *Nicole Park*

Dear Council Members,

I am corresponding today to address the issue of ordinances on Lake Jane. I want to express my thoughts on the no-wake issue (the high-water level and noon rule). My stance is simple: *I want no restrictions.*

To put it frankly, I leave my three small children five days a week and go to work so I can provide a lake home for them to grow up enjoying. The lifestyle I provide for my family comes with a lot of sacrifices and seeing the joy on their faces as they learn to water-ski is worth all of it. We will not sit on the shore of a lake with no-wake; my property value will plummet and what I have worked hard to accomplish will be lost.

Another thing I have discovered during the past five years of my residence on Lake Jane is the hindrance of the noon rule. Again, three small children—they wake up early. In my house, nobody plays until the chores are done. House work, yard work, beach work, dock work. It seems to *never* end around here. But to sit on the boat waiting to make a 12:00 noon wake is ridiculous. That's almost nap time! I want the option to be able to create a wake by mid-morning when the chores are done. We need to spread out the boat traffic over a longer period of time for safety reasons.

Lake Jane is here for our enjoyment; I understand that boats and jet-skis make noise and they create waves on the shoreline. I fully support the fact that individuals and families who use the lake should be courteous of the private property along the shoreline and the owners of said property. *But we don't need restrictions in place.*

Please take my thoughts into consideration when examining the high-water ordinance on Lake Jane. I also request that the council take a look at the validity of the noon rule that is currently in place.

Sincerely,



Dana Bloyer
8881 Jane Rd N
Lake Elmo, Minnesota 55042

August 22nd 2011

Lake Elmo Mayor and City Council
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mayor Johnston and Council Members Pearson, Emmons, Smith, and Park,

I am writing to you today to voice my thoughts on current water use restrictions.

Since moving to Lake Jane Trail in 1998, my family and I have enjoyed the recreation that Lake Jane has afforded us.

Unfortunately over the last 6 or 7 years the lake has been increasingly popular for transient users that have pressured many of us who live on the lake our ability to reasonably enjoy the lake during the short water sports season. The no-wake till noon restriction is now very clearly getting in the way of our ability to enjoy the water sports we cherish. With lake traffic so high, we now have too much water activity occurring right at the noon mark. We rarely get chance to ski nice water anymore and my 10 year old daughter complains that it is too wavy and busy most every weekend.

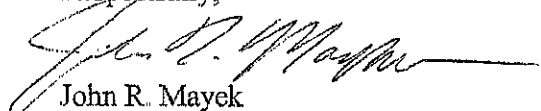
Having grown up on water in Wisconsin with similar restrictions and also currently owning a Wisconsin lake property with out restrictions, I feel my point of view is not one sided. I do know when we are at our un-restricted property; the locals usually recreate early and late and watch the local transient crowd tear it up during the day. The word in the mornings is "let's get out there and get some runs in before everyone shows". It makes sense and works. It keeps the activities spread out over the course of the day and affords the lake shore owners the ability to enjoy the short water sports season they dearly pay for being lake shore owners. It really does benefit all who use the lake during the peak times and the lake shore owners tend to be less grumpy as well.

I do understand those who simply want it quiet. Fortunately for them the lake is very quiet, from Labor Day to the next years Memorial Day.

Moving forward, I do hope the council takes action that opens up the use of the lake for all during day light hours.

Thank you for your time.

Respectfully,



John R. Mayek
8680 Lake Jane Trail North
Lake Elmo, MN 55110

Karen P Slakey
7872 Demontreville Tr N
Lake Elmo, MN 55042
925-890-6239

August 8, 2011

Re: Slow, no-wake

Dear Mr. Johnston, Mr. Pearson, Mr. Emmons, Ms. Park, and Ms. Smith,

As a homeowner on Lake Demontreville, I feel the City Council is taking away property rights of the residents by creating a "new" ordinance to please a small percentage of owners on Lakes Demontreville/Olson. Is it not the responsibility of the resident who has chosen to live on a lakeshore and/or waterway to realize that shore erosion is probable and not to build and or plant below the natural water level? Should "new" ordinances not be brought to the attention of all residents in the area that you are imposing a "new" ordinance?

Placing more restrictions on the homeowners of Lakes Demontreville/Olson, will decrease our property values because you are limiting the use of the lakes. Prospective buyers will choose to purchase homes on more user friendly lakes, thus decreasing our home values even more. This ordinance does not only effect the residence living directly on the lake, but effects all homeowners in and around Lakes Demontreville/Olson.

In 1992, an agreed upon Ordinary High Water (OHW) level of 930 feet was established. To date, Lakes Demontreville/Olson have been below the 930 feet level. I am requesting that the City Council consider re-establishing the 930 feet lake level for the slow, no-wake rule instead of the revised OHW of 929.3 feet set by the DNR in 2009. By doing this, it will create a user-friendly environment for all homeowners in and around Lakes Demontreville/Olson.

I thank you in advance for your utmost consideration and look forward to hearing from you soon.

Sincerely,

Karen P Slakey

August 23, 2011

Lake Elmo City Hall
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Lake Elmo City Council Members, and Mayor Dean Johnston

Dear City Council,

My family and I have lived on Lake Jane for 23 years. We love this community and the people within it and we love our lake. One of the benefits of living on a small lake in the St. Paul suburbs is that you don't have to stop talking when you are outside because of overhead plane noise or massive amounts of boat traffic. Even on a busy day like last Saturday, there were only 9 boats and 2 jet skis on the lake at the same time. Those who boat here are responsible – following the rule of boating in the same direction, and whether skiing or fishing the boat drivers are friendly, helpful, and welcomed by one another and the homeowners.

I don't believe we need to create new regulations and rules on the lake for proper use of our waters. I do believe that adding "laws" and creating "rules" which require legal enforcement, especially those that are different from 80%+ of the other lakes is completely unnecessary.

I do not ski. I do have several neighbors, however, that are very good at skiing who cannot use the calm morning waters to practice their high-level barefoot skiing. The average time any one skier barefoots is probably less than 30 minutes, and though they own their lake homes on Lake Jane, they are not allowed to use the water for the practice of their sport. That is not right.

I love to fish. When boaters are pulling tubes full of kids or skiers around the lake, they are cautious and respectful of those sitting still and fishing. The lakes should be for everyone's use. I do not believe the mutual respect is because of regulations. I believe our rules for using and caring for Lake Jane should be the same as other Minnesota lakes.

Shoreline erosion is a concern for anyone who owns shoreline. Each homeowner needs to plan their landscaping to slow erosion and add sand as needed. For those that landscaped during the year(s) when the lake was low, the higher water levels may seem unfortunate. For those that have lived here for 2 decades and use their beaches – we have them back! The high water is a GOOD thing for many homeowners who now have access to their shore stations and can finally use their pontoons again!

At this time, we are selling our home and moving to the other side of the lake. Additional regulations that restrict lake use can only lengthen the market time (in an already long market) and lower the price (in an already depressed market).

Please, City Council, be "small government" and "by the people" rather than attempting to be "Big Government" forcing rules down everyone's throats. I would like to see the ordinances on Lake Jane removed so that they are in line with other Minnesota lakes and do not limit use.

Sincerely,

Mary Johnson
9287 Jane Road North
Lake Elmo, MN 55042

"Dear Council Members,

My name is Aaron Runk and I am writing this letter with regards to the "No Wake until Noon" rule on Lake Jane. My wife and I just built a house on Lake Jane and moved in this February at 9497 Jane Rd N. Obviously this is our first summer on the lake with our three young children and have experienced much frustration having to tell the kids that we can't use the lake until Noon. As you are aware this summer has been very hot and we were thankful that we had the lake to use, but feel that the no wake until Noon has kept us from using the lake many times later than we wanted, especially the kids!

When my wife and I were looking at buying/building on the lake I felt the "No Wake until Noon" was a big problem and almost caused us to look elsewhere to buy. My wife happened to grow up on the lake and talked me into it because of the water quality, proximity, etc., but had she not been familiar with the lake we would have moved on. Many potential buyers will not have this "inside information" and feel that they will see the restrictive nature of the "No Wake until Noon" rule as a hindrance which will ultimately lower property values on the lake.

In conclusion, I feel that the "No Wake until Noon" rule should be repealed because of its overly restrictive nature on the homeowners who pay large amounts of taxes on the lake and ultimately lower our property values.

Thank you for your time and consideration on this matter.

Aaron Runk

Kristine Skillings
11144 Norell Avenue N
Stillwater, MN 55082
August 23, 2011

Mr. Dean Johnston
Mayor
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

Dear Mayor Johnston:

I am writing to you as a former Lake Elmo resident to share with you some of our concerns with the direction of the City of Lake Elmo and why we ultimately chose to leave Lake Elmo.

I grew up in Lake Elmo on beautiful Olson Lake. When I was married, we purchased my parents home and I could think of nothing more wonderful than raising my family on Olson Lake. The biggest attribute of Lake Elmo is the small town, country feel of both the community and the landscape. For me, it was a diamond in the ruff; to find an area so untouched by the growing metropolis, while being so close to the pulse of downtown. The outdoors are an important part of our lives and raising our children to enjoy that is very important to us. Thus, Olson Lake was the perfect place to raise a family!

Over the years (34 of them) on Olson Lake, I have seen a lot of changes to the area. Over time, we did not feel the direction Lake Elmo was moving was in line with what we wanted. Thus, we decided it was in our best interest to find another lake front property and area that would better follow our vision of where we wanted our children to grow up.

Of the 34 years I spent on the shores of Olson Lake, I can count on one hand the amount of lake homes that went up for sale in the area and recall their time-on-market was always much, much shorter than the average. The bottom line . . . no one moved, and when they did, there was no shortage of people wanting a lakefront home in Lake Elmo.

When we finally put our house on the market, we fully understood the current market situation and priced our house to sell in a buyer's market. In addition, we are also part of a large water ski community (involved with several water ski teams in the area) and have access to a large network of families who are interested in lake front property.

We were shocked by what the next two years brought us. One of the biggest turn-offs to our 'desirable' lake front property was the no-wake time restrictions on the lake. Our belief was that the majority of people, who desire to live on a lake, do so for the recreational value of the lake (swimming, fishing, boating). This belief was confirmed with the numerous negative comments we received from potential buyers who were no longer interested once they discovered the no-wake time restrictions. We fully

Mayor Johnston
August 23, 2011
Page 2

understood that trying to sell a house in a buyer's market would be difficult; however, we consistently had showings and second showings for two full years. Although we always struggled with the unique lake restrictions, we had no idea that this would affect the sale of our home. We now have no doubt that the restrictions on the lake, not only put-off potential buyers; it ultimately contributed to the drastic drop in the value of our home.

As I drive through the neighborhood, I am amazed by the number of lake homes for sale, but even more amazed by the length of time these homes are sitting on the market and how their values continue to drop. As Mayor, you may be aware of the number of homes for sale in Lake Elmo (and the values they sell for vs. what they appraised for), but we wanted to share with you some of the comments from potential buyer's that you would otherwise not have access to (i.e. some insider insight into why lake homes in Lake Elmo aren't selling).

A lake is one of nature's beautiful gifts. It is there not only to sit as a beautiful backdrop, but also a gift for us to enjoy fully by swimming, fishing, and also boating!

Sincerely,

Kristine Skillings

Hi, My house was for sale all of 2008. while I had it on the market, I had numerous prospective buyers that were very interested in the house. Absolutely loved it & the lay out etc, but when they found out that:

1. No wake or water skiing or towing the kids around on rafts or jet skiing until noon & only until the moment the sun sets, that changed their minds & they went to looking to other lakes where they could ski in the AM before going to work & use the lake like a lake should be used.
2. So I lost many prospective buyers that would have made an offer on my house.
3. It seemed also that when late spring & summer rolled around, people who wanted to live on a lake wanted to use the lake at all day light hours for water skiing, rafting, jet skiing, fishing with their bass boat & not having to go at a no wake speed to get to the other side. Less people come to my house & went to lakes such as White Bear, Bald Eagle, the ones on Hwy 36 (can't remember names). They wanted more user friendly lakes.

I eventually took my house off the market & leased it. When I was looking in Fall of 2005, really liked the area, but I too, once I heard about the rules on the lake had great hesitation about purchasing a home in the tri-lakes area. I felt if the City/DNR/neighbors could pass a restriction like the one that is present, what will be next. I eventually came back to the house I currently own on Demontreville Tr N. I have no regrets. Frustrated about the hours on the lake. I hope that this lake will not end up like North Oaks area. I even looked in that area before buying my house. Very nice area, but the lake usage was very unfriendly to boaters & skiers.

Hope this helps. Any other questions, ask away.

Karen

August 24th, 2011

City of Lake Elmo City Hall
3800 Laverne Avenue N
Lake Elmo, Minnesota 55042

Lake Elmo City Council

- *Dean Johnston*
- *Mike Pearson*
- *Brett Emmons*
- *Anne Smith*
- *Nicole Park*

Dear Council Members,

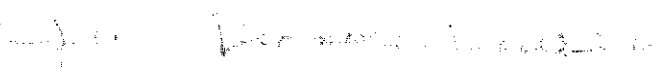
I am writing you today to discuss the no-wake ordinances put in force on Lake Jane — the high-water level and the noon rule. I feel that both of these rules are very restrictive and do not allow the lake to be used as it should be.

The first issue is the high-water level. I grew up on the lake and recently moved back. The water seems as if it is not even to the "normal" level it was years ago. I understand that neighbors are frustrated with the current water level and they feel that it is encroaching into their yards since the lake has been so low for many years. But this is where the lake should be at. This issue should not restrict us from using the lake and creating a wake. The lake is meant to be used to boat, water-ski, tube, etc. Those are some of my fondest memories growing up.

The second issue is the no-wake before noon ordinance. Growing up, I could never understand it and my parents would simply say that those were the rules. Most of the day on the lake was already gone. My husband and I now have two small children at home who are up early. By the time noon rolls around, it is lunch time and then nap time. It would be nice to be able to go out late morning and create a wake if that is what the children want to do. I also feel that the noon rule makes for a more crowded and dangerous lake in the afternoon. I know one of the big issues with the no-wake before noon is to allow the sailboats, canoes, and kayaks out without the rest of the boat traffic. On the weekends, I rarely see these types of boats out before noon. They usually come out in the early evening.

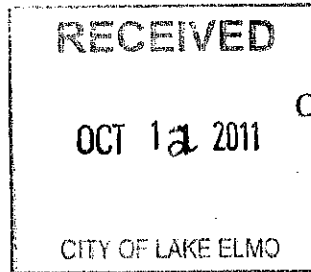
Lake Jane is a wonderful lake. One of the reasons that it is so great is because all of the people using the lake are very respectful of others and other individuals' property. That is why I feel that we do not need restrictions in place to limit the use of lake. Thank you for your time and consideration.

Sincerely,



Julie Drommerhausen
Email: JDrommer@lakeelmo.org
9359 Jane Road N
Lake Elmo, Minnesota 55042

Mayor and Lake Elmo City Council
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042



October 12, 2011

Dear Mayor and Council Members:

We, the residents of Lake Jane, state our opposition to changing the no-wake rule on Lake Jane for the following reasons:

- We like the rule as it is
- We have already compromised the time restriction. Noon to dusk is most of a given day
- Lake is small. It doesn't support both wake and no-wake activities at the same time comfortably
- To believe that all our property values are less because you can't water ski until noon is ridiculous. There are people that have purchased houses on Lake Jane because of the no-wake rule
- Shoreline erosion is a concern
- Changing it will make it easier for future changes that upset neighbors

As you will see from the enclosed petition, we believe there is a majority of Lake Jane residents that support not changing the existing no-wake rule. Several people that have signed the petition to change the time to 9:00 AM have changed their mind and have now signed this petition. Our above reasons also reflect how we feel about the arguments made for change at the September City Council Meeting.

Sincerely,

Concerned Residents of Lake Jane

Enclosure

Petition to not change the existing no-wake rule on Lake Jane

Petition summary and background	<p>We, the residents of Lake Jane, state our opposition to changing the no-wake rule on Lake Jane for the following reasons:</p> <ul style="list-style-type: none"> • We like the rule as it is • We have already compromised the time restriction. Noon to dusk is most of a given day • Lake is small. It doesn't support both wake and no-wake activities at the same time comfortably • To believe that all our property values are less because you can't water ski until noon is ridiculous. There are people that have purchased houses on Lake Jane because of the no-wake rule • Shoreline erosion is a concern • Changing it will make it easier for future changes that upset neighbors
Action petitioned for	We, the undersigned, are concerned citizens who urge the Lake Elmo City Council to not change the existing no-wake rule on Lake Jane.

Printed Name	Signature	Address	Date
MARTIN	<i>Annette Martin</i>	9333 JANE RD N	9-23-11
MORGAN	<i>Kidie Morgan</i>	9337 Jane Ct. N.	9-23-11
ZITON	<i>Lucy Ziton</i>	9109 JANE RD. N	9-23-11
ZITON	<i>Eric Ziton</i>	9109 JANE RD N.	9-23-11
KING	<i>D. R. King</i>	9077 JANE RD N	9/24/11
Kennedy	<i>Marilyn Kennedy</i>	9051 Jane Rd. N.	9/23/11
Friend	<i>Louise Friend</i>	9498 Jane Rd. No.	9/23/11
Friend	<i>James & Friend</i>	" " "	9/23/11
O'SULLIVAN	<i>Basel S. O'Sullivan</i>	9133 JANE RD N	9/23/11
Buhl Buhl	<i>Patricia Buhl</i>	9447 Jane Ct. N	9/23/11
Burress	<i>Spa Burress</i>	9441 Jane Ct. N	9/23/11
Schoonover	<i>Jeff Schoonover</i>	9317 Jane Ct. N	9/23/11

[illegible]

Petition to not change the existing no-wake rule on Lake Jane

Petition summary and background	<p>We, the residents of Lake Jane, state our opposition to changing the no-wake rule on Lake Jane for the following reasons:</p> <ul style="list-style-type: none"> We like the rule as it is We have already compromised the time restriction. Noon to dusk is most of a given day Lake is small. It doesn't support both wake and no-wake activities at the same time comfortably To believe that all our property values are less because you can't water ski until noon is ridiculous. There are people that have purchased houses on Lake Jane because of the no-wake rule Shoreline erosion is a concern Changing it will make it easier for future changes that upset neighbors
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge the Lake Elmo City Council to not change the existing no-wake rule on Lake Jane.</p>

Printed Name	Signature	Address	Date
Charlotte Morgan	<i>Charlotte Morgan</i>	4563 Birchbark Tr N	9/25/11
Mary Ann Warner	<i>Mary Ann Warner</i>	4633 Birchbark Tr N	9/25/11
William R Park	<i>William R Park</i>	4589 Birchbark Tr N	9/25/11
Chuck Taylor	<i>Charles W. Taylor</i>	4677 Birchbark Tr. N.	9/25
Scotty L Yall	<i>Norman Yall</i>	4515 " " "	"
MARK HENDRICKSON	<i>Mark S. Hendrickson</i>	4508 BIRCHBARK TR. N.	09/25/11
John Marcellus	<i>JOHN MARCELLUS</i>	4611 BIRCHBARK TR. N.	9/28
Suzanne Johnson	<i>Suzanne Johnson</i>	4539 Birchbark Tr. N.	9/28
Dick Schuss	<i>Dick Schuss</i>	" " "	9/28
Loren B Monio	<i>Loren B Monio</i>	4298 Windbreak Tr. N.	9/10/2011

Common Lot

[illegible]

Petition to not change the existing no-wake rule on Lake Jane

Petition summary and background	<p>We, the residents of Lake Jane, state our opposition to changing the no-wake rule on Lake Jane for the following reasons:</p> <ul style="list-style-type: none"> We like the rule as it is We have already compromised the time restriction. Noon to dusk is most of a given day Lake is small. It doesn't support both wake and no-wake activities at the same time comfortably To believe that all our property values are less because you can't water ski until noon is ridiculous. There are people that have purchased houses on Lake Jane because of the no-wake rule Shoreline erosion is a concern Changing it will make it easier for future changes that upset neighbors
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge the Lake Elmo City Council to not change the existing no-wake rule on Lake Jane.</p>

Printed Name	Signature	Address	Date
BILL STEVENSON	<i>William Stevenson</i>	8895 LAKE RD N. LAKE ELMO	9-22-11
MIKE BILLSTEIN	<i>Mike Billstein</i>	8806 LAKE JANE TR N LAKE ELMO	9-22-11
John Schneider	<i>John Schneider</i>	8919 Lake Rd. N., LK. Elmo	9/23/11
MIANA + JOHN MEIER	<i>Miana Meier</i>	4731 BIRCHBARK TRAIL, LAKE ELMO	9-23-11
Myra & Wil Hirsch	<i>W.D. Hirsch</i>	468 Birchbark Tr. No; Lake Elmo	9/23/11
Betsy + Tim McDonald	<i>Betsy McDonald</i>	4711 Birchbark Trl N, Lake Elmo	9/24/11
Paul + Kathy Mencke	<i>Kathy Mencke</i>	8858 Lake Jane Trail Lake Elmo	9/24/11
Bob & Kay Goff	<i>Bob Goff</i>	8802 LAKE JANE TRAIL LAKE ELMO	9/24/11
Tom Shalby	<i>Tom Shalby</i>	8827 LAKE JANE TRAIL	9/24/11

Budget Item:	Arts Center	Lake Elmo Ave Library Site	Notes:
Facility Costs:			
Acquisition/Rent	\$ 0	\$ 2,500/mo	- Proposed: \$2,250 x 4 mo, \$2,500 x 4 mo, \$2,750 x 4 mo
Building Modifications	\$ 1,000 \$ 4,000	\$ 0 \$ 0	- Minor Shoring for 60 lbs/SF (library @ 150 lbs/SF) - Major Shoring for 150 lbs/SF (reading room @ 50 lbs/SF)
Utilities (Electric/Heat)	\$ 250/mo	\$ 250/mo	- Estimate from existing Library & Arts Center usage
Fire Equipment	\$ 60	\$ 60	- Estimate from existing Library usage
Cleaning	\$ 200/mo	\$ 200/mo	- Estimate based on current City Hall cleaning contract & existing library costs
AV/IT Costs:			
Facility Set-up	\$ 200	\$ 0	- Comcast Rack Rate (negotiable with bundling)
Wireless Router	\$ 1,000	\$ 1,000	- Metro-INET to spec and install unit
T1/Cable Internet Line	\$ 200/mo	\$ 460/mo	- Comcast Rack Rate (negotiable w/ bundling). T1 in Library. - 50m x 10m speed for Cable Internet (top commercial package)
Cable TV/Internet Svc	\$ 30/mo	\$ 50/mo	- Replace existing Arts Center Cable (gross \$ 50/mo) - Estimate from existing Library usage
Computer Printer	\$ 1,500	\$ 1,500	- 3 at \$ 500 per unit
Telephone Service	\$ 50/mo	\$ 80/mo	- Augments existing Arts Center Phone Line (\$ 20/mo) - Estimate from existing Library usage
DCL/ILL & Software	\$ 1,000/mo	\$ 400/mo	- Estimate from existing South St. Paul Library usage - Estimate from existing Library usage
Computers & Software	\$ 6,000	\$ 6,000	- \$1,200 per unit (4 public, 1 staff)

FF & E				
Furnishings	\$ 1,000	\$ 1,000	\$ 1,000	- Assume donations of most items
Photocopier	\$ 150/mo	\$ 150/mo	\$ 150/mo	- Estimate for rental
Fax/Scanner	\$ 500	\$ 500	\$ 500	
Miscellaneous	\$ 2,500	\$ 2,500	\$ 2,500	
Collections:				
Opening Day Collection	\$ 30,000	\$ 30,000	\$ 30,000	- Estimate
Collection Maintenance	\$ 1,000/mo	\$ 1,000/mo	\$ 1,000/mo	- Estimate for first year. \$ 2,000/mo thereafter.
Misc. Office Supplies	\$ 2,500	\$ 2,500	\$ 2,500	
Personnel:				
Staffing	\$ 3,000/mo	\$ 3,000/mo	\$ 3,000/mo	- Estimate based upon PT Library Director plus misc. PT staff
Volunteer Training, etc.	\$ 250/mo	\$ 250/mo	\$ 250/mo	- Background investigations, etc.
Admin/Office Support	\$ 1,000/mo	\$ 1,000/mo	\$ 1,000/mo	- Estimate of Admin support
TOTAL COST:				
Cost per Month	\$ 11,340	\$ 11,340	\$ 13,095	
Annual Cost	\$ 136,070	\$ 136,070	\$ 157,140	

October 14, 2011

To whom it may concern:

A request was made to survey the residents who own property on Lake Demontreville and Olson Lake in effort to determine their preference for time in regards to **Ordinance No. 08.050 states the hours of operation . (1) Normal Conditions – no person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day.**

LANDOWNERS SURVEY RESULTS WERE AS FOLLOWS:

31% responded to wanting a change to the current lake rules

21% No-wake speed between sunset and 9AM the following day

10% Remove all restrictions

3% I don't care

66% don't change the restrictions on the Lake Demontreville-Olson

This survey was distributed to 121 property owners.

100 property owners responded.

Craig Dawson

From: johnphamerly@comcast.net
Sent: Tuesday, October 18, 2011 12:07 AM
To: jwbloyer@aol.com; johnphamerly@comcast.net
Cc: Bruce Messelt; mikepearson1965@yahoo.com; jiemmons@comcast.net; nikkipark@comcast.net; annejsmith@msn.com; deanjohnston@comcast.net
Subject: Lake Jane Arguments

Mayor, Council and Justin,

Thank you in advance for your efforts addressing the Lake Jane proposals. I may not be able to attend tomorrow nights meeting and offer a few thoughts. Land use is not static and the proposed change for a 9 AM wake is already a negotiated compromise in our neighborhood. This change is sought by and benefits the vast majority on Lake Jane as well as the future of Lake Elmo. It does so without harm to individuals or the environment.

This more closely aligns with other lakes in the state, albeit more restrictive.

Public safety is further benefited.

The threats to Lake Jane are exotic species and water degradation not grand-kids water skiing @ 10:30 on a Saturday.

I am one of the greatest utiliziers of silent sports on the lake: paddelboat, kayaks, canoes and a sailboard and this rule change will only benefit myself and others in both silent sport passions and water-ski utilization.

You are aware of the majority opinions and I hope as a representative republic that the vetted and thoughtful requests of the vast majority of land owners on Lake Jane have your vote to change this arbitrary rule to better align with reasonable lake and land use.

I am happy to defend any of the above statements but as you seen the data and have been hearing arguments, I hope your decision tomorrow will bring closure to this issue and allow all of us to move forward with the other important issues for Lake Elmo. I welcome further discussion if I can help.

Thank you,

**John P Hamerly
651-235-4060
johnphamerly@comcast.net**

Sharon Lumby

From: Richard Engdahl [rle2491@msn.com]
Sent: Monday, October 17, 2011 6:59 PM
To: deanjohnston@comcast.net; mikepearson1965@yahoo.com; jjemmons@comcast.net; annejsmith@msn.com; nikkipark@comcast.net; Sharon Lumby
Subject: Lake Elmo No Wake

We strongly object to the proposal to change the no wake time on Lake Elmo to 9 a.m.

The lake is small, only about 200 acres, and this change would:

1. Further damage the shore line as well as well as water quality.
2. Fishing would suffer since the lake would be more and more riled up. Since fishing boats are numerous on the lake, this change would drive this recreational sport away.
3. Vegetation would be further harmed.

I invite you to come stand at the end of our boat dock, especially on weekends, at 2 or 3 in the afternoon and see how murky the water quickly becomes when the "no wake" ends at noon. A change to 9 am. would bring in even more speed boats, including the large "wake boats", causing further damage. Why allow this for a few to continue their pursuit of noise, speed and damage.

It is bad enough as it is now -- please put an immediate halt to this negative idea.

Richard & Sharon Engdahl
2491 Lake Elmo Ave. N.
651/779-6793
cell: 651/260-0879
rle2491@msn.com

Sharon Lumby

From: John Goodlad [john.goodlad@yahoo.com]
Sent: Saturday, October 15, 2011 5:42 PM
To: Sharon Lumby
Cc: DeanJohnston@comcast.net
Subject: No Wake Time Change

Sharon,

Would you please forward this email to Mayor Johnston and member of the City Counsel. I do not have their Lake Elmo email addresses and I would like to communicate my objection to changing the time from noon to 9 am. I am very concerned about the noise of jet boats and potential property damage from shore erosion. My next door neighbor, JoAnne Shekleton at 8382 Hidden Bay Trail N, is also opposed to the change. We only recently learned of the initiative to change the time. I work significant hours and would appreciate the few extra hours of quiet time. Please delay this action until more legal residents have time to sign the petition that opposes the change. I am sure there are more people that are only now learning about it.

John Goodlad
8344 Hidden Bay Trail, N.
Lake Elmo, MN 55042