

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

December 7th, 2010
7:00 PM

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston ___ DeLapp ___ Emmons, ___ Park ___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPTANCE OF MINUTES:
 - 1. Accept the November 16, 2010 City Council minutes - Postponed until 12/14/10
- 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. 2009 & 2010 Street Improvement/Raingarden Project Change Order No. 2, Compensating Order No. 3, Pay Certificate No. 2 (Final)
 - 4. Approve liability coverage waiver form as part of LMCIT insurance renewal package
 - 5. Approve Workers' Compensation Coverage for Elected Officials; Resolution No. 2010-066
 - 6. Approve 2011 Liquor License Renewals
 - 7. Approve Amended 2010 Fee schedule for Water and Wastewater, Ordinance No. 08-036
 - 8. Amend December 2010 Meeting Calendar

J. REGULAR AGENDA:

9. Public Hearing: 2011 Street and Water Quality Improvements for David Nelson Estates, Tartan Meadows; Resolution No. 2010-070 ordering Improvements and Plans
10. Public Hearing: Delinquent water and sewer utility bills, Resolution No. 2010-067
11. Public Meeting: Final 2010 Tax Levy Certification, Payable 2011; Resolution No. 2010-068A and Final 2011 General Fund Budget, Resolution No. 2010-068B
12. 2011-2015 Capital Improvement Program; Resolution No. 2010-069
13. 50th St & Kimbro Street Improvements; Resolution No. 2010-071
Accepting Report and call for Public Hearing January 18, 2011
14. Consideration of Special Event Permit Ordinance No. 08-037
15. Response to Petition for Detachment – Resolution No. 2010-072
16. I-94 to 30th Street N. Trunk Sewer Improvements: Authorize Design for Alternate Gravity Sewer Option (South of 10th Street) or Approve Plans and Authorize Bids – Resolution No. 2010-073

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

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



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 1

AGENDA ITEM: November 16, 2010 City Council Minutes will be on the December 14th
City Council agenda

SUBMITTED BY: Sharon Lumby, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
CONSENT
ITEM #: 2
MOTION as part of Consent Agenda

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 340,712.99

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: City Staff

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements and payroll in the amount of \$340,712.99. 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 payroll to be paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 7,502.65	Payroll Taxes to IRS 11/18/2010
ACH	\$ 1,158.88	Payroll Taxes to MN Dept. of Revenue 11/18/2010
ACH	\$ 3,663.57	Payroll Retirement to PERA 11/18/2010
DD 3065 -DD 3098	\$ 24,162.51	Payroll Dated 11/18/2010 (Direct Deposit)
36397 - 36407	\$ 4,017.22	Payroll Dated 11/18/2010 (Payroll)
ACH	\$ 8,232.27	Payroll Taxes to IRS 12/02/2010
ACH	\$ 1,229.11	Payroll Taxes to MN Dept. of Revenue 12/02/2010
ACH	\$ 3,766.18	Payroll Retirement to PERA 12/02/2010
DD 3099 -DD 3114	\$ 21,105.90	Payroll Dated 12/02/2010 (Direct Deposit)
36408 -	\$ 400.00	Mn Pollution Control Agency - Permit
36409 - 36416	\$ 20,953.56	Payroll Dated 12/02/2010 (Payroll)
36417 - 36479	\$ 244,521.14	Accounts Payable Dated 12/07/2010
TOTAL	\$ 340,712.99	

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 \$340,712.99.

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

“Move to approve the December 7th, 2010 Disbursement and Payroll, as Presented *[and modified]* herein.”

ATTACHMENTS:

1. Accounts Payable Dated 12/07/2010

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

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

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 12/02/2010 - 12:44 PM

Batch: 001-12-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
ACEHARD Acc Hardware, Inc										
100336	11/24/2010	19.19	0.00	12/07/2010	Wash Bay Repair parts		-		No	0000
101-430-3100-42230	Building Repair Supplies	19.19								
100336 Total:		19.19								
ACEHARD Total:										
ACS Animal Control Services										
338	11/21/2010	592.00	0.00	12/07/2010	Animal Control Svs 10/24-11/21/10		-		No	0000
101-420-2700-43150	Contract Services	592.00								
338 Total:		592.00								
ACS Total:		592.00								
ALLWEATH All Weather Services										
12/02/2010	12/02/2010	3,135.00	0.00	12/07/2010	Sunfish lake Park Rain Gardens		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs	3,135.00								
12/02/2010 Total:		7,107.00								
Cert 2 (F)	11/23/2010	7,107.00	0.00	12/07/2010	2009-2010 Rain Garden Project		-		No	0000
603-496-9500-45300	Improvements Other Than Bldgs	7,107.00								
Cert 2 (F) Total:		10,242.00								
ALLWEATH Total:										
ALPHAVID Alpha Video & Audio Inc.										
Credit Memo	10/22/2010	-1,147.86	0.00	12/07/2010	Overpayment on Shelf Rack		-		No	0000
410-480-8000-45700	Office Equipment & Furnishings	-1,147.86								
Credit Memo Total:		2,333.10								
INV83176	10/15/2010	2,333.10	0.00	12/07/2010	2 Chief TV Mounts & LG 55" TV		-		No	0000
411-480-8000-45700	Office Equipment & Furnishings	2,333.10								
INV83176 Total:		2,873.89								
INV83232	10/22/2010	2,873.89	0.00	12/07/2010	1 Video/Audio 1 LG 55" TV Council Chamb		-		No	0000
411-480-8000-45700	Office Equipment & Furnishings	2,873.89								
INV83232 Total:										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALPHAVID Total:		4,059.13								
AMDAHL Amdahl Chris										
7741	11/21/2010	176.40	0.00	12/07/2010	Repair combination door lock on St #2		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
7741 Total:		176.40								
AMDAHL Total:		176.40								
AMERICAN American Eng and Testing, Inc.										
49543	11/18/2010	3,857.03	0.00	12/07/2010	Geotechnical Services - 2011 50th & Kimb		-		No	0000
418-480-8000-43150	Contract Services									
49543 Total:		3,857.03								
49544	12/02/2010	500.00	0.00	12/07/2010	Soil Borings for Rain Gardens		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs									
49544 Total:		500.00								
AMERICAN Total:		4,357.03								
AMUNDSON Amundson Donna										
11/10/2010	11/10/2010	525.09	0.00	12/07/2010	Eagle Scout Project - Sunfish Lake Kiosk		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs									
11/10/2010 Total:		525.09								
AMUNDSON Total:		525.09								
ARAM Aramark, Inc.										
629-7115722	11/11/2010	22.97	0.00	12/07/2010	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7115722 Total:		22.97								
629-7117553	11/15/2010	117.51	0.00	12/07/2010	Linen City Hall		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7117553 Total:		117.51								
629-7120496	11/18/2010	22.97	0.00	12/07/2010	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7120496 Total:		22.97								
629-7125247	11/25/2010	23.63	0.00	12/07/2010	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7125247 Total:		23.63								
629-7127058	11/29/2010	68.44	0.00	12/07/2010	Monthly Rug service Station #1		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7127058 Total:		68.44								
629-7127059	11/29/2010	114.29	0.00	12/07/2010	Linen City Hall		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7127059 Total:		114.29								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
629-77127060	11/29/2010	69.07	0.00	12/07/2010	Monthly Rug service Station #2		-			0000
101-420-2220-44010	Repairs/Maint Bldg	69.07								
	629-77127060 Total:	438.88								
	ARAM Total:									
ASPENMI Aspen Mills, Inc.										
102301	11/10/2010	59.85	0.00	12/07/2010	Uniform Nametags		-			0000
101-420-2220-44170	Uniforms	59.85								
	102301 Total:	124.46								
102302	11/10/2010	124.46	0.00	12/07/2010	Boots, collar Brass		-			0000
101-420-2220-44170	Uniforms	124.46								
	102302 Total:	147.28								
102581	11/18/2010	147.28	0.00	12/07/2010	Medical coveralls, Nick Witter		-			0000
101-420-2220-42400	Small Tools & Equipment	147.28								
	102581 Total:	66.82								
102582	11/18/2010	66.82	0.00	12/07/2010	Uniform Items, Noah Malinquist		-			0000
101-420-2220-44170	Uniforms	66.82								
	102582 Total:	398.41								
	ASPENMI Total:									
BATTYPL Batteries Plus Woodbury, Corp										
32-717840	11/17/2010	12.29	0.00	12/07/2010	34th Lift Station Battery		-			0000
602-495-9450-44030	Repairs/Maint Imp Not Bldgs	12.29								
	32-717840 Total:	12.29								
	BATTYPL Total:									
BRYAN Bryan Rock Products, Inc.										
34826	11/15/2010	535.88	0.00	12/07/2010	Red Ball Field Aggregate VFW		-			0000
101-450-5200-42250	Landscaping Materials	535.88								
	34826 Total:	535.88								
	BRYAN Total:									
C&J CONS C & J Consulting Services, LLP										
Nov 10	12/01/2010	3,962.50	0.00	12/07/2010	Monthly Accounting Services - Nov 201		-			0000
101-410-1520-43150	Contract Services	15.62								
Nov 10	12/01/2010	15.62	0.00	12/07/2010	Office Supplies		-			0000
101-410-1520-42000	Office Supplies	3,978.12								
	Nov 10 Total:	3,978.12								
	C&J CONS Total:									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CARQUEST Car Quest Auto Parts										
2055-206798	11/15/2010	4.68	0.00	12/07/2010	Lamps for Bldg Dept Truck		-		No	0000
101-410-1910-44300	Miscellaneous	4.68								
2055-206798 Total:		4.68								
CARQUEST Total:		4.68								
COMPENSA Compensation Consultants, Ltd										
11/01/2010	11/01/2010	150.00	0.00	12/07/2010	Annual Renewal		-		No	0000
101-410-1320-44300	Miscellaneous	150.00								
11/01/2010 Total:		40.00								
11/26/2010	11/26/2010	40.00	0.00	12/07/2010	Monthly Admin Fees - December 2010		-		No	0000
101-410-1320-44300	Miscellaneous	40.00								
11/26/2010 Total:		190.00								
COMPENSA Total:		190.00								
CTYOAKDA City of Oakdale										
10000460-01	11/30/2010	5,738.00	0.00	12/07/2010	Water Service 1-94		-		No	0000
601-494-9400-43820	Water Utility	5,738.00								
10000460-01 Total:		5,738.00								
CTYOAKDA Total:		5,738.00								
CTYROSEV City of Roseville										
0210575	12/01/2010	1,551.58	0.00	12/07/2010	Monthly IT Services - November 2010		-		No	0000
101-410-1450-43180	Information Technology/Web	1,551.58								
0210575 Total:		1,551.58								
CTYROSEV Total:		1,551.58								
EJ-BWACK Wacker Bill										
11/22/2010	11/22/2010	72.00	0.00	12/07/2010	Election Judge Wage		-		No	0000
101-410-1410-41030	Part-time Salaries	72.00								
11/22/2010 Total:		72.00								
EJ-BWACK Total:		72.00								
EMERGAUT Emergency Automotive tech, Inc										
9924	11/17/2010	35.00	0.00	12/07/2010	Repair Strobe on CV-1		-		No	0000
410-480-8000-45300	Improvements Other Than Bids	35.00								
9924 Total:		59.25								
AW111710-2	11/23/2010	59.25	0.00	12/07/2010	Replacement light part for E1		-		No	0000
410-480-8000-45300	Improvements Other Than Bids	59.25								
AW111710-2 Total:		59.25								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EMERGAUT Total:		94.25								
EMMONS A Emmons Alex										
11/16/2010	11/16/2010	55.00	0.00	12/07/2010	City Council Meeting 11/16/10		-		No	0000
101-410-1450-43620	Cable Operations									
11/16/2010 Total:		55.00								
11/22/2010	11/22/2010	55.00	0.00	12/07/2010	PZ Meeting 11/22/10		-		No	0000
101-410-1450-43620	Cable Operations									
11/22/2010 Total:		55.00								
EMMONS A Total:		110.00								
FRONT Frontier AG & Turf										
P44155	11/17/2010	215.73	0.00	12/07/2010	Filters for John Deere 04-1		-		No	0000
101-430-3100-42210	Equipment Parts									
P44155 Total:		215.73								
FRONT Total:		215.73								
FXL FXL, Inc.										
December 2010	12/01/2010	2,000.00	0.00	12/07/2010	Assessing Services - December 2010		-		No	0000
101-410-1320-43100	Assessing Services									
December 2010 Total:		2,000.00								
FXL Total:		2,000.00								
Gophseal GOPHER STATE SEALCOAT INC.										
Pay Cert 1 (F)	11/10/2010	13,910.40	0.00	12/07/2010	Seal Coat Streets - 2010		-		No	0000
409-480-8090-45300	Improvements Other Than Bldgs									
Pay Cert 1 (F) Total:		13,910.40								
Gophseal Total:		13,910.40								
GRAINGER Grainger										
9371467052	11/08/2010	48.14	0.00	12/07/2010	Replacement Lights for T2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
9371467052 Total:		48.14								
9377295564	11/08/2010	33.91	0.00	12/07/2010	Replacement Lights for T2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
9377295564 Total:		33.91								
GRAINGER Total:		82.05								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GROUPMO Group Mobile										
13629	11/23/2010	259.00	0.00	12/07/2010	CV-2 Computer Mount		-		No	0000
410-480-8000-43500	Vehicles	259.00								
	13629 Total:	259.00								
GROUPMO Total:										
HACH HACH Company										
6996434	11/17/2010	55.04	0.00	12/07/2010	Lab Test Supplies		-		No	0000
601-494-9400-42160	Chemicals	55.04								
	6996434 Total:	55.04								
HACH Total:										
HAWKINS Hawkins, Inc.										
3174463	11/12/2010	207.30	0.00	12/07/2010	Chlorine		-		No	0000
601-494-9400-42160	Chemicals	207.30								
	3174463 Total:	207.30								
HAWKINS Total:										
HOTSYS HOTSYS EQUIPMENT OF MINNESOTA										
36484	11/18/2010	38.49	0.00	12/07/2010	Pressure Washer Parts		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg	38.49								
36484	11/18/2010	35.97	0.00	12/07/2010	Sign Graffiti remover		-		No	0000
101-430-3100-42260	Sign Repair Materials	35.97								
	36484 Total:	74.46								
HOTSYS Total:										
JOHNSTON Dean Johnston										
Expense	12/02/2010	479.00	0.00	12/07/2010	Mileage 1/1-11/30/2010		-		No	0000
101-410-1110-43310	Mileage	479.00								
Expense	12/02/2010	320.21	0.00	12/07/2010	Lodging and Meals		-		No	0000
101-410-1110-44370	Conferences & Training	320.21								
Expense	12/02/2010	11.00	0.00	12/07/2010	Parking		-		No	0000
101-410-1110-44300	Miscellaneous	11.00								
	Expense Total:	810.21								
JOHNSTON Total:										
KDV Kern DeWenter Viere Ltd										
118662	11/30/2010	4,320.00	0.00	12/07/2010	Financial Services - November 2010		-		No	0000
101-410-1520-43150	Contract Services	4,320.00								
	118662 Total:	4,320.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
KDV Total:		4,320.00								
LARSON LARSON DIESEL SERVICE, Corp										
101026008	10/27/2010	344.63	0.00	12/07/2010	DOT & Service 06-1		-	No		0000
101-430-3120-44040	Repairs/Maint Egmt									
101026008 Total:		344.63								
101029003	10/29/2010	369.27	0.00	12/07/2010	DOT & Service 00-1		-	No		0000
101-430-3120-44040	Repairs/Maint Egmt									
101029003 Total:		369.27								
LARSON Total:		713.90								
LAWTONJA Lawton James										
10/03/2010	10/03/2010	2,572.50	0.00	12/07/2010	Arbitration Services - Hardy		-	No		0000
101-410-1320-43040	Legal Services									
10/03/2010 Total:		2,572.50								
LAWTONJA Total:		2,572.50								
LEAGMN League of MN Cities										
146287	11/10/2010	40.00	0.00	12/07/2010	2010 Regional Meetings		-	No		0000
101-410-1110-44370	Conferences & Training									
146287 Total:		40.00								
LEAGMN Total:		40.00								
MARVS Marv's Professional Tools										
231479	11/18/2010	343.53	0.00	12/07/2010	Air Drill Sockets		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
231479 Total:		343.53								
MARVS Total:		343.53								
MCKENZIE McKenzie Metro Appraisal										
10-416	11/19/2010	1,955.00	0.00	12/07/2010	Appraisal Report - Trunk sewer Project		-	No		0000
413-480-8000-43150	Contract Services									
10-416 Total:		1,955.00								
MCKENZIE Total:		1,955.00								
MENARDSO Menards - Oakdale										
22825	11/17/2010	60.07	0.00	12/07/2010	Station #2 Maintenance items & supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
22825 Total:		60.07								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
23243	11/18/2010	85.50	0.00	12/07/2010	Shop Supplies		-	No		0000
101-430-3100-42150	Shop Materials									
	23243 Total:	85.50								
24736	11/23/2010	43.07	0.00	12/07/2010	Wash Bay Bulbs, Oil Dispenser Batteries		-	No		0000
101-430-3100-42230	Building Repair Supplies									
24736	11/23/2010	54.98	0.00	12/07/2010	Multi Meter		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	24736 Total:	98.05								
24771	11/23/2010	23.73	0.00	12/07/2010	Holiday Light Bulbs		-	No		0000
101-430-3100-44300	Miscellaneous									
	24771 Total:	23.73								
24808	11/23/2010	18.98	0.00	12/07/2010	Holiday Light Bulbs		-	No		0000
101-430-3100-44300	Miscellaneous									
	24808 Total:	18.98								
	MENARDSO Total:	286.33								
MENARDST Menards - Stillwater										
46102	11/29/2010	6.28	0.00	12/07/2010	Silicone for hole filling on old Chief 2		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
	46102 Total:	6.28								
	MENARDST Total:	6.28								
METROFIR Metro Fire										
39420	10/30/2010	145.36	0.00	12/07/2010	Replacement Helmet shields X 4		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
	39420 Total:	145.36								
	METROFIR Total:	145.36								
MN NATIV Minnesota Native Landscapes										
6448	11/24/2010	2,226.25	0.00	12/07/2010	Sunfish Park Resource Mgmt Plan		-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
6448	11/24/2010	1,000.00	0.00	12/07/2010	Sunfish Park Res Mgmt Plan Weed control		-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
	6448 Total:	3,226.25								
	MN NATIV Total:	3,226.25								
MNDOHEDU Minnesota Dept. of Health										
12012010	12/01/2010	1,508.00	0.00	12/07/2010	Quarterly Connection Fee Permit		-	No		0000
601-494-9400-43820	Water Utility									
	12012010 Total:	1,508.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNDOHEDU Total:		1,508.00								
MORTON Morton Salt, Inc.										
527727	11/23/2010	6,606.19	0.00	12/07/2010	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt	6,606.19								
527727 Total:		6,606.19								
MORTON Total:		6,606.19								
NEXTEL Nextel Communications										
761950227-092	11/18/2010	85.25	0.00	12/07/2010	Cell Phone Service - Administration		-		No	0000
101-410-1940-43210	Telephone	182.84	0.00	12/07/2010	Cell Phone Service - Fire Dept		-		No	0000
761950227-092	11/18/2010	20.03	0.00	12/07/2010	Cell Phone Service - Building Dept		-		No	0000
101-420-2220-43210	Telephone	62.65	0.00	12/07/2010	Cell Phone Service - Public Works Dept		-		No	0000
761950227-092	11/18/2010	59.12	0.00	12/07/2010	Cell Phone Service - Parks Dept		-		No	0000
101-430-3100-43210	Telephone	409.89								
761950227-092	11/18/2010	409.89								
101-450-5200-43210	Telephone	409.89								
761950227-092 Total:		409.89								
NEXTEL Total:		409.89								
PITNEYRE Reserve Account Pitney Bowes										
12/01/2010	12/01/2010	500.00	0.00	12/07/2010	Postage		-		No	0000
101-410-1320-43220	Postage	500.00								
12/01/2010 Total:		500.00								
PITNEYRE Total:		500.00								
PLANTH PLANT HEALTH ASSOCIATES, INC										
1026-10	12/02/2010	1,200.00	0.00	12/07/2010	Forester Services - Oct/Nov 2010		-		No	0000
101-430-3250-43150	Contract Services	1,200.00								
1026-10 Total:		1,200.00								
PLANTH Total:		1,200.00								
PLUNKETT Plunkett's Pest Control										
2011175	12/01/2010	80.16	0.00	12/07/2010	Pest Control Service - City Hall		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	80.16								
2011175 Total:		80.16								
PLUNKETT Total:		80.16								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
POMPS Pump's Tire Service, Inc.										
91293	11/26/2010	426.00	0.00	12/07/2010	Tire Repair Case Loader 99-2 left side		-		No	0000
101-430-3100-44040	Repairs/Maint Eqpt	426.00								
	91293 Total:	426.00								
	POMPS Total:									
ROGERS Rogers Printing Services, Corp										
17514	11/16/2010	218.03	0.00	12/07/2010	Water/Utility Forms		-		No	0000
601-494-9400-42030	Printed Forms	218.03								
	17514 Total:	218.03								
	ROGERS Total:									
RUD Prince-Rud Diane										
11/16/2010	11/16/2010	480.00	0.00	12/07/2010	Cleaning City hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	360.00								
11/16/2010	11/16/2010	840.00	0.00	12/07/2010	Cleaning Fire Hall		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg	840.00								
	11/16/2010 Total:	840.00								
	RUD Total:									
S&T S&T Office Products, Inc.										
010h3632	11/09/2010	72.36	0.00	12/07/2010	Printer Ink supplies		-		No	0000
101-420-2220-42000	Office Supplies	72.36								
	010h3632 Total:	72.36								
010h3987	11/11/2010	30.03	0.00	12/07/2010	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies	30.03								
	010h3987 Total:	30.03								
CM010H3569	11/10/2010	-6.99	0.00	12/07/2010	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies	-6.99								
	CM010H3569 Total:	-6.99								
010H3599	11/10/2010	449.34	0.00	12/07/2010	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies	284.26								
010H3599	11/10/2010	284.26	0.00	12/07/2010	Fire Dept Office Supplies		-		No	0000
101-420-2220-42000	Office Supplies	733.60								
	010H3599 Total:	829.00								
	S&T Total:									
SAMSLUB Sam's Club										
11/22/2010	11/22/2010	30.94	0.00	12/07/2010	Ice Melt for scenes		-		No	0000
101-420-2220-42400	Small Tools & Equipment	30.94								
	11/22/2010 Total:	30.94								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2247	11/17/2010	103.47	0.00	12/07/2010	Restock bottled water & station Supplies		-			0000
101-420-2220-44300	Miscellaneous									No
2247	11/17/2010	43.70	0.00	12/07/2010	City hall Supplies		-			0000
101-410-1320-42000	Office Supplies									No
2247 Total:		147.17								
SAMSClub Total:		178.11								
STILLMED Stillwater Medical Group										
11/09/2010	11/09/2010	245.65	0.00	12/07/2010	Preplacement/Annual Physicals, Hep B		-			0000
101-420-2220-43050	Physicals									No
11/09/2010 Total:		245.65								
STILLMED Total:		245.65								
TDS TDS METROCOM - LLC										
651-779-8882	11/13/2010	159.68	0.00	12/07/2010	Analog Lines - Fire		-			0000
101-420-2220-43210	Telephone									No
651-779-8882	11/13/2010	155.74	0.00	12/07/2010	Analog Lines - Public Works		-			0000
101-430-3100-43210	Telephone									No
651-779-8882	11/13/2010	104.52	0.00	12/07/2010	Analog Lines - Lift Station Alarms		-			0000
602-495-9450-43210	Telephone									No
651-779-8882	11/13/2010	42.16	0.00	12/07/2010	Alarm Well House #2		-			0000
601-494-9400-43210	Telephone									No
651-779-8882 Total:		462.10								
TDS Total:		462.10								
TKDA TKDA, Inc.										
000201003218	11/11/2010	1,001.82	0.00	12/07/2010	Development - Whistling Valley III		-			0000
203-490-9070-43030	Engineering Services									No
000201003218 Total:		1,001.82								
000201003220	11/11/2010	219.71	0.00	12/07/2010	Sanctuary		-			0000
203-490-9070-43030	Engineering Services									No
000201003220 Total:		219.71								
000201003221	11/11/2010	74.10	0.00	12/07/2010	Lake Elmo Area Village Eng. Support		-			0000
413-480-8000-43030	Engineering Services									No
000201003221 Total:		74.10								
000201003222	11/11/2010	1,724.22	0.00	12/07/2010	2009 Street Improvement - Final Design		-			0000
415-480-8000-43030	Engineering Services									No
000201003222 Total:		1,724.22								
000201003223	11/11/2010	5,739.82	0.00	12/07/2010	Lake Elmo 2010 Street & Water Quality		-			0000
417-480-8000-43030	Engineering Services									No
000201003223 Total:		5,739.82								
000201003224	11/11/2010	482.62	0.00	12/07/2010	General Engineering		-			0000
101-420-2400-43030	Engineering									No

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
000201003224	11/11/2010	143.01	0.00	12/07/2010	General Engineering		-			0000
101-430-3100-43030	Engineering Services								No	
000201003224	11/11/2010	7,830.85	0.00	12/07/2010	General Engineering		-			0000
101-410-1930-43030	Engineering Services								No	
000201003224	11/11/2010	182.66	0.00	12/07/2010	General Engineering		-			0000
101-410-1910-43030	Engineering Services								No	
000201003224 Total:		8,639.14								
000201003225	11/11/2010	1,291.47	0.00	12/07/2010	General Engineering-VRA		-			0000
101-420-2400-43030	Engineering								No	
000201003225	11/11/2010	119.19	0.00	12/07/2010	General Engineering-VRA		-			0000
101-410-1910-43030	Engineering Services								No	
000201003225	11/11/2010	3,548.40	0.00	12/07/2010	General Engineering-VRA		-			0000
409-480-8000-43030	Engineering Services								No	
000201003225	11/11/2010	3,432.65	0.00	12/07/2010	General Engineering-VRA		-			0000
404-480-8000-43030	Engineering Services								No	
000201003225	11/11/2010	166.87	0.00	12/07/2010	General Engineering-VRA		-			0000
601-494-9400-43030	Engineering Services								No	
000201003225	11/11/2010	84.73	0.00	12/07/2010	General Engineering-VRA		-			0000
602-495-9450-43030	Engineering Services								No	
000201003225	11/11/2010	2,565.04	0.00	12/07/2010	General Engineering-VRA		-			0000
603-496-9500-43030	Engineering Services								No	
000201003225 Total:		11,208.35								
000201003227	11/11/2010	1,615.60	0.00	12/07/2010	TH 5 & Jariaca Ave Roundabout		-			0000
417-480-8000-43030	Engineering Services								No	
000201003227 Total:		1,615.60								
000201003228	11/11/2010	1,473.88	0.00	12/07/2010	Lake Elmo Water System Strategies/Fin		-			0000
601-494-9400-43030	Engineering Services								No	
000201003228 Total:		1,473.88								
000201003233	11/11/2010	35,352.51	0.00	12/07/2010	1-94 to 30th Street - village Sanitary		-			0000
413-480-8000-43030	Engineering Services								No	
000201003233 Total:		35,352.51								
000201003234	11/11/2010	7,140.00	0.00	12/07/2010	2011 Street Improvement Feasibility		-			0000
418-480-8000-43030	Engineering Services								No	
000201003234 Total:		7,140.00								
000201003235	11/11/2010	5,960.00	0.00	12/07/2010	Lake Elmo/50th s/Kimbro MSAS St Improv		-			0000
418-480-8000-43030	Engineering Services								No	
000201003235 Total:		5,960.00								
TKDA Total:		80,149.15								
UM University of Minnesota										
BLD OFF		270.00	0.00	12/07/2010	Building Official Institute		-			0000
101-420-2400-44370										
Conferences & Training										
BLD OFF Total:		270.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	UM Total:	270.00								
VALPAVNG Valley Paving, Inc.										
WO8241-145TH5	11/11/2010	232.71	0.00	12/07/2010	Gate Valve - TH 5 Roundabout		-	No		0000
417-480-8000-43150	Contract Services									
WO8241-145TH5 Total:		232.71								
VALPAVNG Total:		232.71								
VANZANDT Van Zandt Distributing										
4442	11/03/2010	452.26	0.00	12/07/2010	EMS supplies, restock		-	No		0000
101-420-2220-42080	EMS Supplies									
4442 Total:		452.26								
VANZANDT Total:		452.26								
VICKERMA Vickerman Company										
697607	11/24/2010	32.77	0.00	12/07/2010	Holiday Light Bulbs		-	No		0000
101-430-3100-44300	Miscellaneous									
697607 Total:		32.77								
VICKERMA Total:		32.77								
WASHCONS Washington Conservation Dist.										
1933	12/01/2010	213.00	0.00	12/07/2010	Site assessment Prairie Restoration		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
1933 Total:		213.00								
WASHCONS Total:		213.00								
YARUSSOJ Yarusso John										
12/2/2010	12/02/2010	1,227.58	0.00	12/07/2010	Reimb Supplies for Eagle Scout Project		-	No		0000
404-480-8000-45300	Improvements Other Than Bldgs									
12/2/2010 Total:		1,227.58								
YARUSSOJ Total:		1,227.58								
YOCUM Yocum Oil Company, Inc.										
195710	11/22/2010	160.69	0.00	12/07/2010	Bulk Oil Tanks		-	No		0000
101-430-3100-44010	Repairs/Maint Bldg									
195710 Total:		160.69								
YOCUM Total:		160.69								
Report Total:		160,559.56								

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 12/02/2010 - 1:24 PM

Batch: 002-12-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GRTSTILL Greater Stillwater Chamber 2837 11/01/2010 101-410-1110-44330 Dues & Subscriptions 2837 Total: GRTSTILL Total:		685.00 685.00 685.00	0.00	12/07/2010	Annual Dues		-	No		0000
NORTHSEC Northland Securities, Inc. LKEL09B 01/10/2010 316-470-7000-46010 Bond Principal LKEL09B 01/10/2010 316-470-7000-46110 Bond Interest LKEL09B Total: NORTHSEC Total:		30,000.00 7,031.25 37,031.25 37,031.25	0.00 0.00	12/07/2010 12/07/2010	Principal GO Improvement Bond 2009B Interest GO Improvement Bond 2009B		- -	No No		0000 0000
SPRING SPRINGSTED, INC. 0015880 09/01/2010 101-410-1450-43180 Information Technology/Web 0015880 Total: SPRING Total:		4,425.33 4,425.33 4,425.33	0.00	12/07/2010	Annual Financial Maintenance 2011		-	No		0000
USBANK US Bank Trust 33402400 01/01/2011 312-480-8000-46010 Bond Principal 33402400 01/01/2011 312-480-8000-46110 Bond Interest 33402400 Total: USBANK Total:		40,000.00 1,820.00 41,820.00 41,820.00	0.00 0.00	12/07/2010 12/07/2010	Principal Improvement Bond 2002A Interest Improvement Bond 2002A		- -	No No		0000 0000
Report Total:		83,961.58								



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010

CONSENT

ITEM #: 3

MOTION *as part of the Consent Agenda*

AGENDA ITEM: 2009 and 2010 Street Improvement Rain Garden Project – Change Order No. 2, Compensating Change Order No. 3, and Pay Certificate No. 2 (Final)

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

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

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve Change Order No. 2, Compensating Change Order No. 3 and Pay Certificate No. 2 (Final) to All Weather Services, the Contractor for the 2009 and 2010 Street Improvement Rain Garden Project. The Contractor submitted an invoice in the amount of \$7,107. 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: The installation of the rain gardens for the 2009 and 2010 Streets are complete. A total of six rain gardens were installed on the 2009 Street Project and 5 were installed on the 2010 Street Project. The plantings installed as part of this project will carry a one year warranty, which will begin on December 7, 2010 and end on December 6, 2011. Total costs for the 2009 and 2010 Rain Garden Project were \$32,221.75. This was \$4,533 over the original budget of \$27,688.75. The City has been approved for a maximum of \$35,000 in cost reimbursement from the VBWD Community Grant. All construction costs for this project will be submitted to VBWD for reimbursement.

Change Order No. 2 for this project was necessary to correct the subsurface soils and install an underdrain to the rain garden located at 8879 Jane Road. Rusty Schmidt, Washington Conservation District, monitored the performance of this rain garden and recommended the additional improvements. Staff approved and directed the contractor to make the necessary corrections. Compensating Change Order No. 3 is a quantity reconciliation process that is completed at project close-out to adjust the estimated bid quantities to the actual quantities installed by the contractor.

Pay Certificate No. 2 has been reviewed by staff and payment is recommended in the amount requested. This payment includes the additional work as identified in Change Order No. 2 and Compensating Change Order No. 3.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council approve as part of tonight's *Consent Agenda* Change Order No. 2 in the amount of \$1,845, Compensating Change Order No. 3 in the amount of \$2,288 and Pay Certificate No. 2 (Final) in the amount of \$7,107.

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 Change Order No. 2 in the amount of \$1,845.00, Compensating Change Order No. 3 in the amount of \$2,288.00 and Pay Certificate No. 2 (Final) in the amount of \$7,107.00 to be paid from the Storm Water Utility Fund for the 2009 and 2010 Street Improvement Rain Garden Project [as amended and/or modified at tonight's meeting]."

ATTACHMENTS:

1. Change Order No. 2
2. Compensating Change Order No. 3
3. Pay Certificate No. 2 (Final)

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

CHANGE ORDER

TKDA
Engineering-Architecture-Planning

Saint Paul, MN November 23 20 10 Proj. No. 14504.001 Change Order No. 2

To All Weather Services

for 2009 & 2010 Street Improvement Raingarden Project

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated September 22, 2010. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~net change~~) the contract sum by One Thousand Eight Hundred Forty Five Dollars and 00/100(\$1,845.00).

This change order includes the cost to perform additional soil correction to the under laying soils and to install an underdrain to the raingarden located at 8879 Jane Road North.

NET CHANGE = \$ 1,845.00

Amount of Original Contract	\$ 27,688.75
Additions approved to date (Change Order Nos. 1)	\$ 400.00
Deductions approved to date (Nos.)	
Contract amount to date	\$ 28,088.75
Amount of this Change Order (Add) (Deduct) (No Change)	\$ 1,845.00
Revised Contract Amount	\$ 29,933.75

Approved _____
City of Lake Elmo

Washington Conservation District

By _____

By Rusty W. Schmidt
Rusty Schmidt

Approved _____
All Weather Services

By [Signature]

CHANGE ORDER

TKDA
Engineers-Architects-Planners

Saint Paul, MN November 23 20 10 Proj. No. 14504.001 Compensating
Change Order No. 3

To All Weather Services
for 2009 & 2010 Street Improvement Raingarden Project
for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated September 22, 2010. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (~~not change~~) the contract sum by Two Thousand Two Hundred Eighty Eight Dollars and 00/100 (\$ 2,288.00).

COMPENSATING CHANGE ORDER

This change order shows the actual quantities installed at the unit price bid amounts (see attached itemization):

NET CHANGE= \$ 2,288.00

Amount of Original Contract	\$ 27,688.75
Additions approved to date (Change Order Nos. 1, 2)	\$ 2,245.00
Deductions approved to date (Nos.)	\$ -
Contract amount to date	\$ 29,933.75
Amount of this Change Order (Add) (Deduct) (No Change)	\$ 2,288.00
Revised Contract Amount	\$ 32,221.75

Approved _____
City of Lake Elmo

Washington Conservation District

By _____

By Rusty W. Schmidt
Rusty Schmidt

Approved _____
All Weather Services

By [Signature]

2009 & 2010 STREET IMPROVEMENT RAINGARDEN PROJECT
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 14353.001 & 14504.001

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	+/- DIFFERENCE	UNIT PRICE	AMOUNT TO DATE	NET CHANGE	CONTRACT AMOUNT
1	MOBILIZATION	LS	1.0	1.0	-	\$ 300.00	\$ 300.00	\$ -	\$ 300.00
2	COMMON EXCAVATION	CY	133.0	209.0	76.0	\$ 11.00	\$ 2,299.00	\$ 836.00	\$ 1,463.00
3	CONCRETE CURB CUT AND BITUMINOUS REMOVAL	EA	5.0	3.0	(2.0)	\$ 450.00	\$ 1,350.00	\$ (900.00)	\$ 2,250.00
4	4" PERFORATED DRAINTILE	LF	38.0	38.0	-	\$ 5.00	\$ 190.00	\$ -	\$ 190.00
5	CORE DRILL DRAINTILE TO CATCHBASIN AND INSTALL BALL VALVE	LS	1.0	1.0	-	\$ 350.00	\$ 350.00	\$ -	\$ 350.00
6	BULLET EDGER	LF	600.0	590.0	(10.0)	\$ 8.00	\$ 4,720.00	\$ (80.00)	\$ 4,800.00
7	BLACK PLASTIC EDGER	LF	350.0	350.0	-	\$ 3.00	\$ 1,080.00	\$ -	\$ 1,080.00
8	RETAINING WALL - GLACIAL FIELD STONE	TON	5.0	5.0	-	\$ 150.00	\$ 750.00	\$ -	\$ 750.00
9	RIP-RAP - CL. 1 WITH GEOTEXTILE	CY	15.0	15.0	-	\$ 90.00	\$ 1,350.00	\$ -	\$ 1,350.00
10	COMPOST - MnDOT GRADE 2 LEAF COMPOST	CY	31.0	43.0	12.0	\$ 30.00	\$ 1,290.00	\$ 360.00	\$ 930.00
11	MULCH - DOUBLE SHREDDED HARDWOOD	CY	31.0	29.0	(2.0)	\$ 30.00	\$ 870.00	\$ (60.00)	\$ 930.00
12	MnDOT 350 SEED MIX WITH STRAW BLANKET	SY	24.0	24.0	-	\$ 4.00	\$ 96.00	\$ -	\$ 96.00
13	T.R.M. - 8.5' X 60'	ROLL	1.0	1.0	-	\$ 200.00	\$ 200.00	\$ -	\$ 200.00
14	10" SPIKES	EA	175.0	175.0	-	\$ 0.25	\$ 43.75	\$ -	\$ 43.75
15	SHORT GRASS WOODS EDGE SAVANNA W/ENHANCEMENT AN	SY	432.0	432.0	-	\$ 1.00	\$ 432.00	\$ -	\$ 432.00
16	PLANTS - PLUGS	EA	658.0	782.0	124.0	\$ 4.00	\$ 3,128.00	\$ 496.00	\$ 2,632.00
17	PLANTS - #1 GAL.	EA	428.0	508.0	85.0	\$ 12.00	\$ 6,096.00	\$ 1,020.00	\$ 5,076.00
18	PLANTS - #2 GAL.	EA	94.0	122.0	28.0	\$ 22.00	\$ 2,684.00	\$ 616.00	\$ 2,068.00
19	SODDING	SY	916.0	916.0	-	\$ 3.00	\$ 2,748.00	\$ -	\$ 2,748.00

TOTAL 2009 & 2010 STREET IMPROVEMENT RAINGARDEN PROJECT

\$ 29,976.75 \$ 2,268.00 \$ 27,688.75

CHANGE ORDER NO. 1									
1	BRUSH PILE REMOVAL	LS	1.0	1.0	-	\$ 400.00	\$ 400.00	\$ -	\$ 400.00
SUBTOTAL CHANGE ORDER NO. 1							\$ 400.00	\$ -	\$ 400.00
CHANGE ORDER NO. 2									
1	COMMON EXCAVATION	CY	30.0	30.0	-	\$ 350.00	\$ 350.00	\$ -	\$ 350.00
2	SAND/COMPOST MIX (70/30)	CY	23.0	23.0	-	\$ 690.00	\$ 690.00	\$ -	\$ 690.00
3	MULCH	CY	3.0	3.0	-	\$ 90.00	\$ 90.00	\$ -	\$ 90.00
4	4" PERFORATED DRAINTILE W/ BALL VALVE	LF	50.0	50.0	-	\$ 250.00	\$ 250.00	\$ -	\$ 250.00
5	BALL VALVE	EA	1.0	1.0	-	\$ 350.00	\$ 350.00	\$ -	\$ 350.00
6	RIP RAP	TN	1.5	1.5	-	\$ 135.00	\$ 135.00	\$ -	\$ 135.00
SUBTOTAL CHANGE ORDER NO. 2							\$ 1,845.00	\$ -	\$ 1,845.00

TOTAL COMPENSATING CHANGE ORDER NO. 3

\$ 32,221.75 \$ 2,268.00 \$ 29,933.75

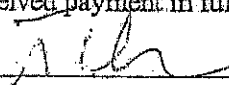
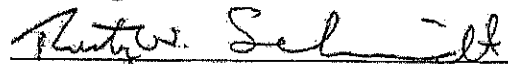
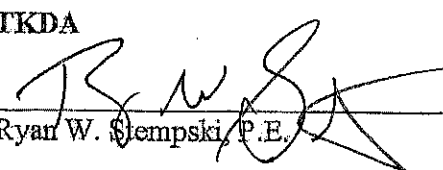
TKDA

ENGINEERING • ARCHITECTURE • PLANNING

The right time. The right people. The right company

444 Cedar Street, Suite 1500
Saint Paul, MN 55101-2140

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

Proj. No. 14504.001 Cert. No. 2(F) St. Paul, MN, November 23, 2010
To City of Lake Elmo, Minnesota Owner
This Certifies that All Weather Services, Contractor
For 2009 & 2010 Street Improvement Raingarden Project
Is entitled to Seven Thousand One Hundred and Seven Dollars and 00/100 (\$7,107.00)
being 2nd FINAL estimate for partial payment on contract with you dated September 22, 2010
Received payment in full of above Certificate.

All Weather Services
12/1, 2010
Washington Conservation District

Rusty Schmidt
TKDA

Ryan W. Slompski, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 27,688.75		
All previous payments		\$ 25,114.75	
All previous credits			
Extra No.			
Change Order No. 1	\$ 400.00		
Change Order No. 2	\$ 1,845.00		
Compensating Change Order No. 3	\$ 2,288.00		
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 7,107.00	
Totals	\$ 32,221.75	\$ 32,221.75	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ -	
	\$ 32,221.75	\$ 32,221.75	\$ -

ESTIMATE NO. 2 (FINAL)			PERIOD ENDING:		November 18, 2010	
2009 & 2010 STREET IMPROVEMENT RAINGARDEN PROJECT						
CITY OF LAKE ELMO, MINNESOTA						
KDA PROJECT NO. 14353.001 & 14504.001						
ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
1	MOBILIZATION	LS	1	1	\$ 300.00	\$ 300.00
2	COMMON EXCAVATION	CY	133	208	\$ 11.00	\$ 2,299.00
3	CONCRETE CURB CUT AND BITUMINOUS REMOVAL	EA	5	3	\$ 450.00	\$ 1,350.00
4	4" PERFORATED DRAINTILE	LF	38	38	\$ 5.00	\$ 190.00
5	GORE DRILL DRAINTILE TO CATCHBASIN AND INSTALL BALL VALVE	LS	1	1	\$ 350.00	\$ 350.00
6	BULLET EDGER	LF	600	590	\$ 8.00	\$ 4,720.00
7	BLACK PLASTIC EDGER	LF	360	360	\$ 3.00	\$ 1,080.00
8	RETAINING WALL - GLACIAL FIELD STONE	TON	5	5	\$ 150.00	\$ 750.00
9	RIP-RAP - CL. 1 WITH GEOTEXTILE	CY	15	15	\$ 90.00	\$ 1,350.00
10	COMPOST - MnDOT GRADE 2 LEAF COMPOST	CY	31	43	\$ 30.00	\$ 1,290.00
11	MULCH - DOUBLE SHREDDED HARDWOOD	CY	31	29	\$ 30.00	\$ 870.00
12	MnDOT 350 SEED MIX WITH STRAW BLANKET	SY	24	24	\$ 4.00	\$ 96.00
13	T.R.M. - 6.5' X 60'	ROLL	1	1	\$ 200.00	\$ 200.00
14	10" SPIKES	EA	175	175	\$ 0.25	\$ 43.75
15	SHORT GRASS WOODS EDGE SAVANNA W/ENHANCEMENT AND WOOD FIBER BLANKET	SY	432	432	\$ 1.00	\$ 432.00
16	PLANTS - PLUGS	EA	858	782	\$ 4.00	\$ 3,128.00
17	PLANTS - #1 GAL.	EA	423	508	\$ 12.00	\$ 6,096.00
18	PLANTS - #2 GAL.	EA	94	122	\$ 22.00	\$ 2,684.00
19	SODDING	SY	916	818	\$ 3.00	\$ 2,454.00
SUBTOTAL 2009 & 2010 STREET IMPROVEMENT RAINGARDEN PROJECT						\$ 28,875.75
CHANGE ORDER NO. 1						
1	BRUSH PILE REMOVAL	LS	1.0	1.0	\$ 400.00	\$ 400.00
SUBTOTAL CHANGE ORDER NO. 1						\$ 400.00
CHANGE ORDER NO. 2						
1	COMMON EXCAVATION	CY	30.0	30.0	\$ 11.00	\$ 330.00
2	SAND/COMPOST MIX (70/30)	CY	23.0	23.0	\$ 30.00	\$ 690.00
3	MULCH	CY	3.0	3.0	\$ 30.00	\$ 90.00
4	4" PERFORATED DRAINTILE W/ BALL VALVE	LF	50.0	50.0	\$ 5.00	\$ 250.00
5	BALL VALVE	EA	1.0	1.0	\$ 350.00	\$ 350.00
3	RIP RAP	TN	1.5	1.5	\$ 90.00	\$ 135.00
SUBTOTAL CHANGE ORDER NO. 2						\$ 1,845.00
TOTAL ESTIMATE NO. 2 (FINAL)						\$ 32,221.75



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
Consent
ITEM #: 4
MOTION as part of the Consent Agenda

AGENDA ITEM: Approve Liability Coverage and Monetary Tort Liability Waiver

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Joe Rigdon, KDV
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to approve the Liability Coverage Waiver Form, stating the City does not waive the monetary limits on municipal tort liability. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACK GROUND INFORMATION: The City of Lake Elmo obtains liability coverage through The League of Minnesota Cities Insurance Trust for buildings and vehicles. The coverage also includes tort liability. Because of this coverage, the City must decide whether or not to waive the monetary limits on municipal tort liability, as established by Minnesota Statutes §466.04.

STAFF REPORT: If the City **does not waive the statutory tort limits**, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the City purchases the optional excess liability coverage.

If the City **waives the statutory tort limits**, and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,500,000 on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory limits apply would also be limited to \$1,500,000, regardless of the number of claimants.

If the City **waives the statutory tort limits** and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort

limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council approve as part of tonight's *Consent Agenda* the liability coverage-waiver form, stating that the City-does not waive the monetary limits on municipal tort liability as established under Minnesota Statutes 466.04.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. While tabling this item is not recommended (at least not beyond the planned December 14th meeting), the Council may elect to amend the recommended motion to one of the alternatives presented. If done so, the appropriate action of the Council following such discussion would be:

"Move to approve Liability Coverage and [waive/not waive] the statutory tort limits [with or without purchase of additional coverage], as discussed at tonight's meeting".

ATTACHMENTS:

1. Liability Coverage Waiver Form

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

SECTION I: LIABILITY COVERAGE WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- *If the city does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- *If the city waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- *If the city waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

_____ accepts liability coverage limits of \$ _____ from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- ☐ The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- ☐ The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting _____

Signature _____ Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
Consent
ITEM #: 5
MOTION *as part of the Consent Agenda*
Resolution 2010-066

AGENDA ITEM: Workers' Compensation and Optional Health Care Coverage for Elected Officials

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Joe Rigdon, KDV
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving Resolution 2010-066 authorizing Workers' Compensation for elected officials and optional participation in Health Care coverage, without any increase or change in compensation and at no additional cost to the City. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACK GROUND INFORMATION: Minnesota Statue 176.001 subd.9 (6) states that "municipal officers elected or appointed for a regular term of office" are considered to be "employees" for workers' compensation purposes, only if the city has passed an ordinance or resolution to that affect. This would provide coverage for elected officials injured while performing his or her duties.

In addition, the City Council may elect to determine if members of the City Council should be allowed to participate to the City's health care benefits program. However, Minnesota Statue §415.11 governs compensation of elected officials in statutory cities, requiring and increase to be approved by Ordinance and delay of its effective date until after the next municipal election.

As such, in order to comply with State law, total Council compensation would not increase in 2011 but, rather, individual Council Members would be allowed to elect to opt into the City's health care benefits program, and could utilize their current compensation toward the total cost (pre-tax). Any additional costs would be born by the individual Council Member.

STAFF REPORT: As part of the annual Worker's Compensation renewal process, the City must decide whether or not it is the Mayor and City Council's intent to be included as employees for Workers' Compensation purposes. The City has historically determined it was in the best interest of the City to include this coverage for elected officials. This inexpensive coverage offers protection to the elected official and limits City exposure.

Staff has also been asked to research Council participation in the City's current employee health care benefits program. After discussion with the current providers and the League of Minnesota Cities, it has been determined that City Council members are eligible for employee health care benefits.

In order to remain revenue neutral and comply with State law, current total Council compensation would not change. Rather, individual Council Members would be provided with the option of electing City health care benefits and utilizing his or her current City compensation (pre-tax) toward the cost of such coverage.

RECOMMENDATION: Based upon the above background information and Staff Report, it is respectfully recommended that the City Council approve as part of tonight's *Consent Agenda* Resolution 2010-066, stating that the City considers an elected official as an employee for workers' compensation coverage and eligibility for health care benefits.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. While tabling this item is not recommended (at least not beyond the planned December 14th meeting), the Council may elect to amend the recommended motion. If done so, the appropriate action of the Council following such discussion would be:

"Move to approve Resolution 2010-066 regarding Workers' Compensation and eligibility for Health Care coverage for elected officials, [as amended at tonight's meeting]."

ATTACHMENTS:

1. Resolution # 2010-066

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

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2010-066
RESOLUTION REGARDING WORKERS' COMPENSATION
AND ELIGIBILITY FOR HEALTH CARE COVERAGE FOR ELECTED OFFICIALS

WHEREAS, the City of Lake Elmo obtains its Worker's Compensation coverage from the League of Minnesota Cities;

WHEREAS, M.S. 176.011, subd. 9, (6) provides "that municipals officers elected or appointed for a regular term of office" are considered to be "employees" for workers compensation purposes only if the city has passed an ordinance or resolution to that effect;

WHEREAS, as part of the renewal process, the City must decide whether or not it is the Mayor and Council's intent to be included as employees for workers compensation purposes;

WHEREAS, the City Council also has the authority to determine individual Council Member eligibility for inclusion as employees for health care benefits; and

WHEREAS, per Minnesota State Stat. § 415.11, the City Council may not increase total Council Member compensation without adoption of an enabling Ordinance and setting its effective date after the next succeeding local election; and

WHEREAS, the City Council's intent is to not raise total Council Member compensation but, rather, to make eligible and allow individual City Council Members to consider the option of selecting to join the City's employee health care program and direct their current compensation towards the total cost of such health care, with any additional costs paid for by the Council Member, resulting in no additional expense to the City.

NOW, THEREFORE BE IT RESOLVED by the City Council of the CITY OF LAKE ELMO that the Mayor and Council Members of the CITY OF LAKE ELMO be considered as City employees for the purposes of Workers' Compensation and eligibility for participation in the City's employee health care benefits program.

NOW, THEREFORE BE IT FURTHER RESOLVED by the City Council of the CITY OF LAKE ELMO that the Mayor and Council Members of the CITY OF LAKE ELMO be included for coverage in the Minnesota Workers' Compensation Program.

ADOPTED, by the Lake Elmo City Council on December 07, 2010.

Dean Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
CONSENT
ITEM #: 6
MOTION *As part of Consent Agenda*

AGENDA ITEM: Consider Approval of 2011 Liquor License Renewals

SUBMITTED BY: Sharon Lumby City Clerk

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Dave Synder, City Attorney
Washington County Sheriff's Department (under review)

SUMMARY AND ACTION REQUESTED: The City has received liquor applications for 2011, required fees, and insurance certificates. As all applications are in order, it is respectfully recommended that the City Council approve these renewals as part of tonight's *Consent Agenda*.

BACKGROUND & STAFF REPORT: The City is respectfully requested to consider granting the following 2011 liquor applications:

- On-sale intoxicating liquor and On-sale Sunday intoxicating license to 3M Club of St. Paul (Operators of Tartan Park) and to the Machine Shed Restaurant by Heart of America Restaurants; conditioned upon approval by the Washington County Sheriff's Dept.
- On-sale intoxicating liquor, Off-sale intoxicating liquor and On-sale Sunday intoxicating liquor license to the Twin Point Tavern and Lake Elmo Inn including the outside patio conditioned upon approval by the Washington County Sheriff's Dept.
- On-Sale intoxicating liquor license for the Lake Elmo Inn Event Center conditioned upon approval by the Washington County Sheriff's Dept.

RECOMMENDATION: Based upon the above information, City staff recommends approval of the 2011 liquor license renewals as part of tonight's *Consent Agenda*.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. While tabling this item is not

recommended (at least not beyond the planned December 14th meeting), the Council may elect to amend the recommended motion. If done so, the appropriate action of the Council following such discussion would be:

“Move to approve 2011 Liquor License Renewals, as presented [and amended at tonight’s meeting]”

ATTACHMENTS: None

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

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



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
CONSENT
ITEM #: 7
MOTION *as part of the Consent Agenda*
Ordinance No. 08-036

AGENDA ITEM: Approve Amending 2010 Fee Schedule for Water & Waste Water (Sewer), Ordinance No. 08-036

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to adopt Ordinance No. 08-036 as part of tonight's *Consent Agenda*, amending the 2010 Fee Schedule for Water and Waste Water rates, to be made effective for the December 2010 – February 2011 billing period.

BACKGROUND INFORMATION: Due to the City's annual billing cycle for water and wastewater services (December to November), the City typically considers any "next year" rates adjustment prior to the start of the December- February billing quarter.

STAFF REPORT: The City operates the water and wastewater (sewer) utilities as Enterprise activities and employing fund-based financial and accounting standards to such. Enterprise activities are those City operations that are financed and operated similar to a private business. Generally, the services are provided to specific customers and all or most of the expenses emanate from specific enterprise activities, while revenues typically accrue from services provided or pre-determined user fees (in the case of water and wastewater, volume-based user fees). Revenues derived are used to pay for the City's water and sewer system operating, maintenance and capital expenses.

The City continues to experience rising costs in operating Enterprise activities and utilities in particular, thus creating the request for modest annual rate adjustments. The proposed rate adjustment for 2011 (December 2010 – November 2011) is a two percent increase across the board for wastewater used and for all potable water consumption tiers. The base rate for potable water usage remains at its current charge.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council adopt Ordinance no. 08-036 as part of tonight's *Consent Agenda*, amending the 2010 Fee Schedule for Water and Waste Water rates, to be made effective for the December 2010 – February 2011 billing period.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. While tabling this item is not recommended (at least not beyond the planned December 14th meeting), the Council may elect to amend the recommended motion. If done so, the appropriate action of the Council following such discussion would be:

“Move to adopt Ordinance No. 08-036, amending the 2010 Fee Schedule, as presented [and further amended at tonight's meeting]”

ATTACHMENTS:

1. Ordinance No. 08-036
2. Proposed *Amended* 2010 Amended Fee Schedule

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

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

ORDINANCE NO.08-036

AN ORDINANCE AMENDING MUNICIPAL FEES FOR CALENDAR YEAR 2010

The Lake Elmo City Council hereby adopts the following amended fee schedule for calendar year 2010, applicable to the December 2010 water and wastewater billing cycle, and directs that it be added to the Lake Elmo Municipal Code as Appendix A.

Appendix A – Amended 2010 Fee Schedule

ADOPTION DATE: Passed by the Lake Elmo City Council on the 7th day of December, 2010.

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Its: Mayor

ATTEST

Bruce A. Messelt
City Administrator

PUBLICATION DATE: Published on the ____ day of _____, 2010.

2010 Revised Fee Schedule			
Development, Service, Building, Etc.	2010	2010 Amended	Escrow or Additional Charge
Accessory Bldg Forward of Primary Structure	\$80.00	\$80.00	
Amateur Radio Antenna	\$875.00	\$875.00	
Appeal (to Board of Adjustment and Appeals)	\$100.00	\$100.00	
Assessment Search	\$25.00	\$25.00	
Building Demolition			
First 1000 Square Feet	\$105.00	\$105.00	Plus 5.00 State Surcharge (Effective 2010)
Each Additional 1000 sq feet or portion thereof	\$11.00	\$11.00	Plus 5.00 State Surcharge (Effective 2010)
Burning Permits			
Residential	\$45.00	\$45.00	
Commercial	\$80.00	\$80.00	
Illegal Burn	\$65.00	\$65.00	
Comprehensive Plan Amendment	\$1,300.00	\$1,300.00	
Conditional Use Permit (CUP) <new or amended>	\$1,000.00	\$1,000.00	Wireless Communication Facilities Escrow \$6,000.00 Flood Plain Ordinance Escrow \$500.00
CONTRACTOR LICENSE FEES			
Blacktopping	\$70.00	\$70.00	
Excavator License	\$70.00	\$70.00	
Heating and A/C	\$70.00	\$70.00	
Sign Installer	\$60.00	\$60.00	
Solid Waste Hauler	\$120.00	\$120.00	
Tree Contract	\$70.00	\$70.00	
COPY SERVICES			
Copies (B&W)	\$0.35	\$0.35	
Copies (B&W) 11 X 17	\$1.00	\$1.00	
Copies (Color)	\$0.50	\$0.50	
Copies (Color) 11 X 17	\$2.00	\$2.00	
City Map - colored	\$3.15	\$3.15	
City Street Maps 36 X 40	\$20.00	\$20.00	
GIS / Engineering Maps			
Existing Maps	\$5.00	\$5.00	Provided electronically or paper
Custom (Per Hour rate)	\$70.00	\$70.00	Provided electronically or paper
Plan Size Maps Larger than 11 X 17	\$20.00	\$20.00	
Development Standards Specification & Details	\$55.00	\$55.00	
Code Book	\$160.00	\$160.00	
Sections 1, 2, 4, 6-12, 14	\$12.00	\$12.00	
Section 3	\$52.00	\$52.00	
Section 5 and 13	\$27.00	\$27.00	
Comprehensive Plan	\$105.00	\$105.00	
OP Ordinance	\$12.00	\$12.00	
Parks Plan	\$80.00	\$80.00	
Culverts in Developments with Rural Section	\$160.00	\$160.00	
Dog License	\$16.00	\$16.00	
Service Dogs License (dogs with special training to assist individual with disabilities)	\$5.00	\$5.00	Renew on expiration of rabies vaccination
Unlicensed dog (first impound)	\$60.00	\$60.00	Plus Boarding Fee-20.00/Day
Licensed dog (first impound)	\$42.00	\$42.00	Plus Boarding Fee-20.00/Day
Cat Impound (first impound)	\$42.00	\$42.00	Plus Boarding Fee-20.00/Day
Subsequent dog/cat impound	\$85.00	\$85.00	Plus Boarding Fee-20.00/Day
Duplicate License or Tag	\$1.00	\$1.00	
Driveway			
Residential	\$60.00	\$60.00	Plus 5.00 Surcharge
Commercial	\$160.00	\$160.00	Plus 5.00 Surcharge
Excavating and Grading	\$115.00	\$115.00	Erosion Control Bond, Escrow, or Letter of Credit: 1500.00 per acre.
False Alarm			
1 to 3 False alarms	\$0.00	\$0.00	
In excess of 3 up to and including 6 false alarms within a twelve (12) month period			
Residential	\$110.00	\$110.00	
Commercial	\$315.00	\$315.00	
In excess of six false alarms within a twelve (12) month period			
Residential	\$185.00	\$185.00	
Commercial	\$520.00	\$520.00	

Appendix A

Development, Service, Building, Etc.	2010	2010 Amended	Escrow or Additional Charge
Fire			
Daycare inspection Fee	\$60.00	\$60.00	Plus 5.00 Surcharge
Fire Alarm Systems	\$60.00	\$60.00	Plus 1% of Value
Fire Sprinkler System (Inspection Fee)	2% of value of work	2% of value of work	Minimum \$100.00
Fire Sprinkler System (Reinspection Fee)	\$50.00	\$50.00	
Flood Plain District Delineation	\$500.00	\$500.00	
Fuel Tank Removal (Underground)	\$80.00	\$80.00	Plus 5.00 Surcharge
Fuel Tank Install	2% of value of work	2% of value of work	Minimum \$100.00
Heating			
New Residential	\$135.00	\$135.00	Plus 5.00 Surcharge
Addition to Residential	\$60.00	\$60.00	Plus 5.00 Surcharge
Commercial (New or Addition)	Minimum \$160.00 or 1% of total job	Minimum \$160.00 or 1% of total job	Plus minimum 5.00 Surcharge
Interim Use Permit (IUP)	\$1,050.00	\$1,050.00	
Interim Use Permit (IUP)-Renewal	\$300.00	\$300.00	
Lawn Sprinklers	\$120.00	\$120.00	Plus 5.00 Surcharge
Liquor			
Club On Sale Intoxicating	\$100.00 per year	\$100.00 per year	
Off Sale Intoxicating	\$200.00 per year	\$200.00 per year	
Off-Sale Non-Intoxicating	\$150.00 per year	\$150.00 per year	
On-Sale Intoxicating	\$1500.00 per year	\$1500.00 per year	
On-Sale Intoxicating - 2nd Bldg	\$750.00 per year	\$750.00 per year	
On-Sale Investigation	\$350.00	\$350.00	
On-Sale Non-Intoxicating	\$100.00 per year	\$100.00 per year	
On-Sale Sunday Intoxicating	\$200.00 per year	\$200.00 per year	
Temporary Non-Intoxicating	\$25.00 per event	\$25.00 per event	
Wine	\$300.00 per year	\$300.00 per year	
Lot Line Adjustment	\$310.00	\$310.00	
Manufactured Home Parks			
New	\$1,075.00	\$1,075.00	Plus 2500.00 Escrow
Move home out of City	\$60.00	\$60.00	Plus 5.00 Surcharge
Move into City	\$110.00	\$110.00	Plus 5.00 Surcharge
Minor Subdivision			
Moving House or Primary Structure into City	\$520.00	\$520.00	Plus bond with amount to be determined by City w/recommendation from Building Official
Moving Accessory Structure into City	\$305.00	\$305.00	Plus Escrow to be determined by the City w/recommendation from Building Official
New Construction Plan Review	Per 1997 UBC (65%)	Per 1997 UBC (65%)	
Park Dedication (up to 3 lots)	\$3600.00 for each	\$3600.00 for each	Four or more lots per Section 400 Formula
Parking Lots			
New Commercial	\$160.00	\$160.00	Plus 5.00 Surcharge
Existing Commercial	\$85.00	\$85.00	Plus 5.00 Surcharge
Platting			
Concept (PUD or OP)	\$1,220.00	\$1,220.00	
Preliminary Plat (and Development Stage)	\$1,810.00	\$1,810.00	
Final Plat (and Final Plan)	\$1,220.00	\$1,220.00	Plus 2.5% Administrative Fee Development Agreement
Plumbing			
New Residential	\$135.00	\$135.00	Plus 5.00 Surcharge
Addition to Residential	\$60.00	\$60.00	Plus 5.00 Surcharge
Commercial (New or Addition)	Minimum \$160.00 or 1% of total job	Minimum \$160.00 or 1% of total job	Plus minimum 5.00 Surcharge
Private Roads (permitted only in AG zone)	\$110.00	\$110.00	Plus 5.00 Surcharge
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00	\$800.00	1500.00 escrow
Right-of-Way Permits			
Annual Registration (1415.05 Subd.1)	\$80.00	\$80.00	
Excavation (1415.11 Subd. 1)	\$230.00	\$230.00	
Each Additional Excavation	\$37.00	\$37.00	
Trench Fee (boring or open cut)	.55 per foot	.55 per foot	
Overhead Installation Fee	.55 per foot	.55 per foot	
New Subdivisions (Alternate to per foot fee)	65.00 per lot per utility	65.00 per lot per utility	
Street Obstruction Fee (1415.11 (Sub 2.)	\$80.00	\$80.00	
Permit Extension	\$80.00	\$80.00	
Delay Penalty	15.00 per day	15.00 per day	

Appendix A

Development, Service, Building, Etc.	2010	2010 Amended	Escrow or Additional Charge
Sewage Disposal			
On-Site Septic Systems			
New	\$110.00	\$110.00	Plus 5.00 Surcharge
Alterations or Repairs	\$110.00	\$110.00	Plus 5.00 Surcharge
Sewer Availability Charge (SAC)	\$5,400.00	\$5,400.00	per SAC unit -2100.00 to Met. Council; 3300.00 to City
Sewer	\$4.35 per 1,000 gallons	\$4.44 per 1,000 gallons	
Wetland Treatment			
Hookup to Existing System	\$85.00	\$85.00	Plus 5.00 Surcharge
Alteration/Repair	\$60.00	\$60.00	Plus 5.00 Surcharge
201 Off-Site Maintenance Fee	75.00 per unit per quarter	76.50 per unit per quarter	
Signs Permanent	\$180.00	\$180.00	Plus 5.00 Surcharge
Signs Temporary	\$75.00	\$75.00	Plus 5.00 Surcharge
Signs Temporary Renewal	\$25.00	\$25.00	Plus 5.00 Surcharge
Site Plan Review (Chapter 520)	\$980.00	\$980.00	
Street Cleaning Erosion Control			
Escrow	\$3,000.00	\$3,000.00	
Re-inspection	\$40.00 per hour	\$40.00 per hour	Portal to Portal from City Hall. Minimum: 1 hour
Processing Fee			10% of Contractor's Invoice to City
Surface Water			
Residential	\$40.00	\$40.00	
Non-Residential (commercial, ag., etc.)	\$40.00	\$40.00	Utility Rate Factor per code
Tennis Courts	Per 1997 UBC	Per 1997 UBC	Plus surcharge
Vacations (Streets or Easements)			
Easements	\$515.00	\$515.00	\$500.00 Escrow
Streets	\$515.00	\$515.00	\$500.00 Escrow
Variance	\$750.00	\$750.00	
Video Reproduction	\$35.00	\$35.00	
Water			
Residential – Quarterly Rate	\$25.00 Base	\$25.00 Base	
Plus Rate Per 1000 Gallons			
0-15,000 Gallons	\$2.10	\$2.14	
15,001 - 30,000 Gallons	\$2.80	\$2.86	
30,001 - 50,000 Gallons	\$3.70	\$3.77	
50,001 - 80,000 Gallons	\$4.90	\$5.00	
80,001+ Gallons	\$6.50	\$6.63	
Commercial – Quarterly Rate	\$25.00 Base	\$25.00 Base	
0-15,000 Gallons	\$3.05	\$3.11	
15,001 - 30,000 Gallons	\$3.20	\$3.26	
30,001 - 50,000 Gallons	\$3.70	\$3.77	
50,001 - 80,000 Gallons	\$4.90	\$5.00	
80,001+ Gallons	\$6.50	\$6.63	
All Connection Permits	\$140.00	\$140.00	
Meters, MIU & Meter Installation Sets	\$300.00	\$300.00	
Delinquent Accounts	6% per quarter	6% per quarter	Plus 25.00 or 8%, whichever is greater, if certified to County for collection with taxes
Disconnect Service	\$80.00	\$80.00	
Reconnect Service	\$80.00	\$80.00	
Service Call			
Water Storage Violation	\$15.00 per day	\$15.00 per day	
Bulk Water from Hydrant	\$60.00 for first 5,000 gallons	\$61.20 for first 5,000 gallons	Plus 3.26 per additional 1000 Gals
Swimming Pool Fill	\$60.00 for first 5,000 gallons	\$61.20 for first 5,000 gallons	Plus 3.26 per 1000 Gals & \$15.00 per labor hour
Water Availability Charge (WAC)			
Existing Structures within Old Village	\$800.00	\$800.00	
New Development	\$3,900.00	\$3,900.00	
Wind Generator	\$850.00	\$850.00	\$2000.00 Escrow
Wireless Communication Permit	\$500.00	\$500.00	\$2000.00 Escrow
Zoning Amendment (Text or Map)	\$1,245.00	\$1,245.00	



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010

CONSENT

ITEM #: 8

MOTION

AGENDA ITEM: Amend City Council Meeting Calendar – Schedule Regular Meeting on December 14th and Cancel December 21st Meeting

SUBMITTED BY: Mayor Johnston and City Staff

THROUGH: Bruce A. Messelt, City Administrator *BAM*
Sharon Lumby, City Clerk

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to affirm as part of tonight's *Consent Agenda* December calendar adjustments for City Council Meetings to complete City business and accommodate the Holiday Season. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City Council approves a Meeting Calendar in January of each year for Regular Meetings, Workshops and scheduled holidays, elections and special meetings/activities. Normal monthly Regular City Council meetings are held the first and third Tuesdays and Council Workshops are held the second and fourth Tuesdays (the latter only if needed). Any fifth Tuesday meetings are considered on an "as needed" basis.

Additionally, past practice of the Lake Elmo City Council is to not hold a meeting on the fourth Tuesday of December to accommodate the Holiday Season and, if no business is required to be conducted prior to the end of December.

STAFF REPORT: The third Tuesday would fall on December 21st of Christmas week and the fourth Tuesday would fall on December 28th of New Year's week.

City staff has been able to schedule planned Agenda Items and normal end-of-year business to be conducted during the first two weeks of December. This includes normal disbursements and payroll, compliance with state-mandated official financial and other matters, and completion of other pressing City business.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council consider amending the official 2010 City Calendar to schedule a Regular Meeting on December 14th (to start at 7:00 PM) and cancel the currently-scheduled December 21st Regular Meeting. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

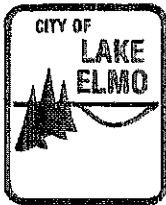
Alternatively, the City Council does have the authority to remove this item from the *Consent Agenda*, further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action. If the latter is done so, the appropriate action of the Council following such discussion would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

“Move to Amend the 2010 Meeting Calendar [as determined at tonight’s meeting].”

ATTACHMENTS: None.

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

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



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 9
MOTION Resolution No. 2010-070

AGENDA ITEM: 2011 Street and Water Quality Improvements – Public Improvement Hearing and Resolution No. 2010-070 Ordering Improvement and the Preparation of Plans and Specifications

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce A Messelt, City Administrator *BAW*

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to hold the Public Improvement Hearing for the 2011 Street and Water Quality Improvements and, following this, affirmatively consider Resolution No. 2010-070, thereby ordering the improvement and the preparation of plans and specifications. Following the Public Improvement Hearing, the recommended motion to act on is as follows:

SUGGESTED MOTION: “Move to adopt Resolution No. 2010-070, ordering the Improvement and the preparation of the Plans and Specifications, with replacement of new bituminous curb.”

STAFF REPORT: Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing has been noticed for December 7th, 2010, at 7:00 P.M. to consider making improvements to the following street segments:

- 10th Street Court North (from 10th Street North to north end)
- 11th Street North (from west end to Laverne Avenue North)
- 12th Street North (from west end to Leeward Avenue North)
- Laverne Avenue North (from 10th Street North to 12th Street North)
- Layton Avenue North (from 10th Street North to 12th Street North)
- Leeward Avenue North (from 10th Street North to 12th Street North)

A Feasibility Report for these streets was completed and presented to the City Council at the November 17th, 2010, Council Meeting. The Report recommends a street reclamation improvement be completed for all the streets presented in the Report. Costs for replacement of the existing bituminous curb were provided in the Report and presented to the City Council for either new bituminous curb or new concrete curb. Council's direction was to proceed with new bituminous curb replacement, which will be presented as the recommended project at the Public Hearing. The detailed findings of the report will be presented at the meeting and an opportunity for public comment and input will be provided.

Should the improvements be ordered, the project will be partially financed through special assessments. The Lake Elmo City Council adopted a new assessment policy at the November 16th, 2010, Council Meeting. The final assessments in the Report for replacement with new bituminous curb are accurate and consistent with the new assessment policy.

For replacement with new bituminous curb, the Report outlines a proposed assessment of \$3,900 for each benefiting property in David Nelson Estates (10th Street Court North) and \$3,300 for each benefiting property in Tartan Meadows (11th Street, 12th Street, Laverne Avenue, Layton Avenue and Leeward Avenue).

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be impacted by these improvements. A Feasibility Report has been completed and adopted by the City Council defining the scope of the proposed improvements together with the estimated project costs. This report is available for review at City Hall.

ADDITIONAL INFORMATION: The report proposes a total of 8 rain gardens to be installed as part of this project. The estimated costs for these improvements are \$38,200. A funding application has been prepared and submitted through the Valley Branch Watershed District Community Grant Program. Up to 50% of the water quality improvement costs are grant eligible. The remaining \$19,100 would be funded through the City's storm water utility fund. Staff will continue to work with the Washington Conservation District to educate residents and to promote continued interest in the Rain Garden Program.

LEGAL CONSIDERATIONS: Please note that, because this project was initiated by the City Council and not by a resident petition, the improvements must be ordered by a 4/5th majority of the City Council.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that, upon completion of the Public Hearing and due consideration of public comment, the City Council affirmatively consider adoption of Resolution No. 2010-070, Ordering the Improvement and the preparation of Plans and Specifications for the 2011 Street and Water Quality Improvements by undertaking the following motion:

**SUGGESTED
MOTION:**

“Move to adopt Resolution No. 2010-070, ordering the Improvement and the preparation of the Plans and Specifications, with replacement of new bituminous curb.”

Alternatively, the City Council does have the authority to table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action, including not ordering a portion or all of the proposed improvements. If the Council elects to revise the proposed action, the appropriate motion of the Council following such discussion would be:

“Move to adopt Resolution No. 2010-070, ordering the Improvement and the preparation of the Plans and Specifications, *[as discussed and agreed upon at tonight’s meeting]*.”

ATTACHMENTS:

1. Resolution No. 2010-070
2. Notice of Public Hearing

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation of Item City Engineer
- Questions from Council to Staff Mayor & City Council
- Opening and Conduct of Public Hearing Mayor Facilitates
- Closing of Public Hearing Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion/Comments..... Mayor Facilitates
- Action on Motion..... Mayor & City Council

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

RESOLUTION NO. 2010-070

**A RESOLUTION ORDERING THE IMPROVEMENT AND
PREPARATION OF PLANS AND SPECIFICATIONS
FOR THE 2011 STREET AND WATER QUALITY IMPROVEMENTS**

WHEREAS, pursuant a resolution of the City Council adopted the 17th day of November, 2010, the Council ordered a hearing on Improvement for the 2011 Street and Water Quality Improvements, and

WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 7th day of December, 2010, at which all persons desiring to be heard will be given the opportunity to be heard thereon,

WHEREAS, the feasibility report states that the project is necessary, cost-effective, and feasible,

NOW, THEREFORE, BE IT RESOLVED,

- 1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report.*
- 2. Such improvement is hereby ordered as proposed in the Council resolution adopted the 7th day of December, 2010.*
- 3. TKDA is hereby designated as the engineer for this improvement. The engineer shall prepare Plans and Specifications for the making of such improvement, replacing the existing bituminous curb with new bituminous curb.*
- 4. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of a tax exempt bond.*

Date: _____, 2010

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 7th day of December 2010, as shown by the minutes of said meeting in my possession.

Sharon Lumby
City Clerk

(Seal)

CITY OF LAKE ELMO
NOTICE OF HEARING
2011 STREET AND WATER QUALITY IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, December 7, 2010, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement of the city streets in the David Nelson Estates including 10th Street Court North (from 10th Street North to the North End), and Tartan Meadows Development including 11th Street North (from Laverne Avenue North to the West End), 12th Street North (from the West End to Leeward Avenue North), Laverne Avenue North (from 10th Street North to 12th Street North), Layton Avenue North (from 10th Street North to 12th Street North), and Leeward Avenue North (from 10th Street North to 12th Street North) will consist of reclaiming the existing road and providing a new bituminous surface in the current approximate location and grade.

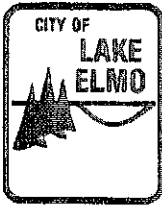
The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain access to their property from the above referenced streets. The estimated total cost of the street improvements is \$483,000, as approved by the Lake Elmo City Council. A reasonable estimate of the impact of the assessment to each property will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: November 16, 2010

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Dean Johnston, Mayor

(Published in the Oakdale-Lake Elmo Review on November 24, 2010 and December 1, 2010)



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR Public Hearing
ITEM #: 10
MOTION Resolution No. 2010-067

AGENDA ITEM: Public Hearing – Delinquent Water and Sewer Utility Bills

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BM*

REVIEWED BY: City Financial Advisors
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to convene a Public Hearing on Delinquent Water and Sewer Utility Bills. Following receipt and considerations of public comment, the City council is requested to affirmatively consider approval of Resolution 2010-067, authorizing certification to the Washington County Auditor for unpaid Utility bills. The recommended motion to act on this is as follows:

SUGGESTED MOTION: *“Move to approve Resolution 2010-067 authorizing certification to the Washington County Auditor for unpaid utility bills.”*

BACKGROUND INFORMATION: The City of Lake Elmo has the legal and fiduciary authority by, Minn. State Stat. § 444.075 subd. 3, and pursuant to enabling City Ordinance, to assess property owners for unpaid utility services. Affected homeowners with past due balances were sent notification of the proposed assessment. A Notice of Public Hearing for unpaid utilities was published in the Oakdale/Lake Elmo Review on November 17, 2010.

STAFF REPORT: The City operates water and sewer activities as a public utility, similar to those offered by a private business or enterprise. As such, the City maintains separate financial records, called Enterprise Funds, to account for such City operations.

Generally, these Public Utility services are provided to specific customers and the revenues typically accrue from the services provided or via pre-determined user fees (in the case of water and wastewater, volume-based user fees). Revenues derived are used to pay for the operations, maintenance and capital expenses emanating from the specific enterprise activities.

FINANCIAL CONSIDERATIONS: Tonight's certification process is to facilitate assessment to property owners for unpaid Public Utility services in order to assure eventual collection. All delinquent accounts presented tonight have been reviewed for any errors or mistakes and represent only those customers who have clearly not paid for services and product provided.

Failure of the City to assess for these services already provided is the public sector equivalent of writing off uncollected revenues, which must then be made up for by either higher water and wastewater fees for other public utility customers who do pay their bills, or all of the City's residents through higher property taxes.

Even after proposed City Council action tonight, homeowners will still have until December 15th, 2010 to pay the balance without additional fees. Payment received after December 15th, 2010 will be subject to an eight percent interest charge on the balance due, or a fee of \$25.00, whichever is greater.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that, upon completion of the Public Hearing and due consideration of public comment, the City Council affirmatively consider adoption of Resolution 2010-067, authorizing certification to the Washington County Auditor for unpaid utility bills. The appropriate motion to do so is as follows:

***SUGGESTED "Move to approve Resolution 2010-067 authorizing certification to the
MOTION: Washington County Auditor for unpaid utility bills."***

Alternatively, the City Council does have the authority to table this item for consideration on December 14th, but must take action then in order to complete the certification process with Washington County by December 15th, 2010. The Council may also further discuss, deliberate and/or, if appropriate, amend the recommended motion prior to taking action, including removing some or all of the proposed assessments. If the Council elects to revise the proposed action, the appropriate motion of the Council following such discussion would be:

***"Move to approve Resolution 2010-067 authorizing certification to the Washington
County Auditor for unpaid utilities bills [as amended at tonight's meeting]."***

ATTACHMENTS:

1. Resolution 2010-067
2. Exhibit A

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation of Item City Engineer
- Questions from Council to Staff Mayor & City Council
- Opening and Conduct of Public Hearing Mayor Facilitates
- Closing of Public Hearing Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion/Comments..... Mayor Facilitates
- Action on Motion..... Mayor & City Council

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2010 – 067

A RESOLUTION AUTHORIZING CERTIFICATION TO
WASHINGTON COUNTY AUDITOR FOR
UNPAID UTILITY BILLS

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

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

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

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

ADOPTED, by the Lake Elmo City Council on the 7th day of December, 2010.

Dean A. Johnston, Mayor

ATTEST:

Bruce A. Messelt, City Administrator

City of Lake Elmo
2010 Assessment List
Prelim as of 12.3.2010

Exhibit A

Address	Balance	Fee	Total Due	Property ID No.
10941 32ND STREET N	630.78	50.46	681.24	1402921440012
3258 LAKE ELMO AVENUE N	245.17	25.00	270.17	1302921320084
3263 LAKE ELMO AVENUE N	81.73	25.00	106.73	1302921320040
2764 LEGION AVENUE N	521.97	41.76	563.73	2402921210027
11090 UPPER 33RD STREET N	217.60	25.00	242.60	1302921320048
10961 32ND STREET N	122.11	25.00	147.11	1402921440010
7990 50TH STREET N	225.00	25.00	250.00	0502921440015
9393 JANE ROAD N	295.00	25.00	320.00	1002921240008
9395 JANE ROAD N	295.00	25.00	320.00	1002921210016
2769 LISBON AVENUE COURT N	284.42	25.00	309.42	2402921110012
8975 HIGHWAY 5	161.80	25.00	186.80	1602921410018
8997 HIGHWAY 5	146.71	25.00	171.71	1602921440011
9089 JAMACA COURT N	481.77	38.54	520.31	1502921320022
3351 JAMACA AVENUE N	258.18	25.00	283.18	1502921320031
8914 37TH STREET N	256.46	25.00	281.46	1602921140005
8928 36TH STREET BACK	206.34	25.00	231.34	1602921140015
4220 IVY COURT FRONT	127.95	25.00	152.95	0902921440020
9340 STILLWATER BOULEVARD N	69.84	25.00	94.84	1502921310002
3455 ISLE COURT N	156.01	25.00	181.01	1602921410012
4758 LILY AVENUE N	462.39	36.99	499.38	1202921120017
4488 LILY AVENUE N	616.19	49.30	665.49	1202921420024
4442 LILY AVENUE N	725.52	58.04	783.56	1202921420026
5091 MARQUESS TRAIL CIRCLE N	363.60	29.09	392.69	0602920320057
12038 MARQUESS LANE N	1,086.73	86.94	1,173.67	0602920320040
12154 MARQUESS LANE N	271.46	25.00	296.46	0602920320067
12276 MARQUESS WAY N	142.69	25.00	167.69	0602920310024
12404 MARQUESS WAY N	366.95	29.36	396.31	0602920310016
12432 MARQUESS WAY N	93.63	25.00	118.63	0602920310014
12521 MARQUESS WAY N	400.31	32.02	432.33	0602920310035
12415 55TH STREET N	182.15	25.00	207.15	0602920310051
2936 JONQUIL TRAIL N	810.05	64.80	874.85	2202921220026
5693 LINDEN AVENUE N	686.86	54.95	741.81	0102921140011
2965 LAKE ELMO AVENUE N	116.43	25.00	141.43	2402921220011
9260 31ST STREET N	234.77	25.00	259.77	1502921340002
9224 31ST STREET N	115.93	25.00	140.93	1502921330029
9077 31ST STREET N	98.27	25.00	123.27	1502921330015
9240 31ST STREET N	115.93	25.00	140.93	1502921330018
2994 JAMLEY AVENUE N	188.90	25.00	213.90	1502921330039
2809 JAMLEY AVENUE N	242.27	25.00	267.27	2202921220014
2742 IVY AVENUE N	127.33	25.00	152.33	2102921140002
8659 STILLWATER BOULEVARD N	125.96	25.00	150.96	2102921120004
8308 STILLWATER BOULEVARD N	516.56	41.32	557.88	2102921210023
3033 INWOOD AVENUE N	197.90	25.00	222.90	1602921430010
2895 INWOOD AVENUE N	254.58	25.00	279.58	2102921120022
2773 INWOOD AVENUE N	70.47	25.00	95.47	2102921120017
2580 IMPERIAL AVENUE N	287.06	25.00	312.06	2102921230007
2621 INNSDALE AVENUE N	869.52	69.56	939.08	2102921240006
8685 27TH STREET N	320.96	25.68	346.64	2102921130004
	14,875.21	1,533.81	16,409.02	



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR *Public Hearing*
ITEM #: 11
MOTION *Resolution No. 2010-068A*
Resolution No. 2010-068B

AGENDA ITEM: *Public Hearing* - 2011 Final Property Tax Levy & 2011 General Fund Budget

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to convene a Public Hearing on the Proposed 2011 Property Tax Levy & 2011 General Fund Budget. Following receipt and consideration of public comment, the City council is requested to affirmatively consider approval of Resolution 2010-068A, adopting the 2011 final property tax levy, and Resolution 2010-068B, adopting the 2011 General Fund budget. The recommended motions to act on this are as follows:

SUGGESTED *"Move to approve Resolution 2010-068A, adopting the 2011 final property*
MOTIONS: *tax levy"*

"Move to approve Resolution 2010-068B, adopting the 2011 General
Fund budget"

BACKGROUND INFORMATION: Under Minnesota law, the City is required to adopt and certify to the County its annual tax levy, this year by December 28th, 2010. In addition, the City adopts at the same time its annual Operating and Capital budgets, all of which become effective January 1st, 2011.

While State statutory requirements to hold a truth in taxation public hearing have been repealed, the City is still required to hold an advertised meeting at which the public is allowed to speak and the annual budget and property tax levy are discussed. Tonight's public meeting was duly advertised on December 1st in the Oakdale/Lake Elmo Review and no public comments have been received, to date.

Subsequent to the public meeting but no later than December 28th, the City must adopt a final property tax levy and final budget. The final property tax levy can not exceed the proposed levy

certified to Washington County in September. Of note - the attached *proposed* Final 2011 Budget is a consolidated budget which includes all funds of the City. However only the General Fund is legally required to be adopted.

STAFF REPORT: On September 7th, 2010, the City Council reviewed and approved the *proposed* Preliminary 2011 General Fund Budget. In addition, the City Council adopted the “2011 Proposed Levy Certification” for submission to the Washington County Auditor, shown below in Table 1.

	General Fund Levy	\$2,409,867
	2010 MVHC Ratified Unallotment Recovery	37,518
	2011 MVHC Cut Recovery	37,518
	2004 G.O. Capital Improvement Plan Bonds	140,000
	2006 G.O. Equipment Certificates of Indebtedness	56,118
	2009B G.O. Improvement Bonds	50,544
	2010A G.O. Improvement Bonds	<u>57,994</u>
Total:		\$2,789,559

(Table 1 – 2011 Proposed Levy Certification)

The 2011 General Fund expenditures and transfers out are budgeted at \$2,919,223, or a 2.5% increase from the 2010 General Fund budget. The 2011 General Fund budget is considered “balanced”, with overall General Fund budgeted revenues also at \$2,919,223, or a 2.5% increase.

The overall 2011 property tax levy of \$2,789,559 is 1.7% higher than the 2010 total levy of \$2,743,346. The General Fund levy of \$2,484,903 for 2011 (including market value homestead credit unallotment/cut recovery levies) is 2.9% higher than the 2010 General Fund levy of \$2,415,630.

While maintaining levels of government services, the City is proposing to increase the payable 2010 city tax rate by 6.6%, from 20.479% in 2010 to 21.826% in 2011. In other words, property owners with no change in market values from payable 2010 to payable 2011 should experience a 6.6% increase in the City portion of their overall property tax bill.

In the event of a market value decrease or increase from payable 2010 to payable 2011, City property taxes would change proportionately. Per Washington County, the median value change of a homestead’s property value in Lake Elmo is a decrease of 6.2% from 2010 to 2011; meaning the median value home in Lake Elmo will likely see *little or no increase* in the City’s portion of their property tax bill. Table 2 on the following page shows the anticipated impact on sample Lake Elmo residential properties.

- **Revenue Notes:** Other than the proposed modest levy increase, the City is again forecasting a conservative increase or no increase in other revenues, especially including local fees. This is reflective of the current state of the local and national economy.

- **Expenditure Notes:** The 2011 budget continues existing hiring freezes and makes permanent recent staffing and program reductions. On the operations side, the budget does include a 2% salary increase for employees, though it now appears this will almost all be consumed by higher health care costs.
- Other increases in operating expenditures are reflected in inflation and use of consumables, as well as street maintenance. Major capital spending increases reflect City Council priorities relating to street and parks improvements.

2010 CITY PROPERTY TAXES

Market Value 2010	Tax Capacity 2010	City Local Tax Capacity Rate Pay 2010	City Property Taxes 2010
\$100,000	\$1,000	20.479%	\$205
\$300,000	\$3,000	20.479%	\$614
\$500,000	\$5,000	20.479%	\$1,024
\$700,000	\$7,500	20.479%	\$1,536

2011 CITY PROPERTY TAXES (WITH NO MARKET VALUE CHANGE)

Market Value 2011 <i>NO CHANGE</i>	Tax Capacity 2011	City Local Tax Capacity Rate Pay 2011	City Property Taxes 2011	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$100,000	\$1,000	21.826%	\$218	\$13	6.6%
\$300,000	\$3,000	21.826%	\$655	\$40	6.6%
\$500,000	\$5,000	21.826%	\$1,091	\$67	6.6%
\$700,000	\$7,500	21.826%	\$1,637	\$101	6.6%

2011 CITY PROPERTY TAXES (WITH 6.2% MARKET VALUE DECREASE)

Market Value 2011 <i>DECREASE OF -6.2%</i>	Tax Capacity 2011	City Local Tax Capacity Rate Pay 2011	City Property Taxes 2011	Property Taxes Increase (Decrease)	Percentage Tax Increase (Decrease)
\$93,800	\$938	21.826%	\$205	(\$0)	0.0%
\$281,400	\$2,814	21.826%	\$614	(\$0)	0.0%
\$469,000	\$4,690	21.826%	\$1,024	(\$0)	0.0%
\$656,600	\$6,958	21.826%	\$1,519	(\$17)	-1.1%

(Table 2 – Impact of Proposed 2011 Levy Increase)

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that, upon completion of the Public Hearing and due consideration of public comment, the City Council affirmatively consider adoption of Resolution 2010-068A, adopting the 2011 final property tax levy, and Resolution 2010-068B, adopting the 2011 General Fund budget. The suggested motions to do so are as follows:

***SUGGESTED
MOTIONS:***

“Move to approve Resolution 2010-068A, adopting the 2011 final property tax levy”

“Move to approve Resolution 2010-068B, adopting the 2011 General Fund budget”

Alternatively, the City Council does have the authority to table this item for consideration on December 14th, but must take action then in order to complete the certification process with Washington County by December 28th, 2010. The Council may also further discuss, deliberate and/or, if appropriate, amend the recommended levy and/or budget as deemed appropriate. If the Council elects to revise the proposed levy and/or budget, the appropriate motion of the Council following such would be:

***“Move to approve Resolution 2010-068A, adopting the 2011 final property tax levy [as amended]”
And***

“Move to approve Resolution 2010-068B, adopting the 2011 General Fund budget [as amended]”

ATTACHMENTS:

1. Resolution 2010-068A
2. Resolution 2010-068B
3. 2011 Budget

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation of Item Finance Director
- Questions from Council to Staff Mayor & City Council
- Opening and Conduct of Public Hearing Mayor Facilitates
- Closing of Public Hearing Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion/Comments..... Mayor Facilitates
- Action on Motion..... Mayor & City Council

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

**A RESOLUTION NO. 2010-068A
RESOLUTION ADOPTING 2011 FINAL PROPERTY TAX LEVY**

BE IT RESOLVED by the City Council of the City of Lake Elmo, County of Washington, Minnesota, that the following sums of money be levied for the current year, collectible in 2011, upon the taxable property in the City of Lake Elmo for the following purposes:

General Fund Levy	\$ 2,409,867
2010 MVHC Unallotment Recovery	\$ 37,518
2011 MVHC Unallotment Recovery	\$ 37,518
2004 G.O Capital Improvement Plan Bond	\$ 140,000
2006 G.O Equipment Certificate of Indebtedness	\$ 56,118
2009BG.O. Improvement Improvement Bonds	\$ 50,544
2010AG.O. Improvement Improvement Bonds	<u>\$ 57,994</u>

Total Levy \$ 2,789,559

ADOPTED, by the Lake Elmo City Council on the 7th day of December, 2010.

Dean A. Johnston, Mayor

ATTEST:

Bruce A. Messelt, City Administrator

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

RESOLUTION NO. 2010-068B

A RESOLUTION ADOPTING THE 2011 GENERAL FUND BUDGET

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

WHEREAS, the City of Lake Elmo held a Budget & Tax meeting on December 7, 2010;

WHEREAS, the Lake Elmo City Council closed the public meeting on the 2011 general fund budget on December 7, 2010 without need for continuation;

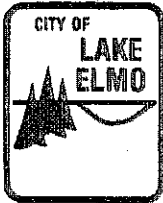
BE IT RESOLVED the Lake Elmo City Council adopts the 2011 general fund budget in the amount of \$2,919,223.

ADOPTED, by the Lake Elmo City Council on the 7th day of December, 2010.

Dean A. Johnston, Mayor

ATTEST:

Bruce A. Messelt, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 12
MOTION *Resolution No. 2010-069*

AGENDA ITEM: Proposed 2011-2015 Capital Improvement Plan (CIP)

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Lake Elmo Planning Commission
Lake Elmo Parks Commission
Lake Elmo Maintenance Advisory Commission
Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to affirmatively consider approval of Resolution 2010-069, adopting the 2011-2015 Capital Improvement Plan. The recommended motion to act on this is as follows:

SUGGESTED MOTION: *"Move to approve Resolution 2010-069 adopting the 2011-2015 Capital Improvement Plan"*

BACKGROUND INFORMATION: Attached for Council Consideration is the updated *proposed* 2011-2015 Capital Improvement Plan (CIP), first seen by the Mayor and City Council in November 2010. Minnesota State Statutes view the Capital Improvement Plan as an integral element of the Comprehensive Plan, which requires a Public Hearing by the City's Planning Commission and formal adoption by the City Council.

Consistent with State Statutes a Notice of the November 22, 2010 Public Hearing by the Planning Commission was published in the City's official newspaper. No public comment was received at that time, although input from the Parks Commission and the Maintenance Advisory Commission was incorporated. No additional public comment has been received, to date. The Planning Commission unanimously recommended the Attached CIP for Council consideration.

STAFF REPORT: The purpose of a Capital Improvement Program (CIP) is to provide a multi-year plan of major projects and related expenditures. It is intended to be used as a key strategic planning tool for identifying future infrastructure projects and their funding sources, as well as to

prevent duplication of projects (i.e. street reconstruction project followed in a subsequent year by a water main project). The CIP is also used as a long term financial guide to indentify expenditures and related funding issues. Major projects planned for 2011 include:

- Street Seal Coating
- 2011 Street & Water Quality Improvements
- City Facilities Improvement
- The I-94 to 30th Street Sewer Trunk Force Main
- New City Well and Pump House #4

The total combined estimated cost of \$5,636,000 for the CIP represents a planning total only. Final planning and funding for each project remains to be presented for Council consideration. Regular updates and adjustments to the CIP are presented to the Council throughout the fiscal year.

Of note – The Parks Commission did remove a long-planned replacement of lighting at Lyons Park, due to a lack of timely information on the specificity on the necessity of the project. While City staff forwards without reclamma the Parks Commission's (and Planning Commission's) recommendation, it is anticipated that the Parks Commission will review this proposed 2011 project early in January to determine of the project warrants reconsideration.

RECOMMENDATION: Based upon the above background information and staff report, it is respectfully recommended that the City Council affirmatively consider Resolution 2010-069, adopting the 2011-2015 Capital Improvement Plan. The suggested motion to undertake this is:

***SUGGESTED "Move to approve Resolution 2010-069 adopting the 2011-2015 Capital
MOTION: Improvement Plan"***

Alternatively, the City Council does have the authority to table this item for consideration on December 14th, but should take action then in order to approve the CIP prior to the end of December 2010.

The Council may also further discuss, deliberate and/or, if appropriate, amend the recommended CIP, as deemed appropriate. If the Council elects to revise the proposed CIP, the appropriate motion of the Council following such would be:

"Move to approve Resolution 2010-069 adopting the 2011-2015 Capital Improvement Plan, [as amended at tonight's meeting]."

ATTACHMENTS:

1. Resolution 2010-069
2. *Proposed* 2011-2015 Capital Improvement Plan

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-069

A RESOLUTION ADOPTING THE 2011-2015 CAPITAL IMPROVEMENT PLAN

WHEREAS, Minnesota State Statutes view the Capital Improvement Plan as an element of the Comprehensive Plan ;

WHEREAS, the City of Lake Elmo updates the Capital Improvement Plan annually;

WHEREAS, the Planning Commission conducted a public hearing on November 22, 2010;

BE IT RESOLVED THAT, the Lake Elmo City Council adopts the 2011-2015 Capital Improvement Plan;

ADOPTED, by the Lake Elmo City Council on the 7th day of December, 2010.

Dean A. Johnston, Mayor

ATTEST:

Bruce A. Messelt, City Administrator

City of Lake Elmo Capital Improvement Plan 2011 to 2016		Project		2011	2012	2013	2014	2015	Future	Funding Source
Fund/Category	Detail or Street From/To									
Village (413)										
Village - Sewer	1-94 to 30th Street Trunk Force Main			\$3,500,000						State Grant/Bonds/TBD
Village - Sewer	Village Parkway Trunk (Phase 1)				\$278,000					Development
Village - Sewer	Village Parkway Trunk (Phase 2)					\$278,000				TBD
Village - Sewer	Trunk Gravity from Lift Station to Lake Elmo Ave								\$200,000	TBD
Village - Sewer	Trunk Gravity from 30th to Railroad								\$162,000	TBD
Village - Water	Village Parkway Trunk (Phase 1)					\$385,500				Development
Village - Water	Village Parkway Trunk (Phase 2)									Development
Village - Water	OLD VILLAGE STREET & STORM								\$3,800,000	TBD
Village - Streets	OLD VILLAGE STREET & STORM								\$3,900,000	TBD
Village - Surface Water	Old Village Storm Canals								\$2,600,000	TBD
Total Village (413)				\$3,500,000	\$278,000	\$663,500	\$385,500	\$0	\$10,062,000	
Water (601)										
Water	Well and Pump House #4			\$1,370,000						State Grant/Bonds/TBD
Water	Keats trunk water main extension				\$920,000					State Grant/Bonds/TBD
Water	Trunk Water Main								\$2,775,000	TBD
Water	SW Area Water Main Extension								\$5,300,000	TBD
Water	Elevated Storage Tank #1A								\$1,600,000	TBD
Water	Well #5 (South of 10th Street)								\$860,000	TBD
Total Water (601)				\$1,370,000	\$920,000	\$0	\$0	\$0	\$10,635,000	
Sewer (602)										
Sewer	Sewer study south of 10th St			\$25,000						Net Assets
Sewer	Sewer study south of 10th St					\$200,000				TBD
Sewer	Trunk Overpass South of 10th St								\$200,000	Bonds/Net Assets
Sewer	Trunk Gravity from LS to Lake Elmo Ave								\$162,000	Bonds/Net Assets
Sewer	Trunk Gravity from 30th St to Uf-Railroad								\$382,000	Bonds/Net Assets
Total Sewer (602)				\$25,000	\$0	\$200,000	\$0	\$0	\$382,000	
Surface Water (603)										
Surface Water	Rain Garden Improvements			\$35,000	\$35,000	\$35,000	\$35,000	\$35,000		Net Assets
Surface Water	Village Regional Infiltration								TBD by Study	TBD
Total Surface Water (603)				\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$0	
Radio Replacement (701)										
Radio Replacement	Radio Replacement									Net Assets accumulated from General Fund annual transfers
Total Radio Replacement (701)				\$0	\$0	\$0	\$0	\$0	\$0	
Information Technology (IT) Replacement (702)										
Administration	City Hall Network			\$2,500	\$2,500					Net Assets accumulated from General Fund annual transfers
Administration	Replacement equipment			\$2,500	\$7,500	\$7,500	\$7,500	\$7,500		Net Assets accumulated from General Fund annual transfers
Finance	Finance software upgrade			\$10,500	\$5,000	\$5,000	\$5,000	\$5,000		Net Assets accumulated from General Fund annual transfers
Building Inspection	Big Permit Upgrade			\$6,500						Net Assets accumulated from General Fund annual transfers
Total IT Replacement (702)				\$31,400	\$15,000	\$12,500	\$12,500	\$12,500	\$0	
Furniture, Fixtures & Equipment (FFE) Replacement (703)										
Fire	2 sets turn out gear			\$3,600						Net Assets accumulated from General Fund annual transfers
Fire	Turnout Gear (2 sets)					\$60,000				Net Assets accumulated from General Fund annual transfers
Fire	SCBA's						\$100,000			Net Assets accumulated from General Fund annual transfers
Total FFE Replacement (703)				\$3,600	\$0	\$0	\$60,000	\$100,000	\$0	
Total City				\$6,128,382	\$3,422,000	\$2,750,900	\$1,400,000	\$2,628,500	\$34,770,000	

[illegible]



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 13
MOTION *Resolution No. 2010-071*

AGENDA ITEM: 50th Street and Kimbro Avenue Street Improvements – Resolution Accepting the Report and Calling for a Public Improvement Hearing

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

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

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to accept the Feasibility Report for the 50th Street and Kimbro Avenue Street Improvements and pass Resolution No. 2010-071 Accepting the Report and Calling for a Public Improvement Hearing to be held on January 18, 2011. The recommended motion is as follows:

SUGGESTED MOTION: “Move to adopt Resolution No. 2010-071 Accepting the Feasibility Report for the 50th Street and Kimbro Avenue Street Improvements and Calling for a Public Improvement Hearing to be held on January 18th, 2011.”

STAFF REPORT: The Feasibility Report has been completed for the 50th Street and Kimbro Avenue Street Improvements including 50th Street from Lake Elmo Avenue (CSAH 17) to Kimbro Avenue and Kimbro Avenue from 50th Street to 47th Street. The preparation of the Feasibility Report was authorized on September 21, 2010.

This report investigated the feasibility and cost-effectiveness of improving this roadway segment from a gravel surface to a paved surface roadway. As a designated Municipal State Aid (MSA) route, two primary improvements were reviewed for consideration. One alternative investigated the minimum improvements necessary to provide a MSA design standard roadway that could be funded using the City's MSA street funds. The second alternative investigated a “minimum cost” improvement to upgrade the roadway surface from gravel to bituminous, however without necessarily meeting MSA design standards. Under this second alternative, MSA funds could not be used for the project.

The report findings provide a recommended improvement according to the second alternative. The improvement would include a “shape and pave” construction project that preserves and utilizes the in-place gravel base and requires some additional aggregate gravel placement to assist in re-establishing the roadway crown and shape, and further strengthens select areas that were found to be deficient. A new 4-inch bituminous surface could then be placed in two lifts, resulting in a 7-ton roadway. A geotechnical investigation was conducted as part of this report to verify the in-place road base and the validity of this type of improvement. The shape and pave improvement would include a 24 foot wide bituminous surface with a one-foot gravel shoulder on each side. The paved surface would be marked for 11-foot driving lanes.

In order to use MSA funds for the project, the state aid standards would require the existing roadway to be widened to accommodate a 32 foot wide bituminous surface with 4:1 in-slopes constructed along each side. The roadway widening would result in the need to acquire right-of-way and mitigate wetland impacts. Pavement markings for this scenario would result in two 11-foot drive lanes with 5 foot paved shoulders on each side. Aside from the ability to use MSA funds for this improvement, the final street section would provide a safer route for pedestrians and bicyclists.

Estimated project costs are included in the Feasibility Report for each alternative. The shape and pave improvement is recommended in the report due to a significant cost savings, and when reviewing the projected 2030 traffic counts, the added costs do not necessarily warrant the investment. However, by not meeting MSA standards, the City would need to fund the improvement from the general levy.

Improvements for 50th Street and Kimbro Avenue were initially scheduled to be completed using MSA funds in 2011. However, the draft version of the 2011 – 2015 Street CIP has tentatively rescheduled this project due to overall financial considerations. If this project is approved for 2011, the 2011 – 2015 CIP may need to be revised accordingly.

One comment from a resident has been received and is attached for Council consideration.

RECOMMENDATION: Based upon the above information, it is recommended that the City Council accept the Report and call for the Public Improvement Hearing to be held on January 18th, 2011. The recommended motion is to:

**SUGGESTED
MOTION:**

“Move to adopt Resolution No. 2010-071 Accepting the Feasibility Report for the 50th Street and Kimbro Avenue Street Improvements and Calling for a Public Improvement Hearing to be held on January 18th, 2011.”

Alternatively, the City Council does have the authority to table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended resolution prior to

taking action. If the latter is done so, the appropriate action of the Council following such discussion would be:

**“Move to adopt Resolution No. 2010-071 Accepting the Feasibility Report for the
50th Street and Kimbro Avenue Street Improvements and Calling for a
Public Improvement Hearing to be held on January 18, 2011 *[as amended and/or
modified at tonight’s meeting].”***

ATTACHMENTS:

1. Resolution No. 2010-071
2. Notice of Public Hearing
3. 50th Street and Kimbro Avenue Street Improvements Feasibility Report
4. Email from Adjoining Property Owner

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-071

**A RESOLUTION RECEIVING AND ACCEPTING THE FEASIBILITY
REPORT FOR 50TH STREET AND KIMBRO AVENUE STREET
IMPROVEMENTS AND CALLING HEARING ON IMPROVEMENTS**

WHEREAS, pursuant to City Council authorization, a feasibility report has been prepared by TKDA to provide street improvements for 50th Street (from Lake Elmo Avenue (CSAH 17) to Kimbro Avenue) and Kimbro Avenue (from 50th Street to 47th Street),

WHEREAS, the feasibility report states that the project is necessary, cost-effective, and feasible,

NOW, THEREFORE, BE IT RESOLVED,

- 1. The City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all such portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429.*
- 2. A public hearing shall be held on such proposed improvements on the 18th day of January, 2011, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.*

Date: _____, 2010

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 7th day of December 2010, as shown by the minutes of said meeting in my possession.

Sharon Lumby
City Clerk

(Seal)

CITY OF LAKE ELMO
NOTICE OF HEARING
50th STREET AND KIMBRO AVENUE STREET IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, January 18, 2011, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement of the **city streets including 50th Street from Lake Elmo Avenue (CSAH 17) to Kimbro Avenue and Kimbro Avenue from 50th Street to 47th Street** will consist of shaping the existing gravel surface, adding aggregate base as necessary, and providing a new bituminous surface in the current approximate location and grade.

The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain access to their property from the above referenced streets. The estimated total cost of the street improvements is \$281,000, as approved by the Lake Elmo City Council. A reasonable estimate of the impact of the assessment to each property will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: December 7, 2010

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Dean Johnston, Mayor

(Published in the Oakdale-Lake Elmo Review on December 15, 2010 and December 29, 2010)

Bruce Messelt

From: Jackie & Allan [kristenson@usfamily.net]
Sent: Tuesday, November 30, 2010 8:48 PM
To: Allan & Jackie; Dean Johnston; jiemmons@comcast.net; nikkipark@comcast.net; annejsmith@msn.com; Bruce Messelt; Carmen Thompson; jmlaatsch@msn.com
Subject: 50th Street upgrade

City council and city staff -

We are writing this in regard to 50th street between Lake Elmo Av N and Kimbro Av. We understand this street is on the agenda for the Dec. 7 council meeting. We would like to see approval of a plan to upgrade this street.

We have been communicating with city staff and Mayor Johnston for some years now on the condition of 50th Street which appears to be the only high volume gravel street left in the city. It has often been very rough with potholes and washboard. Over the years maintenance of this street has been inconsistent. This year maintenance appeared to be better but this fall it went a month without grading and got very rough. The volume and speed of traffic results in deterioration after only a week of use after grading. We appreciate the speed limit signs that were set up but of course those don't have much effect. If that grading is done in the vicinity of heavy rain it gets muddy due to the clay working through the gravel. The intersection of Kirkwood Av and 50th is very muddy with any kind of rain. It appears that the gravel that has been put on the street over the years hasn't been well suited to this purpose. After a rain it seems to be mostly sand. If the street hasn't been graded just before it freezes for the winter, like now, it may remain rough for most of the winter. Snow plowing results in gravel being removed from the road surface on days when the snow is wet and melting (Kirkwood Av seems to be about to drop below the level of the ditches in some places due to this). We have observed many times that the worst stretch of road on almost any trip is the last three quarter mile leading to our house. Our visitors complain about driving on the rough road and avoid it when possible.

It is difficult to ride bikes or even walk on this surface when it's really bad. We sometimes have to drive less than 20 mph with trailers when it is rough because it shakes the load so badly. Our vehicles are dusty much of the time with the high volume of traffic on this street (a dust suppressant was used one year and it helped a lot).

We have lived in our home for 29 years and owned the land for 32 years. City staff have assured us several times that it would be upgraded in 3-5 years. We understand that this street has been scheduled for an upgrade several times in the past but then passed over in favor of some other project. We don't know why this should be since we think we are entitled to city services as much as other neighborhoods are. So, our hope is that the council will consider some kind of meaningful improvement -- better surface material, more frequent maintenance, dust suppression, etc.

Thank you for your consideration of this request.

Allan and Jackie Kristenson
5230 Kirkwood Av



MAYOR & COUNCIL COMMUNICATION

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

AGENDA ITEM: Consider Adoption of Special Event Permit Ordinance

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAW*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENTS

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

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO

RESOLUTION NO. 2010-073

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-034 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-034, an ordinance to regulate Special Events within the City of Lake Elmo to promote the orderly, compatible, and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, public safety services, and peace and tranquility of residential neighborhoods; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-034 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-034. The ordinance amends Title XI of the City Code, Business Regulations, and adds a new section concerning Special Events to Chapter 110 – General Licensing Provisions. Any activity defined as a Special Event will need to secure a Special Event Permit from the City in accordance with the ordinance. The Ordinance defines a Special Event as either: 1) any temporary, privately-sponsored event, typically conducted outdoors, open to the general public and held on public or privately owned property, where such event would not otherwise be permitted under the City's zoning regulations, or 2) an Agricultural Sales Business as defined in Section 11.01 that is conducted for less than three months in any calendar year.

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

The full text of Ordinance No.08-034 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean A. Johnston

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

Dated: _____, 2010.

Mayor Dean Johnston

ATTEST:

Bruce Messelt
City Administrator

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

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

ORDINANCE NO. 08-034

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

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

§ 110.070 SPECIAL EVENT PERMITS.

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

(B) A Special Event shall include the following:

(1) Any temporary, privately-sponsored event, typically conducted outdoors, open to the general public and held on public or privately owned property, where such event would not otherwise be permitted under the City's zoning regulations.

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

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

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

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

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

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

(4) Garage sales

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

(D) Permit Required

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

(E) Requirements for Issuance of a Permit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Application Procedures.

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

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

(G) Fees

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

(H) Granting a Permit

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

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

(J) Denial of Permit

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

(K) Transferability

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

(L) Enforcement and Penalties

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

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

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

(M) Revocation of Permit

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

SECTION 2. Effective Date

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

SECTION 3. Adoption Date

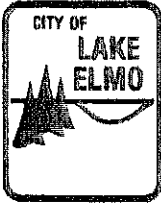
This Ordinance No. 08-034 was adopted on this 7th day of December 2010, by a vote of ____ Ayes and ____ Nays.

Mayor Dean A. Johnston

ATTEST:

Bruce Messelt
City Administrator

This Ordinance No 08-034 was published on the ____ day of _____, 2010.



MAYOR & COUNCIL COMMUNICATION

DATE: 12/07/2010
REGULAR
ITEM #: 15
MOTION *Resolution No. 2010-072*

AGENDA ITEM: Response to Petition for Detachment

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to affirmatively consider and adopt a resolution in response to a Petition for Detachment that has been submitted to the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments. The property included in the petition is located in the extreme northeastern portion of the City, north and west of 55th Street North. The City is not required to respond at this point in time. However, it will be beneficial for the City to clarify its position regarding this request early in the process. The recommended motion to act on this is as follows:

SUGGESTED MOTION: *"Move to adopt Resolution No. 2010-072 stating the City of Lake Elmo's opposition to a Petition to detach certain properties from the City of Lake Elmo and make them a part of Stillwater Township"*

BACKGROUND INFORMATION: The City received notification from the Office of Administrative Hearings/Municipal Boundary Adjustments (OAHMBA) on November 15, 2010 that property owners Bernard and Loella Nass and Robert Buberl had submitted a Petition for Detachment of their properties from the City of Lake Elmo and to make them a part of Stillwater Township. The properties included in the request are located north and east of 55th Street North, South of Highway 36, and immediately west of the City's boundary with the City of Oak Park Heights. These parcels are highlighted on the attached map, which also includes the City/Township boundaries in this area.

In accordance with Minnesota State Statutes, a hearing concerning the detachment petition is required in front of an administrative law judge, unless the Office of Municipal Boundary Adjustments receives a resolution of support from the City of Lake Elmo by December 7, 2010. In the absence of such a resolution, a hearing will be scheduled and a judge will review the request for detachment. Since the City was not made aware of the petition in advance of its

submission to the Municipal Boundary Adjustments office, this request has not previously been reviewed by the City of Lake Elmo.

At this point the City can simply provide no response regarding the petition, in which case a hearing will be scheduled due to the absence of a resolution of support from Lake Elmo. Staff is recommending that the City Council consider adopting a resolution; however, that would state the City's position as being *opposed* to the detachment request in order to clarify the City's official response early in this process.

STAFF REPORT: As noted above, the City of Lake Elmo has been approached by the petitioners to discuss the detachment petition. Staff is currently researching the history of these parcels, but at this, but would like to note the following as a quick synopsis:

- The subject properties were annexed into the City of Lake Elmo from Baytown Township in the mid 1990's with land that would become Carriage Station (this annexation included a portion of the open space in Fields of St. Croix as well).
- The City Council received an application for a Comprehensive Plan Amendment from the petitioners and an additional property owner in April of 2002 to change the future land use designation of this area from RAD – Rural Agricultural Density to C – Commercial. The Council adopted a resolution on May 7, 2002 denying the proposed Comprehensive Plan Amendment.
- The City rejected a request to meet with the City of Oak Park Heights to discuss an annexation request from three Lake Elmo property owners in this same area in 2006. The specific motion adopted by the Council on September 19th of this year reads as follows: “[Motion] to direct Staff to write a letter to the Oak Park Heights Council stating that the Lake Elmo City Council is not interested in a meeting with the Oak Park Heights City Council on the detachment annexation matter and that the Lake Elmo Council desires to keep Lake Elmo intact with no land detachments to adjoining communities”.

The subject properties are currently zoned A – Agriculture and are guided for RAD – Rural Agricultural Density in accordance with the City's Comprehensive Plan. The site, as a whole, is eligible to be developed as an OP – Open Space Preservation Development since it exceeds 40 acres in size. Current use of the petitioners' property includes a farm/residence, vacant/agricultural land, and property that is used as part of a commercial recycling/composting operation that is located in Oak Park Heights.

The area immediately surrounding the subject properties is somewhat unique because it is located close to the boundaries of five different local government entities. In reviewing the land use plans for these entities, Staff would like to note the following observations:

- The City of Oak Park Heights does identify this area as a “possible annexation area”, but specifically notes elsewhere in its plan that “extra-territorial growth will only occur at the request of the property owner and agreement by the adjoining jurisdiction”.
- The City of Stillwater and Stillwater Township have adopted an orderly annexation agreement, and all portions of Stillwater Township that are presently adjacent to the City of Lake Elmo will be annexed by the City of Stillwater in the future. The only portion of Stillwater Township that is adjacent to the petitioners’ property is surrounded by the City of Stillwater and is presently isolated from the rest of the township.

Based on the City of Lake Elmo’s lack of participation to date in any discussions with the property owner or any of the surrounding cities/township regarding the proposed detachment, Staff is recommending that the City Council adopt a resolution stating its objections to the proposed detachment or real property from Lake Elmo. At this early point in the proceedings, Staff also recommends that the resolution include language noting that the a portion of the property is currently used as part of a commercial composting and recycling operation, the property is separated by a major geographic boundary from Stillwater Township, and that the request for detachment does not appear to meet the requirements in State Statutes for detachment.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council discuss and, if appropriate and so inclined, state its objections to the proposed detachment of real property from Lake Elmo by undertaking the following motion:

SUGGESTED MOTION: *“Move to adopt Resolution No. 2010-072 stating the City of Lake Elmo’s opposition to a Petition to detach certain properties from the City of Lake Elmo and make them a part of Stillwater Township”*

Alternatively, the City Council may table and action on this item at this time or even consider supporting the request for detachment – which should be followed by discussion tonight with staff to prepare and develop findings of fact to support such action in time for the December 7th deadline. If inclined to support detachment, the following motion would be in order:

“Move to adopt Resolution No. 2010-072A stating the City of Lake Elmo’s support for a Petition to detach certain properties from the City of Lake Elmo and make them a part of Stillwater Township”

The City Council may also further deliberate and amend the proposed Resolution of opposition. If undertaken, the amended motion would be as follows:

“Move to adopt Resolution No. 2010-072 stating the City of Lake Elmo’s objection to a Petition to detach certain properties from the City of Lake Elmo and make them a part of Stillwater Township [as amended at tonight’s meeting].”

ATTACHMENTS

1. Resolution No. 2010-072
2. Notice of Petition for Detachment
3. Map of Detachment Parcels (prepared by Lake Elmo Planning Dept.)
4. Detachment Petition with supporting documentation

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-072

*A RESOLUTION OBJECTING TO THE PROPOSED DETACHMENT
OF REAL PROPERTY FROM THE CITY OF LAKE ELMO*

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

WHEREAS, the City of Lake Elmo has been presented with a petition for detachment of the land identified in Exhibit A hereto; and

WHEREAS, the City of Lake Elmo has never previously been approached by the petitioners concerning the real property in question; and

WHEREAS, the property is currently partially developed for commercial purposes and used for such purposes, specifically part of the property is used for materials recycling and composting; and

WHEREAS, the property is bordered on its north by a major geographic boundary between it and the municipality it purports to request detachment to (Stillwater Township) because the property is bordered on its north by Highway 36; and

WHEREAS, the request for detachment would be disruptive and does not remotely satisfy the requirements contained in the statutes governing detachment or the cases applying those statutes; and

WHEREAS, there are numerous other factors which clearly establish that detachment is not reasonable, appropriate or necessary in this case.

NOW, THEREFORE, be it resolved by the City Council of the City of Lake Elmo, Minnesota as follows:

That the City of Lake Elmo objects to and opposes the detachment demanded in the petition of Bernard and Loella Nass and Robert Buberl attached hereto.

Passed and duly adopted this 7th day of December, 2010 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

November 16, 2010

Sharon Lumby
Lake Elmo City Clerk
Lake Elmo City Hall
3800 Laverne Avenue, North
Lake Elmo, MN 55042-9629

(VIA E-MAIL)

Re: D-478 Lake Elmo/Stillwater Township (Nass/Buberl Properties; 50.74 acres)

Dear Ms. Lumby:

The Office of Administrative Hearings - Municipal Boundary Adjustments has received the above-referenced petition for detachment of property from the City of Lake Elmo. Please refer to the above docket number in future communications regarding this proposed boundary adjustment.

Because there is considerable paperwork and expense with a hearing, the Office of Administrative Hearings - Municipal Boundary Adjustments Unit would appreciate hearing from the city as to their position on the detachment petition by December 7, 2010. If a resolution is received from the City of Lake Elmo by December 7, 2010 supporting the detachment, no hearing is necessary. Minn. Stat. §414.06 Subd. 2.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Scotillo" followed by a small flourish.

Christine M. Scotillo, Executive Director
Municipal Boundary Adjustments
651-361-7910
christine.scotillo@state.mn.us
www.mba.state.mn.us

CMS:

c: Kris Nass, Representative for Petitioners (Via E-Mail)

Proposed Detachment Parcels

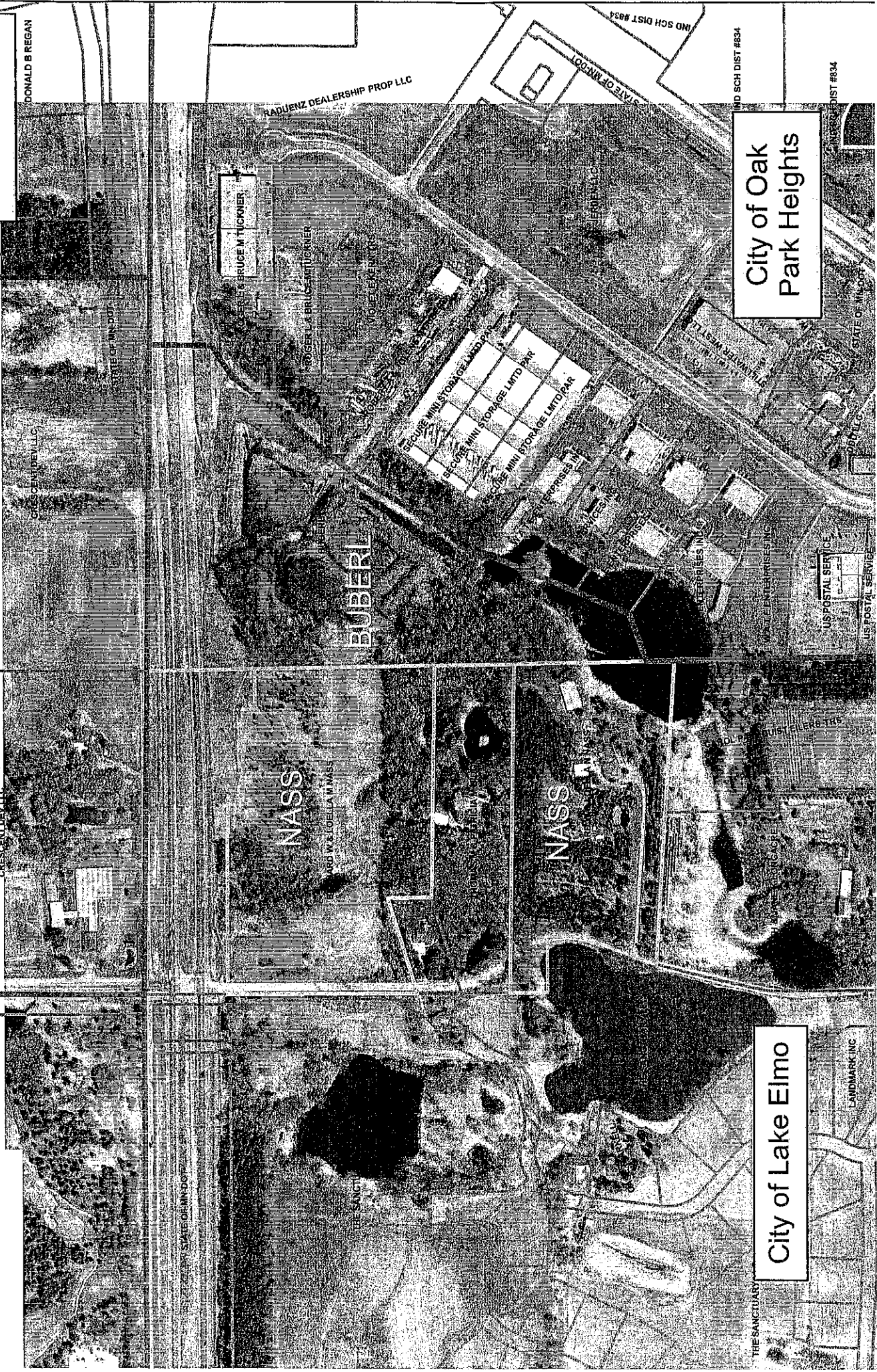
City of Grant

Stillwater Township

City of
Stillwater

City of Lake Elmo

City of Oak
Park Heights



TO: Office of Administrative Hearings
Municipal Boundary Adjustments
P. O. Box 64620
St. Paul, MN 55164-0620
651-361-7900

RECD BY
MBA NOV 15 2010

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by:

 all of the property owners, the area is less than 40 acres; or
 X 75% or more of the property owners, the area is more than 40 acres;
To detach certain properties described herein from the City of Lake Elmo and make a part of the Township of Stillwater Township.

1. There are three property owners in the area proposed for detachment.
2. Three property owners have signed this petition. (If the land is owned by both the husband and wife, both must sign the petition to represent all owners.)
3. The property is situated within the City of Lake Elmo, abuts the municipal boundary and the boundary of the Township of Stillwater Township, in the County of Washington.
The petitioned area abuts on the city's (N) S E W (circle one) boundary(ies).
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The number of acres in the property proposed for detachment is 50.74 and is described as follows:

INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.

DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.

See Attached Deeds: (3 pages)

6. The reason detachment is requested is that the land is rural agricultural and would be better suited to township rather than residential municipal government.

REC'D BY
MBA

NOV 15 2010

7. The number of residents in the area proposed for detachment is 0 (The number of residents is not necessarily the same as number of owners.)
8. The number and character of buildings on said property is: 0
9. Public improvements on said property are: None

Date: 11-10-10

Bernard W. Nass
Property Owner

Loella M. Nass
Property Owner

Mitzi Nass
Property Owner

503700

No delinquent taxes and transfer entered; Certificate
of Real Estate Value () filed () not required
Certificate of Real Estate Value No.

March 17, 1986

R. H. Hoffman

County Auditor

by: Henry A. Miller

Deputy

STATE DEED TAX DUE HEREON: \$ 63.80

Date: February 18, 1986

OFFICE OF
COUNTY RECORDER
WASHINGTON COUNTY, MN
CERTIFIED FILED
AND/OR RECORDED ON

MAR 17 3 24 PM '86

503700
DOO. JOHN A. FRANZEN
COUNTY RECORDER

BY _____ DEPUTY

REC'D BY
MBA

NOV 15 2010

Lawson, Philip L. Mar. Hall
3850 Manning Ave. No.
Lake Elmo, MN 55042

Pl #10.19

(reserved for recording data)

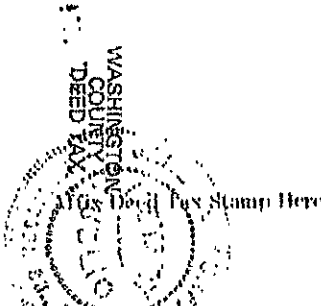
FOR VALUABLE CONSIDERATION, CARL W. POPPENBERGER and DELLA M. POPPENBERGER,
husband and wife (marital status), Grantor(s),

hereby convey (s) and warrant (s) to BERNARD W. NASS and LOELLA N. NASS, Grantees as joint
tenants, real property in Washington County, Minnesota, described as follows:

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 6, Township
29, Range 20 that lies northerly of the following described line: Commencing
at the Southwest corner of the Northwest 1/4 of said Section 6; thence North
1° 14'50" East, along the West line of said Northwest 1/4, for 969.67 feet
to the point of beginning of the line to be described; thence South 87°25'34"
East for 1120.72 feet more or less, to the East line of the Southwest 1/4 of
said Northwest 1/4, and there terminating, except the North 1236.51 feet thereof
and also excepting therefrom all that portion of the Southwest 1/4 of the
Northwest 1/4 of said Section 6, lying West of the Town Road as it now traverses
said Section 6.

Together with all that part of Northwest 1/4 of the Northwest 1/4 of Section
6, Township 29, Range 20 except the North 1341 feet thereof subject to Manning Avenue.
(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:



STATE OF MINNESOTA }
COUNTY OF MARICOPA } ss.

Carl W. Poppenberger
Della M. Poppenberger

The foregoing instrument was acknowledged before me this 18th day of February, 1986,
by CARL W. POPPENBERGER and DELLA M. POPPENBERGER, husband and wife

, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

My Commission Expires Aug. 15, 1988
Signature of Person Taking Acknowledgment
The Statements for the real property described in this instrument should
be sent to (include name and address of Grantee):

Mr. & Mrs. Bernard W. Nass
5651 Manning Avenue North
Stillwater, MN 55082

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Robert W. Herr
Attorney At Law
4734 Washington Square
White Bear Lake, MN 55110
(612) 426-1661

451145

No delinquent taxes and transfer entered;
Certificate of Real Estate Value
(☒ Filed (☐ Not required)
Aug 30, 1983
T. B. Sheeber
County Auditor
By Pat Ammerman
Deputy

Aug 30 1983 No 157894
Registration tax hereof of \$ 90.00
Pat Ammerman
County Treasurer
Pat Ammerman
County Auditor
Pat Ammerman
Deputy
(reserved for mortgage registry tax payment data)

OFFICE OF
COUNTY RECORDER
WASHINGTON COUNTY, MN
CERTIFICATE
1983

AUG 30 4 15 PM '83
451145

DOC.
JOHN A. TRACY
COUNTY CLERK

BY Debra K. Hallin DEPUTY

David Hefner
118 S. Main St.
St. Cloud, MN 55082
\$5.00 (reserved for recording data)

MORTGAGE REGISTRY TAX DUE HEREON:

\$ 90.00

REC'D BY
MBA

NOV 15 2010

Date: August 17th, 1983

THIS CONTRACT FOR DEED is made on the above date by Carl W. Poppenberger
and Della M. Poppenberger, husband and wife
(marital status)

Seller (whether one or more), and Bernard W. Nass and Loella M. Nass,
husband and wife, Purchasers, as joint tenants.

Seller and Purchasers agree to the following terms:

1. PROPERTY DESCRIPTION. Seller hereby sells, and Purchasers hereby buy, real property in
Washington County, Minnesota, described as follows:

All that part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 6,
Township 29, Range 20 West that lies Southerly and Westerly of the South-
erly right of way line of Minnesota Trunk Highway No. 36 and Northerly
and Westerly of the following described line; Beginning at a point on
the West line of said Northwest $\frac{1}{4}$ that is 923.00 feet, as measured along
said West line, Southerly of the Northwest corner of said Section 6;
thence Northeasterly by a deflection angle to the right of 73° for a
distance of 336.41 feet; thence Southerly, parallel to the West line of
said Northwest $\frac{1}{4}$, for a distance of 148.5 feet; thence Easterly,
parallel to the North ^{line} of said Northwest $\frac{1}{4}$ for a distance 784.70 feet
more or less to the East line of said Northwest $\frac{1}{4}$, of Northwest $\frac{1}{4}$ and
there terminating. Subject to Manning Avenue and N.S.P. easement across
said property.

- (c) Building, zoning and subdivision laws and regulations;
- (d) The lien of real estate taxes and installments of special assessments which are payable by
Purchasers pursuant to paragraph 6 of this contract; and
- (e) ~~THE FOLLOWING EXEMPTIONS:~~

3. DELIVERY OF DEED AND EVIDENCE OF TITLE. Upon Purchasers' prompt and full performance
of this contract, Seller shall:

- (a) Execute, acknowledge and deliver to Purchasers a Warranty Deed, in
recordable form, conveying marketable title to the Property to Purchasers, subject only to the
following exceptions:
(i) Those exceptions referred to in paragraph 2(a), (b), (c) and (d) of this contract;
(ii) Liens, encumbrances, adverse claims or other matters which Purchasers have created,
suffered or permitted to accrue after the date of this contract; and

3572546



Office of the
County Recorder
Washington County, MN

Certified and/or recorded on:
2006/03/07 2:25:00 PM

3572546



Cindy Koehnmann
County Recorder

Cindy Koehnmann

No delinquent taxes and transfer entered: Certificate
of Real Estate Value (X) filed () not required

Date March 7, 2006

Molly F. O'Rourke, Auditor-Treasurer

Deputy Spencer A. Stang

06.029.20.21.000

Warranty Deed
Individual(s) to Individual(s)

STATE DEED TAX DUE HEREON: \$264.00

REC'D BY
MBA

NOV 15 2010

Date: Oct. 16, 2002

FOR VALUABLE CONSIDERATION Violet E. Kern, a single person, Grantor(s),
(marital status)
hereby convey(s) and warrant(s) to Robert A. Buberl, Grantee,
real property in Washington County, Minnesota, described as follows:

That part of the East Half of the Northwest Quarter of Section 6, Township 29 North, Range 20 West,
Washington County, Minnesota lying Westerly and Northerly of KERN CENTER and KERN CENTER
2ND ADDITION, according to the plats of record and on file in the office of the County Recorder,
Washington County, Minnesota containing 22.99 acres, more or less.

Subject to a highway easement along the Northerly line thereof for Trunk Highway 36 as described
in Book 275 of Deeds, Page 497, of record and on file in said Office of the County Recorder.

Also subject to a transmission line easement in favor of Northern States Power Company as
described in Book 297, Page 288, of record and on file in said Office of the County Recorder.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:
All encumbrances and obligations incurred at the instance of the Purchaser subsequent to October 6, 1995.

Check box if applicable:



The Seller certifies that the Seller does not know of any wells on the described real property.



A Well Disclosure Certificate accompanies this document.



I am familiar with the property described in this instrument and I certify that the status and number of wells
on the described real property have not changed since the last previously filed Well Disclosure Certificate.

WASHINGTON COUNTY

Receipt No: 218091 Date: 3/7/2006
Registration tax hereon of: \$264.00 PAID
MN Conservation Fund M.S. 473h \$5.00 PAID
Molly F. O'Rourke, Auditor by C.J. Starzl

Violet E. Kern
Violet E. Kern

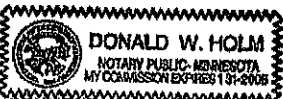
STATE OF MINNESOTA

COUNTY OF WASHINGTON ss:

RETURN TO: 266489
LAND TITLE, INC.

The foregoing instrument was acknowledged before me on 16 OCTOBER 2002
by Violet E. Kern, a single person, Grantor(s).

NOTARIAL STAMP OR SEAL



THIS INSTRUMENT WAS DRAFTED BY:

ANDERSON DOVE FRETLAND &
VAN VALKENBURG, P.L.L.P.

6881 Cedar Lake Road
Minneapolis, Minnesota 55416
(952) 646-9000

PDD/3138/21-Buberl-Warranty Deed(01)

Robert A. Buberl
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

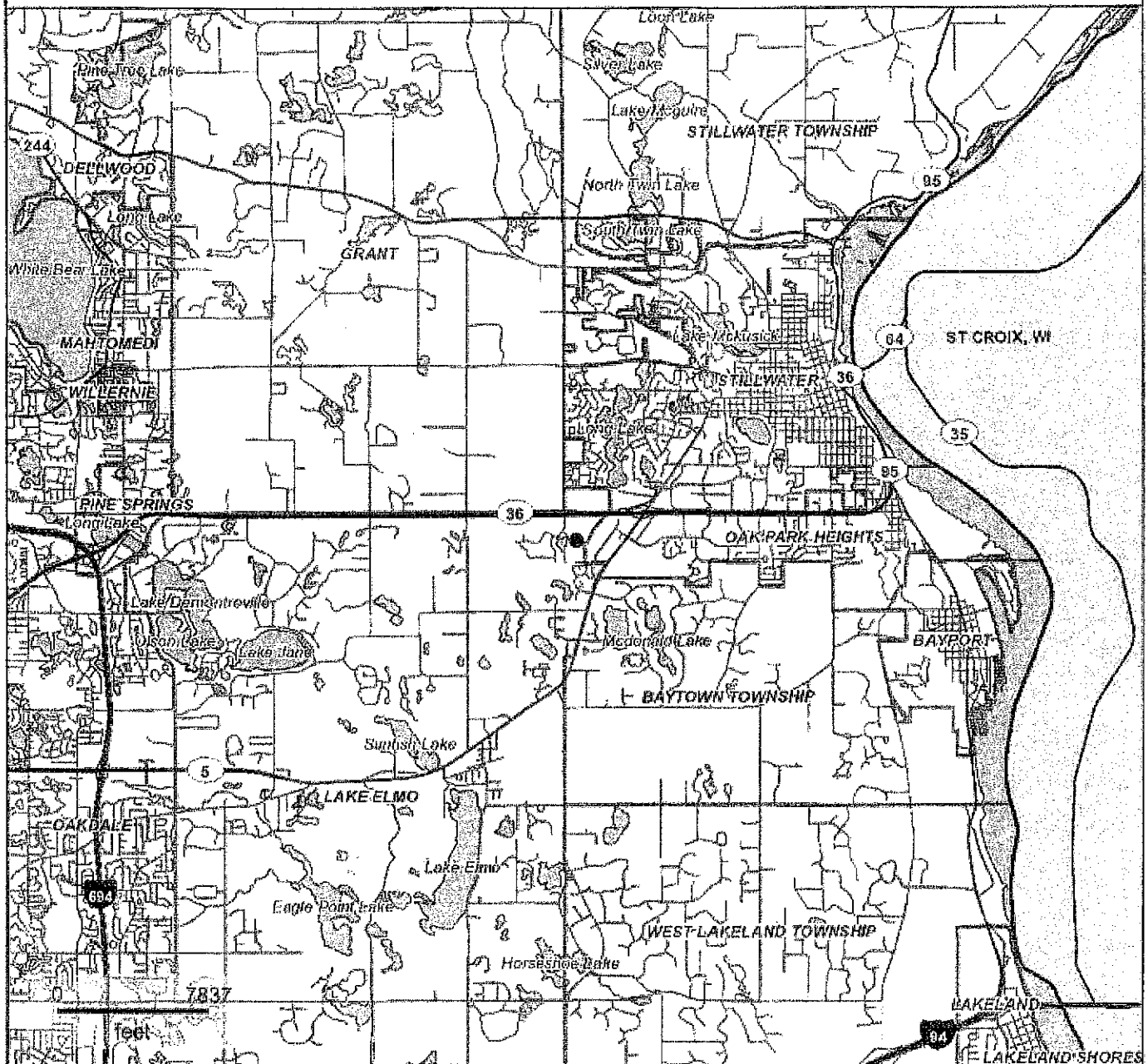
Check here if part or all of the land is Registered (Torrens) ☐

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED
IN THIS INSTRUMENT SHOULD BE SENT TO (INCLUDE
NAME AND ADDRESS OF GRANTEE):

Robert A. Buberl
5750 Memorial Drive
Stillwater, MN 55082

REC'D BY
MB:

NOV 15 2010

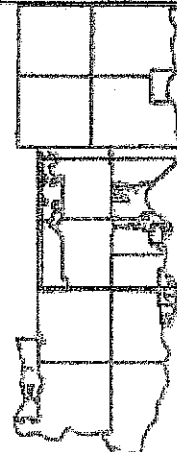


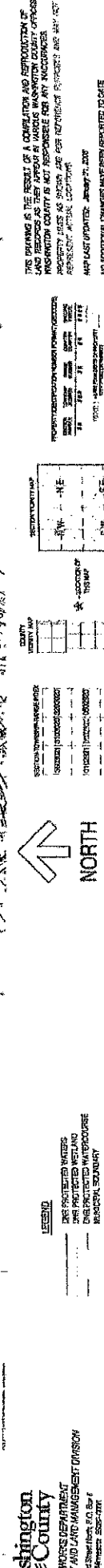
Location 5651 MANNING



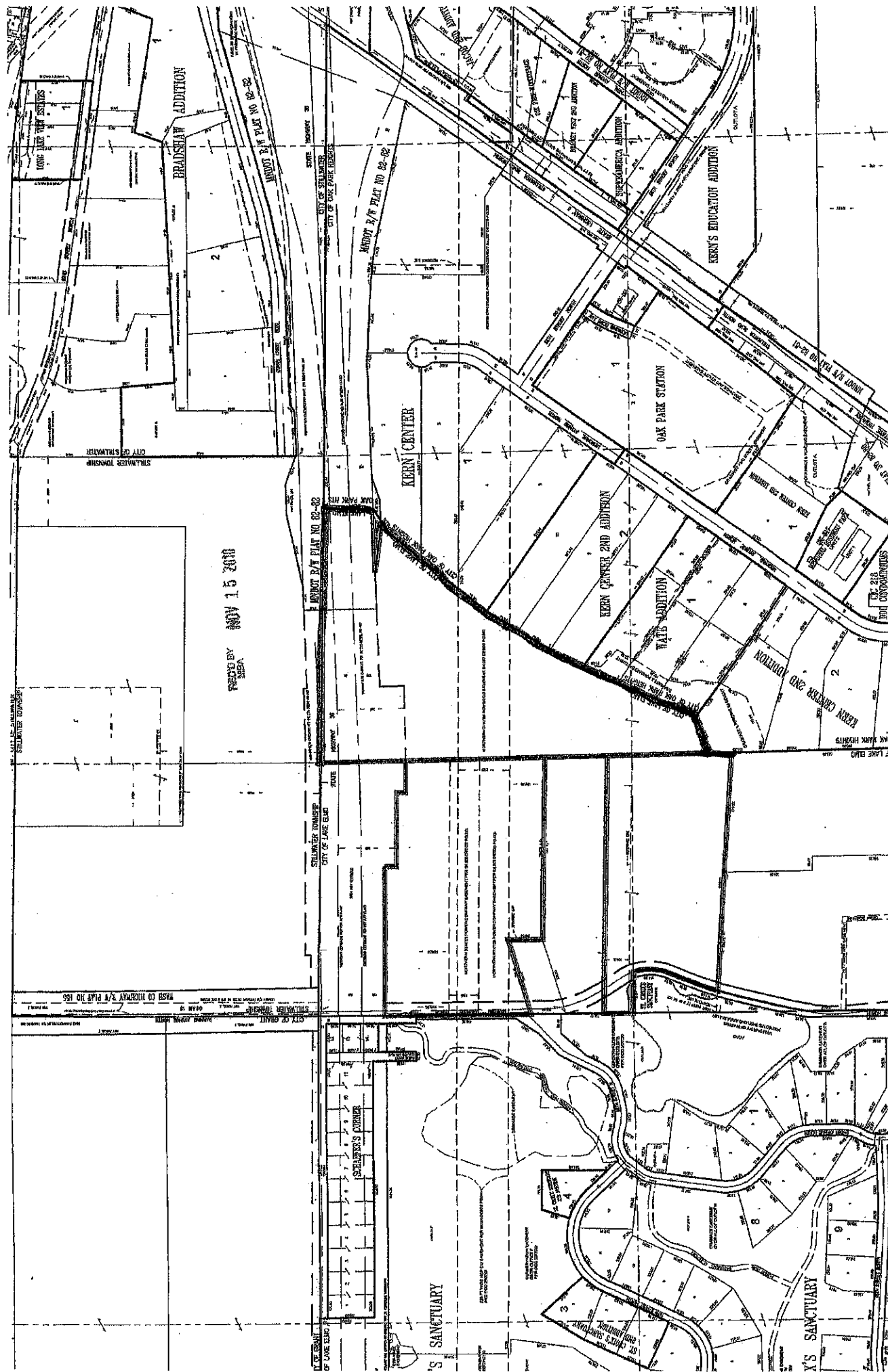
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

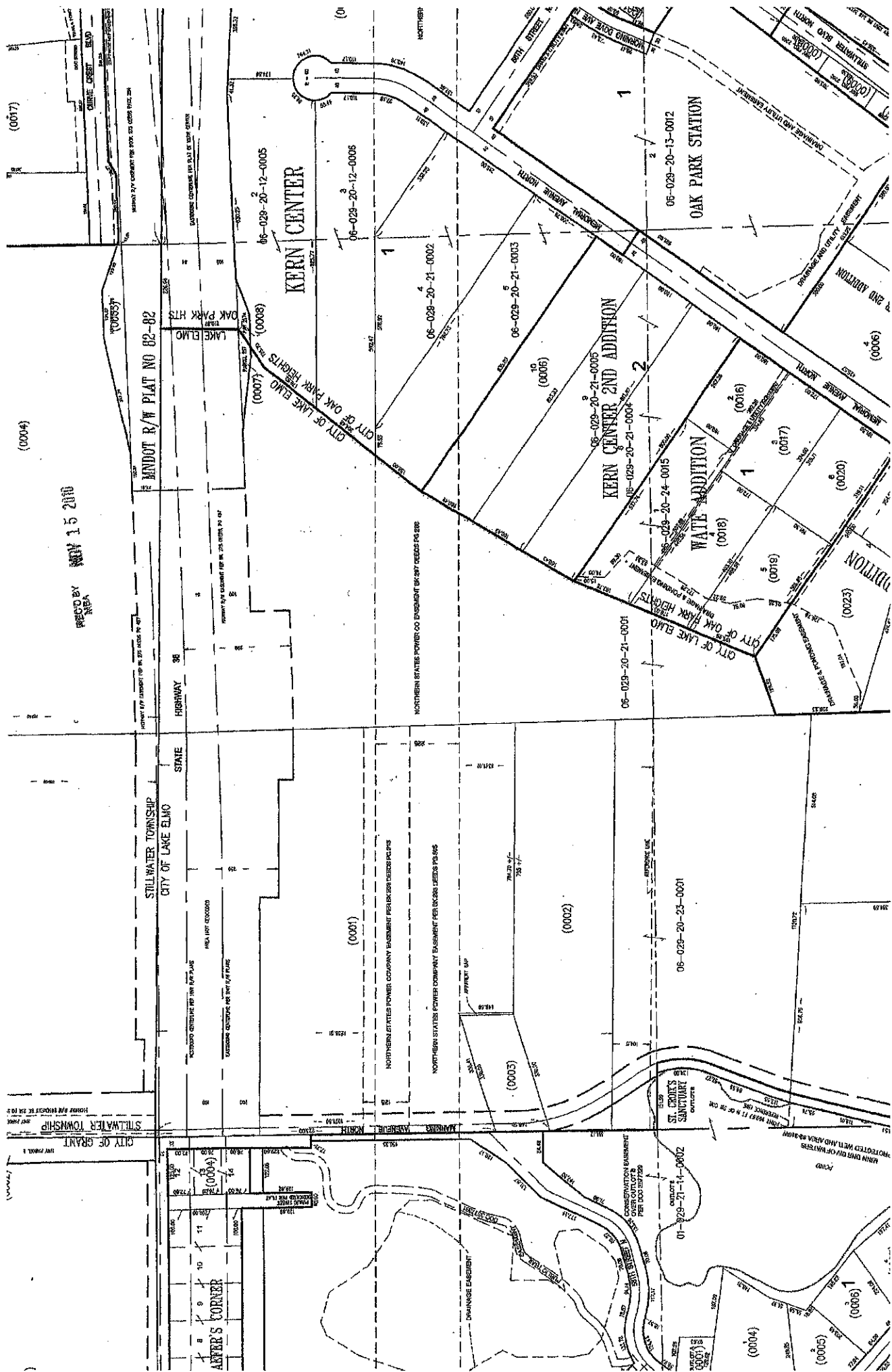
This drawing is a result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.





SECRET
DNR PROTECTED WATERS
DNR PROTECTED WETLAND
DNR PROTECTED WATERCOURSE
NATURAL SOUNDARY





Proposed Detachment Parcels

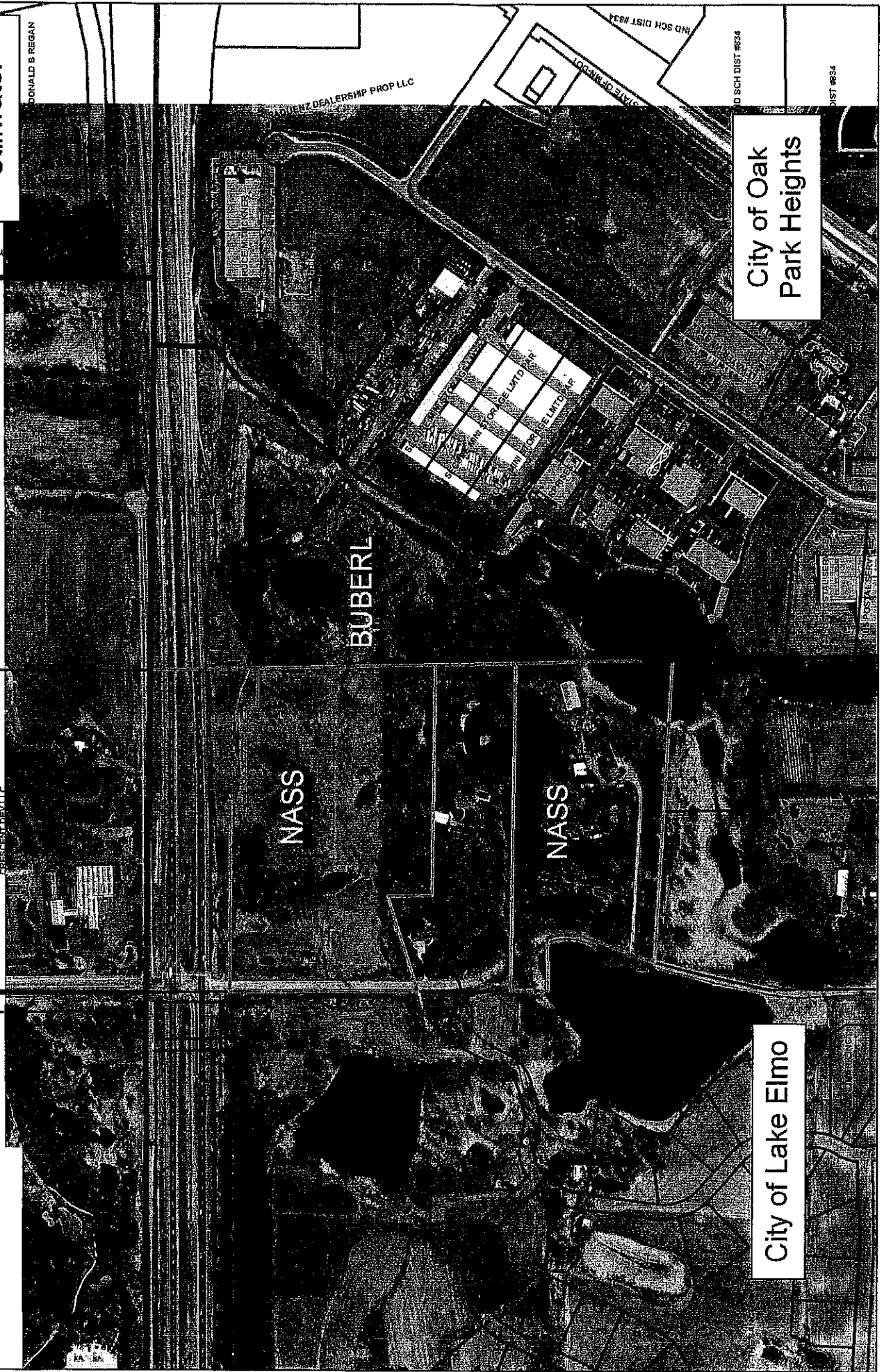
City of Grant

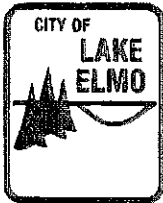
Stillwater Township

City of
Stillwater

City of Lake Elmo

City of Oak
Park Heights





MAYOR & COUNCIL COMMUNICATION

DATE: 12/7/2010
REGULAR
ITEM #: 16
MOTION *Resolution No. 2010-073*

AGENDA ITEM: Lake Elmo Avenue Infrastructure Project I-94 to 30th Street – Authorize Design for Alternate Gravity Sewer (South of 10th Street), or Approve Plans and Specifications and Order the Advertisement for Bid

SUBMITTED BY: Jack Griffin, City Engineer

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

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to provide direction to staff as follows:

1. Authorize staff to prepare plans and specifications to incorporate a gravity trunk sewer option for south of 10th Street as an add/alternate bid for the above project. For this option the recommended motion to act on is as follows:

SUGGESTED MOTION: *“Move to direct staff to prepare plans and specifications, work with the impacted property owners, acquire appraisals and negotiate the necessary easements, all as necessary to incorporate an add/alternate bid option to provide a gravity trunk sewer for all or portions of the trunk sewer project between 10th Street and the I-94 corridor.”*

OR

2. Approve Resolution No. 2010-073, thereby approving the Plans and Specifications for the Lake Elmo Avenue Infrastructure Project I-94 to 30th Street, and order the advertisement for bids. For this option the recommended motion to act on is as follows:

SUGGESTED MOTION: *“Move to approve Resolution No. 2010-073 Approving the Plans and Specifications for the Lake Elmo Avenue Trunk Sewer Infrastructure Project I-94 to 30th Street and Ordering the Advertisement for Bids.”*

STAFF REPORT: TKDA has completed the Plans and Specifications for the Lake Elmo Avenue Infrastructure Project from I-94 to 30th Street. The project design, as completed at this time, includes a trunk sanitary sewer forcemain along the entire project corridor, connecting the proposed Village Area Lift Station to the MCES Meter Station (located near Hudson Boulevard and Lake Elmo Avenue). The project plans have been designed with the Village Area Lift Station located near Lisbon Avenue and 30th Street on a site previously presented to the Council as Site No. 3, located outside of and to the east of Reid Park.

In accordance with Council direction, received at the August 17, 2010, meeting, staff has finalized the proposed project plans and is prepared to advertise the project and receive contractor bids. Should the City choose to take bids on the project, the bid schedule, including the actual bid date, could be set to occur at any time this winter or spring, at the Council's discretion, upon making 21 days public notice.

Once bids are received, the contract documents will allow for the bids to be retained by the City for a period of 60 days, before the City must either award the project or reject all bids. If the project is awarded, construction work would begin in the spring of 2011 and would be substantially completed in November 2011. The detailed Plans and Specifications are available for review at City Hall. The Engineer's post design estimate of total project costs is \$3.8 million.

Also in accordance with Council direction, received at the August 17, 2010, meeting, staff has completed a preliminary layout for a design alternative to install gravity trunk sewer in lieu of a forcemain trunk sewer for the areas along the corridor between 10th Street and Hudson Boulevard (I-94). Staff has met and discussed this alternative with most of the impacted property owners and has received a favorable initial response to moving forward with this design alternative.

In order to further pursue this design alternative, staff is seeking Council direction and authorization to obtain soil borings, complete a design survey, and prepare plans and specifications to incorporate this alternative as an add/alternate bid option for the project. This work would also include continued discussions with the impacted property owners, preparation of easement appraisals, and negotiation with property owners to acquire the necessary easements.

The Engineer's preliminary estimate of total project cost for the project with the gravity sewer option is \$5.2 million, not including any costs that may be necessary for easement acquisitions. If Council authorizes this option tonight, we could be ready for contractor bids in accordance with the attached proposed Project Schedule for Option 1.

FINANCIAL CONSIDERATIONS: Moving forward with the gravity sewer option for south of 10th Street does require an initial capital investment by the City, however, once the sewer system is fully built-out, the City would save roughly \$600,000 in today's dollars by not constructing redundant pipe infrastructure.

Should Council elect to proceed in any fashion with the proposed project, City staff will engage with in-house and contracted Financial Advisors to develop various funding scenarios and options for the City Council to consider well prior to bid acceptance, awarding, and final project approval.

RECOMMENDATION: Staff recommends that the City Council discuss with staff and provide direction for defining the next steps for this project by taking one of the following actions:

1. Authorize staff to prepare plans and specifications to incorporate a gravity trunk sewer
Authorize staff to prepare plans and specifications to incorporate a gravity trunk sewer option for south of 10th Street as an add/alternate bid for the above project. For this option the recommended motion to act on is as follows:

***SUGGESTED
MOTION:***

“Move to direct staff to prepare plans and specifications, work with the impacted property owners, acquire appraisals and negotiate the necessary easements, all as necessary to incorporate an add/alternate bid option to provide a gravity trunk sewer for all or portions of the trunk sewer project between 10th Street and the I-94 corridor.”

OR

2. Approve Resolution No. 2010-073, thereby approving the Plans and Specifications for the Lake Elmo Avenue Infrastructure Project I-94 to 30th Street, and order the advertisement for bids. For this option the recommended motion to act on is as follows:

***SUGGESTED
MOTION:***

“Move to approve Resolution No. 2010-073 Approving the Plans and Specifications for the Lake Elmo Avenue Trunk Sewer Infrastructure Project I-94 to 30th Street and Ordering the Advertisement for Bids.”

Alternatively, the City Council does have the authority to table this item for future consideration, or further discuss, deliberate and/or, if appropriate, amend the recommended motion or resolution prior to taking action. Due to the complexity of this issue, City Engineering, Legal and Administrative staff will assist the City Council with any amendments at the Dias on Tuesday evening

ATTACHMENTS:

1. Resolution No. 2010-073
2. Project Schedule – Option 1
3. Project Schedule – Option 2

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-073

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS FOR THE
LAKE ELMO AVENUE INFRASTRUCTURE
PROJECT I-94 TO 30TH STREET**

WHEREAS, pursuant to resolutions passed by the council, TKDA was directed to prepare plans and specifications for the Lake Elmo Avenue Infrastructure Project I-94 to 30th Street;

AND WHEREAS, TKDA has completed the plans and specifications for these improvements and has presented them to the City Council for approval on December 7, 2010;

NOW, THEREFORE, BE IT RESOLVED,

- 1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved.*
- 2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.*

Date: _____, 2010

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 7th day of December 2010, as shown by the minutes of said meeting in my possession.

Sharon Lumby
City Clerk

(Seal)

**CITY OF LAKE ELMO
LAKE ELMO TRUNK SANITARY SEWER EXTENSION PROJECT
I-94 TO 30TH STREET
PROPOSED PROJECT SCHEDULE – OPTION 1**

August 17, 2010	Council approves lift station location and authorizes TKDA to complete final design.
December 7, 2010	Council directs staff to prepare plans and specifications, work with property owners and acquire easements to incorporate an add/alternate bid option for gravity sewer south of 10th street.
March 1, 2011	Presentation of Plans and Specifications to the City Council. Council approves Plans and Specifications and orders Advertisement for Bids
March 3, 2011	Placement of Advertisement for Bids – Oakdale-Lake Elmo Review. Publication date of March 9 and 16.
March 3, 2011	Placement of Advertisement for Bids – Finance and Commerce. Publication date of March 4.
March 31, 2011	Receive Contractor bids
April 5, 2011	City Council accepts bids and awards Contract
April 12, 2011	Process and send out Contract Documents
April 20, 2011	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed
April 26, 2011	Conduct Pre-construction Meeting
May 1, 2011	Contractor begins work
September 2011	Substantial Completion
November 2011	Final Completion

**CITY OF LAKE ELMO
LAKE ELMO TRUNK SANITARY SEWER EXTENSION PROJECT
I-94 TO 30TH STREET
PROPOSED PROJECT SCHEDULE – OPTION 2**

August 17, 2010	Council approves lift station location and authorizes TKDA to complete final design.
December 7, 2010	Presentation of Plans and Specifications to the City Council. Council approves Plans and Specifications and orders Advertisement for Bids
December 10, 2010	Placement of Advertisement for Bids – Oakdale-Lake Elmo Review. Publication date of December 15 and 22.
December 10, 2010	Placement of Advertisement for Bids – Finance and Commerce. Publication date of December 11.
January 25, 2011	Receive Contractor bids
February 1, 2011	City Council accepts bids and awards Contract
February 3, 2011	Process and send out Contract Documents
February 17, 2011	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed
March 1, 2011	Conduct Pre-construction Meeting
May 1, 2011	Contractor begins work
September 2011	Substantial Completion
November 2011	Final Completion