

File

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

Tuesday, August 17, 2010

7:00 p.m.

- 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. APPROVE MINUTES:
 - 1. August 4, 2010
- 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. Easement Encroachment Agreement for 5802 Lily Cove N.
 - 4. Firefighters Relief Association By-law revision
 - 5. 42nd Street Mill and Overlay – Accepting quotes and award Contract
- J. REGULAR AGENDA:
 - 6. 2009 Street Improvements: Public Hearing on Final Assessments; Resolution No. 2010-039
 - 7. Adoption of Required Updates to 2030 Comprehensive Plan
 - 8. Discussion regarding Washington County SSTS Ordinance
 - 9. Proposed Stay in establishment of a Memorial Public Library System: Resolution No. 2010-041

10. Discussion regarding "Next Steps" in Village Area/I-94 Corridor Master Planning

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor
- 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.

City of Lake Elmo
City Council Minutes

August 4, 2010

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

PRESENT: Mayor Johnston and Council Members DeLapp, and Smith

Absent: Council Members Emmons and Park

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

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to approve the August 4, 2010 City Council agenda, as amended. (Remove Agenda Item 7 – Comprehensive Plan). Mayor Johnston seconded the motion. The motion passed 3-0.

GROUND RULES:

APPROVED MINUTES:

PUBLIC COMMENTS/INQUIRIES:

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve the Consent agenda. Council Member DeLapp seconded the motion. The motion passed 3-0.

- Approve payment of disbursements and payroll in the amount of \$230,696.41
- Approve Resolution No. 2010-038 accepting the work for the 2010 Seal Coat Project and authorize payment in the amount of \$166,642.87 to be paid from the Street Maintenance Fund for the 2010 Seal Coat Project
- Approve Encroachment Easement Agreement for existing improvements for 9590 Whistling Valley Trail

REGULAR AGENDA:

Promotion of Nick Witter from probation member to Firefighter

MOTION: Council Member Smith moved to promote probationary member Nick Witter from probation to Firefighter No. 91. Council Member DeLapp seconded the motion. The motion passed 3-0.

Authorization to purchase GPS Equipment and Software

Bruce Messelt, City Administrator, asked the Council to authorize the purchase of Global Positioning System (GPS) equipment and associated software for \$7,820.00 and rental of an additional antenna for \$256 per month. The antenna rental is being requested to determine if the additional accuracy it would provide is needed and if the equipment would be user-friendly enough to be purchased in the future. The funds to pay for the proposed purchase would come from the benefiting departments' existing 2010 budget, primarily the Public Works Department.

GPS is a space-based global navigation satellite system that provides reliable location and time information in all weather and at all times anywhere on or near the earth when and where there is an unobstructed line of sight to four or more GPS satellites.

MOTION: Council Member DeLapp moved to authorize the purchase of Global Positioning System (GPS) equipment and associated software for \$7,820.00 with the rental of an additional antenna for \$256 per month for two months. Council Member Smith seconded the motion. The motion passed 3-0.

Final Adoption of Lake Elmo Comprehensive Plan Update; Resolution No. 2010-039 - DELETED

Attorney Snyder reported that based on the record, it was his opinion that there was a proper comprehensive plan submitted and approved; therefore, the City has a valid comprehensive plan.

REPORTS AND ANNOUNCEMENTS:

Mayor – Regional Economic Development

Mayor Johnston reported the Itasca Group will make a presentation to the I-94 Corridor group on August 12th, 3:30 to 5:00 p.m. at Woodbury City Hall.

The City Council adjourn the meeting at 7:55 p.m.



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 364,989.84

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 \$ 364,989.84. 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	\$ 7,610.56	Payroll Taxes to IRS 08/12/2010
ACH	\$ 1,139.08	Payroll Taxes to MN Dept. of Revenue 08/12/2010
ACH	\$ 3,659.94	Payroll Retirement to PERA 08/12/2010
DD 2908 –DD 2943	\$ 25,179.78	Payroll Dated 08/12/2010 (Direct Deposit)
35927 – 35936	\$ 24,864.10	Payroll Dated 08/12/2010 (Payroll)
35937 - 35987	\$ 302,536.38	Accounts Payable Dated 08/17/2010
TOTAL	\$ 364,989.84	

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 \$ 364,989.84.

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 August 17, 2010 Disbursement and Payroll, as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 08/17/2010

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: 08/11/2010 - 1:24 PM
Batch: 001-08-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO line #
ABDO Abdo Eick & Meyers, LLP 266644 101-410-1520-43010 Audit Services 266644 Total: ABDO Total:	07/27/2010	7,935.00 7,935.00 7,935.00	0.00	08/17/2010	Final Payment for Audit Service 2009		-		No		0000
ACS Animal Control Services 693 101-420-2700-43150 Contract Services 693 Total: ACS Total:	07/24/2010	1,070.00 1,070.00 1,070.00	0.00	08/17/2010	Animal Control Services 6/21/10-7/23/10		-		No		0000
AMERICAN American Eng and Testing, Inc. 48405 603-496-9500-43030 Engineering Services 48405 Total: AMERICAN Total:	07/31/2010	1,982.48 1,982.48 1,982.48	0.00	08/17/2010	Stormwater improvements - Lions Park		-		No		0000
ARAM Aramark, Inc. 629-703484 101-430-3100-44170 Uniforms 629-703484 Total: 629-7039465 101-430-3100-44170 Uniforms 629-7039465 Total:	07/15/2010	22.97 22.97 22.97 22.97 22.97	0.00	08/17/2010	Uniforms		-		No		0000
629-7044130 101-430-3100-44010 Repairs/Maint Bldg 629-7044130 Total: 629-7044131 101-430-3100-44170 Uniforms 629-7044131 Total:	07/29/2010	63.53 63.53 63.53 22.97 22.97	0.00	08/17/2010	Mats, Soap		-		No		0000
	07/29/2010	22.97	0.00	08/17/2010	Uniforms		-		No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
629-7048747	08/05/2010	22.97	0.00	08/17/2010	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7048747	Total:	22.97								
629-7050532	08/09/2010	92.26	0.00	08/17/2010	Linen City Hall		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7050532	Total:	92.26								
ARAM Total:		247.67								
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BIFFS Biffs Inc.										
W41202-W412031	07/28/2010	674.18	0.00	08/17/2010	Portable Restrooms		-		No	0000
101-450-5200-44120	Rentals - Buildings									
W41202-W412031	Total:	674.18								
BIFFS Total:		674.18								
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C&J CONS C & J Consulting Services, LLP										
07-2010	08/04/2010	1,025.00	0.00	08/17/2010	Monthly Accounting Services-July 2010		-		No	0000
101-410-1520-43150	Contract Services									
07-2010	Total:	1,025.00								
C&J CONS Total:		1,025.00								
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CARQUEST Car Quest Auto Parts										
2055-195319	07/15/2010	1.29	0.00	08/17/2010	Wire		-		No	0000
101-450-5200-42210	Equipment Parts									
2055-195319	Total:	1.29								
2055-196565	07/28/2010	75.00	0.00	08/17/2010	Shop Supplies		-		No	0000
101-430-3120-42210	Equipment Parts									
2055-196565	07/28/2010	202.07	0.00	08/17/2010	00-2 Tune up Parts		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids									
2055-196565	Total:	277.07								
2055-197089	08/03/2010	50.88	0.00	08/17/2010	Antifreeze		-		No	0000
101-430-3120-42210	Equipment Parts									
2055-197089	08/03/2010	11.09	0.00	08/17/2010	Air Filter 00-2		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids									
2055-197089	Total:	61.97								
2055-197301	08/05/2010	27.16	0.00	08/17/2010	Belt for 05-4		-		No	0000
101-450-5200-42210	Equipment Parts									
2055-197301	Total:	27.16								
CARQUEST Total:		367.49								
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CENTPOW Century Power Equipment										
493428	07/28/2010	76.31	0.00	08/17/2010	Chain Saw Parts		-		No	0000
101-430-3120-42210	Equipment Parts									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
	493428 Total:	76.31									
	CENTPOW Total:	76.31									
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CENWOOD CENTRAL WOOD PRODUCTS											
12332	06/30/2010	2,137.50	0.00	08/17/2010	Rec Step Cert. Mutch Lions Field II		-		No		0000
101-450-5200-42250	Landscaping Materials										
	12332 Total:	2,137.50									
	CENWOOD Total:	2,137.50									
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COMMUNIC Communication Systems Speciali											
100103	07/28/2010	532.48	0.00	08/17/2010	Materials and Labor for Annex		-		No		0000
411-480-8000-45700	Office Equipment & Furnishings				Relocation						
	100103 Total:	532.48									
	COMMUNIC Total:	532.48									
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COMPENSA Compensation Consultants, Ltd											
08/02/2010	08/02/2010	40.00	0.00	08/17/2010	Monthly Admin Fee - August 2010		-		No		0000
101-410-1320-44300	Miscellaneous										
	08/02/2010 Total:	40.00									
	COMPENSA Total:	40.00									
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CTYBAY City of Bayport											
WM2010-8	08/04/2010	456.50	0.00	08/17/2010	Building Inspector Services		-		No		0000
101-420-2400-43150	Inspector Contract Services										
	WM2010-8 Total:	456.50									
	CTYBAY Total:	456.50									
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CTYBLOOM City of Bloomington											
July 2010	07/31/2010	40.00	0.00	08/17/2010	Lab Bacteria Tests		-		No		0000
601-494-9400-42270	Utility System Maintenance										
	July 2010 Total:	40.00									
June 2010	06/30/2010	40.00	0.00	08/17/2010	Lab Bacteria Tests		-		No		0000
601-494-9400-42270	Utility System Maintenance										
	June 2010 Total:	40.00									
	CTYBLOOM Total:	80.00									
<hr/>											
CTYROSEV City of Roseville											
0010946	08/03/2010	1,551.58	0.00	08/17/2010	Monthly IT Services - August 2010		-		No		0000
101-410-1450-43180	Information Technology/Web										
	0010946 Total:	1,551.58									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
CTYROSEV Total:		1,551.58									
ECKBERG Eckberg Lammers Briggs Wolff											
07/2010	07/31/2010	3,796.09	0.00	08/17/2010	Legal Services - Civil		-	No		0000	
101-410-1320-43040	Legal Services										
07/2010 Total:		3,796.09									
106009	07/31/2010	520.00	0.00	08/17/2010	Legal Services - Development		-	No		0000	
203-490-9070-43040	Legal Services										
106009	07/31/2010	6,590.87	0.00	08/17/2010	Legal Services - Criminal		-	No		0000	
101-420-2150-43045	Attorney Criminal										
106009 Total:		7,110.87									
ECKBERG Total:		10,906.96									
EMMONS A Emonous Alex											
07/26/2010	07/26/2010	55.00	0.00	08/17/2010	Planning Commission Meeting 7/29/10		-	No		0000	
101-410-1450-43620	Cable Operations										
07/26/2010 Total:		55.00									
EMMONS A Total:		55.00									
ENVENTIS ENVENTIS											
737500	08/13/2010	452.41	0.00	08/17/2010	Telephone/Data Service-PW 08/10		-	No		0000	
101-430-3100-43210	Telephone										
737500 Total:		452.41									
738507	08/13/2010	557.74	0.00	08/17/2010	Telephone/Data Service-City Hall 8/10		-	No		0000	
101-410-1940-43210	Telephone										
738507 Total:		557.74									
ENVENTIS Total:		1,010.15									
FERGUSON Ferguson Waterworks											
S01261903.001	07/16/2010	621.92	0.00	08/17/2010	Meters and Meter Repair		-	No		0000	
601-494-9400-42300	Water Meters & Supplies										
S01261903.001 Total:		621.92									
S01263830.001	07/26/2010	659.78	0.00	08/17/2010	Meter (landfill)		-	No		0000	
601-494-9400-42300	Water Meters & Supplies										
S01263830.001 Total:		659.78									
FERGUSON Total:		1,281.70									
FIRSTTIR First State Tire Recycling											
72830	08/05/2010	11.33	0.00	08/17/2010	Tire recycling clean up days		-	No		0000	
101-430-3100-44380	Clean-up Days										
72830 Total:		11.33									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	FIRSTTR Total:	11.33								
FXL FXL, Inc. August 2010 101-410-1320-43100	08/01/2010 Assessing Services August 2010 Total: FXL Total:	2,000.00 2,000.00 2,000.00	0.00	08/17/2010	Assessing Services - August 2010		-	No		0000
G&M TREE G & M Tree Moving, Inc. 521 101-410-1940-44300	07/22/2010 Miscellaneous 521 Total: G&M TREE Total:	450.00 450.00 450.00	0.00	08/17/2010	Trees Transplanted to City Hall		-	No		0000
GRUBER Gruber's Power Equipment 85132 101-450-5200-42210	07/23/2010 Equipment Parts 85132 Total: GRUBER Total:	141.28 141.28 141.28	0.00	08/17/2010	Blades for 05-4 Toro		-	No		0000
HAGBERGS Hagbergs Country Market 07/19/2010 101-410-1410-44300	07/19/2010 Miscellaneous 07/19/2010 Total: HAGBERGS Total:	6.00 6.00 6.00	0.00	08/17/2010	Elections - Training		-	No		0000
HAWKINS Hawkins, Inc. 3138728 RI 601-494-9400-42160	07/15/2010 Chemicals 3138728 RI Total: HAWKINS Total:	625.95 625.95 625.95	0.00	08/17/2010	Hydrofluosillic Acid (fluoride)		-	No		0000
Hewlett Hewlett Packard 47973885 410-480-8000-45700	07/20/2010 Office Equipment & Furnishings 47973885 Total: Hewlett Total:	860.36 860.36 860.36	0.00	08/17/2010	Computer - Finance Department		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
KAMCO Kamco, Corp	07/27/2010	80.00	0.00	08/17/2010	Tablyn bucket truck on split tree		-		No	0000	
3260	Contract Services										
101-430-3250-43150	3260 Total:	80.00									
KAMCO Total:		80.00									
KDV Kern DeWenter Viere Ltd	07/30/2010	3,186.00	0.00	08/17/2010	Financial Services - July 2010		-		No	0000	
114145	Contract Services										
101-410-1520-43150	114145 Total:	3,186.00									
KDV Total:		3,186.00									
LEOIL Lake Elmo Oil, Inc.	07/31/2010	924.38	0.00	08/17/2010	Fuel		-		No	0000	
11536	Fuel, Oil and Fluids										
101-430-3120-42120	11536 Total:	924.38									
LEOIL Total:		924.38									
Lillie Newspapers Inc. Lillie Suburban	07/30/2010	72.88	0.00	08/17/2010	Publications		-		No	0000	
101-410-1320-43510	Legal Publishing										
	07/30/2010 Total:	72.88									
Lillie Total:		72.88									
LOFF Loffler Companies, Inc.	08/02/2010	187.33	0.00	08/17/2010	Copy Machine Overages and Base		-		No	0000	
1149284	Repairs/Maint Contractual Egmt										
101-410-1940-44040	1149284 Total:	187.33									
LOFF Total:		187.33									
MARV'S Marv's Professional Tools	07/15/2010	36.79	0.00	08/17/2010	Torch		-		No	0000	
227690	Small Tools & Minor Equipment										
601-494-9400-42400	227690 Total:	36.79									
MARV'S Total:		36.79									
MENARDSO Menards - Oakdale	07/15/2010	32.51	0.00	08/17/2010	W/Basket, batteries, Wire Splice		-		No	0000	
83127	Shop Materials										
101-430-3100-42150	83127 Total:	32.51									

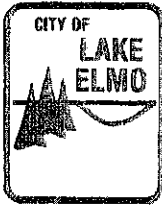
Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
83433	07/16/2010	36.60	0.00	08/17/2010	Voltage Testers		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	83433 Total:	36.60								
	MENARDSO Total:	69.11								
METCOU Metropolitan Council										
0000937878	08/03/2010	1,374.96	0.00	08/17/2010	Monthly Wastewater Service - Sept 2010		-		No	0000
602-495-9450-43820	Sewer Utility - Met Council									
	0000937878 Total:	1,374.96								
	METCOU Total:	1,374.96								
MFRA McCombs Frank Roos Assoc Inc.										
67232	08/01/2010	180.00	0.00	08/17/2010	Planning Services - July 2010		-		No	0000
101-410-1910-43150	Contract Services									
	67232 Total:	180.00								
	MFRA Total:	180.00								
MILLEREX Miller Excavating, Inc.										
14924	07/27/2010	695.25	0.00	08/17/2010	Grading Gravel Roads		-		No	0000
101-430-3120-43150	Contract Services									
	14924 Total:	695.25								
	MILLEREX Total:	695.25								
MN NATIV Minnesota Native Landscapes										
5945	08/27/2010	75.00	0.00	08/17/2010	Consulting - Sunfish Park		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	5945 Total:	75.00								
5992	07/29/2010	2,734.50	0.00	08/17/2010	Herbicide Treatment - Sunfish Lake Park		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	5992 Total:	2,734.50								
	MN NATIV Total:	2,809.50								
MODSPACE Modular Space Corporation										
105490595	08/07/2010	6,556.00	0.00	08/17/2010	City Hall Annex Improvements		-		No	0000
411-480-8000-45200	Buildings and Structures									
	105490595 Total:	6,556.00								
	MODSPACE Total:	6,556.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ONECALL Gopher State One Call 70630	07/31/2010	198.65	0.00	08/17/2010	Line Locates - July 2010		-	No		0000
101-430-3100-43150 Contract Services		198.65								
70630 Total:		198.65								
ONECALL Total:		198.65								
POMPS Pomp's Tire Service, Inc. 691851	07/23/2010	111.00	0.00	08/17/2010	Tire for 1985 Dodge		-	No		0000
101-450-5200-44040 Repairs/Maint Egmt		111.00								
691851 Total:		111.00								
697065	07/26/2010	260.00	0.00	08/17/2010	Tire Repair Case Loader 99-2		-	No		0000
101-430-3100-44040 Repairs/Maint Egmt		260.00								
697065 Total:		260.00								
POMPS Total:		371.00								
PRESSA Anastasia Press 08/04/2010	08/04/2010	55.00	0.00	08/17/2010	City Council Meeting 8/4/2010		-	No		0000
101-410-1450-43620 Cable Operations		55.00								
08/04/2010 Total:		55.00								
PRESSA Total:		55.00								
RUD Prince-Rud Diane 08/11/2010	08/11/2010	320.00	0.00	08/17/2010	Cleaning city Hall and Annex		-	No		0000
101-410-1940-44010 Repairs/Maint Contractual Bldg		240.00								
08/11/2010	08/11/2010	240.00	0.00	08/17/2010	Cleaning Fire Hall		-	No		0000
101-420-2220-44010 Repairs/Maint Bldg		6.41								
08/11/2010	08/11/2010	6.41	0.00	08/17/2010	Supplies		-	No		0000
101-410-1940-42110 Cleaning Supplies		566.41								
08/11/2010 Total:		566.41								
RUD Total:		566.41								
STAHLMAN Chris Stahlman 07/29/2010	07/29/2010	175.00	0.00	08/17/2010	City Hall Landscape Plan		-	No		0000
101-410-1940-44300 Miscellaneous		175.00								
07/29/2010 Total:		175.00								
STAHLMAN Total:		175.00								
TASCH T.A. Schifsky & Sons Inc 49645	07/16/2010	233.76	0.00	08/17/2010	Asphalt		-	No		0000
101-430-3120-42240 Street Maintenance Materials		233.76								
49645 Total:		233.76								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
49717	08/02/2010	266.66	0.00	08/17/2010	Asphalt		-		No	0000	
101-430-3120-42240	Street Maintenance Materials										
	49717 Total:	266.66									
	TASCH Total:	500.42									
<hr/>											
TESSMAN Tessonman Company Corp											
S1630895-IN	07/14/2010	224.44	0.00	08/17/2010	Pesticide (Weed)		-		No	0000	
101-450-5200-42160	Chemicals										
	S1630895-IN Total:	224.44									
	TESSMAN Total:	224.44									
<hr/>											
TRKUTI Truck Utilities											
213792	07/15/2010	4.76	0.00	08/17/2010	Wash Bay Hose		-		No	0000	
101-430-3100-42230	Building Repair Supplies										
	213792 Total:	4.76									
	TRKUTI Total:	4.76									
<hr/>											
VISALE40 VISA											
07/30/2010	07/30/2010	76.00	0.00	08/17/2010	Conference Registration - Planners		-		No	0000	
101-410-1910-44370	Conferences & Training										
	07/30/2010 Total:	76.00									
	VISALE40 Total:	76.00									
<hr/>											
WAS-SHER Washington County											
66992	08/05/2010	239,391.53	0.00	08/17/2010	Law Enforcement Sys 01/10-06/10		-		No	0000	
101-420-2100-43150	Law Enforcement Contract										
	66992 Total:	239,391.53									
	WAS-SHER Total:	239,391.53									
<hr/>											
WAS-TRAN Washington County											
66969	07/28/2010	1,801.98	0.00	08/17/2010	Seal Coat Striping		-		No	0000	
101-430-3120-43150	Contract Services										
	66969 Total:	1,801.98									
	WAS-TRAN Total:	1,801.98									
<hr/>											
WASH-REC Washington County											
07/18/2010	07/18/2010	148.00	0.00	08/17/2010	Food Stand License - Fall Festival		-		No	0000	
204-450-5200-44300	Miscellaneous										
	07/18/2010 Total:	148.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
WASH-REC Total:		148.00									
XCEL Xcel Energy											
51-4504807-7	08/11/2010	95.95	0.00	08/17/2010	Lights at Legion Park		-		No		0000
101-450-5200-43810	Electric Utility										
51-4504807-7	08/11/2010	89.04	0.00	08/17/2010	Lift Station		-		No		0000
602-495-9450-43810	Electric Utility										
51-4504807-7	08/11/2010	33.21	0.00	08/17/2010	Traffic Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4504807-7	08/01/2010	218.20	0.00	08/17/2010	Street Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4572945-7	08/01/2010	48.88	0.00	08/17/2010	Fire Station 2		-		No		0000
101-420-2220-43810	Electric Utility										
51-4576456-3	08/01/2010	267.84	0.00	08/17/2010	City Hall		-		No		0000
101-410-1940-43810	Electric Utility										
51-4580376-5	08/01/2010	443.78	0.00	08/17/2010	Traffic Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4580376-5	08/01/2010	812.39	0.00	08/17/2010	Tennis Courts		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	17.81	0.00	08/17/2010	Parks Bldg		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	42.70	0.00	08/17/2010	Wells 1 &2		-		No		0000
101-494-9400-43810	Electric Utility										
51-5356323.8	08/11/2010	2,320.51	0.00	08/17/2010	Traffic Lights		-		No		0000
601-494-9400-43810	Electric Utility										
51-5522332-2	08/01/2010	40.51	0.00	08/17/2010	Arts Center		-		No		0000
101-430-3160-43810	Street Lighting										
51-5747685-4	08/01/2010	114.18	0.00	08/17/2010	Lift Station		-		No		0000
101-450-5200-43810	Electric Utility										
51-5916043-7	08/01/2010	15.43	0.00	08/17/2010	Fire Station 1		-		No		0000
602-495-9450-43810	Electric Utility										
51-5916043-7	08/01/2010	15.18	0.00	08/17/2010	City Hall		-		No		0000
101-430-3160-43810	Street Lighting										
51-4504807-7	08/01/2010	218.20	0.00	08/17/2010	Street Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4572945-7	08/01/2010	48.88	0.00	08/17/2010	Fire Station 2		-		No		0000
101-420-2220-43810	Electric Utility										
51-4576456-3	08/01/2010	267.84	0.00	08/17/2010	City Hall		-		No		0000
101-410-1940-43810	Electric Utility										
51-4580376-5	08/01/2010	443.78	0.00	08/17/2010	Traffic Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4580376-5	08/01/2010	812.39	0.00	08/17/2010	Tennis Courts		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	17.81	0.00	08/17/2010	Parks Bldg		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	42.70	0.00	08/17/2010	Wells 1 &2		-		No		0000
101-494-9400-43810	Electric Utility										
51-5356323.8	08/11/2010	2,320.51	0.00	08/17/2010	Traffic Lights		-		No		0000
601-494-9400-43810	Electric Utility										
51-5522332-2	08/01/2010	40.51	0.00	08/17/2010	Arts Center		-		No		0000
101-430-3160-43810	Street Lighting										
51-5747685-4	08/01/2010	114.18	0.00	08/17/2010	Lift Station		-		No		0000
101-450-5200-43810	Electric Utility										
51-5916043-7	08/01/2010	15.43	0.00	08/17/2010	City Hall		-		No		0000
602-495-9450-43810	Electric Utility										
51-5916043-7	08/01/2010	15.18	0.00	08/17/2010	City Hall		-		No		0000
101-430-3160-43810	Street Lighting										
51-4504807-7	08/01/2010	218.20	0.00	08/17/2010	Street Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4572945-7	08/01/2010	48.88	0.00	08/17/2010	Fire Station 2		-		No		0000
101-420-2220-43810	Electric Utility										
51-4576456-3	08/01/2010	267.84	0.00	08/17/2010	City Hall		-		No		0000
101-410-1940-43810	Electric Utility										
51-4580376-5	08/01/2010	443.78	0.00	08/17/2010	Traffic Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4580376-5	08/01/2010	812.39	0.00	08/17/2010	Tennis Courts		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	17.81	0.00	08/17/2010	Parks Bldg		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	42.70	0.00	08/17/2010	Wells 1 &2		-		No		0000
101-494-9400-43810	Electric Utility										
51-5356323.8	08/11/2010	2,320.51	0.00	08/17/2010	Traffic Lights		-		No		0000
601-494-9400-43810	Electric Utility										
51-5522332-2	08/01/2010	40.51	0.00	08/17/2010	Arts Center		-		No		0000
101-430-3160-43810	Street Lighting										
51-5747685-4	08/01/2010	114.18	0.00	08/17/2010	Lift Station		-		No		0000
101-450-5200-43810	Electric Utility										
51-5916043-7	08/01/2010	15.43	0.00	08/17/2010	City Hall		-		No		0000
602-495-9450-43810	Electric Utility										
51-5916043-7	08/01/2010	15.18	0.00	08/17/2010	City Hall		-		No		0000
101-430-3160-43810	Street Lighting										
51-4504807-7	08/01/2010	218.20	0.00	08/17/2010	Street Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4572945-7	08/01/2010	48.88	0.00	08/17/2010	Fire Station 2		-		No		0000
101-420-2220-43810	Electric Utility										
51-4576456-3	08/01/2010	267.84	0.00	08/17/2010	City Hall		-		No		0000
101-410-1940-43810	Electric Utility										
51-4580376-5	08/01/2010	443.78	0.00	08/17/2010	Traffic Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4580376-5	08/01/2010	812.39	0.00	08/17/2010	Tennis Courts		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	17.81	0.00	08/17/2010	Parks Bldg		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	42.70	0.00	08/17/2010	Wells 1 &2		-		No		0000
101-494-9400-43810	Electric Utility										
51-5356323.8	08/11/2010	2,320.51	0.00	08/17/2010	Traffic Lights		-		No		0000
601-494-9400-43810	Electric Utility										
51-5522332-2	08/01/2010	40.51	0.00	08/17/2010	Arts Center		-		No		0000
101-430-3160-43810	Street Lighting										
51-5747685-4	08/01/2010	114.18	0.00	08/17/2010	Lift Station		-		No		0000
101-450-5200-43810	Electric Utility										
51-5916043-7	08/01/2010	15.43	0.00	08/17/2010	City Hall		-		No		0000
602-495-9450-43810	Electric Utility										
51-5916043-7	08/01/2010	15.18	0.00	08/17/2010	City Hall		-		No		0000
101-430-3160-43810	Street Lighting										
51-4504807-7	08/01/2010	218.20	0.00	08/17/2010	Street Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4572945-7	08/01/2010	48.88	0.00	08/17/2010	Fire Station 2		-		No		0000
101-420-2220-43810	Electric Utility										
51-4576456-3	08/01/2010	267.84	0.00	08/17/2010	City Hall		-		No		0000
101-410-1940-43810	Electric Utility										
51-4580376-5	08/01/2010	443.78	0.00	08/17/2010	Traffic Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4580376-5	08/01/2010	812.39	0.00	08/17/2010	Tennis Courts		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	17.81	0.00	08/17/2010	Parks Bldg		-		No		0000
101-450-5200-43810	Electric Utility										
51-5044219-0	08/01/2010	42.70	0.00	08/17/2010	Wells 1 &2		-		No		0000
101-494-9400-43810	Electric Utility										
51-5356323.8	08/11/2010	2,320.51	0.00	08/17/2010	Traffic Lights		-		No		0000
601-494-9400-43810	Electric Utility										
51-5522332-2	08/01/2010	40.51	0.00	08/17/2010	Arts Center		-		No		0000
101-430-3160-43810	Street Lighting										
51-5747685-4	08/01/2010	114.18	0.00	08/17/2010	Lift Station		-		No		0000
101-450-5200-43810	Electric Utility										
51-5916043-7	08/01/2010	15.43	0.00	08/17/2010	City Hall		-		No		0000
602-495-9450-43810	Electric Utility										
51-5916043-7	08/01/2010	15.18	0.00	08/17/2010	City Hall		-		No		0000
101-430-3160-43810	Street Lighting										
51-4504807-7	08/01/2010	218.20	0.00	08/17/2010	Street Lights		-		No		0000
101-430-3160-43810	Street Lighting										
51-4572945-7	08/01/2010	48.88	0.00	08/17/2010	Fire Station 2		-		No		0000
101-420-2220-43810	Electric Utility										
51-4576456-3	08/01/2010	267.84	0.00	08/17/2010	City Hall		-		No		0000
101-410-1940-43810	Electric Utility										
51-4580376-5	08/01/2010	443.78	0.00	08/17/2010	Traffic Lights		-		No		

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-6625457-1	08/01/2010	299.43								
101-450-5200-43810	Electric Utility	40.40	0.00	08/17/2010	Legion Park		-		No	0000
51-6736544-2	08/11/2010	40.40								
101-430-3160-43810	Street Lighting	1,761.01	0.00	08/17/2010	Street Lights		-		No	0000
51-6928283-3	08/01/2010	30.39	0.00	08/17/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting	30.39								
51-6956201-4	08/01/2010	369.42	0.00	08/17/2010	VFW Ballfields		-		No	0000
101-450-5200-43810	Electric Utility	369.42								
51-7538112-1	08/01/2010	463.35	0.00	08/17/2010	Public Works		-		No	0000
101-430-3100-43810	Electric Utility	463.35								
51-8126093-5	08/01/2010	20.63	0.00	08/17/2010	Water Tower 2		-		No	0000
601-494-9400-43810	Electric Utility	20.63								
51-8711719-3	08/01/2010	10.37	0.00	08/17/2010	Speed Sign Hwy 5		-		No	0000
101-430-3160-43810	Street Lighting	10.37								
52-5275289-3	08/01/2010	13.68	0.00	08/17/2010	Pebble Park		-		No	0000
101-450-5200-43810	Electric Utility	13.68								
XCEL Total:	52-5275289-3 Total:	6,922.31								
ZACK Zack's, Inc.	07/14/2010	197.76	0.00	08/17/2010	Flat towels, toilet paper, multifold tow		-		No	0000
26053	101-410-1940-42110	Cleaning Supplies								
26053	07/14/2010	101.94	0.00	08/17/2010	Safety Vests		-		No	0000
101-430-3100-44300	Miscellaneous	41.88	0.00	08/17/2010	Marking Paint		-		No	0000
26053	07/14/2010	62.18	0.00	08/17/2010	Shop Supplies		-		No	0000
601-494-9400-42000	Office Supplies									
26053	07/14/2010	403.76								
101-430-3100-42150	Shop Materials	403.76								
ZACK Total:	26053 Total:	403.76								
Report Total:		302,536.38								



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010
CONSENT
ITEM: 3
MOTION *as part of Consent Agenda*

AGENDA ITEM: Easement Encroachment Agreement -- 5802 Lily Cove N.

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Kyle Klatt, Planning Director
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: As part of tonight's *Consent Agenda*, the City Council is asked to authorize the execution of an easement encroachment agreement allowing residents to construct improvements (in this case a fence) within drainage and utility easements on private property. The city has received a fence permit application in which the property owners are seeking to put a fence in the backyard at 5802 Lily Cove North. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the city. When a resident is interested in putting a structure within an easement, the City has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function.

After that information is received, the City Engineer reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If the Engineer determines that the improvement will not negatively impact the functionality of the Easement, an approved building or fence permit (if applicable) and an Easement Encroachment Agreement is needed before the work may commence.

LEGAL INFORMATION: An Easement Encroachment Agreement is a legal document which has been signed by all property owners seeking to install an improvement within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

The City Attorney has drafted this legal document and suggested the City Council should authorize the Mayor to sign the agreements prior to issuing a building or fence permit for the proposed improvements.

STAFF REPORT: The Easement Encroachment Agreement that has been submitted for Council consideration is for a fence and has been reviewed by planning and engineering staff. The proposed fence meets all city code requirements and Staff would have otherwise issued the fence permit if they did not encroach into a drainage and utility easement.

The City Council has reviewed and approved easement encroachment agreements at the April 20, 2010 regular meeting. At that time, the City Council agreed to place future applications on the *Consent Agenda*, unless unique circumstances occur in which case the agreement will be placed on the regular agenda.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the proposed Easement Encroachment Agreement as part of tonight's *Consent Agenda*.

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

“Move to approve the proposed Easement Encroachment Agreement at 5802 Lily Cove N., as presented herein *[and modified and/or amended at tonight's meeting]*.”

ATTACHMENTS: Easement Encroachment Agreement -- 5802 Lily Cove N.

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

Return to:
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.
1809 Northwestern Ave.
Stillwater, MN 55082

ENCROACHMENT AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2010, by and between the CITY OF LAKE ELMO, a Minnesota municipality (hereinafter "City"), and Michael R. Hoheisel and Kristen E. Hoheisel (hereinafter "Owner"), husband and wife, and their successors in title.

WHEREAS, the City has an easement for drainage and utility purposes over that part of the property legally described on the attached Exhibit A, located in Washington County, Minnesota;

WHEREAS, Owner is desirous of constructing a fence ("The Improvements") within the Easement; and,

WHEREAS, the permission granted herein is limited to The Improvement proposed within the easement.

NOW, THEREFORE, in consideration of the premises and for good and valuable consideration, the receipt of which is acknowledged, the City will permit the encroachment on its easement area as set forth herein and subject to the conditions set forth below:

1. Owner and successors in title may install and maintain The Improvements in the configuration directed by the City and in accordance herewith.

2. Owner must notify the City at least forty-eight (48) hours before construction, repair and/or maintenance work commences within the easement. No such work shall take place without the City staff being given the opportunity to be present at the site. Further, if the City determines in its reasonable estimation that any proposed work may potentially cause an unsafe condition or damage or impair the City's easement area, the City shall have the authority to prevent such work from being done by giving notice to Owner; notwithstanding the foregoing, in the event of an emergency situation and/or the existence of an unsafe condition of Owner's land, the prescribed forty-eight (48) hour notice requirement shall be waived by the City. However, in the event of such situation, said waiver shall not relieve Owner from their obligation to notify the City in a timely and practical manner. The City shall have no obligation to notify Owner of their intent to do work.

3. To the fullest extent permitted by law, Owner, their successors and assigns agree to release, defend, protect, indemnify, save and hold harmless the City, its agents, directors, employees and contractors against any and all claims, costs and liabilities, including the costs of defense for damages, injury or death arising from or in any way connected to the installation, maintenance, repair, removal and/or presence of The Improvements permitted hereunder, regardless of whether such harm is to Owner, the City, the employees or officers of either or any other person or entity, except shall not be liable under this paragraph for loss or damage to the extent resulting from the negligence or intentional acts of the indemnified parties.

4. The permission granted herein is limited exclusively to the proposed improvement within the City's easement. Owner shall not alter the grade, perform any other site disturbing

activities, or permit such alteration anywhere upon the land upon which the City has reserved its easement without proper express written consent of the City. Owner shall construct and maintain The Improvements in compliance with all applicable laws and in good repair.

Owner shall, at all times, use best efforts to conduct all of activities on said easement area in such a manner as to not interfere with or impede the operation of the City's easement and related activities in any manner whatsoever and shall remove The Improvements at no cost to the City when directed by the City. The work shall be done and The Improvements maintained in conformance with the direction of the City.

[SIGNATURES ON FOLLOWING PAGES]

CITY OF LAKE ELMO

By _____
Dean Johnston, Mayor

By _____
Bruce Messelt, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____ day of _____, 2010, before me, a Notary Public, personally appeared Dean Johnston, Mayor of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City of Lake Elmo, and acknowledged said instrument to be the free act and deed of said City of Lake Elmo.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

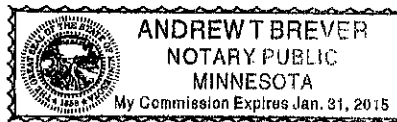
On this ____ day of _____, 2010, before me, a Notary Public, personally appeared Bruce Messelt, City Administrator of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City of Lake Elmo, and acknowledged said instrument to be the free act and deed of said City of Lake Elmo.

Notary Public

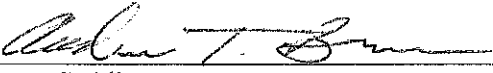
By *Michael R. Hoheisel*
[Michael R. Hoheisel]

By *Kristen E. Hoheisel*
[Kristen E. Hoheisel]

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)



On this 12 day of August, 2010, before me, a Notary Public, personally appeared Michael R. Hoheisel and Kristen E. Hoheisel, husband and wife, who signed the foregoing instrument and acknowledged said instrument to be their free act and deed.



Notary Public

THIS INSTRUMENT DRAFTED BY:
David K. Snyder
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.
1809 Northwestern Avenue
Stillwater, MN 55082



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010
CONSENT
ITEM: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: Lake Elmo Fire Fighters Relief Association By-Laws Revision

SUBMITTED BY: Brad Winkels, Assistant Fire Chief

THROUGH: Bruce Messelt, City Finance Director *BW*
Greg Malmquist, Fire Chief

REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: As part of tonight's *Consent Agenda*, the Lake Elmo City Council is respectfully requested to approve a revision to the Lake Elmo Firefighter's Relief Association By-Laws, allowing Pro-Rating Years of Service at the time of a member's retirement. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The By-Laws revision will allow for Pro-Rating Years of Service for Retiring members. Currently, the By-Laws allow only paying out based on a full year of service, based the Anniversary date (Start Date) of the member. The intent of the Association has all ways been to Pro-Rate Years of Service, and pay out has been made and approved by the OSA based on that intent.

FINANCIAL/STAFF REPORT: The proposed revision has been reviewed by the Minnesota Firefighters Pension Consultants and is in compliance with Minnesota statutory requirements. The amendment has been reviewed by the Relief Association Board of Directors and was recommended to the full body for approval. This proposed revision was approved by the body of the Association at the Special Meeting held on August 3rd, 2010.

City staff has reviewed this item and opines that the financial impact will be minimal, as most members do retire on their Anniversary Date.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the proposed By-Law revision as part of tonight's *Consent Agenda*.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda, elect not to approve the proposed revision and/or table this item and request additional information from the Relief Association Board. The Council may also elect to further discuss and deliberate this item prior to taking action. If the latter, the appropriate action of the Council following such discussion would be:

“Move to Approve a Revision to the By-Laws of the Lake Elmo Firefighter’s Relief Association to allow Pro-Rating for Years of Service *[as modified and/or amended at tonight’s meeting]*”

ATTACHMENTS:

1. Amended By-Laws of the Lake Elmo Firefighters Relief Association

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

AMENDED BYLAWS
OF
LAKE ELMO FIREFIGHTERS
RELIEF ASSOCIATION

The Bylaws of the Relief Association are hereby amended effective as of _____, 20____.

APPENDIX B

LAKE ELMO FIREFIGHTERS RELIEF ASSOCIATION
DEFINED BENEFIT LUMP SUM RETIREMENT PLAN

2.1 General Definitions

(aa) **“Year of Active Service”** shall mean each 12-month period of Active Service commencing with a Participant’s Entry Date or anniversary thereof. This definition shall be used for the purposes of calculating the minimum funding requirements and computing benefits or service pensions payable. Service pensions will be prorated monthly for fractional Years of Active Service pursuant to Minn. Stat. 424A.02, Subd. 1.

I certify that the preceding language is an accurate copy of the amendment to the Bylaws, Appendix B (Plan) of the Association and is duly adopted on the latter of the Board (if authorized under Section 12.3) or Member meeting held on _____, date

RA Name: _____

Officer Signature: _____

Officer Name: _____

Officer Position: _____

These model documents are drafted to conform to Minnesota state laws relating to relief association pension plans for volunteer firefighters. The model documents are not drafted to meet the requirements of tax-qualified retirement plans under the Internal Revenue Code. Minnesota Firefighter Pension Consultants, LLC (MNFPC, LLC) makes no representation regarding the status of the plans under federal or state tax laws.

MNFPC, LLC is not a law firm. We recommend review by your legal counsel of model documents before adoption.



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010

CONSENT

ITEM #: 5

MOTION as part of the Consent Agenda

AGENDA ITEM: 42nd Street Mill and Overlay – Accepting Quotes and Awarding a Contract

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce Messelt, City Administrator *BMM*

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

SUMMARY AND ACTION REQUESTED: The council is asked as part of tonight's *Consent Agenda* to accept the quotes and award a contract for the mill and overlay of 42nd Street. Staff has solicited quotes from contractors to complete a 1.5-inch mill and overlay of 42nd Street from Jamaca Avenue to Irish Court North. Please see the attached tabulation of the quotes. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*

BACKGROUND INFORMATION: At the May 5, 2010 City Council Meeting, the contract for the 2010 Seal Coat Project was awarded. In addition to the award, Change Order No. 1 was approved, which removed 42nd Street North from Jamaca Avenue to Irish Court North from the seal coat project. Spring inspection of this segment revealed further distresses experienced over the winter months; therefore, a seal coat was not the recommended improvement for the street.

STAFF REPORT Your staff has determined that the most cost effective improvement for the street would be a 1.5-inch mill and overlay of the bituminous surface. This work is considered minor maintenance necessary to extend the useful life of the road. Staff contacted local contractors to perform the work and obtained quotes (see attachment no. 1).

On Thursday, August 12th, the Assessment Subcommittee met and discussed the efficacy of assessing adjoining property owners for the additional costs associated with a mill and overlay (versus a seal coat). The Assessment Subcommittee recommends to the City Council that no assessment be placed upon adjoining property owners, as this would be considered minor maintenance and not a major street rehabilitation or reconstruction project.

RECOMMENDATION: Based upon the above information and Staff report, it is recommended that the City Council approve as part of tonight's *Consent Agenda* the quotes received and award the contract for the 42nd Street Mill and Overlay Project to Hardrives, Inc. for their base quote of \$49,529.55.

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

“Move to accept the quotes and award the contract for the 42nd Street Mill and Overlay Project to Hardrives, Inc. for their base quote of \$49,529.55 [*and amended and/or modified at tonight's meeting*].”

ATTACHMENTS:

1. Quote Tabulation
2. 42nd Street Mill and Overlay Contract

42ND STREET MILL & OVERLAY
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 14575.001



*DENOTES ERROR IN QUOTERS CALCULATION

[illegible]

CONSTRUCTION CONTRACT

State of Minnesota

Washington County

This Contract, made this _____ day of _____ 2010, by the City of Lake Elmo, Minnesota (hereinafter called the "Owner") and Hardrives Inc. (hereinafter called the "Contractor").

WITNESSETH that the parties hereto agree as follows:

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

DESCRIPTION OF WORK:

Contractor shall provide all labor, materials and equipment necessary to perform a 1.5-inch thick mill and overlay of 42nd Street North from Irish Court North to Jamaca Avenue North.

Contractor shall mill the existing bituminous surface to a depth of 1.5-inches, all millings shall be removed from the site and disposed of by the contractor (incidental to Mill Bit Surface item). All work performed in the preparation of the milled surface shall be considered incidental to the project. Contractor shall place bituminous tack coat at an application rate of 0.05gal/sy prior to placement of the wear course. A 1.5-inch lift of 2360 LV4 bituminous wear course shall be paved providing a smooth transition to the existing streets.

Approximate quantities for the work to be completed are summarized below. These are only estimated quantities, payment will be based on the actual work completed and measured in the field.

ITEM	L (ft)	W (ft)	D (in.)	Est. Qty	UNIT	UNIT PRICE	TOTAL
MILL BIT. SURFACE (1.5" DEPTH)	2,432	30	1.5	8,107	SY	\$ 0.65	\$ 5,269.55
BITUMINOUS TACK COAT	2,432	30		405	GAL	\$ 2.00	\$ 810.00
2360 TYPE LV4 BIT. WEAR	2,432	30	1.5	790	TN	\$ 55.00	\$ 43,450.00
TOTAL							\$ 49,529.55

Contract shall be paid at the unit prices specified in the above table.

In accordance with the "General Conditions" shown in this contract as follows:

- (B) The Contractor will complete the work by **September 15, 2010**. (See paragraph III of General Conditions).
- (C) The Owner will make payment for the whole contract, upon acceptance by the Owner of all work required hereunder and compliance by Contractor with all the terms and conditions of this contract.

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

(Contractor)

(City of Lake Elmo)

GENERAL CONDITIONS

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

Contractor shall maintain commercial general liability (CGL), and if necessary commercial umbrella insurance, with a limit of not less than \$1,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, the general aggregate limit shall be not less than \$2,000,000 and the aggregate limit shall apply on a per-project basis. The CGL insurance shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and contractually-assumed liability. The city shall be named as an additional insured under the CGL.

Contractor shall maintain automobile liability insurance, and if necessary, umbrella liability insurance with a limit of not less than \$1,000,000 each accident. If such insurance contains a general aggregate limit, the general aggregate limit shall be not less than \$2,000,000. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos.



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010
REGULAR
ITEM: 6
PUBLIC HEARING
MOTION *Resolution # 2010-039*

AGENDA ITEM: 2009 Street Improvement Project – Public Hearing on Final Assessments

SUBMITTED BY: Ryan Stempiski, Assistant City Engineer

THROUGH: Bruce Messelt, City Administrator *BAM*

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to conduct the required Public Hearing regarding Final Assessments for the 2009 Street Improvements. Upon completion of the Public Hearing, the City Council is respectfully requested to affirmatively consider the following motion:

SUGGESTED: *“Move to Approve Resolution No. 2010-039; A Resolution adopting the*
MOTION: *Final Assessment Roll for the 2009 Street Improvement Project.”*

BACKGROUND INFORMATION: On June 2, 2009, the City Council approved Resolution No. 2010-035, declaring cost to be assessed, ordering preparation of proposed assessment, and calling for the hearing on proposed assessment for the 2009 Street Improvement Project. The Project has been completed and the total project costs are known.

Pursuant to Minnesota Statutes § 429, the City Council must conduct a final assessment hearing to declare the amounts to be assessed to the benefitting properties. The Council will also be presented with and hear any objections to the proposed assessment, whether presented verbally or in writing.

STAFF REPORT: Pursuant to Minnesota Statutes, the City Council must declare the amount to be assessed against the benefitting properties and a hearing on the proposed assessment for these improvements must be conducted. Your staff has enclosed a Final Assessment Roll, as adopted by the City Council. The final assessments for each benefitting property are as follows:

- Myron Ellman Subdivision (Legion Avenue) = \$700
- Eden Park Development (Legion Ln, Legion Ct, Legion Cr, Lisbon Ave) = \$1,750
- Eden Park ^{2nd} Development (21st Street North) = \$2,200
- The Forest Development (3rd Street Place North) = \$1,750

A USPS mailed notice has been provided to each assessed property. Official notice of the public hearing has also been duly noticed.

RECOMMENDATION: Based upon previous Council actions and authorizations, as well as the above staff report, it is recommended that the City Council hold the required Public Hearing and then affirmatively consider approving the costs to be assessed for the 2009 Street Improvements by undertaking the following action:

“Move to Approve Resolution No. 2010-039; A Resolution adopting the Final Assessment Roll for the 2009 Street Improvement Project.”

Alternatively, the City Council does have the authority to table this item, following conduct of the Public Hearing, and/or further discuss and deliberate prior to taking action. If the latter, the appropriate motion of the Council following such discussion would be:

“Move to Approve Resolution No. 2010-039; A Resolution adopting the Final Assessment Roll for the 2009 Street Improvement Project [as amended at tonight’s meeting].”

ATTACHMENTS: As noted

1. Resolution No. 2010-039
2. Final Assessment Roll

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... City Engineer
- Questions from Council to Staff Mayor Facilitates
- Open Public Hearing Mayor Facilitates
- Close Public Hearing Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

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

RESOLUTION NO. 2010-039

**A RESOLUTION ADOPTING THE FINAL ASSESSMENT ROLL
FOR THE 2009 STREET IMPROVEMENT PROJECT**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2009 Street Improvement Project;

NOW, THEREFORE, BE IT RESOLVED,

- 1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefitted by the proposed improvement in the amount of the assessment levied against it.*
- 2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2011, and shall bear interest at the rate of 6.00% percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2010. To each subsequent installment when due shall be added interest for one year on all unpaid installments.*
- 3. The owner of any property so assessed may, at any time prior to the certification of the assessment to the county auditor, pay the whole of the assessment on such property, with the interest accrued to the date of payment, to the City Clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 30 or interest will be charged through December 31 of the next succeeding year.*
- 4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.*

Date: _____, 2010

CITY OF LAKE ELMO

By: _____

Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

FINAL ASSESSMENT ROLL

MYRON ELLMAN SUBDIVISION
LEGION AVENUE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	CONSTANCE A SPAISE	2995 LEGION AVE N LAKE ELMO	55042 2402921120002	1	\$700
2	DONALD J & JERILYN M GARNER	2988 LEGION AVE N LAKE ELMO	55042 2402921210016	1	\$700
3	MICHAEL L & MARIE D JARA	2971 LEGION AVE N LAKE ELMO	55042 2402921120001	1	\$700
4	WILLIAM T & GAIL C SULLIVAN	2968 LEGION AVE N LAKE ELMO	55042 2402921210014	1	\$700
5	FLORAIN J & CYNTHIA STEVENS	2955 LEGION AVE N LAKE ELMO	55042 2402921120005	1	\$700
6	WILLIAM T & GAIL C SULLIVAN		2402921210015	0	\$0
7	JASON R & GINA M GORMAN	2939 LEGION AVE N LAKE ELMO	55042 2402921120004	1	\$700
8	GERALD C & CANDYCE J OLSEN	2932 LEGION AVE N LAKE ELMO	55042 2402921210013	1	\$700
9	JOSEPH W & MARSHA K COLIANNI	2921 LEGION AVE N LAKE ELMO	55042 2402921120003	1	\$700
10	LARRY J & DIANA R NUEMANN	2916 LEGION AVE N LAKE ELMO	55042 2402921210018	1	\$700
11	DANIEL J & STEPHANIE M LAMOTTE	2903 LEGION AVE N LAKE ELMO	55042 2402921120009	1	\$700
12	RONALD JR & KAREN L ROBINETTE	2898 LEGION AVE N LAKE ELMO	55042 2402921210019	1	\$700
13	WILLIAM R & DOROTHY MURRAY	2891 LEGION AVE N LAKE ELMO	55042 2402921120010	1	\$700
14	ERLING B & LOU AN ZETTERLUND		2402921210020	0	\$0
15	DANA M & CHRISTINE A NELSON	2871 LEGION AVE N LAKE ELMO	55042 2402921120011	1	\$700
16	ERLING B & LOU AN ZETTERLUND	2866 LEGION AVE N LAKE ELMO	55042 2402921210021	1	\$700
17	CITY OF LAKE ELMO		2402921210022	1	\$700
18	CITY OF LAKE ELMO		2402921120012	1	\$700
19	DAVID V & BEVERLY A GEBHARD	2837 LEGION AVE N LAKE ELMO	55042 2402921120013	1	\$700
20	ELIZABETH E & THEODORE C OLSEN	2832 LEGION AVE N LAKE ELMO	55042 2402921210023	1	\$700
21	DAVID A STASKA	2817 LEGION AVE N LAKE ELMO	55042 2402921120014	1	\$700
22	BRADLEY J & MOLLY A WINKELS	2814 LEGION AVE N LAKE ELMO	55042 2402921210024	1	\$700
23	STEVEN D & ROSALIE SHANLEY	2797 LEGION AVE N LAKE ELMO	55042 2402921120015	1	\$700
24	THOMAS C & BARABARA C DECK	2790 LEGION AVE N LAKE ELMO	55042 2402921210025	1	\$700
25	MARK E & MICHELLE R DEZIEL	2783 LEGION AVE N LAKE ELMO	55042 2402921120016	1	\$700
26	ALLEN P SEHLOFF	2778 LEGION AVE N LAKE ELMO	55042 2402921210026	1	\$700
27	ALAN W & RALEA KUPFERSCHMIDT	2769 LEGION AVE N LAKE ELMO	55042 2402921120017	1	\$700
28	RODNEY A & JUDY A TOFT	2764 LEGION AVE N LAKE ELMO	55042 2402921210027	1	\$700
29	AUTHER M & MARY C FRIENDT	2749 LEGION AVE N LAKE ELMO	55042 2402921130001	1	\$700
TOTAL				27	\$18,900

FINAL ASSESSMENT ROLL

EDEN PARK

LEGION LANE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	CATHERINE A FOSTER	2110 LEGION LN N LAKE ELMO	55042 2402921430016	1	\$1,750
2	THOMAS M & CYNTHIA J KINDLER	2111 LEGION LN N LAKE ELMO	55042 2402921430011	1	\$1,750
3	STEPHEN D & JEAN S MANLOVE	2120 LEGION LN N LAKE ELMO	55042 2402921430017	1	\$1,750
4	SHEILA S & DANA W SMITH	2121 LEGION LN N LAKE ELMO	55042 2402921430010	1	\$1,750
5	CRIAG & SHANNON SCHAEFER	2131 LEGION LN N LAKE ELMO	55042 2402921430009	1	\$1,750
6	KENT N & LOIS E MAFFITT	2134 LEGION LN N LAKE ELMO	55042 2402921430018	1	\$1,750
7	EDWARD G & MARY E LENTH	2141 LEGION LN N LAKE ELMO	55042 2402921430008	1	\$1,750
8	GWEN A WELCH		2402921430007	1	\$1,750
9	RANDALL H HELLAND CYNTHIA A GACKLI	2201 LEGION LN N LAKE ELMO	55042 2402921430003	1	\$1,750
10	GREGORY A & JANE HUSNIK	2224 LEGION LN N LAKE ELMO	55042 2402921430022	1	\$1,750
11	DALE W SHIMEK & JANE E HARE	2225 LEGION LN N LAKE ELMO	55042 2402921430002	1	\$1,750
12	JOHN B & BONNIE K RECHTIENE	2245 LEGION LN N LAKE ELMO	55042 2402921420017	1	\$1,750
13	JAMES L & VANCE MARY L FISH	2267 LEGION LN N LAKE ELMO	55042 2402921420016	1	\$1,750
14	J MICHAEL MCQUADE	2289 LEGION LN N LAKE ELMO	55042 2402921420015	1	\$1,750
15	CITY OF LAKE ELMO		2402921420026	1	\$1,750
16	MATTHEW C & JUDY A BROCKWAY	2311 LEGION LN N LAKE ELMO	55042 2402921420014	1	\$1,750
17	WILLIAMS DEEB	2333 LEGION LN N LAKE ELMO	55042 2402921420013	1	\$1,750
18	AARON MARSHALL & JENNIFER GOULD	2340 LEGION LN N LAKE ELMO	55042 2402921420025	1	\$1,750
19	WESLEY P SLY JR. & DJ WILLER-SLY	2345 LEGION LN N LAKE ELMO	55042 2402921420012	1	\$1,750
20	ROBERT A & CYNTHIA A KISH	2360 LEGION LN N LAKE ELMO	55042 2402921420024	1	\$1,750
22	GAROLD M & MARY K FELLAND	2377 LEGION LN N LAKE ELMO	55042 2402921420004	1	\$1,750
21	PETER J & ELIZABETH A REKSTAD	2380 LEGION LN N LAKE ELMO	55042 2402921420004	1	\$1,750
23	PAUL T & TAMELA A DEVETTER	2383 LEGION LN N LAKE ELMO	55042 2402921420003	1	\$1,750
24	DANIEL E & ROSEMARY J MEYER	2389 LEGION LN N LAKE ELMO	55042 2402921420002	1	\$1,750
25	WILLIAM C III & STACY A STROGGREGEN	2390 LEGION LN N LAKE ELMO	55042 2402921420022	1	\$1,750
26	SHARON R HIGGINS	2395 LEGION LN N LAKE ELMO	55042 2402921420001	1	\$1,750
TOTAL				26	\$45,500

FINAL ASSESSMENT ROLL

EDEN PARK (CONTINUED)

LEGION LANE CIRCLE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	GARY SMITH & JANINE PETERSON	2174 LEGION LN CIR N LAKE ELMO	55042 2402921430019	1	\$1,750
2	DUANE & KATHLEEN A ROETTGER	2194 LEGION LN CIR N LAKE ELMO	55042 2402921430020	1	\$1,750
3	TERRY S EMERSON	2204 LEGION LN CIR N LAKE ELMO	55042 2402921430021	1	\$1,750
TOTAL				3	\$5,250

LEGION LANE COURT NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	DEANNA J JANILLA		2402921430006	1	\$1,750
2	MARY J HALLER	2175 LEGION CT N LAKE ELMO	55042 2402921430005	1	\$1,750
3	JOHN F & MARY K FEIKEMA	2189 LEGION CT N LAKE ELMO	55042 2402921430004	1	\$1,750
TOTAL				3	\$5,250

LISBON AVENUE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	JAMES P & KATHLEEN M EGAN	2410 LISBON AVE N LAKE ELMO	55042 2402921420005	1	\$1,750
2	MARVIN H & MARY ANN KLOETZKE	2415 LISBON AVE N LAKE ELMO	55042 2402921420011	1	\$1,750
3	CHARLES F JR. & MARILYN GALLO	2440 LISBON AVE N LAKE ELMO	55042 2402921420006	1	\$1,750
4	JOHN P & CONSTANCE M LENGVEL	2445 LISBON AVE N LAKE ELMO	55042 2402921420010	1	\$1,750
5	JAMES W & GAY H VAN PELT	2461 LISBON AVE N LAKE ELMO	55042 2402921420009	1	\$1,750
6	REBEKA J RONCHETTI	2470 LISBON AVE N LAKE ELMO	55042 2402921420007	1	\$1,750
7	TIMOTHY L & NANCY L MANDEL	2479 LISBON AVE N LAKE ELMO	55042 2402921420008	1	\$1,750
TOTAL				7	\$12,250

TOTAL EDEN PARK NEIGHBORHOOD 39 \$68,250

FINAL ASSESSMENT ROLL

EDEN PARK 2ND ADDITION
21ST STREET NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	ROGER M & VIRGINIA COLOMBO	11977 21ST ST N LAKE ELMO	55042 2402921440016	1	\$2,200
2	RICHARD & ELIZABETH HEATH	11950 21ST ST N LAKE ELMO	55042 2402921440008	1	\$2,200
3	RICHARD & ELIZABETH HEATH		2402921440007	0	\$0
4	JOHN FRANCIS & MAUREEN TUMULTY	11933 21ST ST N LAKE ELMO	55042 2402921440015	1	\$2,200
5	DANIEL J FLESHER	11920 21ST ST N LAKE ELMO	55042 2402921440009	1	\$2,200
6	DOUGLAS C & KRISTIL KILLIAN	11909 21ST ST N LAKE ELMO	55042 2402921440012	1	\$2,200
7	HAMMON T & KATHERINE BECKEN	11860 21ST ST N LAKE ELMO	55042 2402921440010	1	\$2,200
8	HAMMON T & KATHERINE BECKEN		2402921440011	1	\$2,200
TOTAL				7	\$15,400

FINAL ASSESSMENT ROLL

THE FOREST

3RD STREET PLACE NORTH

NO.	NAME	ADDRESS	PID	UNITS	AMOUNT
1	BRUCE J & AUDREY R GILMAN	3RD ST PL N	3502921410007	1	\$1,750
2	MARCUS J & REBECCA L GERNES	3RD ST PL N	3502921410002	1	\$1,750
3	GARY T & NANCY H OLSON	3RD ST PL N	3502921410008	1	\$1,750
4	MICHAEL P & TAMERA A WELCH	3RD ST PL N	3502921410003	1	\$1,750
5	THOMAS M & MICHELE A TAYLOR	3RD ST PL N	3502921410009	1	\$1,750
6	MICHELE M REVOIR	3RD ST PL N	3502921410004	1	\$1,750
7	ROBERT DALE KOSS	3RD ST PL N	3502921410010	1	\$1,750
8	PHYLLIS M AAMODT	3RD ST PL N	3502921410005	1	\$1,750
9	SUSAN L GILLMAN	3RD ST PL N	3502921410011	1	\$1,750
10	JAMES L & MARY D NAGEL	3RD ST PL N	3502921410006	1	\$1,750
11	BENJAMIN D & PAMELLA J ROTH	3RD ST PL N	3502921410012	1	\$1,750
12	VICTOR A JR & JEANNE M MASANZ	3RD ST PL N	3502921420012	1	\$1,750
13	PATRICIA A & GERALD E ANDERSON	3RD ST PL N	3502921420008	1	\$1,750
14	LAWRENCE A & MELANIE H WALSH	3RD ST PL N	3502921420005	1	\$1,750
15	LINDA J BEALL	3RD ST PL N	3502921420009	1	\$1,750
16	GLEN A & KAREN J LOWNSBERRY	3RD ST PL N	3502921420006	1	\$1,750
17	VERNON K & VICKIE E NIEMAN	3RD ST PL N	3502921420010	1	\$1,750
18	PATRICK J & JOYCE L MURRAY	3RD ST PL N	3502921420007	1	\$1,750
TOTAL				18	\$31,500



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010
REGULAR
ITEM: 7
MOTION *Resolution 2010-040*

AGENDA ITEM: Adoption of Required Updates to the Lake Elmo Comprehensive Plan

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to review and affirmatively consider adoption of required updates to the City's 2030 Comprehensive Plan, based upon the Metropolitan Council's acceptance of this document at its March 24, 2010 meeting. The action by the Met Council grants Lake Elmo authorization to put the 2030 Update into effect. The suggested motion

"Move to approve Resolution 2010-040 adopting required updates to the Lake Elmo 2030 Comprehensive Plan"

Because there has been a fairly significant amount of time since the Council last reviewed the 2030 Comprehensive Plan, Staff is recommending that the Council review the attached materials. Please note that, in the interest of reducing unnecessary copying and staff time, the Council is being given a PDF version of the Updated 2030 Comprehensive Plan on a CD-ROM. Please contact staff if you require a printed copy of these materials before the meeting.

LEGAL CONSIDERATIONS: The Metropolitan Land Planning Act requires every municipality and county within the seven-county metropolitan area to prepare and to submit a comprehensive plan to the Metropolitan Council. These plan updates must be submitted to the Met Council every ten years, with the exact timing based on the completion of a "systems statement" for each community. Updated comprehensive plans for the current review cycle were due in December of 2008. However, the City of Lake Elmo was among a group of communities that received a six-month extension to complete its update. The revised deadline for Lake Elmo to submit an updated Comprehensive Plan was May 29, 2009.

Minnesota law requires each local governmental unit to formally adopt its Comprehensive Plan *after* the Metropolitan Council's final action. In cases where the Metropolitan Council has

recommended changes, the local government is to incorporate them into the plan or respond to the Council (regarding any information requests) before the governing body adopts the comprehensive plan updates.

In Lake Elmo's situation, the Met Council did make several recommendations concerning changes to the 2030 Comprehensive Plan. In addition, suggestions previously received by the City from adjoining communities (primarily Washington County). It is important to note, however, that *the required changes are not significant and all have been easily incorporated in one form or another into the final document.*

BACKGROUND INFORMATION: A brief history of the City's process to update the Comprehensive Plan is as follows:

- In December 2008, the Metropolitan Council granted the City of Lake Elmo's request for an extension until May 29, 2009, to update its Comprehensive Plan and submit the document for review.
- The City submitted the updated chapters to the Metropolitan Council (Parks and Open Space Plan, Transportation Plan, Water Supply Plan, Surface Water Management Plan, Protection of Special Areas Plan) for review on May 29, 2009.
- The City of Lake Elmo provided copies of the Comprehensive Plan update to adjoining communities in May of 2009.
- The City received a response letter from the Metropolitan Council on June 19, 2009 that noted four elements of the plan deemed incomplete: Government Unit Review, Community and Individual Sewage Treatment Systems (ISTS), Housing, and Implementation.
- The City Council authorized staff to submit information to the Met Council in response to the notice of incompleteness regarding the 2030 Comprehensive Plan Update on November 17, 2009.
- The City received notification from the Met Council on January 13, 2010 that the Comprehensive Plan Update was deemed complete for review.
- The Met Council completed its review of the Comprehensive Plan Update at its March 24, 2010 meeting and authorized the City of Lake Elmo to put the Plan into effect.

STAFF REPORT: There are four primary elements that must be addressed in a community's comprehensive plan, which include: background information, land use plan, public facilities plans, and implementation. As part of the 2008 update requirement, the City of Lake Elmo was not required to update the first two of these sections, background and land use. Therefore, the

attached document incorporates the entirety of these sections as they were drafted by the City as part of the previous update. In particular, the land use section has not been updated or altered in any way, and doing so would alter many portions of the current update that are based on this section.

Lake Elmo last updated its Comprehensive Plan in 2006, after a lengthy negotiation process with the Metropolitan Council. Because this update was submitted outside of the normal time frame applied to all other communities in the metropolitan area, Lake Elmo is in a unique situation with regards to its 2030 Comprehensive Plan. The Met Council has determined that Lake Elmo must only update certain sections of its plan in order to comply with the systems statement that was issued on September 12, 2005.

Three of the specific sections that needed to be addressed with the update fall under the heading of "Public Facilities Plans", including sections pertaining to transportation, water resources (including water supply and surface water management) and parks and open space. The other components that must be updated include "Protection of Special Areas" (solar access and aggregate deposits protection) under Land Use and Implementation. The Parks and Open Space Plan was submitted to the Met Council last year, and is, therefore, being included with the current update at this time with revisions to address the comments that were received.

As noted above, the Background Information and Land Use Plan are not required to be updated, and have, therefore, not been revised as a part of the 2030 update submission to the Met Council. All land use forecasts for the updated sections, including population projections, are based on the current land use section.

OTHER INFORMATION: The City Council spent time during several workshops over the last year reviewing each of the separate plan elements. Information associated with these previous reviews, including a summary of changes to the Transportation, Surface Water Management, and Water Supply sections is available upon request.

- The Planning Commission has conducted the required public hearing for each of the revised sections, and the City Engineer or Planning Department has incorporated comments from the Commission into the final documents.
- The goal of proposed updates is to complete the minimal requirements of the Metropolitan Council's System Statements (and watershed districts for the water resources plans) to comply with the given deadlines. All plans have been prepared on the basis of the current land use plan adopted in 2006.
- The City is required to submit its Comprehensive Plan amendment to adjacent communities for review. Each community was given six months to review the document, and this review period was completed in November 2009.

- Since the Met Council's approval, the City has also been working with the Watershed Districts to obtain their approval of the local surface water management plan, as required by State Statute. Both Brown's Creek and South Washington Watershed Districts approved Lake Elmo's plan some time ago. However, the City only recently received approval from the Valley Branch Watershed District (VBWD). The City Engineer has made minor modifications to the plan, based upon the comments received from VBWD. This approval was the last remaining item that needed to be addressed before the City could formally adopt the 2030 updates.
- With final adoption of the 2030 Comprehensive Plan Update, the City will be able to take action to revise the Memorandum of Understanding with the Met Council to account for the downturn in the economy. The essential structure for revisions to the housing unit projections and deadlines is in place; but will not be considered until after Lake Elmo puts its 2030 Comprehensive Plan Update into effect. Staff will bring this discussion forward in the near future as a Council action item.

RECOMMENDATION: Based upon the above background information, required legal action and Staff report, it is recommended that the City Council formally adopt the 2030 Comprehensive Plan Update by undertaking the following action

“Move to approve Resolution 2010-040 adopting the Lake Elmo 2030 Comprehensive Plan Update.”

Alternatively, the City Council may table action on this item if additional information is needed and requested concerning the 2030 Comprehensive Plan update or the history of the process undertaken. It should be noted, however, that the City is legally obligated to adopt the required updates to its Comprehensive Plan. Failure to do so would be in violation of State Statutes.

If significant revisions are made to the proposed updates at tonight's meeting, the City may have to resubmit its Comprehensive Plan for additional Met Council, adjacent community and Watershed District review. If such action is undertaken, the following motion is suggested:

“Move to approve Resolution 2010-040 adopting the Lake Elmo 2030 Comprehensive Plan Update [as amended at tonight's meeting and pending final approval by statutorily-mandated bodies].”

ATTACHMENTS:

1. 2030 Comprehensive Plan Update (on CD-ROM) – distributed with 8/4/10 mtg. agenda
2. Valley Branch LSWMP Approval Letter (7/23/10)
3. City Engineer Response to Valley Branch Watershed District
4. Floodplain Map

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO

RESOLUTION NO. 2010-040

A RESOLUTION AUTHORIZING ADOPTION OF THE CITY OF LAKE ELMO 2030 COMPREHENSIVE PLAN UPDATE

WHEREAS, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, the City Council, City Staff, and the Planning Commission have prepared a draft Comprehensive Plan intended to meet the requirements of Minnesota Statutes and the Metropolitan Council guidelines;

WHEREAS, the City conducted public hearings on April 13, 2009 and April 22, 2009 relative to the adoption of the Comprehensive Plan; and

WHEREAS, the City Council has reviewed the Comprehensive Plan and those recommendations, public comments, and comments from neighboring jurisdictions and affected governing bodies;

WHEREAS, the City Council granted the draft plan preliminary approval on May 19, 2009 and authorized staff to submit the plan to the Metropolitan Council for review;

WHEREAS, the Metropolitan Council has reviewed and taken final action on the plan on March 24, 2010 and found that the plan, with minor changes, meets all Metropolitan Land Planning Act requirements, conforms to regional systems plans for transportation, water resources management, and parks, and is compatible with the plans of adjacent and affected jurisdictions; and

WHEREAS, the City has made all requested changes to the plan in response to Metropolitan Council guidance;

NOW THERE, BE IT RESOLVED by the City Council in and for the City of Lake Elmo that the "City of Lake Elmo 2030 Comprehensive Plan Update" is hereby adopted.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared and carried on the following vote:

Ayes: _____

Nays: _____

Passed: August 17, 2010

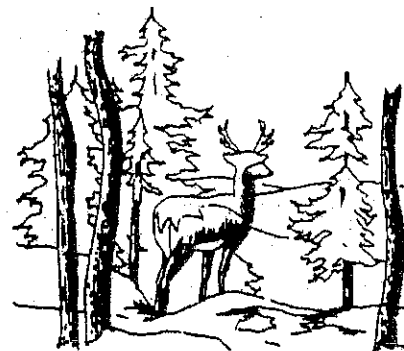
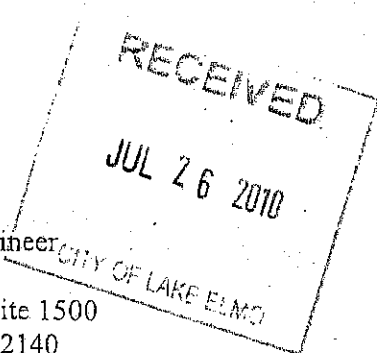
Dean Johnston, Mayor

Attest:

Bruce Messelt, Administrator

July 23, 2010

Mr. Jack Griffin, PE
Lake Elmo City Engineer
TKDA
444 Cedar Street, Suite 1500
St. Paul, MN 55101-2140



Re: City of Lake Elmo's Local Surface Water Management Plan

Dear Jack:

Thank you for submitting your July 12, 2010 responses to my December 17, 2009 comment letter on the draft City of Lake Elmo *Local Surface Water Management Plan* (LSWMP). On behalf of the Valley Branch Watershed District (VBWD) Board of Managers, I found the amended LSWMP to be consistent with the VBWD 2005-2015 Watershed Management Plan and the VBWD's Rules and Regulations.

The VBWD Managers approved the Lake Elmo LSWMP at their July 22, 2010 meeting.

Thank you for the opportunity to review and comment on the LSWMP. The VBWD Managers look forward to working with the City in managing and protecting our water resources.

Sincerely,

John P. Hanson, PE
Barr Engineering Company
Engineers for the Valley Branch Watershed District

c: VBWD Managers (via email)
Bruce Messelt, City of Lake Elmo Administrator
Kyle Klatt, City of Lake Elmo Planning Director
Ryan Stempski, Assistant City Engineer – TKDA
Melissa Lewis, Board of Water and Soil Resources (via e-mail)
Matt Moore, South Washington Watershed District Administrator (via e-mail)
Karen Kill, Browns Creek Watershed District Administrator (via e-mail)
Jessica Collin-Pilarski, Washington County Public Health and Environment Associate Planner (via e-mail)
Jack Frost, Metropolitan Council Watershed Coordinator (via email)



LINCOLN FETCHER • DAVID BUCHECK • DONALD SCHEEL • DALE BORASH • RAY LUCKSINGER

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

www.vbwd.org

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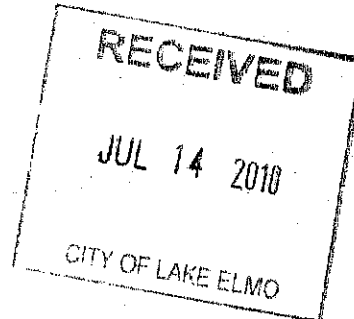
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(651) 292-0083 Fax
www.tkda.com

July 12, 2010

Mr. John Hanson, P.E.
Valley Branch Watershed District
4700 West 77th Street
Minneapolis, Minnesota 55435



Re: Lake Elmo Local Surface Water Management Plan (LSWMP)
City responses to VBWD Comment Letter dated 12.17.09
TKDA Project No. 14287.000

Dear Mr. Hanson:

This letter responds to the comments included in your letter of December 17, 2009. We hope that with our additional discussion and submittal of this information we can resolve the issues identified in the District's letter and receive Board approval of the LSWMP.

Floodplain Map, Figure 12

The City has updated Figure 12 to show floodplain areas consistent with the FEMA Flood Insurance Rate Map, as indicated in your letter. (See attached.)

Assessment of Problems and Corrective Actions, Valley Branch Watershed District, Proposed Corrective Actions, page 58.

VBWD comment: The comment letter states that "The VBWD will require additional information from the City before issuing a permit for the proposed project."

City response: All development projects proposed in the Village area will need to apply to the City, VBWD, County, and other agencies for all required approvals of plans and permits. Proposed projects will need to provide the data required by the VBWD and other agencies for evaluation of the permit requests.

The AUAR includes a detailed water quantity and quality analysis of the Village Area. It includes specific mitigation requirements to construct ponds and runoff volume facilities in the Village Area to alleviate downstream flooding issues and address the VBWD rate control requirements. The AUAR analysis is referenced and adopted in the City's LSWMP. As projects

are proposed to the City, developers will be required to implement the Mitigation Plan and apply to the VBWD for permits.

**Assessment of Problems and Corrective Actions, Valley Branch Watershed District,
Proposed Corrective Actions, page 59.**

VBWD comment: The comment letter states that "The LSWMP does not accurately state the commitments the City made in adopting the Village Area AUAR. The AUAR states the City will require runoff volume control facilities to prevent increases in runoff volumes from existing conditions for the 100-year event, as calculated by the VBWD simple calculation for landlocked basins."

City response: The first paragraph on page 59 of the LSWMP has been amended to read "Require developers to provide runoff volume facilities to meet City storm water ordinances, VBWD permit requirements, State permit requirements, and the Mitigation measures identified in the AUAR". (See attached.)

Implementation, Actions to Implement this Plan and Address identified Issues, first and fourth bullet, page 69.

VBWD comment: The comment letter states that "The City indicates that it adopts the VBWD watershed management plan, standards, and rules and that it will update its ordinances to be consistent with the VBWD plan, standards, and rules. However, the City's stormwater ordinance is not always consistent with the VBWD rules, and in some case, the City's ordinance is less restrictive than the VBWD rules."

City response: The City disagrees with this statement and provides clarifications as follows:

The City is required by state rules to adopt stormwater standards that are consistent with Watershed District standards. The City's LSWMP has indicated that it will adopt ordinances and other controls that are consistent with the District standards. Page 54 states that "The City concurs with and adopts the Valley Branch, South Washington and Brown's Creek Watershed District's Watershed Management Plans, rules and standards by reference through this LSWMP. The Watershed Districts will continue to enforce surface water regulations and permitting within the City within the boundaries of their districts. The City will coordinate its review of development proposals with the Watershed Organizations, by providing review comments to the districts."

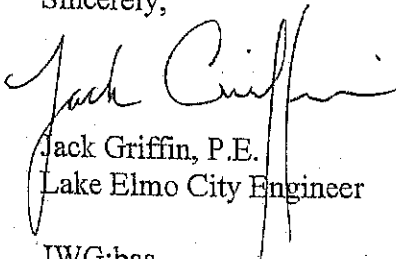
The City has adopted a stormwater ordinance, Ordinance No. 08-016. Section 150.287 Performance and Design Standards states "All Storm Water Management Plans shall meet or exceed the most stringent of the performance and design standards of this ordinance and shall be

Mr. John Hanson
Valley Branch Watershed District
Response to VBWD letter of 12.17.09
July 12, 2010
Page 3

consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, the *City Engineering Design Standards*, and the filing and approval requirements of relevant Watershed Districts (Brown's Creek, South Washington, and/or Valley Branch), Washington County, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, U.S. Army Corps of Engineers, and other regulatory agencies."

The City's revised LSWMP sheets are attached for the District's review. We look forward to working with the District to obtain approval for the LSWMP. If you have questions regarding this letter, please contact me at (651) 292-4552 or Ryan Stempski at (651) 233-5410.

Sincerely,



Jack Griffin, P.E.
Lake Elmo City Engineer

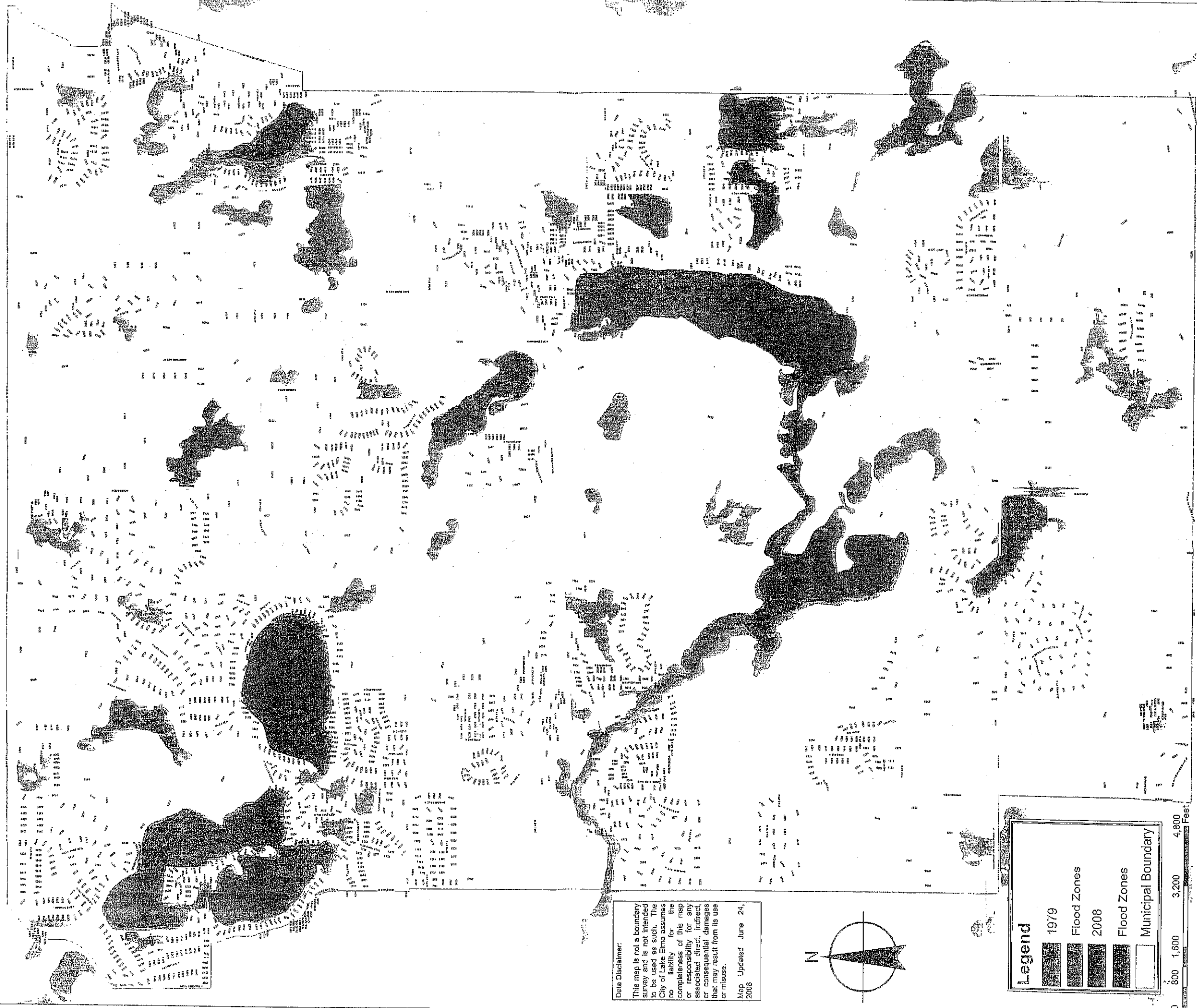
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Enclosures

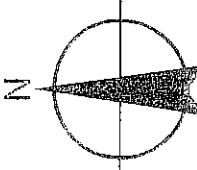
cc: Bruce Messelt, City Administrator
Kyle Klatt, City Planner
Sherri A. Buss, R.L.A., TKDA
Ryan Stempski, P.E., TKDA

- ▶ Require developers to provide runoff volume facilities to City storm water ordinances, VBWD permit requirements, State permit requirements, and the Mitigation measures identified in the AUAR.
 - ▶ Encourage the utilization of Low-Impact Design and volume management techniques to minimize the storm water impacts by emphasizing water infiltration and promoting the use of natural drainage systems.
 - ▶ Complete the MPCA requirements for ORVW by the end of 2009.
 - ▶ Complete the ongoing maintenance of proposed and existing storm water facilities
- Flooding near Friedrich's Pond
 - ♦ *Assessment of the Problem:* The VBWD noted from the late 1970s to the mid 1980s Friedrich's Pond experienced high water levels resulting from above average precipitation and decreased ground water seepage from Friedrich's Pond, which resulted in basement flooding to the adjacent homes. Since that time, the VBWD and the City are not aware of instances of high water levels occurring. Recently, area residents have expressed concerns regarding low water levels in the pond. Land uses are proposed to remain the same in the area in the City's 2030 Comprehensive Plan.
 - ♦ *Proposed Corrective Actions:* The VBWD has proposed the following mitigation options to address the high water level in Friedrich's Pond: Installation of a controlled gravity outlet and drainage routes, utilizing a pumped outlet structure, flood proofing the affected homes, flood insurance, and a do nothing approach. The City recognizes all the proposals as feasible solutions to the high water level. However, due to the current trend of low water levels and the Project 1007 flood-relief improvements, the City does not find any immediate need to address flooding issues in this area. The City will work directly with the VBWD to continue to monitor the situation. If potential flooding risks are identified, the City will take the lead with the VBWD assisting in analyzing the problem and determine the appropriate solution. Any permit applications for this area will be reviewed per the City of Lake Elmo Flood Plain Ordinance.

CITY OF LAKE ELMO FLOODPLAIN COMPARISON MAP



Date Disclaimer:
This map is not a boundary survey and is not intended to be used as such. The City of Lake Elmo assumes no liability for the completeness of this map or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.
Map Updated June 24, 2008



Legend

	1979
	Flood Zones
	2008
	Flood Zones
	Municipal Boundary





MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010

REGULAR

ITEM: 8

DISCUSSION

AGENDA ITEM: General Discussion Concerning County SSTS Ordinance (Subsurface Sewage Treatment System Regulations)

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Planning Commission
Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to receive a presentation by a representative of the Washington County Public Health Department regarding the Subsurface Sewage Treatment System (SSTS) regulations recently adopted by Washington County.

No formal action is required at this time, though requested direction and action regarding City conformance with these new regulations may will forthcoming. Washington County and City staff will be available to answer questions.

LEGAL CONSIDERATIONS: In accordance with Minnesota statutes, the City must adopt an ordinance that, at a minimum, is as strict as the new County ordinance within one year from the date of County approval. In this case, the City must revise its regulations to either match or exceed the County's regulations by September 23, 2010, or will otherwise be required to abide by the County's ordinance.

BACKGROUND INFORMATION: The City of Lake Elmo is unique in Washington County as it is one of only two communities that administers its own Individual Sewage Treatment Ordinance and does not rely on the County for these services. Of note, the City's current wastewater regulations would still include several standards that are more restrictive than the County.

Staff has reviewed both the County's recently adopted Ordinance and the City's regulations. Some of the provisions that are more restrictive than the County's regulations include the following:

- Mound systems are not allowed as the first disposal site on any lot. The County's regulations permit this type of system as a primary system on a lot.
- The City requires sewage tanks shall be pumped or inspected by a city-licensed septic pumper, or inspected by a state-certified septic inspector every 2 years. The County ordinance specifies that these inspections can occur on a three-year cycle.

In addition, the City's regulations include provisions related to Community Sewage Treatment (201) Systems and Alternative Sewage Treatment (Wetland) Systems; a good portion of which deal with the administration of these systems, which is also somewhat unique among other communities in Washington County.

STAFF REPORT: The City Code provisions that are applicable to this discussion include Chapter 51, Sections 51.001 – 51.007 and 51.045 – 51.066. Staff is seeking any initial feedback from City Council in advance of preparing a formal ordinance revision for review at a future meeting.

Staff suggests the City Council consider the possibility of adopting the County ordinance, by reference, and either keep or eliminate those provisions that are more restrictive. Alternatively, a larger discussion regarding the efficacy and financial implications of the City's continued control over this function may also be in order.

RECOMMENDATION: It is respectfully recommended that the City Council receive and review the information provided by Washington County staff and its City staff. No other formal action is required or requested at this time.

ATTACHMENTS: Letter from Washington County Regarding SSTS Ordinance

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Washington County Staff
- Questions from Council to City or County Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates



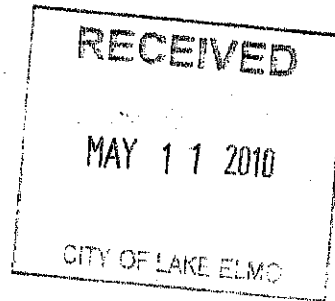
cc: council, Ryan, Dave
Department of Public
Health and Environment

Lowell Johnson
Director

Sue Hedlund
Deputy Director

May 10, 2010

City of Lake Elmo
C/O Susan Hoyt
3800 Laverne Avenue North
Lake Elmo MN 55042



COUNTY SSTS ORDINANCE

On September 8, 2009, the Washington County Board of Commissioners passed a resolution repealing the Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations (Ordinance #128) and adopting the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations (Washington County Ordinance #179). The effective date of the ordinance is September 23, 2009.

Minnesota Rules, Chapter 7082.0050, Subpart 1, Paragraph B states:

City and township ordinances must be adopted no more than 12 months after adoption of the county ordinance in which the city or township is located and must comply with the standards of chapter 7080 to 7083 and must be as strict as the applicable county ordinance.

If CITY/TOWNSHIP NAME has a current septic system ordinance, it must be revised by no later than September 23, 2010 and be as strict as Washington County Ordinance #179. If CITY/TOWNSHIP does not currently have a septic system ordinance, you may either adopt an ordinance that is as strict as Washington County Ordinance #179, or adopt the Washington County Ordinance #179 by reference. After September 23, 2010, if a septic system ordinance adopted in CITY/TOWNSHIP NAME, has not been revised and/or adopted, the County's ordinance shall prevail.

As of this date, the Department has not been contacted regarding the status of the City's SSTS ordinance. The Department is committed to assisting communities with this ordinance revision. If your community would like assistance from the Department in any way, please contact Chris LeClair at 651-430-6673 or Pete Ganzel at 651-430-6676. Once the City's ordinance has been revised or adopted, please advise the Department as to the effective date of that revision.

Government Center • 14949 62nd Street North — P.O. Box 6, Stillwater, Minnesota 55082-0006
Phone: 651-430-6655 • Fax: 651-430-6730 • TTY: 651-430-6246

Service Centers also located in Cottage Grove and Forest Lake

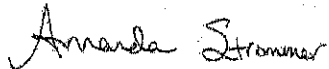
www.co.washington.mn.us

Equal Employment Opportunity / Affirmative Action

The County Ordinance is posted on the Department's website at http://www.co.washington.mn.us/info_for_residents/environment/septic/ordinance_revision/ If the community is interested in receiving a bound version of Washington County Ordinance #179, please contact Stephanie Holt at 651-430-6678 and one will be mailed once they are published.

If you would have any questions or comments about the SSTS Ordinance, please contact Chris LeClair at 651-430-6673, Pete Ganzel at 651-430-6676, or me at 651-430-6744.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Strommer".

Amanda Strommer, Program Manager
Washington County Department of Public Health & Environment

CC: Chris LeClair, Sr. Environmental Specialist
Pete Ganzel, Sr. Environmental Specialist



MAYOR & COUNCIL COMMUNICATION

DATE: 8/17/2010
REGULAR
ITEM #: 9
ACTION Resolution 2010-041

AGENDA ITEM: A Resolution Staying Establishment of a Municipal Public Library System

SUBMITTED BY: Bruce A. Messelt, City Administrator *BAM*

THROUGH: - NA -

REVIEWED BY: Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: This item has been scheduled at the request of the City Administrator and City Attorney in order to update the City Council on efforts to retain and enhance library services for the Lake Elmo community. Two formal meetings and several informal discussions among City and County officials have led to a mutual understanding on a proposed timeline and process for either retaining a viable Washington County Library presence in Lake Elmo or transitioning local library services to the City. As such, it is respectfully recommended that the City Council affirmatively consider the following motion:

SUGGESTED MOTION: *"Move to approve Resolution 2010-041, staying establishment of a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo"*

BACKGROUND INFORMATION: On June 29th, 2010, the City Council adopted Resolution No. 2010-031 establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo. Said Resolution could be dissolved by action of the City Council, however, if sufficient progress was made in discussions directed at "maintaining and improving existing library services or transferring library services from the County to the City..."

STAFF REPORT: Subsequent to this action, the City Administrator and City Attorney have formally met and/or spoken with County officials on two different occasions, and have continued to research and discuss applicable legal, operational and financial implications with various representatives from the County, as well as state and regional library authorities.

Based upon the County's preliminary draft 2011 Library budget, efforts have been taken to structure the retention of library services at minimum maintenance levels (generally current operations) at the four smaller branch libraries for 2011.

In addition, the County has proposed discussions with each of the four communities hosting these branch libraries regarding long-term service options, alternative future service models and – in the case of Lake Elmo – the possibility of transition to a municipal library for local library services.

While the preliminary 2011 County Budget has yet to be formally acted upon, and additional cuts are still possible, significant progress has been made in creating a mutual framework for ongoing discussions over the next several months regarding both immediate and long-term library services for the Lake Elmo community; all while the current Branch Library remains open. However, both parties also recognize that events beyond our control – specifically additional state cuts in local government aid – may necessitate immediate reconsideration of this arrangement.

RECOMMENDATION: It is recommended the City Council consider the progress made to date and affirmatively consider the proposed Resolution staying establishment of a municipal public library system. Such action, as well as potential reinstatement of actions called for in Resolution No. 2010-031, would be reviewed periodically with the City Council as budgets are approved and discussions continue. The recommended motion on tonight's agenda is as follows:

“Move to approve Resolution 2010-041 staying establishment of a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo”

Alternatively, the City Council does have the authority to table this item at its discretion for future consideration, thus taking no action tonight, or amending the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

“Move to approve Resolution 2010-041 staying establishment of a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo, [as amended at tonight's meeting].”

ATTACHMENTS:

1. August 12th, 2010 Letter to Washington County
2. Proposed Resolution 2010-041
3. Resolution 2010-031

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Mayor
- Brief Staff Report City Attorney and Administrator
- 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

3800 Laverne Avenue North • Lake Elmo, MN 55042 • www.lakeelmo.org
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August 12th, 2010

Mr. James Schug
Administrator
Washington County
14949 62nd Street North
P.O. Box 6
Stillwater, Minnesota 55082-0006

Re: Mutually-Agreed Upon Topics for Discussion Relating to Branch Library Service in Lake Elmo

Dear Mr. Schug;

During our July 23rd, 2010 meeting among City and County officials and staff, it was agreed upon that we would seek to frame particular issues for further discussion. Among these are:

1. Location/Building to house the Branch Library or alternative service model;
2. Hours of operation at the Branch Library or alternative service model and possibilities of supplementing such;
3. Staffing configuration for the Branch Library or alternative service model (County, Volunteers, Other);
4. Current and projected future patterns of use for the Branch Library or alternative service model
5. Collection/Materials to be available at the Branch Library or alternative service model (and circulation of such materials);
6. Programming made available at the Branch Library or alternative service model and possibilities of partnership opportunities to supplement such;
7. Computer/ILL Services and Public Computer Access at the Branch Library or alternative service model;
8. Provision of/Inclusion in Regional and State library funding, services and programs; and
9. Timeline for confirmation of continuation of Branch Library services or transition timeline to an alternative service model;
10. Solicitation/Inclusion of other partners – public, private, NPO – in the provision of library services in Lake Elmo; and

11. Necessity of flexibility in planning and implementation due to ongoing fiscal uncertainty at the state and federal levels.


The City looks forward to working with you and Washington County as we, collectively, strive to provide the best possible service to our local families and library patrons, hopefully within the context of the larger Washington County Library System or as a yet-to-be-fully-determined local partner with the Washington County Library System.

I will contact you regarding the setting a meeting date and time for our proposed Washington County-Lake Elmo Branch Library Working Group.

In the interim, I will report back to the Lake Elmo City Council our progress made and the recommendation of the Administrator and Attorney to stay any decertification effort at this time, pending final approval of the proposed 2011 Washington County Library budget and levy.

Please let me know if you have any additional questions or considerations regarding this important collective effort.

Sincerely;



Bruce A. Messelt
City Administrator

Attachment(s): None

CC: Honorable Mayor and City Council Members
 Mr. Dave Snyder, City Attorney

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

RESOLUTION NO. 2010-41

*A RESOLUTION STAYING ESTABLISHMENT OF A PUBLIC LIBRARY SYSTEM,
AUTHORIZING A LIBRARY LEVY, AND ESTABLISHING A PUBLIC LIBRARY BOARD FOR
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 residents of the City currently receive library services through Washington County; and

WHEREAS, it is the intention of the City of Lake Elmo to provide well managed and quality library services for the residents of Lake Elmo; and

WHEREAS, the City Council passed Resolution No. 2010-031 regarding the establishment and operation of a Public Library Service at its June 29, 2010 meeting; and

WHEREAS, subsequent discussions with Washington County have led to an acceptable proposed timeline and process for advancing the objectives of the City of Lake Elmo.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the City Council of the City of Lake Elmo hereby undertakes the following:

- 1) The City Council of the City of Lake Elmo hereby stays establishment of a Municipal Public Library System pursuant to Minnesota Statutes § 134.09, including establishment of a Public Library Board.
- 2) The City Council of the City of Lake Elmo hereby stays authorization and imposition of a library levy upon all taxable property within the City, as well as the setting aside of certain public property for the benefit of the Public Library Service.
- 3) The City Council of the City of Lake Elmo extends the sixty (60) day period for formal dissolution of Resolution No. 2010-031 for an additional one hundred and twenty (120) days.
- 4) The City Council of the City of Lake Elmo will continue good faith discussions with Washington County for the purposes of maintaining and improving existing library

services or transferring library services from the County to the City and adjusting the special levy limits therefore in accordance with Minnesota Statutes § 275.72.

Dissolution of Resolution No. 2010-031 regarding establishment of the Public Library System and the Library Board shall be contingent upon the City's determination that there is sufficient County funding for the host community's Branch Library for 2011 or a viable alternative service arrangement of transition plan is in place. If the City Council determines that there is not sufficient funding for local library services for 2011 within either the County or City annual budgets, the City Council may by resolution dissolve the Public Library System and Library Board.

Passed and duly adopted this 17th day of August 2010 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

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

RESOLUTION NO. 2010-31

A RESOLUTION ESTABLISHING A PUBLIC LIBRARY SYSTEM, AUTHORIZING A LIBRARY LEVY, AND ESTABLISHING A PUBLIC LIBRARY BOARD FOR 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 residents of the City currently receive library services through Washington County; and

WHEREAS, the City of Lake Elmo desires to establish and operate a City Public Library Service pursuant to Minnesota Statutes § 134.07 et seq.; and

WHEREAS, it is the intention of the City of Lake Elmo to provide well managed and quality library services for the residents of Lake Elmo; and

WHEREAS, the City of Lake Elmo intends to set aside public property of the City for the benefit of the Public Library Service; and

WHEREAS, the City Council discussed the establishment and operation of a Public Library Service at its June 29, 2010 meeting.

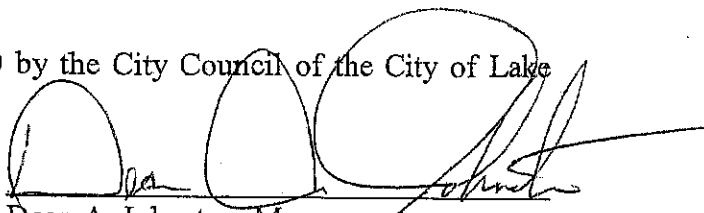
NOW, THEREFORE, IT IS HEREBY RESOLVED, the City Council of the City of Lake Elmo hereby establishes a City Public Library Service under Minnesota Statutes § 134.07 et seq., as follows:

- 1) Pursuant to Minnesota Statutes § 134.09, the City Council hereby establishes a five-person Library Board, with members to be appointed by the Mayor with the approval of the City Council from among the residents of the City.
- 2) The initial Library Board will have two residents of the City each appointed for a one-year term, two residents of the City each appointed for a two-year term, and one resident of the City appointed for a three-year term. Not more than one council member shall at any time be a member of the Library Board.
- 3) Said appointments will be effective on January 1, 2011, or a date to be determined by the City Council.

- 4) Following the initial appointment of the Library Board, all terms will be for three years, commencing on January 1 of the year the term begins, with Library Board members allowed to serve no more than three consecutive three-year terms.
- 5) The City Council will appoint an interim library director with the authority to organize and manage the Public Library System until a library director is appointed by the Library Board. The Library Board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause.
- 6) The City Council will levy an annual tax upon all taxable property within the City for the support of the library and will place such money in a designated Library Fund.
- 7) Pursuant to Minnesota Statutes § 134.11, the Library Board shall adopt bylaws and regulations for the library, and shall have exclusive control of the expenditure of all money collected for or placed to the credit of the Library Fund, of interest earned on all money collected for or placed to the credit of the Library Fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes.
- 8) The City shall set aside certain public property to be further specified by subsequent resolution for the benefit of the Public Library Service. With the approval of the council, the Library Board may erect a library building thereon.
- 9) The City Council may create a citizens' committee, to be comprised of residents from the City of Lake Elmo, to advise the City Council and the Library Board on issues of public concern related to the City of Lake Elmo Public Library Service.

Notwithstanding the foregoing, subsequent to date of this Resolution, the City will continue good faith negotiations with Washington County for the purposes of maintaining and improving existing library services or transferring library services from the County to the City and adjusting the special levy limits therefore in accordance with Minnesota Statutes § 275.72. If within sixty (60) days of the date of this Resolution, the City and Washington County resolve to provide library services to the residents of Lake Elmo and the City Council determines that the Public Library established herein is no longer desirable for the City, the City Council may by resolution dissolve the Public Library System and Library Board. Furthermore, the establishment of the Public Library System and the Library Board herein shall be contingent upon the City's determination that there is sufficient funding for the Public Library System. If within sixty (60) days of the date of this Resolution, the City Council determines that there is not sufficient funding for the Public Library System, the City Council may by resolution dissolve the Public Library System and Library Board.

Passed and duly adopted this 29th day of June 2010 by the City Council of the City of Lake Elmo, Minnesota.


Dean A. Johnston, Mayor

ATTEST:


Bruce Messelt, City Administrator



MAYOR & COUNCIL COMMUNICATION

DATE: 08/17/2010
REGULAR
ITEM #: 10
DISCUSSION

AGENDA ITEM: Discussion Regarding "Nest Steps" in Village Area and I-94 Corridor Master Planning

SUBMITTED BY: Mayor and City Council

THROUGH: Bruce A. Messelt, City Administrator

BAW

REVIEWED BY: - NA -

SUMMARY AND ACTION REQUESTED: It is respectfully requested that the City Council discuss and provide direction regarding desired "next steps" in planning and related implementation efforts for the Village Area and I-94 Corridor.

BACKGROUND INFORMATION & STAFF REPORT: The City Council has held several discussions and City staff have made three presentations regarding baseline data relating to sewer and unsewered development scenarios, as well as Village Area infrastructure costs.

Additional direction is requested regarding suggested "next steps" in this process, specifically including but not limited to the following:

- Timeframe and authorization to finalize plans for the Sewer Force Main for the Village Area;
- Inclusion of additional gravity flow as part of this Sewer Force Main to allow for more timely development of certain areas along the I-94 Corridor (and additional assessment area); and
- How to respond to active landowner and/or development interests in pursuing possible projects within these areas.

RECOMMENDATION: It is respectfully recommended that the City Council discuss these issues and provide City staff with additional direction with respect to additional planning and implementation efforts.

ATTACHMENTS: None

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Discussion Mayor & City Council
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Action/Direction Mayor Facilitates