

FILE

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

Wednesday, August 4, 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. July 20, 2010 Council minutes postponed until August 17, 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. 2010 Seal Coat Project– Approval of Final Payment; Res. No.2010-038
 - 4. Encroachment Easement Agreement: 9590 Whistling Valley Trail
- J. REGULAR AGENDA:
 - 5. Promotion of Nick Witters from probation member to Firefighter
 - 6. Authorization to Purchase GPS Equipment and Software
 - 7. Final Adoption of Lake Elmo Comprehensive Plan Update; Resolution No. 2010-039

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor – Regional Economic Development
- City Council
 - Council Member DeLapp: Update-Emergency Mgmt Training
 - Council Member Park
 - Council Member Emmons
 - Council Member Smith
- Administrator
- City Engineer
- Planning Director: Whistling Valley Project Status; SSTs Update

L. Adjourn

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



MAYOR & COUNCIL COMMUNICATION

DATE: 08/04/2010
CONSENT
ITEM #: 2

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 230,696.41

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *llc*

REVIEWED BY: City Staff *to 3/20/10*

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements and payroll in the amount of \$ 230,696.41. 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	\$ 7,045.23	Payroll Taxes to IRS 07/29/2010
ACH	\$ 1,177.95	Payroll Taxes to MN Dept. of Revenue 07/29/2010
ACH	\$ 3,673.26	Payroll Retirement to PERA 07/29/2010
DD 2893 -DD 2907	\$ 21,394.15	Payroll Dated 07/29/2010 (Direct Deposit)
35882 - 35888	\$	Voided Check
35889	\$ 750.00	Special Check -Fall Festival
35890 - 35892	\$ 2,098.39	Payroll Dated 07/29/2010 (Payroll)
35893 - 35926	\$ 194,557.43	Accounts Payable Dated 08/04/2010
TOTAL	\$ 230,696.41	

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 \$ 230,696.41.

ATTACHMENTS:

1. Accounts Payable Dated 08/04/2010

SUGGESTED ORDER OF BUSINESS:

- 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: 07/28/2010 - 11:12 AM

Batch: 006-07-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMLEGAL American Legal Publishing Corp										
75337	05/12/2010	250.70	0.00	08/04/2010	Code Book Supplemental Pages		-			0000
101-410-1450-43180 Information Technology/Web										
75337 Total:		250.70								
AMLEGAL Total:		250.70								
ANCOM ANCOM COMMUNICATIONS, INC.										
16563	07/14/2010	13.36	0.00	08/04/2010	Pager repair Warranty		-			0000
101-420-2220-43230 Radio										
16563 Total:		13.36								
ANCOM Total:		13.36								
ANDERNIC Nicholas Anderson										
07/20/2010	07/20/2010	55.00	0.00	08/04/2010	CC Meeting Cabled 7/20/10		-			0000
101-410-1450-43620 Cable Operations										
07/20/2010 Total:		55.00								
ANDERNIC Total:		55.00								
ARAM Aramark, Inc.										
629-7031998	07/12/2010	90.46	0.00	08/04/2010	Linen City Hall		-			0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
629-7031998 Total:		90.46								
629-7036651	07/19/2010	42.43	0.00	08/04/2010	Linen City Hall - Annex		-			0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
629-7036651 Total:		42.43								
629-7041259	07/26/2010	90.46	0.00	08/04/2010	Linen City Hall		-			0000
101-410-1940-44010 Repairs/Maint Contractual Bldg										
629-7041259 Total:		90.46								
ARAM Total:		223.35								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
CAMPION Campion Barrows & Assoc., Corp 71410 07/14/2010 101-420-2220-43050 Physicals 71410 Total: CAMPION Total:		1,560.00 1,560.00 1,560.00	0.00	08/04/2010	Psychological evaluations x 4		-		No	0000
CLAREYS Clarey's Safety Equipment Inc. 134032 07/16/2010 101-420-2220-44040 Repairs/Maint Eqpt 134032 Total: CLAREYS Total:		282.15 282.15 282.15	0.00	08/04/2010	Replacement Battery for gas monitor		-		No	0000
CORNELL Cornell Mike 07/19/2010 07/19/2010 101-420-2220-44300 Miscellaneous 07/19/2010 Total: CORNELL Total:		34.94 34.94 34.94	0.00	08/04/2010	Reimbursement for Food		-		No	0000
DOORSERV Door Service Company 11002-4082 07/13/2010 101-420-2220-44010 Repairs/Maint Bldg 11002-4082 Total: DOORSERV Total:		7,447.00 7,447.00 7,447.00	0.00	08/04/2010	Repair/Replace svs doors both stations		-		No	0000
HAGBERGS Hagbergs Country Market 07/03/10 07/03/2010 101-410-1320-44300 Miscellaneous 07/03/10 Total: HAGBERGS Total:		11.44 11.44 11.44	0.00	08/04/2010	CC Workshop/Closed executive mtg		-		No	0000
HORWATH Horwath Construction 101599 07/24/2010 411-480-8000-45200 Buildings and Structures 101599 Total: HORWATH Total:		224.00 224.00 224.00	0.00	08/04/2010	Repairs to Annex - Plumbing		-		No	0000
INTERSTA Interstate All Battery Ctr 36419 07/16/2010 101-420-2220-42400 Small Tools & Equipment 36419 Total:		9.64 9.64	0.00	08/04/2010	Replacement Batteries		-		No	0000

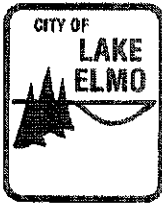
Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
INTERSTA Total:		9.64								
LEEHOMES Lee Homes, Inc.										
Chk Req Bldg	07/01/2010	1,500.00	0.00	08/04/2010	Escrow Return 9855 55th St N permit		-		No	0000
417-480-8000-43150	Contract Services	1,500.00			6316					
Chk Req Bldg Total:		1,500.00								
LEEHOMES Total:		1,500.00								
Lillie Newspapers Inc. Lillie Suburban										
06/30/2010	06/30/2010	81.13	0.00	08/04/2010	Legal Publishing PZ Dept		-		No	0000
101-410-1320-43510	Legal Publishing	81.13								
06/30/2010 Total:		81.13								
Lillie Total:		81.13								
LOFF Loffler Companies, Inc.										
114302	07/13/2010	131.60	0.00	08/04/2010	Copy Machines Overage & Base June		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	131.60			2010					
114302 Total:		131.60								
LOFF Total:		131.60								
MARONEYS Maroney's Sanitation, Inc										
346665	07/13/2010	103.66	0.00	08/04/2010	Waste Removal - City Hall		-		No	0000
101-410-1940-43840	Refuse	45.62	0.00	08/04/2010	Waste Removal - Fire		-		No	0000
346665	07/13/2010	198.87	0.00	08/04/2010	Waste Removal - Public Works		-		No	0000
101-420-2220-43840	Refuse	198.87	0.00	08/04/2010	Waste Removal - Parks		-		No	0000
346665	07/13/2010	547.02								
101-450-5200-43840	Refuse	547.02								
346665 Total:		547.02								
MARONEYS Total:		547.02								
MENARDSO Menards - Oakdale										
81838	07/11/2010	39.34	0.00	08/04/2010	Station #2 Supplies		-		No	0000
101-420-2220-44300	Miscellaneous	39.34								
81838 Total:		119.44								
82150	07/12/2010	119.44	0.00	08/04/2010	Window Curtains - City Hall Annex		-		No	0000
411-480-8000-45700	Office Equipment & Furnishings	119.44								
82150 Total:		119.44								
82513	07/13/2010	8.53	0.00	08/04/2010	Station #2 bathroom sign		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
83433	07/16/2010	8.53								
101-420-2220-42090	Fire Prevention	28.20	0.00	08/04/2010	Smoke Detectors/give aways/on trucks		-	No		0000
	83433 Total:	28.20								
	MENARDSO Total:	195.51								
METROFIR Metro Fire										
38450	07/14/2010	150.00								
101-420-2220-42400	Small Tools & Equipment		0.00	08/04/2010	Replacement Foam		-	No		0000
	38450 Total:	150.00								
	METROFIR Total:	150.00								
MNNAT MN Dept. of Natural Resources										
07/19/2010	07/19/2010	17.20								
101-420-2220-42400	Small Tools & Equipment		0.00	08/04/2010	Hose Adapters		-	No		0000
	07/19/2010 Total:	17.20								
	MNNAT Total:	17.20								
NEXTEL Nextel Communications										
761950227-087	06/18/2010	101.74								
101-410-1940-43210	Telephone		0.00	08/04/2010	Cell Phone Service - Administration		-	No		0000
761950227-087	06/18/2010	244.33								
101-420-2220-43210	Telephone		0.00	08/04/2010	Cell Phone Service - Fire Department		-	No		0000
761950227-087	06/18/2010	36.36								
101-420-2400-43210	Telephone		0.00	08/04/2010	Cell Phone Service - Building Department		-	No		0000
761950227-087	06/18/2010	113.33								
101-430-3100-43210	Telephone		0.00	08/04/2010	Cell Phone Service - Public Works Dept		-	No		0000
761950227-087	06/18/2010	33.60								
101-450-5200-43210	Telephone		0.00	08/04/2010	Cell Phone Service - Parks Department		-	No		0000
	761950227-087 Total:	529.36								
	NEXTEL Total:	529.36								
NORTHTOO HSBC Business Solutions										
90138	07/15/2010	160.68								
101-420-2220-42400	Small Tools & Equipment		0.00	08/04/2010	Vehicle battery charger station 2		-	No		0000
	90138 Total:	160.68								
	NORTHTOO Total:	160.68								
PEARSON Pearson Bros, Inc.										
Pay Cert 1F	06/30/2010	166,642.87								
409-480-8000-45300	Improvements Other Than Bldgs		0.00	08/04/2010	2010 Sealcoat Project		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
Pay Cert 1F Total: 166,642.87											
PEARSON Total: 166,642.87											
PETTYFIR Petty Cash											
Petty Cash	07/22/2010	13.11	0.00	08/04/2010	Misc Food for 4/18/09 Drill		-	No			0000
101-420-2220-44300	Miscellaneous										
Petty Cash	07/22/2010	2.79	0.00	08/04/2010	Parts fro generator, 6/16/09		-	No			0000
101-420-2220-44040	Repairs/Maint Eqpt										
Petty Cash	07/22/2010	11.72	0.00	08/04/2010	Boot Polish 8/20/09		-	No			0000
101-420-2220-44300	Miscellaneous										
Petty Cash	07/22/2010	4.95	0.00	08/04/2010	Postage 10/29/09		-	No			0000
101-420-2220-42000	Office Supplies										
Petty Cash	07/22/2010	5.54	0.00	08/04/2010	Postage 1/27/10		-	No			0000
101-420-2220-42000	Office Supplies										
Petty Cash	07/22/2010	10.00	0.00	08/04/2010	Uniform Shirt 1/27/10		-	No			0000
101-420-2220-44170	Uniforms										
Petty Cash	07/22/2010	7.49	0.00	08/04/2010	Equipment, Ranger 4/10/10		-	No			0000
101-420-2220-42400	Small Tools & Equipment										
Petty Cash	07/22/2010	18.30	0.00	08/04/2010	Postage 7/2/10		-	No			0000
101-420-2220-42000	Office Supplies										
Petty Cash	07/22/2010	24.63	0.00	08/04/2010	Laminate Maps 7/21/10		-	No			0000
101-420-2220-42000	Office Supplies										
Petty Cash Total: 98.53											
PETTYFIR Total: 98.53											
PLANTH PLANT HEALTH ASSOCIATES, INC											
1011-10	07/15/2010	1,104.00	0.00	08/04/2010	Forester Services - June 2010		-	No			0000
101-430-3250-43150	Contract Services										
1011-10	07/15/2010	288.00	0.00	08/04/2010	Forester Services - Development		-	No			0000
203-490-9070-43150	Contract Services										
1011-10 Total: 1,392.00											
PLANTH Total: 1,392.00											
PREMIER Premier Land & Properties											
Chk Req	07/20/2010	2,000.00	0.00	08/04/2010	Escrow Return 11753 56th St Per 6986		-	No			0000
803-000-0000-22900	Deposits Payable										
Chk Req Total: 2,000.00											
PREMIER Total: 2,000.00											
PRESS Press Steven											
07/06/2010	07/06/2010	58.88	0.00	08/04/2010	CC Meeting - 7/6/10		-	No			0000
101-410-1450-43620	Cable Operations										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	07/06/2010 Total:	58.88								
	PRESS Total:	58.88								
RUD Prince-Rud Diane										
07/26/2010	07/26/2010	320.00	0.00	08/04/2010	Cleaning City Hall & Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
07/26/2010	07/26/2010	240.00	0.00	08/04/2010	Cleaning Fire Hall		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
07/26/2010	07/26/2010	5.35	0.00	08/04/2010	Supplies		-	No		0000
101-410-1940-42110	Cleaning Supplies									
	07/26/2010 Total:	565.35								
	RUD Total:	565.35								
S&T S&T Office Products, Inc.										
010C5008	07/22/2010	85.59	0.00	08/04/2010	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
010C5008	07/22/2010	100.44	0.00	08/04/2010	Elections - Supplies		-	No		0000
101-410-1410-44300	Miscellaneous									
	010C5008 Total:	186.03								
	S&T Total:	186.03								
SCHILLS Schill's Dumpster Svc Inc										
7552	07/01/2010	236.00	0.00	08/04/2010	Dupster for Annex Remodel		-	No		0000
411-480-8000-45200	Buildings and Structures									
	7552 Total:	236.00								
	SCHILLS Total:	236.00								
STILLGAZ Stillwater Gazette										
1264148	07/28/2010	16.32	0.00	08/04/2010	Elections - Public Accuracy Notice		-	No		0000
101-410-1410-44300	Miscellaneous									
	1264148 Total:	16.32								
	STILLGAZ Total:	16.32								
STILLMED Stillwater Medical Group										
07/13/2010	07/13/2010	1,113.00	0.00	08/04/2010	Preplacement/Annual Physicals, Hep B		-	No		0000
101-420-2220-43050	Physicals				Vac					
	07/13/2010 Total:	1,113.00								
	STILLMED Total:	1,113.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TDS TDS METROCOM - LLC										
651-779-8882	07/13/2010	161.60	0.00	08/04/2010	Analog Lines - Fire		-			0000
101-420-2220-43210	Telephone									
651-779-8882	07/13/2010	155.26	0.00	08/04/2010	Analog Lines - Public Works		-			0000
101-430-3100-43210	Telephone									
651-779-8882	07/13/2010	104.40	0.00	08/04/2010	Analog Lines - Lift Station Alarms		-			0000
602-495-9450-43210	Telephone									
651-779-8882	07/13/2010	42.11	0.00	08/04/2010	Alarm Well House #2		-			0000
601-494-9400-43210	Telephone									
651-779-8882 Total:		463.37								
TDS Total:		463.37								
USPOST United States Postal Service										
07/28/2010	07/28/2010	500.00	0.00	08/04/2010	Replenish - Acct 19 - Newsletter		-			0000
101-410-1320-43090	Newsletter/Website									
07/28/2010 Total:		500.00								
USPOST Total:		500.00								
WASHCONS Washington Conservation Dist.										
1891	06/30/2010	535.00	0.00	08/04/2010	2nd Qtr - Shared Educator Program		-			0000
603-496-9500-44370	Conferences & Training									
1891 Total:		535.00								
WASHCONS Total:		535.00								
WASHTAX Washington County										
66652	07/30/2010	3,000.00	0.00	08/04/2010	Legal Services - Property Tax Appeals		-			0000
101-410-1320-43040	Legal Services									
66652 Total:		3,000.00								
66657	06/30/2010	4,326.00	0.00	08/04/2010	Manufactured Homes & Property Assessment		-			0000
101-410-1320-43100	Assessing Services									
66657 Total:		4,326.00								
WASHTAX Total:		7,326.00								
Report Total:		194,557.43								



MAYOR & COUNCIL COMMUNICATION

DATE: 08/04/10

CONSENT

ITEM #: 3

MOTION as part of Consent Agenda

AGENDA ITEM: 2010 Seal Coat Project -- Resolution accepting the work and authorizing Payment No. 1(Final).

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Bruce Messelt, City Administrator *BAM/ku*

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

SUMMARY AND ACTION REQUESTED: The City Council is asked to accept the work completed by Pearson Bros., Inc. under the contract for the 2010 Seal Coat Project. The work has been reviewed by staff and is fully complete in accordance with the contract, plans and specifications. Please refer to attachment No. 2, which is the engineer's letter of final acceptance for this project.

Additionally, the City Council is asked to approve final payment to Pearson Bros., Inc. for the 2010 Seal Coat Project. Pearson Bros., Inc. has submitted Payment Certificate No. 1 (Final) in the amount of \$166,642.87 with all required documentation. This request has been reviewed and payment is recommended in the amount requested. All work has been completed per contract documents. The two-year warranty will begin August 4th, 2010, and extend to August 3rd, 2012.

The recommended motions to act on are as follows:

"Move to 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."

ADDITIONAL INFORMATION: The original construction contract for the 2010 Seal Coat Project was \$177,614.65. The actual cost to complete the work was \$166,642.87, a deduct amount of \$10,971.78. This reduced amount includes the removal of 42nd Street (from Jamaca Avenue to Irish Court) from the project and an additional savings of \$1,722.70 due to management of quantity.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council move to approve the motion as part of the overall approval of the *Consent Agenda*.

“Move to 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.”

ATTACHMENTS: (3)

1. Resolution No. 2010-038
2. Engineer's recommendation for final acceptance, dated July 23, 2010
3. Payment Certificate No. 1 (Final) for the 2010 Seal Coat Project

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

RESOLUTION NO. 2010-038

**A RESOLUTION ACCEPTING
THE WORK FOR THE 2010 SEAL COAT PROJECT**

WHEREAS, pursuant to a written contract signed with the City on May 4, 2010, Pearson Bros. Inc. has satisfactorily completed the 2010 Seal Coat Project in accordance with such contract.

WHEREAS, the two-year Warranty for the improvements began on August 4th, 2010, and will end on August 5th, 2012 and an two-year warranty inspection will be completed in July 2012, and the contractor will be required to repair or replace, as directed by the City, any work or materials that are found to be defective, at the Contractor's sole cost and expense.

NOW, THEREFORE, BE IT RESOLVED, the work completed under said contract is hereby accepted and approved, and,

BE IT FURTHER RESOLVED that the City Administrator and Mayor are hereby directed to issue a proper order for the final payment on such contract, taking the contractor's receipt in full.

Date: _____, 2010

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

TKDA

ENGINEERING • ARCHITECTURE • PLANNING

The right time. The right people. The right company.

444 Cedar Street, Suite 1500
Saint Paul, MN 55101

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

July 23, 2010

Honorable Mayor and City Council Members
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, Minnesota 55042

Re: Engineer's Recommendation for Final Acceptance
2010 Seal Coat Project
City of Lake Elmo, Minnesota
TKDA Project No. 14575.005

Dear Mayor and City Council Members:

We have reviewed the work under Contract for the 2010 Seal Coat Project, and find that the project has been fully completed in all respects according to the Contract, Plans, and Specifications as prepared by TKDA. The Improvements are hereby declared to be complete and acceptance of the Contractor's work (Pearson Bros, Inc.) is recommended.

The two-year Warranty Period will begin on August 4, 2010 and end on August 3, 2012.

Sincerely,



Ryan W. Stempinski, P.E.
Project Manager

RWS/DMK/bas

cc: Bruce Messelt, City Administrator
Mike Bouthilet, Public Works

TKDA

ENGINEERING • ARCHITECTURE • PLANNING

The right time. The right people. The right company.

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

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

July 23, 2010

Mr. Tom Bouthilet
Finance Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Final Payment Documents
2010 Seal Coat
City of Lake Elmo, Minnesota
TKDA Project No. 14575.005

Dear Mr. Bouthilet:

Enclosed are three (3) copies of Compensating Change Order No. 2 in the deduct amount of \$1,722.70 and Estimate and Certificate No. 1 (Final) in the amount of \$166,642.87 for the above-referenced project.

Also enclosed are the required Lien Waivers and Minnesota Tax Withholding Form IC-134 submitted by the Contractor. When payment is made, please have the Contractor sign all copies where indicated and return the blue copy to TKDA. The pink copy is for the Contractor and the white copy is for City records.

Please call if you have any questions.

Sincerely,



Ryan W. Stempski, P.E.
Project Manager

RWS/DMK/bas
Enclosures

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

1500 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, MN 55101-2140(651) 292-4400
(651) 292-0083 Fax
www.tkda.comProj. No. 14575.005 Cert. No. 1 (F) St. Paul, MN, June 30, 2010, 20 10To City of Lake Elmo, Minnesota OwnerThis Certifies that Pearson Bros, Inc. ContractorFor 2010 Seal Coat ProjectIs entitled to One Hundred Sixty-Six Thousand Six Hundred Forty-Two Dollars and 87/100 -- (\$ 166,642.87)

FINAL

being 1st estimate for partial payment on contract with you dated May 4, 2010

Received payment in full of above Certificate.

TKDA

Pearson Bros, Inc.

, 20


Ryan W. Stempski, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 177,614.65		
All previous payments		\$ -	
All previous credits			
Extra No.			
Change Order No. 1	\$ (9,249.08)		
Compensating Change Order No. 2	\$ (1,722.70)		
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 166,642.87	
Totals	\$ 166,642.87	\$ 166,642.87	\$ -
Credit Balance		\$ -	
There will remain unpaid on contract after payment of this Certificate		\$ -	
	\$ 166,642.87	\$ 166,642.87	\$ -

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

FINAL

Estimate No. 1 Period Ending June 30, 2010 Page 1 of 1 Proj. No. 14575.005
Contractor Pearson Bros., Inc. Original Contract Amount \$177,614.65
Project 2010 Seal Coat Project
Location City of Lake Elmo, Minnesota

Total Contract Work Completed	\$	<u>166,642.87</u>
Total Approved Credits	\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>
Approved Extra Orders Amount Completed	\$	<u>0.00</u>
Total Amount Earned This Estimate	\$	<u>166,642.87</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>0</u> % Retained	\$	<u>0.00</u>
Less Previous Payments	\$	<u>0.00</u>
Total Deductions	\$	<u>0.00</u>
Amount Due This Estimate	\$	<u>166,642.87</u>

Contractor _____

Pearson Bros., Inc.

Date _____

Engineer _____

Ryan W. Stempski, P.E.

Date July 23, 2010

ESTIMATE NO. 1 (FINAL)

PERIOD ENDING: June 30, 2010

2010 SEAL COAT PROJECT
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 14575.005

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
BITUMINOUS SEALCOAT						
1	BITUMINUS SEALCOAT WITH 1/8" DRESSER TRAP ROCK	SY	165,995	155,741	\$ 1.07	\$ 166,642.87
TOTAL - SEAL COAT						\$ 166,642.87
CHANGE ORDER NO. 1						
1	REMOVE QUANTITY FOR BITUMINOUS SEALCOAT WITH 1/8" DRESSER TRAP ROCK DUE TO REMOVAL OF 42ND STREET (JAMACA TO IRISH CT) FROM PROJECT SCOPE	SY		(8,644.0)	\$ 1.07	\$ (9,249.08)
TOTAL CHANGE ORDER NO. 1						\$ (9,249.08)
TOTAL ESTIMATE NO. 1 (FINAL)						\$ 166,642.87

CHANGE ORDER

TKDA
Engineering-Architecture-Planning

Saint Paul, MN June 30 20 10 Proj. No. 14575.005 Compensating
Change Order No. 2

To Pearson Bros., Inc.

for 2010 Sealcoat Project

for Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated May 4, 20 10. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (~~decrease~~) (~~not change~~) the contract sum by One Thousand Seven Hundred Twenty-Two Dollars and 70/100 (\$ 1,722.70).

COMPENSATING CHANGE ORDER

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

NET CHANGE = \$ (1,722.70)

Amount of Original Contract	\$ 177,614.65
Additions approved to date (Nos.)	\$ -
Deductions approved to date (Nos. 1)	\$ (9,249.08)
Contract amount to date	\$ 168,365.57
Amount of this Change Order (Add) (Deduct) (No-Change)	\$ (1,722.70)
Revised Contract Amount	\$ 166,642.87

Approved Lake Elmo
Owner

By _____

Approved Pearson Bros., Inc.
Contractor

By _____

TKDA

By 
Ryan W. Stempinski, P.E.

White - Owner
Pink - Contractor
Blue - TKDA

COMPENSATING CHANGE ORDER NO. 2

PERIOD ENDING: June 30, 2010

2010 SEAL COAT PROJECT
CITY OF LAKE ELMO, MINNESOTA
TKDA PROJECT NO. 14575.005

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE	NET CHANGE	CONTRACT AMOUNT
BITUMINOUS SEALCOAT								
1	BITUMINOUS SEALCOAT WITH 1/8" DRESSER TRAP ROCK	SY	165,995	165,741	\$ 1.07	\$ 168,642.87	\$ (10,971.78)	\$ 177,614.65
	TOTAL - SEAL COAT					\$ 168,642.87	\$ (10,971.78)	\$ 177,614.65
CHANGE ORDER NO. 1								
1	REMOVE QUANTITY FOR BITUMINOUS SEALCOAT WITH 1/8" DRESSER TRAP ROCK DUE TO REMOVAL OF 42ND STREET (JAMACA TO IRISH CT) FROM PROJECT SCOPE	SY		(8,644.0)	\$ 1.07	\$ (9,249.08)	\$ (9,249.08)	\$ (9,249.08)
	TOTAL CHANGE ORDER NO. 1					\$ (9,249.08)	\$ (9,249.08)	\$ (9,249.08)
	TOTAL COMPENSATING CHANGE ORDER NO. 2					\$ 168,642.87	\$ (1,722.70)	\$ 168,365.57



MAYOR & COUNCIL COMMUNICATION

DATE: 8/04/10
CONSENT
ITEM #: 4

AGENDA ITEM: Easement Encroachment Agreement – 9590 Whistling Valley Trail

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM*

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to authorize the execution of an Easement Encroachment Agreement allowing existing improvements (in this case a driveway and retaining wall) within a 5-foot drainage and utility easement on private property. The 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 improvements were found to encroach into the side lot line easement by the engineer when reviewing an as-built survey for 9590 Whistling Valley Trail. A site visit revealed that the builder graded the area to match the existing adjacent property and matches the existing drainage patterns. The retaining wall is one boulder in height and the driveway encroaches approximately 6 inches into the easement per the as-built survey.

Staff recommends approval of an Easement Encroachment Agreement for the existing improvements at 9590 Whistling Valley Trail.

STAFF REPORT:

The Easement Encroachment Agreement that has been submitted for Council consideration is for a retaining wall and driveway and has been reviewed by engineering staff.

The City Council has reviewed and approved easement encroachment agreements at past meetings. 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 Easement Encroachment Agreement.

ATTACHMENTS:

1. Easement Encroachment Agreement for 9590 Whistling Valley Trail

Return to:

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

ENCROACHMENT AGREEMENT

THIS AGREEMENT is made this 22 day of July, 2010, by and between the CITY OF LAKE ELMO, a Minnesota municipality (hereinafter "City"), and Nathan Landucci and — (hereinafter "Owner"), husband and wife, and their successors in title.

WHEREAS, the City has an easement for Driveway/Retaining wall 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 Driveway/Retaining wall ("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)

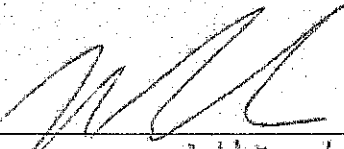
On this _____ day of _____, 2010, before me, a Notary Public, personally appeared Dean Johnston, Mayor of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City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

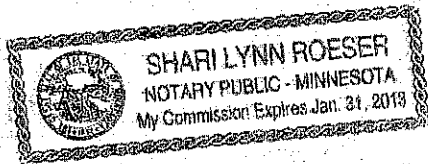
Notary Public

By  _____
[type owner name] Nathan Landucci

By _____
[type owner name]

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this 22 day of July, 2010, before me, a Notary Public, personally appeared Nathan Lamm and Shari Lynn Roeser, husband and wife, who signed the foregoing instrument and acknowledged said instrument to be their free act and deed.



Shari Lynn Roeser
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: 08/04/10

REGULAR

ITEM #: 5

MOTION

AGENDA ITEM: Promote Nick Witter from Probation to Firefighter

SUBMITTED BY: Fire Chief Greg Malmquist

THROUGH: Bruce Messelt, City Administrator *BMM/ke*

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: On the recommendation of the Lake Elmo Fire Chief, the Lake Elmo City Council is respectfully requested to approve the promotion of Probationary Firefighter to Firefighter. The recommended action on this is as follows:

SUGGESTED MOTION: *"Move to Promote Probationary Member Nick Witters from Probation to Firefighter Status."*

Following this action, it is recommended that the Mayor and Fire Chief administer the Oath of Office for Mr. Witters and that the City Council appropriately congratulate him.

BACKGROUND INFORMATION: Nick has completed the requirements of Probation as follows: State Certified Firefighter I & II, State Certified Haz Mat Operations, First Responder and CPR, Approximately 200 hours of training, all the while maintaining his response requirements of Duty Crews, All Calls and Training.

STAFF REPORT: The Fire Chief recommends promotion from Probationary Firefighter to Firefighter, based upon Department standards and City policies.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the promotion of Nick Witters from Probation Status to Firefighter within the Lake Elmo Fire Department by undertaking the following action:

"Move to promote Probationary Member Nick Witter from Probation to Firefighter Status."

Alternatively, the City Council may elect to not promote this individual and to discuss with the City Administrator and Fire Chief issues relating to recruitment, training, promotion and retention of this particular individual, and/or applicable department and City policies.

ATTACHMENTS:

1. Oath of Office for Firefighter Nick Witters

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Fire Chief
- 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
- Administration of Oath of Office.....Mayor Facilitates
- Congratulations.....Mayor & City Council



MAYOR & COUNCIL COMMUNICATION

DATE: 8/04/10
CONSENT
ITEM #: 6

AGENDA ITEM: Authorization to Purchase Global Positioning System (GPS) and Accompanying Software; Rent Additional Antenna

SUBMITTED BY: Mike Bouthilet, Public Works Superintendent
Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM/ka*

REVIEWED BY: Ryan Stempski, Assistant City Engineer
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The City Council is being asked 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. Staff is interested in renting the antenna for 3 - 6 months.

The amounts provided by Frontier Precision Inc. (included) are based on state contract prices and therefore additional quotes were not solicited.

The recommended motion to act on this is as follows:

"Move 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 up to 6 months"

BACKGROUND INFORMATION:

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. Most people are familiar with this technology as it is used in modern navigation systems built into today's automobiles or in handheld mapping devices. These everyday devices are relatively inexpensive because they are not accurate to the degree that would make them practical to use in the situations noted below.

The funds to pay for the proposed purchase would come from the benefiting departments' existing 2010 budgets, primarily the Public Works Department.

STAFF REPORT:

Acquisition of the GPS handheld device identified in the attached quote would be beneficial in both time and long-term financial savings for many city departments, most notably the Public Works Department. Other departments such as engineering, fire, planning and parks would benefit from the information gathered with the new system as well. Below are some examples of time and resulting financial savings:

- Public Works staff could be more accurate and efficient in locating utilities (currently two-foot accuracy is required by state law). Increased accuracy reduces the chances of someone hitting an underground utility which could potentially lead to a claim.
- The device not only allows an operator to take information and enter it into a mapping system on the computer, but also to take the device back out to navigate to a previously identified site within a 12 inch (or less) radius of the site. Staff is currently utilizing record drawings, where they exist, and depends largely on the experience and memory of tenured staff members.
- The equipment would assist the city by reducing the amount of time taken by staff in finding underground services or even above ground services during the snowy winter months.
- Moving forward, the Public Works department could begin utilizing the GPS device to catalogue curb stops, gate valves, water mains, waste water laterals and mains, catch basins, pipes, outfalls and ponds during inspections. When time allows, existing utilities could be added into the database as well.
- The city currently has equipment to find underground pipes that are constructed of metal. However, plastic pipes are also being used. In addition, wires with a plastic cover are buried underground and need to be located when breaks occur in the line.
- Staff will be able to respond more quickly to events such as burst pipes or other utility malfunctions when the city has an accurate inventory of underground and above ground utilities.
- Additional assets such as trees, wetlands, signs, play ground equipment, etc. can be inventoried, located, and efficiently managed as we expand the GPS capabilities.
- More accurate real-time location of city assets equates to better code enforcement and asset management.

Buying the equipment and software at this time would be beneficial as staff would have time to learn how to use it before new major underground infrastructure will be added to the city, including sewer and water pipes. By being proactive and having the process and equipment in place, the city can catalogue these pipes as they are added and require developers to provide additional information. Again, this would be a time savings for staff.

Other departments are able to benefit from the purchase as well. The accurate mapping and identification of the existing trail system will help the city to maintain, manage, link, and

ultimately Comprehensively Plan its trail network. The city is able to more appropriately budget for trail maintenance when we have more accurate information regarding length and various characteristics associated with each trail such as width, material, and year installed. The Fire Department could utilize much of the same information as the public works department such as fire hydrants, catch basins, and storm drains. The Planning and Engineering Department could utilize the information to make more informed recommendations to the council on future developments and other improvements.

RECOMMENDATION: Based upon the above information and potential long-range savings, it is recommended that the City Council approve the authorization to purchase the GPS system and associated software in addition to the rental of the Tornado Antenna for 3 – 6 months by undertaking the following action:

“Move 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 up to 6 months”

Alternatively, the City Council may consider revising this recommendation to eliminate the rental of the antenna. The City would still be able to use the system, but might find that the accuracy is less than could have otherwise been achieved with this equipment.

The Council may also consider denying the request if it finds that the anticipated cost savings for the City would not justify the initial purchase price of the equipment and software.

ATTACHMENTS:

1. Frontier Precision Inc Quote
2. GeoXH Handheld Datasheet



8039 24TH AVE S
BLOOMINGTON, MN 55425
877.698.3077
952.698.3080 FAX

QUOTE

Quote Number:
072930-01

CUSTOMER INFORMATION

COMPANY City of Lake Elmo
CONTACT Kelli Matzek
EMAIL kmatzek@lakeelmo.org
PHONE 651 233-5413
FAX
ADDRESS 3800 Laverne Avenue North
CITY Lake Elmo
STATE MN
ZIP

QUOTE ISSUED ON: 29-Jul-10
ACCEPTED BY:
SIGNATURE

PRODUCT / SERVICE DESC.

PRODUCT / SERVICE DESC.	PN	QTY	PER UNIT PRICE	TOTAL
Trimble Sub-Foot GPS System:				
GeoXH Handheld	79000-00	1	\$5,125.00	\$5,125.00
TerraSync Professional Software with GPS Pathfinder Office Software	50538-00	1	\$2,695.00	\$2,695.00
Sub-Foot System Sub-Total				\$7,820.00
Optional GeoXH Accessories for 4" Accuracy:				
GIS Tornado Antenna	57972-00	1	\$1,912.00	\$1,912.00
5 meter Heavy Duty Cable for Tornado/Tempest/Zephyr Antenna	WSC50643-5m	1	\$115.00	\$115.00
Telescoping Rover Rod, 2M, Aluminum, Snap-Loc, GT	SEC5125-20-FLY-GT	1	\$104.00	\$104.00
GeoExplorer Series Range Pole Bracket	53261	1	\$121.00	\$121.00
Decimeter System Sub-Total				\$2,252.00
Tornado Rental, Monthly	FPI-TRNDO-RNT		\$256.00	

ORDERING INFORMATION:

Please Reference State Contract 442051, Release #S-934(5) and

Remit Order to:

Frontier Precision, Inc.
8039 24th Ave South
Bloomington, MN 55425
877 698-3077

Special Ordering Instructions:
Shipping & Handling Included per State Contract Terms

SUB-TOTAL	\$10,072.00
SHIPPING / FREIGHT	
TAX 6.875%	\$692.45

TOTAL \$10,764.45

QUOTE ISSUED BY:

Del Stewart

Sales Tax is Estimated, Shipping Charges Included

NOTE: QUOTE VALID WITHIN 30 DAYS OF ISSUED DATE. TERMS MUST BE ESTABLISHED PRIOR TO SALE OF ITEMS.

KEY FEATURES

Real-time H-Star technology for decimeter to subfoot accuracy in the field

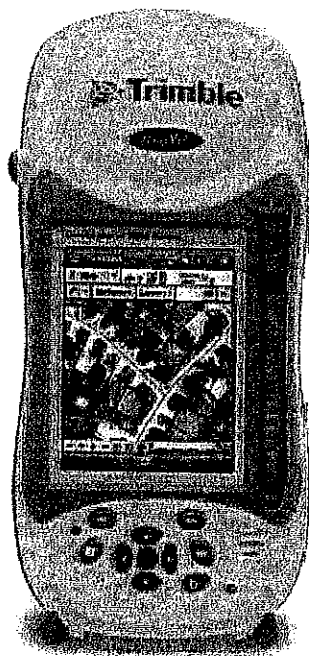
High-resolution VGA display for crisp and clear map viewing

Bluetooth and wireless LAN connectivity options

1 GB onboard storage plus SD slot for removable cards

Windows Mobile version 6 operating system

Rugged handheld with all-day battery



YOUR ULTIMATE SOLUTION FOR HIGH-ACCURACY ASSET MANAGEMENT

For high-accuracy GIS data collection and asset relocation, the Trimble® GeoXH™ handheld is the ultimate integrated solution. Engineered with H-Star™ technology, the GeoXH handheld delivers decimeter (10 cm) to subfoot (<30 cm) accuracy when you need it, making it the ideal device for electric and gas utilities, water and wastewater services, land reform projects, and other applications where on-the-spot positioning is crucial.

The unique GeoExplorer® 2008 series combines a Trimble GPS receiver with a rugged handheld computer, built for all-day use and packed with connectivity options. Technology this clever has never been more convenient.

Subfoot accuracy when you need it

When your GIS database requires the highest levels of accuracy, the GeoXH handheld is the answer. Using revolutionary Trimble H-Star technology, the GeoXH handheld delivers real-time subfoot (<30 cm) accuracy with the internal antenna, and decimeter (10 cm) accuracy with an optional Zephyr™ external antenna. Back-office data processing is eliminated, streamlining asset inventories and as-built mapping jobs.

Need to relocate assets in the field? The GeoXH handheld has you covered. Buried and hidden assets can be tracked down with ease, as the real-time high accuracy gets you straight to the point. Cables and pipes can be excavated without wasted effort or risk of damage to nearby assets.

Packed full of power

With a powerful 520 MHz processor, 128 MB RAM, and 1 GB of onboard storage, the GeoXH handheld is a high performance device designed to work as hard as you do. The handheld gives you all the power you need to work with maps and large data sets in the field, and its high resolution VGA display allows for crisp and clear viewing of your data.

The GeoXH handheld is powered by the industry-standard Windows Mobile® version 6 operating system so you can choose a software solution designed for your field requirements, whether off-the-shelf or purpose-built.

The Windows Mobile 6 operating system includes familiar Microsoft® software, including Word Mobile, Excel Mobile, and Outlook® Mobile, giving you all the tools you need for a seamless exchange of data between the field and the office.

Get the data you need, when you need it

With the GeoXH handheld you have the flexibility to work exactly the way you want to. Use the built-in wireless LAN connection to access your organization's secure network and get the most up-to-date information. And with Bluetooth® wireless technology, the GeoXH handheld offers wireless connection to a Bluetooth-enabled cellular phone for access to the Internet to receive real-time corrections from a VRS™ network and background map data. You can also wirelessly connect to other devices such as Bluetooth-enabled laser rangefinders and barcode scanners for convenient cable-free solutions that keep you productive in the field.

Built for the field

The GeoXH handheld has an integrated battery, good for a full day's work; simply charge the battery overnight and you're ready to go again. The GeoXH handheld will last the distance, and its rugged design can take a lot of punishment. Rain, hail or shine, it's built to keep working, whatever the weather throws at you.

When accuracy is critical

Rugged design and powerful functionality are the hallmarks of the GeoExplorer series. And now with H-Star technology providing decimeter to subfoot accuracy in real time, the 2008 series GeoXH handheld is your ultimate solution for high-accuracy asset management.

When accuracy is critical, the GeoXH handheld delivers—with unprecedented efficiency and reliability, when and where you need it.



MAYOR & COUNCIL COMMUNICATION

DATE: 8/4/10
REGULAR
ITEM #: J-7
MOTION

AGENDA ITEM: Formal Adoption of Lake Elmo Comprehensive Plan Update

SUBMITTED BY: Kyle Klatt, Planning Director *KK*

THROUGH: Bruce Messelt, City Administrator

REVIEWED BY: Kelli Matzek, City Planner

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to review and consider formal adoption of the revised 2030 Comprehensive Plan based on 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.

Because there has been a fairly significant amount of time since the Council last reviewed the 2030 Comprehensive Plan Update, Staff is recommending that the Council review the attached materials and consider the following motion should it be ready to take action at the meeting on August 4th:

"Move to approve Resolution 2010-039 adopting the Lake Elmo 2030 Comprehensive Plan Update"

Please note that in the interest of reducing unnecessary copying and staff time, the Council is being given a PDF version of the 2030 Comprehensive Plan Update on a CD-ROM. Please contact staff if you would like a printed copy of these materials before the meeting.

BACKGROUND INFORMATION:

Minnesota law requires each local governmental unit to formally adopt the comprehensive plan after the Metropolitan Council's final action. In cases where Metropolitan Council has recommended changes, the local government should incorporate them into the plan or respond to the Council before the governing body finally adopts the comprehensive plan. In Lake Elmo's situation, the Met Council did make several recommendations concerning changes, in addition to the suggestions the City previously received from adjoining communities (primarily Washington

County). The requested changes were not significant and all have been incorporated in one form or another into the final document by Staff.

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 Statutes. Both Brown's Creek and South Washington Watershed Districts approved Lake Elmo's plan a while 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 on 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 update.

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.

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:

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.

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 need 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.

RECOMMENDATION: Based upon the above background information 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 2010-039 adopting the Lake Elmo 2030 Comprehensive Plan Update."

Alternatively, the City Council may table taking action on this item if additional information is needed and requested concerning the history of the 2030 Comprehensive Plan update process.

ATTACHMENTS:

1. 2030 Comprehensive Plan Update (on CD-ROM)
2. Valley Branch LSWMP Approval Letter (7/23/10)
3. City Engineer Response to Valley Branch Watershed District

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. 2010-039

A RESOLUTION AUTHORIZING ADOPTION OF THE CITY OF LAKE ELMO 2030 COMPREHENSIVE PAN 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 4, 2010

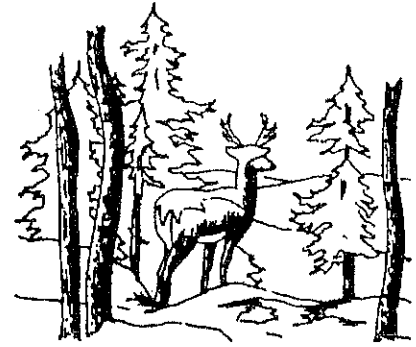
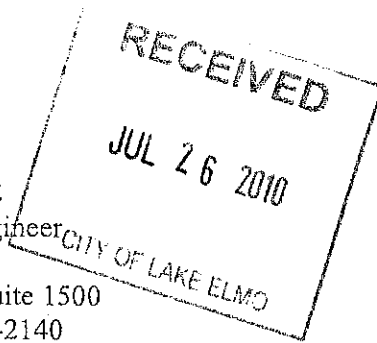
Dean Johnston, Mayor

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,

A handwritten signature in cursive script that reads "John P. Hanson".

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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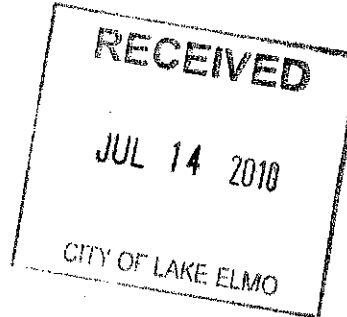
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July 12, 2010

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."

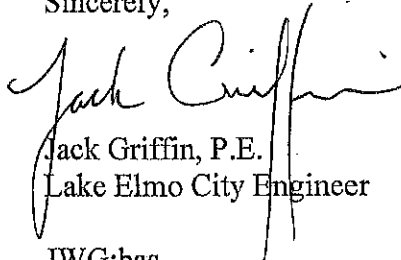
The City has adopted a stormwater ordinance, Ordinance No. 08-016. Section 150.287 Performance and Design Standards states "All Storm Water Management Plans shall meet or exceed the most stringent of the performance and design standards of this ordinance and shall be

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,

A handwritten signature in black ink, appearing to read "Jack Griffin". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jack Griffin, P.E.
Lake Elmo City Engineer

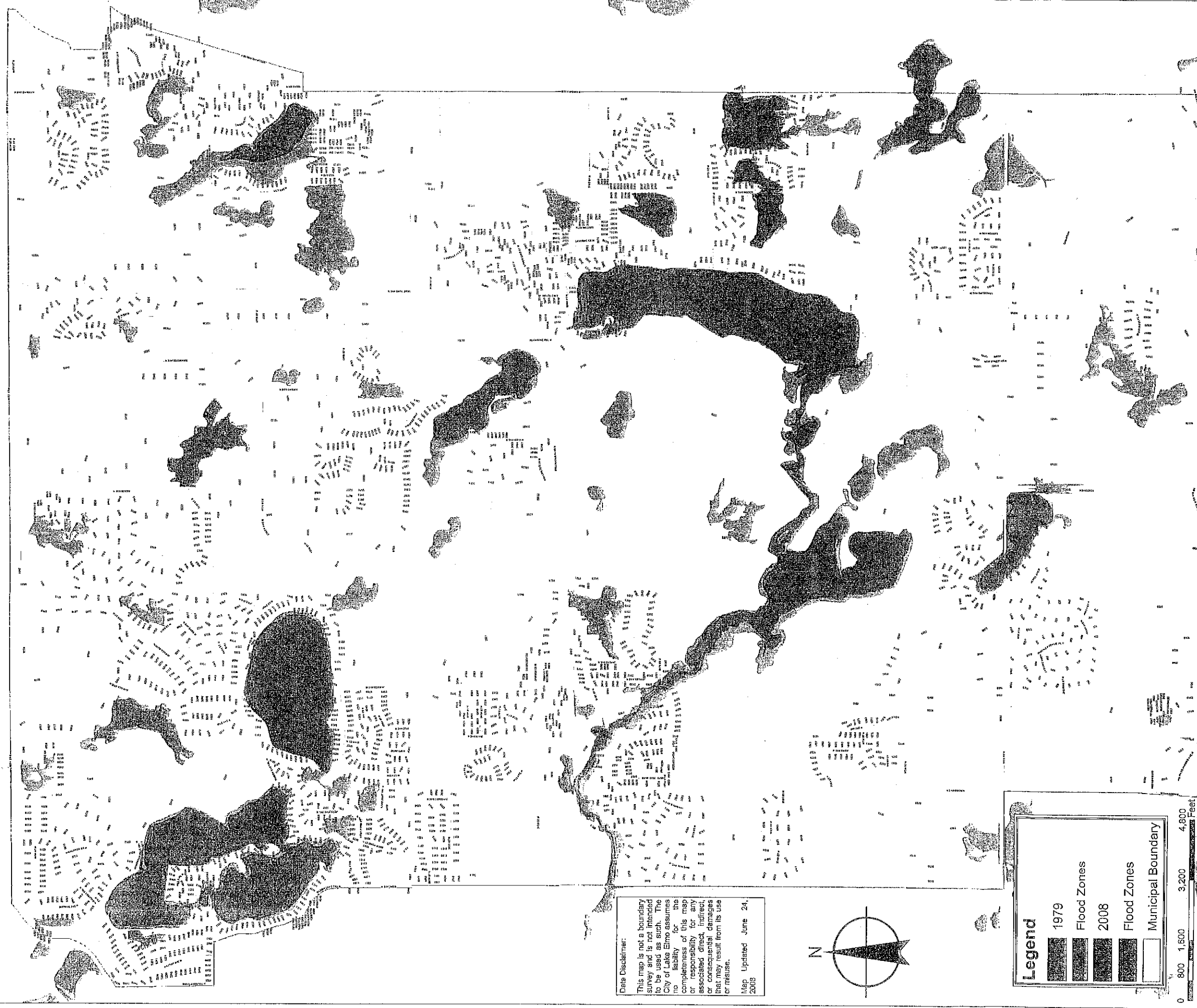
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Enclosures

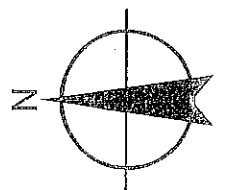
cc: Bruce Messelt, City Administrator
Kyle Klatt, City Planner
Sherri A. Buss, R.L.A., TKDA
Ryan Stempski, P.E., TKDA

- ▶ 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



Data 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 or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.
Map Updated June 24, 2003



Legend

	1979
	Flood Zones
	2008
	Flood Zones
	Municipal Boundary

0 800 1,600 3,200 4,800 Feet