

FILE

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

April 20, 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. Approval of the April 6, 2010 City Council minutes
 - Approval of the February 16, 2010 City Council minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by City staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
 - 2. Approve payment of disbursements and payroll
 - 3. Approval of Water Meter Replacement
 - 4. Donation to Firefighters' Relief Association
 - 5. Resolution of Support for Mahtomedi Public School Bond Referendum
- J. REGULAR AGENDA:
 - 6. Promotion of Andrea Friedrich and Tom Steinman from probation member to Firefighter
 - 7. Presentation of CSAH 13 (Ideal Ave./Olson Lake Trail) – Driver feedback sign and roadway study.
 - 8. Eder's Century Pines preliminary and final plat; Resolution No. 2010-014
 - 9. Approval of proposed Encroachment easement agreements

10. Amending Chapters 94, 150, 151, 152, 153 and 154 of the City Code to bring them into conformance with the Storm Water and Erosion and Sediment Control ordinance; Ordinance 08-24, Resolution No. 2010-013
11. 2010 Street and Water Quality Improvements – Approval of Plans and Specifications and Ordering Advertisement for Bids; Resolution No. 2010-015
12. Minnesota State Building Permit Surcharge

K. REPORTS AND ANNOUNCEMENTS:

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

- Mayor and City Council
- Administrator
- City Engineer
- Planning Director

L. Adjourn

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

City of Lake Elmo
City Council Meeting Minutes

April 6, 2010

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

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons (arrived 7:08 p.m.), Smith and Park

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

APPROVAL OF AGENDA:

MOTION: Council Member Smith moved to approve the April 6, 2010 City Council Agenda as amended: Acceptance of the March 23, 2010 City Council minutes. Council Member Park seconded the motion. The motion passed 4-0.

GROUND RULES:

APPROVED MINUTES:

The March 23, 2010 City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES: None

CONSENT AGENDA:

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

- Approve payment of disbursements and payroll in the amount of \$58,055.34
- Mayor Johnston proclaimed the month of May 2010 to be Arbor Month in the City and April 30, 2010 as Arbor Day

Approval of resurfacing of Pebble Park Tennis Court/Basketball Ct. Resurface

Council Member Smith reported the play structure in Pebble Park is faded and cracked and asked that the Park Commission review updating this equipment. Council Member DeLapp suggested the Commission consider a survey of park use.

MOTION: Council Member Smith moved to approve the contract for Pebble Park tennis/basketball court resurfacing with Lee Sports Surfacing in the amount of \$12,100. Council Member DeLapp seconded the motion. The motion passed 5-0.

REGULAR AGENDA:

Fall Festival Proclamation and Budget Adjustment

At the March 23rd, 2010 City Council meeting, this item was directed to be reschedule for tonight's meeting.

The City Council was asked to consider approving Resolution No. 2010-011 proclaiming Saturday, September 18th, 2010 as the 3rd Annual Lake Elmo Fall Festival and authorizing the transfer of \$8,000 from the General Fund Donation Account to the Fall Festival Transfer In account.

MOTION: Council Member Park moved to approve Resolution No. 2010-011 proclaiming September 18th 2010 as the 3rd Annual Lake Elmo Fall Festival and authorize the transfer of \$8,000 from the General Fund Donation Account to the Fall Festival Transfer In Account. Council Member Smith seconded the motion. The motion passed 5-0.

Update on research on Administrative Enforcement Ordinance

Danielle Bailey, City Intern, reported on a draft ordinance establishing Administrative Enforcement options for the City for certain portions of the City Code. All due process rights of citizens would be upheld and respected through such administrative process. In addition to adoption of an enabling ordinance, the City Council Resolution addressing applicable City policies, compliance timelines and guidelines and suggested fines, fees and related compliance actions.

The Council commended Ms. Bailey on her work and noted this ordinance was a much anticipated, efficient compliance system. Attorney Snyder reported that the draft administrative enforcement ordinance would be back to the City Council in sixty days.

Review of 2009 General Fund Budget (unaudited) and suggested action on 2010 budget revisions and 2011 budget preparation

Joe Rigdon, Financial Consultant, gave an update on the now-closed 2009 General Fund (unaudited) and discussed staff and sub-committee recommendations on potential revisions to the 2010 Budget and suggested preparations on the 2011 budget.

Tom Bouthilet, Finance Director, identified the following findings.

- The 2009 General Fund ended with a positive fund balance, including meeting 99%+ of projected revenues.
- 2009 expenditures were significantly less than those originally budgeted, resulting in this positive fund balance.
- Most of these reductions in actual expenditures can be attributed to the following:
 1. The unfilled vacancy in the Building Official position

2. The withholding of budgeted salary and cost-of-living increases to employees
3. Overall austerity in general spending by departments.

MOTION: Council Member DeLapp moved to revise the Budget and begin preparation of the 2011 Budget including the recommended budget items on page 8 and 9 of the 2009 Year-End Interfund Transfers and Loans and General Fund Balance Reserves and Designations (Authorized and Recommended). Council Member Smith seconded the motion. The motion passed 5-0.

Update on Rosalie E. Wahl Branch Library

Bruce Messelt, City Administrator, reported on staff research regarding the Washington County Library operation of the Rosalie E. Wahl Branch Library and the feasibility of developing an alternative service model akin to Stillwater and Bayport.

Dave Snyder, City Attorney, stated that a City can establish its own library by referendum of voters or resolution/ordinance passed by the City Council and appoint its own library board. The City does obtain funding from an imposed tax for a library and can supplant the Washington County library tax.

In the Council's opinion, staying with the Washington County Library system, if possible, would be the best for Lake Elmo. The Council directed staff to:

1. Ascertain the intentions of Washington County on renewing the lease of building for the Lake Elmo Branch library.
2. Work with Washington County to better address Lake Elmo Branch library's long-term viability and open hours for public.
3. If necessary, devise a timeline and plan on how to proceed should the City wish to consider developing an independent library.

Trunk Highway 5 and Jamaca Avenue Roundabout

Jack Griffin, City Engineer and Mn/DOT representatives presented an update of the project and discussed with the Council the design for the Trunk Highway 5 and Jamaca Avenue Roundabout. This project will be jointly funded by Mn/DOT, Washington County and the City of Lake Elmo.

MOTION: Council Member Park moved to direct the City Engineer to sign the Mn/DOT plans for the Trunk Highway 5 and Jamaca Avenue Roundabout, State Project NO. 8214-145, recommending plan approval, and requested information on the possibility of addressing in the maintenance agreement the following issues:

1. Change light pole on Jamaca Avenue (change from 40' high light pole to 30' high light pole).
2. Explore other areas for turf or low maintenance shrubs other than asphalt.

3. Painting light poles flat black or rustic brown.

Council Member Smith seconded the motion. The motion passed 4-1 (Council Member DeLapp wanted shorter light poles, LED lights, more green space than asphalt in islands.)

The Council adjourned the meeting at 10:08 p.m.

DRAFT

City of Lake Elmo
City Council Minutes

February 16, 2010

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

PRESENT: Mayor Johnston and Council Members DeLapp, Emmons, Park (arrived at 7:15 p.m.), and Smith.

Also present: Administrator Messelt, Attorney Snyder, City Engineer Griffin, Finance Director Bouthilet, Fire Chief Malmquist and City Clerk Lumby.

APPROVAL OF AGENDA:

MOTION: Council Member Emmons moved to approve the February 16, 2010 City Council agenda as amended, Move Item #3 off Consent Agenda, Add Item #9 Update on I-94 Corridor. Council Member Smith seconded the motion. The motion passed 4-0.

GROUND RULES:

APPROVED MINUTES:

The February 3, 2010, City Council minutes were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

The City Council recognized Carole Luczak in obtaining her Municipal Certified Clerk certificate and Carole will be recognized at the Annual Municipal Finance and Clerks Conference in St. Cloud, MN for this outstanding achievement.

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve Item #2 on the Consent Agenda as presented. Council Member Emmons seconded the motion. The motion passed 4-0.

- Approve payment of disbursements and payroll in the amount of \$132,273.54

Approve budget adjustment/designation and donation of \$1,100 for maintenance of historic District 12 school house

The City Council was being asked to approve a Budget Adjustment and disbursements in the amount of \$1,100 as a donation to the Oakdale Lake Elmo Historical Society for annual maintenance of the Historical District 12 School House. The Council has allocated certain monies in its approved 2010 Annual Budget for discretionary spending. Support for the Oakdale lake Elmo Historical Society and maintenance of the Historic District 12 School House has been supported by the City on an annual basis.

Duane Ellertson, Oakdale/Lake Elmo Historical Society rep., stated the City of Oakdale furnishes the heat, electricity, and exterior maintenance to the building which is equivalent to a \$2,000 donation a year.

MOTION: Mayor Johnston moved to contribute \$500 for maintenance of the historic District 12 school house because of state budget shortfalls and direct staff to advertise the Oakdale/Lake Elmo Historical Society website in the City newsletter and Lake Elmo website. Council Member DeLapp seconded the motion. The motion passed 4-0.

Approval of Sunfish Lake Park Area 2 Concept Plan

Carol Kriegler, Project Assistant, reported the City Council is being requested to approve a Concept Plan for Area Two of Sunfish Lake Park. The plan is intended to complement the Conservation Easement with the Minnesota Land Trust by further defining the permitted and planned improvements for this area of the park. Area Two is intended to be largely designated as a restored prairie/oak savanna area by restoring the vegetation to pre settlement times. This portion of the park is a predominantly open area consisting of approximately 20 rolling acres, is located in the southern part of the park. It has been used for agricultural purposes for the past several years.

Council Member Smith asked if the vision of using this area for a family ice skating rink and warming house/interpretative center has been taken off the table for consideration.

Carol Kriegler responded that the Park Commission had a very thoughtful discussion of locating an ice rink in Area Two, but because of the elevations, land is rolling not flat, sighting, construction and maintaining an ice rink would be challenging. Sunfish Lake Park West, the area to be turned back to the City following the MPCA remediation project, might possibly offer a more conducive area for a skating rink.

Council Member Smith, with the support of other members, expressed a strong desire for staff and commission members to continue to explore opportunities for locating other year-round amenities, such as a non-competitive ice rink and related facilities, consistent with the natural ethic and theme of the park.

Members of the Council also expressed the desire for effective screening along the park's boundaries, and for thoughtful trail planning for enhanced views and park experiences. Staff will work with the Parks and Planning Commissions on future additional screening consideration on the Southside for Highway 5

MOTION: Council Member DeLapp moved to approve the Sunfish Lake Park Area Two Concept Plan prepared and approved by the Lake Elmo Park Commission on November 16, 2009. Council Member Emmons seconded the motion. The motion passed 5-0.

Approve 2010 Planning Commission Work Plan

Bruce Messelt, City Administrator, reported the City Council is being asked to review and accept the revised Planning Commission's annual work plan the Commission has prepared for 2010. The primary intent of the work plan is to help prioritize the projects the Planning Commission will be reviewing in the next several months, and to help keep the Commission informed about the internal planning related activities and projects that will be undertaken by the staff over the coming year.

MOTION: Council Member Park moved to accept the 2010 Planning Commission Work Plan handout as revised, including economic development initiatives, submitted at the meeting. Council Member DeLapp seconded the motion. The motion passed 5-0.

Consider amendments to the Accessory Buildings Section of the zoning ordinance

Bruce Messelt, City Administrator, reported the City Council was asked to consider amendments to the accessory building provisions of the zoning ordinance. These changes represent minor modifications to specific sections of the ordinance and have been proposed: 1) to improve the consistency between various sections of the current code and 2) to clarify the intent and interpretation of various sections of the code dealing with accessory uses.

City Attorney Dave Snyder reported that an Interim Use permit is possible for identified structures or components of a structure and provides additional flexibility limited in time.

Council Member Smith stated the Public Hearing for accessory structures was held on July 14, 2008 and only now this item is coming to the Council. Smith said she had concerns and questions on inconsistencies with limiting the number of Ag buildings on larger parcels in Rural Residential and in Agricultural zonings.

Joan Ziertman, 5761 Keats Avenue N., stated, in her opinion, that an Interim Use Permit is a difficult proposition because of the cost involved for only 1-2 years and the permit could not be renewed by the Council. Since the public hearing was held in 2008, there are planning commission members that were not on the Commission at that time and should be invited to attend the workshop. A previous planner defined accessory structures as a building with a roof regardless of size. Small bus shelters, play structures, should be excluded as an accessory structure. Joan provided code on accessory structures from surrounding communities and these communities showed aggregate sq.ft. for Ag buildings to accommodate animals.

MOTION: Council Member DeLapp moved to continue discussion on this agenda item at a workshop with the idea of incorporating Interim Use Permit concept and Sections 4, 5, and 6 and direct staff to prepare an ordinance, including input from the Planning Commission, with the capability for clarification of inconsistencies. Mayor Johnston seconded the motion. The motion passed 5-0.

Consideration of CodeRED Emergency Notification System

Bruce Messelt, City Administrator reported the City Council is being requested to further consider potential purchase and utilization of an emergency and time-sensitive official community communication and notification system. The Council had received an on-line and telephone demonstration of the CodeRED Emergency Notification System. The Council reviewed the proposal based on population from CodeRED. The City would seek to include at no additional cost summer 2010 testing of the Weather Warning System and develop for Council consideration appropriate policies and procedures for utilization of the system. Staff recommended that the \$5,250 be allocated from the City's Communications budget.

MOTION: Council Member DeLapp moved to direct the City Administrator to negotiate and the City to execute a contract for utilization of the CodeRED Emergency Notification System, to include demonstration of the National Weather Service Weather Warning System, not to exceed \$5,250 and to approve the Budget adjustment. Council Member Smith seconded the motion. The motion passed 5-0.

Resolution supporting emergency plan for Stillwater School District

Bruce Messelt, City Administrator, reported the Stillwater Area Public School District is working to enhance and improve their School Emergency Management program. One key aspect of this project is to secure funding through the U.S. Department of Education's Office of Safe and Drug-Free Schools by applying for Readiness and Emergency Management (REMS) of Schools Grant. Lake Elmo has been requested to support this endeavor.

MOTION: Council Member DeLapp moved to accept Resolution No. 2010-009 Supporting Stillwater Area School District Emergency Management Program and REMS Grant Application. Council Member Park seconded the motion. The motion passed 5-0.

Update on I-94 Corridor

The City policy for travelling outside the state has to be approved by the Council. Mayor Johnston requested authorization to travel to Washington D.C. as one of six members of the I-94-corridor commission to participate in an initial fact finding mission in the planning study of three options for high speed passenger rail for the I-94 corridor

MOTION: Council Member Smith moved to authorize Mayor Johnston to attend a meeting in Washington D.C., one day, one night, not to exceed \$1,000, on an initial fact finding mission for the three proposed options for a route for high speed passenger rail for the I-94 Corridor and to come back with information to formulate views. Council Member Park seconded the motion. The motion passed 4-1 (Council Member DeLapp would approve the authorization with the assurance he has support of Woodbury for a route through downtown Lake Elmo and a feasible route across the river way to Eau Claire, WI that can be documented.).

The Council adjourned the meeting at 9:37 p.m.



MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements and Payroll in the Amount of \$ 123,218.24

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAW*

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 \$ 123,218.24. 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	\$ 6,880.38	Payroll Taxes to IRS 04/08/2010
ACH	\$ 1,160.47	Payroll Taxes to MN Dept. of Revenue 04/08/2010
DD 2698 -DD 2712	\$ 20,797.33	Payroll Dated 04/08/2010 (Direct Deposit)
35479 - 35483	\$ 17,345.70	Payroll Dated 04/08/2010
35484 - 35539	\$ 77,034.36	Accounts Payable Dated 04/20/2010
TOTAL	\$ 123,218.24	

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 \$ 123,218.24.

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 April 20th, 2010 Disbursement and Payroll, as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 04/15/2010

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: Administrator

Printed: 04/15/2010 - 5:55 PM

Batch: 001-04-2010

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANCOM ANCOM COMMUNICATIONS, INC.										
14702A	03/22/2010	100.07	0.00	04/20/2010	Pager Repair		-			0000
101-420-2220-43230	Radio									
14702A Total:		100.07								
14703	03/22/2010	100.08	0.00	04/20/2010	Pager Repair		-			0000
101-420-2220-43230	Radio									
14703 Total:		100.08								
ANCOM Total:		200.15								
ARAM Aramark, Inc.										
629-6963155	04/01/2010	22.97	0.00	04/20/2010	Uniforms - Public Works		-			0000
101-430-3100-44170	Uniforms									
629-6963155 Total:		22.97								
629-6964992	04/05/2010	83.92	0.00	04/20/2010	Linen City Hall		-			0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-6964992 Total:		83.92								
629-6968023	04/08/2010	61.06	0.00	04/20/2010	Mats - Public Works		-			0000
101-430-3100-44010	Repairs/Maint Bldg									
629-6968023 Total:		61.06								
629-6968024	04/08/2010	1.56	0.00	04/20/2010	Uniforms - Public Works		-			0000
101-430-3100-44170	Uniforms									
629-6968024 Total:		1.56								
ARAM Total:		169.51								
BATTYPL Batteries Plus Woodbury, Corp										
32-704137	04/05/2010	86.57	0.00	04/20/2010	Battery Replacement - Parks		-			0000
101-450-5200-42210	Equipment Parts									
32-704137 Total:		86.57								
BATTYPL Total:		86.57								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
BIFFS Biff's Inc.										
W402408	04/07/2010	61.29	0.00	04/20/2010	Portable Restrooms		-		No	0000
101-450-5200-44120	Rentals - Buildings									
	W402408 Total:	61.29								
	BIFFS Total:	61.29								
C&J CONS C & J Consulting Services, LLP										
Mar 10	04/01/2010	1,562.50	0.00	04/20/2010	Monthly Acct Services March 2010		-		No	0000
101-410-1520-43150	Contract Services									
	Mar 10 Total:	1,562.50								
	C&J CONS Total:	1,562.50								
CARQUEST Car Quest Auto Parts										
2055-184933	04/06/2010	50.09	0.00	04/20/2010	Antifreeze		-		No	0000
101-430-3100-42120	Fuel, Oil and Fluids									
	2055-184933 Total:	50.09								
	CARQUEST Total:	50.09								
CENCOLLE Century College										
366158, 366157	03/22/2010	306.62	0.00	04/20/2010	Firefighter II - Andrea Friedrich		-		No	0000
101-420-2220-44370	Conferences & Training									
366158, 366157	03/22/2010	306.62	0.00	04/20/2010	Firefighter II - Tom Steinman		-		No	0000
101-420-2220-44370	Conferences & Training									
366158, 366157	03/22/2010	479.93	0.00	04/20/2010	Haz Mat Ops - Nick Witter		-		No	0000
101-420-2220-44370	Conferences & Training									
	366158, 366157 Total:	1,093.17								
	CENCOLLE Total:	1,093.17								
COMCAST COMCAST										
877210535 8914	03/27/2010	7.89	0.00	04/20/2010	Monthly Service		-		No	0000
101-420-2220-44300	Miscellaneous									
	877210535 8914 Total:	7.89								
	COMCAST Total:	7.89								
COMPENSA Compensation Consultants, Ltd										
04/01/2010	04/01/2010	40.00	0.00	04/20/2010	Monthly Admin Fee April 2010		-		No	0000
101-410-1320-44300	Miscellaneous									
	04/01/2010 Total:	40.00								
	COMPENSA Total:	40.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYBLOOM City of Bloomington										
March - 10'	03/31/2010	40.00	0.00	04/20/2010	Lab Bacteria Tests - Water		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	March - 10' Total:	40.00								
	CTYBLOOM Total:	40.00								
CTYROSEV City of Roseville										
0010661	04/02/2010	1,551.58	0.00	04/20/2010	Monthly IT Services - April 2010		-		No	0000
101-410-1450-43180	Information Technology/Web									
	0010661 Total:	1,551.58								
	CTYROSEV Total:	1,551.58								
DVS DVS Renewal										
02/01/2010	02/01/2010	20.25	0.00	04/20/2010	License Renewal - Public Works		-		No	0000
101-430-3100-44300	Miscellaneous									
02/01/2010	02/01/2010	14.50	0.00	04/20/2010	License Renewal - Parks		-		No	0000
101-450-5200-44300	Miscellaneous									
	02/01/2010 Total:	34.75								
	DVS Total:	34.75								
ECKBERG Eckberg Lamers Briggs Wolff										
103449	03/31/2010	3,933.43	0.00	04/20/2010	Legal Services - Civil		-		No	0000
101-410-1320-43040	Legal Services									
103449	03/31/2010	32.50	0.00	04/20/2010	Legal Services - Development		-		No	0000
203-490-9070-43040	Legal Services									
	103449 Total:	3,965.93								
32010	03/31/2010	3,752.20	0.00	04/20/2010	Legal Services - Criminal		-		No	0000
101-420-2150-43045	Attorney Criminal									
	32010 Total:	3,752.20								
	ECKBERG Total:	7,718.13								
EMERGAPP Emergency Apparatus Maint. INC										
47608	03/31/2010	750.00	0.00	04/20/2010	Remove Seat and move Tank - B1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	47608 Total:	750.00								
	EMERGAPP Total:	750.00								
EMMONS A Emmons Alex										
03/30/2010	03/30/2010	58.78	0.00	04/20/2010	Cable Meeting - Workshop 3/30/10		-		No	0000
101-410-1450-43620	Cable Operations									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
03/30/2010	03/30/2010	-3.78	0.00	04/20/2010	Use Tax		-		No	0000
101-000-0000-20201	Use Tax Payable									
	03/30/2010 Total:	55.00								
4/13/2010	04/15/2010	44.09	0.00	04/20/2010	Cable Workshop 4/13/2010		-		No	0000
101-410-1450-43620	Cable Operations									
4/13/2010	04/15/2010	-2.84	0.00	04/20/2010	Use Tax Payable		-		No	0000
101-410-1450-43620	Cable Operations									
	4/13/2010 Total:	41.25								
	EMMONS A Total:	96.25								
ENVENTIS ENVENTIS										
737500	04/13/2010	444.67	0.00	04/20/2010	Phone Data Serv - PW April 2010		-		No	0000
101-430-3100-43210	Telephone									
	737500 Total:	444.67								
738507	04/13/2010	523.54	0.00	04/20/2010	Phone/Data Service - City Hall Apr 2010		-		No	0000
101-410-1940-43210	Telephone									
	738507 Total:	523.54								
	ENVENTIS Total:	968.21								
FDSOA FD Safety Off. Association										
12574	04/07/2010	85.00	0.00	04/20/2010	Safety Officer Dues		-		No	0000
101-420-2220-44330	Dues & Subscriptions									
	12574 Total:	85.00								
	FDSOA Total:	85.00								
FREDs Fred's Tire										
463510	04/07/2010	25.38	0.00	04/20/2010	Repair/Rotate Tires on B2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	463510 Total:	25.38								
	FREDs Total:	25.38								
GARELICK Garelick Steel Co, Inc										
171852	04/13/2010	366.04	0.00	04/20/2010	Steel - Parks		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	171852 Total:	366.04								
	GARELICK Total:	366.04								
HAGBERGS Hagbergs Country Market										
03/31/2010	03/31/2010	4.69	0.00	04/20/2010	Items for Drill		-		No	0000
101-420-2220-44300	Miscellaneous									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
03/31/2010	03/31/2010	22.46	0.00	04/20/2010	Relief Charge		-			No	0000
101-420-2220-44300	Miscellaneous										
	03/31/2010 Total:	27.15									
	HAGBERGS Total:	27.15									
IIMC IIMC											
04/12/2010	04/12/2010	75.00	0.00	04/20/2010	IIMC Membership Dues - Carole Luczak		-			No	0000
101-410-1320-44330	Dues & Subscriptions										
	04/12/2010 Total:	75.00									
	IIMC Total:	75.00									
LEOIL Lake Elmo Oil, Inc.											
S01203	03/31/2010	731.29	0.00	04/20/2010	Fuel		-			No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
	S01203 Total:	731.29									
	LEOIL Total:	731.29									
Lillie Newspapers Inc. Lillie Suburban											
7148	03/31/2010	31.63	0.00	04/20/2010	Legal Notice		-			No	0000
101-410-1320-43510	Legal Publishing										
7148	03/31/2010	-29.25	0.00	04/20/2010	Credit on Legal Notice Ord. 08-02		-			No	0000
101-410-1320-43510	Legal Publishing										
	7148 Total:	2.38									
	Lillie Total:	2.38									
LOFF Loffler Companies, Inc.											
1110978	04/01/2010	12.87	0.00	04/20/2010	Copy Machines Overages & Base March 2010		-			No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt										
	1110978 Total:	12.87									
	LOFF Total:	12.87									
MARONEYS Maroney's Sanitation, Inc											
331455	04/06/2010	103.66	0.00	04/20/2010	Waste Removal - City Hall		-			No	0000
101-410-1940-43840	Refuse										
331455	04/06/2010	45.62	0.00	04/20/2010	Waste Removal - Fire		-			No	0000
101-420-2220-43840	Refuse										
331455	04/06/2010	198.87	0.00	04/20/2010	Waste Removal - Public Works		-			No	0000
101-430-3100-43840	Refuse										
331455	04/06/2010	198.87	0.00	04/20/2010	Waste Removal - Parks		-			No	0000
101-450-5200-43840	Refuse										
	331455 Total:	547.02									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
MARONEY'S Total:		547.02								
MARV'S Marv's Professional Tools										
224517	04/08/2010	105.79	0.00	04/20/2010	Tool - Public Works		-		No	0000
101-430-3100-42400	Small Tools & Minor Equipment									
	224517 Total:	105.79								
MARV'S Total:		105.79								
MENARDSO Menards - Oakdale										
47305	03/13/2010	37.35	0.00	04/20/2010	Paint & Supplies for Bridge		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs				Demontrevill					
	47305 Total:	37.35								
49269	04/07/2010	102.00	0.00	04/20/2010	Lumber for Bridge hand rails Demont.		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	49269 Total:	102.00								
MENARDSO Total:		139.35								
MES Municipal Emergency Services										
00149140-SNV	02/19/2010	529.78	0.00	04/20/2010	Ladder Belts - Safety - Compliance		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	00149140-SNV Total:	529.78								
MES Total:		529.78								
METCOU Metropolitan Council										
0000927929	04/02/2010	1,374.96	0.00	04/20/2010	Monthly Wastewater Service May 2010		-		No	0000
602-495-9450-43820	Sewer Utility - Met Council									
	0000927929 Total:	1,374.96								
METCOU Total:		1,374.96								
MFRA McCombs Frank Roos Assoc Inc.										
66652	04/01/2010	292.50	0.00	04/20/2010	General Planning Assistance		-		No	0000
101-410-1910-43150	Contract Services									
	66652 Total:	292.50								
MFRA Total:		292.50								
MILLEREX Miller Excavating, Inc.										
14681	03/31/2010	462.50	0.00	04/20/2010	Grading Gravel Roads		-		No	0000
101-430-3120-43150	Contract Services									
	14681 Total:	462.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MILLEREX Total:		462.50								
MNAWWA Minnesota AWWA										
601-494-9400-44370	04/09/2010 Conferences & Training	115.00	0.00	04/20/2010	Water Operator Training - Bouthilet		-		No	0000
601-494-9400-44370	04/09/2010 Conferences & Training	115.00	0.00	04/20/2010	Water Operator Training - Colemer		-		No	0000
Total:		230.00								
MNAWWA Total:		230.00								
MNDOH MN Department of Health										
601-494-9400-44370	04/09/2010 Conferences & Training	32.00	0.00	04/20/2010	Exam Fee for Water Operator - Colemer		-		No	0000
Total:		32.00								
MNDOH Total:		32.00								
MSFCB MN Fire Service Cert. Board										
20100409083648	04/09/2010 Conferences & Training	340.00	0.00	04/20/2010	Firefighter Recertification X 17		-		No	0000
101-420-2220-44370	20100409083648 Total:	340.00								
MSFCB Total:		340.00								
NAPA NAPA Auto Parts										
620718	04/14/2010 Repairs/Maint Eqpt	30.71	0.00	04/20/2010	Parts - Fire		-		No	0000
101-420-2220-44040	620718 Total:	30.71								
NAPA Total:		30.71								
NORTHOO HSBC Business Solutions										
03/24/2010	03/24/2010 Repairs/Maint Eqpt	47.10	0.00	04/20/2010	Chocks, bungees and pin for Ranger		-		No	0000
101-420-2220-44040	03/24/2010 Total:	47.10								
3298	04/12/2010 Equipment Parts	74.97	0.00	04/20/2010	Brake Controller - Fire		-		No	0000
101-420-2220-42210	3298 Total:	74.97								
NORTHOO Total:		122.07								
ONECALL One Call Concepts, Inc Gopher Stat										
0030617	03/31/2010 Contract Services	119.60	0.00	04/20/2010	Line Locats - March 2010		-		No	0000
101-430-3100-43150										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	0030617 Total:	119.60								
	ONECALL Total:	119.60								
PITNEY Pitney Bowes										
372620 04/02/2010		299.52	0.00	04/20/2010	Postage Machine Rental		-		No	0000
101-410-1320-42000 Office Supplies										
372620 Total:		299.52								
PITNEY Total:		299.52								
PITNEYRE Reserve Account Pitney Bowes										
03/15/2010 03/15/2010		500.00	0.00	04/20/2010	Postage		-		No	0000
101-410-1320-43220 Postage										
03/15/2010 Total:		500.00								
PITNEYRE Total:		500.00								
PLANTH PLANT HEALTH ASSOCIATES, INC										
999-10 04/15/2010		960.00	0.00	04/20/2010	Forester Services - March 2010		-		No	0000
101-430-3250-43150 Contract Services										
999-10 04/15/2010		72.00	0.00	04/20/2010	Forester Services - Developments		-		No	0000
203-490-9070-43150 Contract Services										
999-10 Total:		1,032.00								
PLANTH Total:		1,032.00								
PRESS Press Steven										
04/06/2010 04/06/2010		62.93	0.00	04/20/2010	Cable CC Meeting 04/06/10		-		No	0000
101-410-1450-43620 Cable Operations										
04/06/2010 04/06/2010		-4.05	0.00	04/20/2010	Use Tax Payable		-		No	0000
101-000-0000-20201 Use Tax Payable										
04/06/2010 Total:		58.88								
04/12/2010 04/12/2010		58.88	0.00	04/20/2010	PZ Meeting - Cable 4/12/2010		-		No	0000
101-410-1450-43620 Cable Operations										
04/12/2010 Total:		58.88								
PRESS Total:		117.76								
REED Reed Business Information										
4364034 04/07/2010		167.28	0.00	04/20/2010	2010 Seal Coat Project		-		No	0000
101-410-1450-43510 Public Notices										
4364034 Total:		167.28								
REED Total:		167.28								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
RIVERCTY RIVER CITY SERVICES										
717	03/31/2010	60.00	0.00	04/20/2010	Trash Disposal - Dumped on road		-		No	0000
101-430-3100-43840	Refuse				Sanct.					
	717 Total:	60.00								
	RIVERCTY Total:	60.00								
RIVRCOOP River Country Cooperative										
03/31/2010	03/31/2010	249.00	0.00	04/20/2010	Fuel - Fire		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
	03/31/2010 Total:	249.00								
	RIVRCOOP Total:	249.00								
ROGERS Rogers Printing Services, Corp										
17041	04/06/2010	1,773.00	0.00	04/20/2010	Newsletter		-		No	0000
101-410-1320-43090	Newsletter/Website									
17041	04/06/2010	543.00	0.00	04/20/2010	Recycle Insert		-		No	0000
101-430-3200-43090	Newsletter									
17041	04/06/2010	159.23	0.00	04/20/2010	Tax		-		No	0000
101-000-0000-20201	Use Tax Payable									
	17041 Total:	2,475.23								
	ROGERS Total:	2,475.23								
RUD Prince-Rud Diane										
04/05/10	04/05/2010	342.00	0.00	04/20/2010	Cleaning City Hall & Annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
04/05/10	04/05/2010	256.50	0.00	04/20/2010	Cleaning Fire Hall		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
04/05/10	04/05/2010	27.52	0.00	04/20/2010	Supplies		-		No	0000
101-410-1940-42110	Cleaning Supplies									
04/05/10	04/05/2010	-38.50	0.00	04/20/2010	Use Tax		-		No	0000
101-000-0000-20201	Use Tax Payable									
	04/05/10 Total:	587.52								
	RUD Total:	587.52								
SAMSCLUB Sam's Club										
132363120012322	04/13/2010	25.10	0.00	04/20/2010	Fire Station Supplies		-		No	0000
101-420-2220-44300	Miscellaneous									
	132363120012322 Total:	25.10								
18616099304395	04/15/2010	-30.44	0.00	04/20/2010	Credit on Returned Items		-		No	0000
101-420-2220-44300	Miscellaneous									
	18616099304395 Total:	-30.44								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
349-06-09596	04/13/2010	42.96	0.00	04/20/2010	Hangers For Gear - Fire		-			No 0000
101-420-2220-44300	Miscellaneous									
	349-06-09596 Total:	42.96								
	SAMSCULUB Total:	37.62								
TESSMAN Tessman Company Corp										
S123342-IN	04/01/2010	186.39	0.00	04/20/2010	Seed & fert. for Boulevard Repairs		-			No 0000
101-430-3125-42250	Landscaping Materials									
	S123342-IN Total:	186.39								
	TESSMAN Total:	186.39								
TKDA TKDA, Inc.										
000201000855	04/12/2010	372.10	0.00	04/20/2010	Development - Whistling Valley III		-			No 0000
203-490-9070-43030	Engineering Services									
	000201000855 Total:	372.10								
000201000856	04/12/2010	138.85	0.00	04/20/2010	Development - Discover Crossing		-			No 0000
203-490-9070-43030	Engineering Services									
	000201000856 Total:	138.85								
000201000857	04/12/2010	74.10	0.00	04/20/2010	Surface Water Mgmt Plan		-			No 0000
603-496-9500-43030	Engineering Services									
	000201000857 Total:	74.10								
000201000858	04/12/2010	16,850.74	0.00	04/20/2010	2010 Street & Water Quality Project		-			No 0000
417-480-8000-43030	Engineering Services									
	000201000858 Total:	16,850.74								
000201000859	04/12/2010	185.14	0.00	04/20/2010	Public Works Assistance - Engineering		-			No 0000
101-430-3100-43030	Engineering Services									
	000201000859 Total:	185.14								
000201000859	04/12/2010	4,388.67	0.00	04/20/2010	Misc. Engineering		-			No 0000
101-410-1930-43030	Engineering Services									
	000201000859 Total:	4,388.67								
000201000859	04/12/2010	426.93	0.00	04/20/2010	Planning - Engineering		-			No 0000
101-410-1910-43030	Engineering Services									
	000201000859 Total:	426.93								
000201000860	04/12/2010	5,000.74	0.00	04/20/2010	Building Dept. - Engineering		-			No 0000
101-420-2400-43030	Engineering									
	000201000860 Total:	5,000.74								
000201000860	04/12/2010	462.84	0.00	04/20/2010	Planning Dept. - Engineering -		-			No 0000
101-410-1910-43030	Engineering Services									
	000201000860 Total:	462.84								
000201000860	04/12/2010	1,421.38	0.00	04/20/2010	Infrastructure - Engineering		-			No 0000
409-480-8000-43030	Engineering Services									
	000201000860 Total:	1,421.38								
000201000860	04/12/2010	838.30	0.00	04/20/2010	Parks - Engineering		-			No 0000
404-480-8000-43030	Engineering Services									
	000201000860 Total:	838.30								
000201000860	04/12/2010	46.28	0.00	04/20/2010	Surface Water - Engineering		-			No 0000
603-496-9500-43030	Engineering Services									
	000201000860 Total:	46.28								
000201000860	04/12/2010	879.40	0.00	04/20/2010	Water - Engineering		-			No 0000
601-494-9400-43030	Engineering Services									
	000201000860 Total:	879.40								
000201000860	04/12/2010	1,172.03	0.00	04/20/2010			-			No 0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
000201000860	04/12/2010	277.70	0.00	04/20/2010	Sewer - Engineering		-		No	0000
602-495-9450-43030	Engineering Services									
000201000861	04/12/2010	5,097.93	0.00	04/20/2010	Jamaca/Hwy 5 Roundabout - Engineering		-		No	0000
417-480-8000-43030	Engineering Services									
000201000862	04/12/2010	5,177.02	0.00	04/20/2010	2010 Sealcoat Project		-		No	0000
409-480-8000-43030	Engineering Services									
000201000863	04/12/2010	5,177.02	0.00	04/20/2010	Water Systems Strategies - Engineering		-		No	0000
601-494-9400-43030	Engineering Services									
000201000863	04/12/2010	2,584.69	0.00	04/20/2010	Water Systems Strategies - Engineering		-		No	0000
000201000863	04/12/2010	3,670.41	0.00	04/20/2010	Water Systems Strategies - Engineering		-		No	0000
000201000863	04/12/2010	3,670.41	0.00	04/20/2010	Water Systems Strategies - Engineering		-		No	0000
TKDA Total:		38,966.58								
UMBIO SAG U of M Biosystems & Ag Eng										
04/06/2010	04/05/2010	25.00	0.00	04/20/2010	Late Fee for Erosion & Stormwater Cert		-		No	0000
101-420-2400-44370	Conferences & Training									
04/06/2010	04/06/2010	25.00	0.00	04/20/2010	Late Fee for Erosion & Stormwater Cert		-		No	0000
UMBIO SAG Total:		25.00								
VISA-SL VISA										
04/01/2010	04/01/2010	334.56	0.00	04/20/2010	Annual Clerks Conference Luczak & Slumby		-		No	0000
101-410-1320-44370	Conferences & Training									
04/01/2010	04/01/2010	64.22	0.00	04/20/2010	Recognituin Clerks Certification Luczak		-		No	0000
101-410-1320-44300	Miscellaneous									
04/01/2010	04/01/2010	15.00	0.00	04/20/2010	Annual Card Fee		-		No	0000
101-410-1320-44300	Miscellaneous									
Total:		413.78								
VISA-SL Total:		413.78								
VISALE40 VISA										
8040	03/31/2010	5.98	0.00	04/20/2010	Charge on Windows Upgrade		-		No	0000
101-410-1450-43180	Information Technology/Web									
8040	03/31/2010	5.98	0.00	04/20/2010	Charge on Windows Upgrade		-		No	0000
VISALE40 Total:		5.98								
WAS-IS Washington County										
1734	03/31/2010	46.00	0.00	04/20/2010	County Tax Info for Auditors		-		No	0000
101-410-1450-43180	Information Technology/Web									
1734	03/31/2010	46.00	0.00	04/20/2010	County Tax Info for Auditors		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WAS-IS Total:		46.00								
WASRADIO WASHINGTON COUNTY										
65888	03/29/2010	3,800.76	0.00	04/20/2010	1/4rly user fee for 800 MHz radios		-		No	0000
101-420-2220-43230	Radio									
65888 Total:		3,800.76								
WASRADIO Total:		3,800.76								
WITTER Witter Nick										
04/07/2010	04/07/2010	149.48	0.00	04/20/2010	Mileage		-		No	0000
101-420-2220-43310	Mileage									
04/07/2010 Total:		149.48								
WITTER Total:		149.48								
XCEL Xcel Energy										
51-4504807-7	04/12/2010	70.55	0.00	04/20/2010	Lights at Legion Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-4504807-7	04/12/2010	73.94	0.00	04/20/2010	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-4504807-7	04/12/2010	28.01	0.00	04/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4504807-7 Total:		172.50								
51-4572945-7	04/12/2010	29.13	0.00	04/20/2010	Street Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4572945-7 Total:		29.13								
51-4576456-3	04/12/2010	555.17	0.00	04/20/2010	Fire Station 2		-		No	0000
101-420-2220-43810	Electric Utility									
51-4576456-3 Total:		555.17								
51-4580376-5	04/12/2010	655.16	0.00	04/20/2010	City Hall		-		No	0000
101-410-1940-43810	Electric Utility									
51-4580376-5	04/12/2010	25.55	0.00	04/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4580376-5 Total:		680.71								
51-4733556-8	04/12/2010	9.28	0.00	04/20/2010	Tennis Courts		-		No	0000
101-450-5200-43810	Electric Utility									
51-4733556-8 Total:		9.28								
51-5044219-0	04/12/2010	135.99	0.00	04/20/2010	Parks Building		-		No	0000
101-450-5200-43810	Electric Utility									
51-5044219-0 Total:		135.99								
51-5275289-3	04/12/2010	10.15	0.00	04/20/2010	Pebble Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-5275289-3 Total:		10.15								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
51-5356323-8	04/12/2010	1,344.31	0.00	04/20/2010	Wells 1 & 2		-		No	0000
601-494-9400-43810	Electric Utility									
	51-5356323-8 Total:	1,344.31								
51-5522332-2	04/12/2010	36.08	0.00	04/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
	51-5522332-2 Total:	36.08								
51-5747685-4	04/12/2010	119.15	0.00	04/20/2010	Arts Center		-		No	0000
101-450-5200-43810	Electric Utility									
	51-5747685-4 Total:	119.15								
51-5916043-7	04/12/2010	17.09	0.00	04/20/2010	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
	51-5916043-7 Total:	17.09								
51-6429583-8	04/12/2010	15.79	0.00	04/20/2010	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
	51-6429583-8 Total:	15.79								
51-6433976-2	04/12/2010	316.54	0.00	04/20/2010	Fire Station 1		-		No	0000
101-420-2220-43810	Electric Utility									
	51-6433976-2 Total:	316.54								
51-6625457-1	04/12/2010	96.39	0.00	04/20/2010	Legion Park		-		No	0000
101-450-5200-43810	Electric Utility									
	51-6625457-1 Total:	96.39								
51-6736544-2	04/12/2010	1,864.94	0.00	04/20/2010	Street Lights		-		No	0000
101-430-3160-43810	Street Lighting									
	51-6736544-2 Total:	1,864.94								
51-6928283-3	04/12/2010	25.69	0.00	04/20/2010	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
	51-6928283-3 Total:	25.69								
51-6956201-4	04/12/2010	53.01	0.00	04/20/2010	VFW Ballfields		-		No	0000
101-450-5200-43810	Electric Utility									
	51-6956201-4 Total:	53.01								
51-7538112-1	04/12/2010	2,217.26	0.00	04/20/2010	Public Works		-		No	0000
101-430-3100-43810	Electric Utility									
	51-7538112-1 Total:	2,217.26								
51-8126093-5	04/12/2010	123.40	0.00	04/20/2010	Water Tower 2		-		No	0000
601-494-9400-43810	Electric Utility									
	51-8126093-5 Total:	123.40								
51-8711719-3	04/12/2010	10.40	0.00	04/20/2010	Speed Sign Hwy 5		-		No	0000
101-430-3160-43810	Street Lighting									
	51-8711719-3 Total:	10.40								
	XCEL Total:	7,832.98								
Report Total:		77,034.36								



MAYOR & COUNCIL COMMUNICATION

DATE: 04/20/2010
CONSENT
ITEM #: 3
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approval of Water Meters Replacement

SUBMITTED BY: Tom Bouthilet, Finance Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Mike Bouthilet, Public Works Director

SUMMARY AND ACTION REQUESTED: As part of the Consent Agenda, the City Council is asked to approve the purchase of approximately 245 new water meters to replace outdated meters, with a total expenditure amount not to exceed \$ 70,000.00.

BACKGROUND INFORMATION: The City currently has approximately 245 water meters with "phone read" equipment. This method of meter reading collection has become out-dated due to a variety of reasons, such as utilization of cell phones in lieu of land lines, digital lines through cable service, and increased line draws. As a result of phone read failures and our current radio read issues (wiring disconnected during remodels, failures in splices, etc.) the water department is experiencing a high percentage of reading failures.

STAFF REPORT: During the 2010 Budget/Capital Improvement review process, the Budget & Finance Sub-Committee identified the need to replace the phone read meters and set aside \$70,000 toward the purchase of new meters. This project was approved by the City Council in December 2009 as part of the 2010 Capital Improvement Program for the Water Utility.

OTHER CONSIDERATIONS – FINANCIAL: The cost of each meter, installation labor included is \$ 285.50. This price will allow the City to purchase 245 replacement meters.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the purchase of approximately 245 new water meters to replace existing dated meters as part of tonight's Consent Agenda by undertaking the following action:

“Move to approve the purchase of apporximately245 new water meter at a total price not to exceed \$70,000.00.”

Alternatively, the Council may elect to remove this item from the Consent Agenda as undertake separate discussion and action on this item, as appropriate.

ATTACHMENTS:

1. 2010 Capital Project Report Summary
2. Northern Water Works 2010 Price List

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

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



northern water works supply

FERGUSON WATERWORKS

City: Lake Elmo

PAR #: City Contract Expiration Date: 12/31/2010

City Contract #: Per: Tom Bouthiet

Programming requirements: Program all Compound Hi/Low RF - 6 Wheel ** Option to pass on Raw Material increases.

Size:

Product Description:
(Proread or E-Coder) (Gallon or CF)

2010
Sell

(T-10)
5/8
5/8 X 3/4
3/4 SL
3/4
1
1.5
2

E-Coder/R900i - Gallon	\$199.23
E-Coder/R900i - Gallon	\$199.23
E-Coder/R900i - Gallon	\$244.62
E-Coder/R900i - Gallon	\$244.62
E-Coder/R900i - Gallon	\$313.08
E-Coder/R900i - Gallon	\$506.92
E-Coder/R900i - Gallon	\$689.23

Below computation added by City

\$	199.23	Charge Per Meter
\$	7.00	Fittings
\$	65.00	Installation Labor
\$	14.27	Tax
\$	285.50	Total Per Meter

(HP Turbine)
1.5
2
3
4
6
8
10
12

E-Coder/R900i - Gallon	\$578.57
E-Coder/R900i - Gallon	\$600.00
E-Coder/R900i - Gallon	\$1,050.00
E-Coder/R900i - Gallon	\$1,421.43
E-Coder/R900i - Gallon	\$2,600.00
E-Coder/R900i - Gallon	\$3,850.00
E-Coder/R900i - Gallon	\$6,028.57
E-Coder/R900i - Gallon	

\$	70,000.00	CIP
\$	285.50	Cost per meter
	245	Total Meters

(TRU/FLO Compound)
2
3
4
6
6 x 8

E-Coder/R900i - Gallon	\$1,621.43
E-Coder/R900i - Gallon	\$2,257.14
E-Coder/R900i - Gallon	\$2,985.71
E-Coder/R900i - Gallon	\$4,907.14
E-Coder/R900i - Gallon	\$6,957.14

(Radio)
Neptune R900 V3

\$92.86

Prices Do Not Include Sales Tax.

City of Lake Elmo
Capital Projects Summary 2010

Fund/Category	Project	Detail or Street From/To	Estimated Cost 2010	Funding Source
Park Dedication (404)				
Parks	Sunfish Lake Park	Information Kiosk	\$2,000	100% DNR
Parks	Carriage Station	Pathway	\$2,000	Park Dedication Fees
Parks	Lions Park	Replace Shelter Roof	\$4,000	Park Dedication Fees
Parks	Sunfish Lake Park	Rain Gardens	\$8,600	50% From Wash. Conservation 50% Park Ded.
Parks	Sunfish Lake Park	Management Plan	\$10,000	75% Greenway 25% Park Ded.
Parks	Sunfish Lake Park	Boulders, Gate, Landscaping	\$12,000	Park Dedication Fees
Parks	Signage	All Parks	\$13,000	Park Dedication Fees
Parks	Pebble Park	Tennis Court Resurface	\$20,000	Park Dedication Fees
Parks	Pebble Park	Convert Ballfield	\$20,000	Park Dedication Fees
Parks	DeMontreville Park	Picnic Shelter	\$45,000	Park Dedication Fees
Parks	Sunfish Lake Park	Prairie establishment	\$48,500	\$24,925 Greenway Grant \$21,575 Park Ded.
Parks	Trail Improvements		\$50,000	Park Dedication Fees
Total Park Dedication (404)			\$233,000	
Infrastructure Reserve (409) (2010 projects, not including sealcoating, budgeted in 2010 Street Improvements Fund #417)				
Per 2009 Transportation plan				
Infrastructure	Sealcoating (see 2010 detail below)		\$125,000	Fund Balance/General Tax Levy
Infrastructure	57TH ST N	55TH ST TO JULEP WAY	\$105,000	70% Property Tax Levy; 30% Assessments
Infrastructure	53RD ST N	EAST SIDE OF FOXFIRE ADDITION TO KEATS AVE N	\$312,000	70% Property Tax Levy; 30% Assessments
Infrastructure	ISLE AVE N	JAMACA AVE N TO SOUTH END	\$189,000	70% Property Tax Levy; 30% Assessments
Infrastructure	JANE RD N	JAMACA AVE N TO WEST END	\$115,000	70% Property Tax Levy; 30% Assessments
Infrastructure	JAMACA AVE ROUNDABOUT (MSAS)	JAMACA CT TO TH 5	\$244,007	70% MSA Funds; 30% Assessments
Total Infrastructure Reserve (409)			\$1,090,007	See Surface Water Below = \$35,000 50% of Total
Capital Acquisitions (410)				
Information Technology	City Hall network		\$2,500	Capital Fund Balance
Information Technology	Replacement equipment		\$6,800	Capital Fund Balance
Information Technology	License updates		\$2,000	Capital Fund Balance
Information Technology	Finance software upgrade		\$14,900	Capital Fund Balance
Building	Blog Permit Upgrade		\$6,500	Capital Fund Balance
Fire	Upgrade to Station 1		\$28,000	Capital Fund Balance
Fire	Upgrade to Station 2		\$35,000	Capital Fund Balance
Fire	2 sets turnout gear		\$3,600	Capital Fund Balance
Public Works	Pick-up Truck		\$35,000	Capital Fund Balance
Total Capital Acquisitions (410)			\$134,300	
Village (413)				
Village	Village development analysis		\$10,000	AUAR fees
Village	Village comprehensive planning		\$50,000	AUAR fees
Total Village (413)			\$60,000	
Water (601)				
Water	Well and Pumphouse #4		\$885,000	MDH low interest loan
Water	230 replacement water meters		\$70,000	Net Assets
Water	Water supply (conservation) plan		\$5,000	Net Assets
Total Water (601)			\$960,000	
Surface Water (603)				
Surface Water	Rain Garden Improvements		\$35,000	Net Assets
Total Surface Water (603)			\$35,000	
Total City			\$2,512,307	



MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010
CONSENT
ITEM #: 4
MOTION *as part of Consent Agenda*

AGENDA ITEM: Donation to Firefighters' Relief Association

SUBMITTED BY: Honorable Dan Johnston, Mayor

THROUGH: Bruce A. Messelt, City Administrator

BAW

REVIEWED BY: Tom Bouthilet, Finance Director
Greg Malmquist, Fire Chief
Dave Snyder, City Attorney

SUMMARY AND ACTION REQUESTED: This item has been scheduled by Mayor Johnston. As part of its Consent Agenda, the City Council is asked to approve a donation from the City's General Fund in the amount of \$ 1,000.00 to the Firefighters Relief Association. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The Lake Elmo Firefighters' Relief Association is a stand-alone organization and separate from the Lake Elmo Fire Department. Its only function is to oversee and manage the retirement funds for the Firefighters.

The City of Lake Elmo has contributed to the fund several times over the years. The City contributed to the initial start up fund, contributed when there was a procedural error and when the fund was underfunded (the 9/11 crash).

For several years the Fire Department has proposed to the City Council to budget for an annual donation to the fund for several reasons; to help offset the years when there was no increase in Fire Fighter pay, to help maintain the fund, and, most importantly, to show support to not only those that currently have served the City for many years, but also to help in our recruiting and retention of new members.

STAFF REPORT: The City Administrator, Finance Director and Attorney find the proposed action within the legal scope and authority of the City Council and of very limited impact to the City's overall financial position. When asked, the Fire Chief noted that support of the Relief Assoc. by the City would go a long way in expressing support to the membership and the service

they provide. The Chief also believes it will also raise the awareness of the Association within the City and with future City and community leaders.

RECOMMENDATION: It is recommended that the City Council consider the requested action as part of the Consent Agenda, specifically to.

“Move to approve a donation from the City’s General Fund in the amount of \$1,000.00 to the Firefighters’ Relief Association and to authorize the Mayor and direct City staff to prepare and execute the necessary Budget Adjustment.”

Alternatively, the City Council can remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

“Move to proceed as directed at tonight’s meeting [specified herein as . . .]”

ATTACHMENTS: None

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

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



MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010
CONSENT
ITEM #: 5
MOTION *as part of Consent Agenda*

AGENDA ITEM: Resolution of Support for Mahtomedi Public Schools Bond Referendum

SUBMITTED BY: Dr. Mark Wolak, Mahtomedi Public School Superintendent

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

REVIEWED BY: Lake Elmo City Council

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve Resolution 2010-016, supporting the proposed Bond Referendum of Mahtomedi Public Schools. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: On April 13th, the City Council received a presentation by Mahtomedi Public School Officials on the planned April 27th, 2010 Bond Election. At that time, the City Council directed that this item be placed for approval on tonight's Consent Agenda

Attached for Council information is a letter from the School District regarding the proposed Bond referendum. Also attached is Resolution 2010-016, offering the City's support to the upcoming April 27th Bond Referendum

STAFF REPORT: City staff offers no suggested position or specific Council action regarding this topic.

RECOMMENDATION: As directed, it is recommended that the City Council affirmatively consider as part of tonight's Consent Agenda Resolution 2010-016, offering City support to the upcoming April 27th Mahtomedi Public Schools Bond Referendum.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and deliberate prior to taking action. If done so and some formal Council action is still desired, the appropriate action of the Council following such discussion would be:

“Move to approve Resolution 2010-016, as Presented *[and modified]* herein.”

ATTACHMENTS:

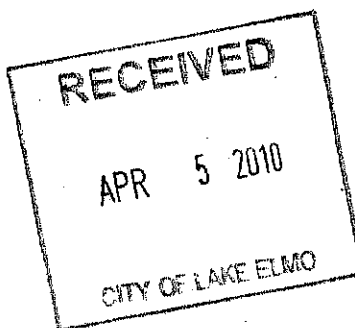
1. March 31st 2010 Letter from Superintendent Wolak
2. Resolution 2010-016

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



District Office
1520 Mahtomedi Avenue
Mahtomedi, MN 55115-1900
651-407-2001
Fax: 651-407-2025
www.mahtomedi.k12.mn.us



March 31, 2010

Dear City Leaders:

We, the school board members and administrators of the Mahtomedi Public Schools, request your support by resolution for the upcoming facilities bond election on April 27, 2010. Approval of the bond and implementation of the strategic facilities plan will provide for a new Wildwood School, improve instructional space at the high school, and increase safety and energy efficiency at all facilities. The strategic facilities plan, a result of more than two years of study and deliberation, will provide high quality learning environments for students, staff and community for many years to come. As a partner with your city, we will improve athletic fields to accommodate the growing needs of area community athletic associations serving children and youth.

We continue to hold community meetings to share information regarding the facilities plan and answer citizen questions. Meeting schedules, reports, supporting documents and presentation materials are available on the district's website at www.mahtomedi.k12.mn.us. Please contact me at mark.wolak@mahtomedi.k12.mn.us or 651-407-2001 if you have questions or need more information.

Enclosed is the Resolution for your review and adoption. Please return a signed copy to me at the above address. Thank you for your support.

Sincerely,

Mark Wolak, Ed. D
Superintendent of Schools

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

RESOLUTION NO. 2010-016

**BOND REFERENDUM RESOLUTION
SUPPORTING THE MAHTOMEDI PUBLIC SCHOOLS**

Whereas the City of Lake Elmo takes great pride in the success of ISD 832 and is committed to ensuring that future generations of students continue to receive the highest-quality education; and

Whereas, we recognize that great schools benefit communities broadly and enhance property values for local residents; and

Whereas, the strategic facilities plan for ISD 832 was developed over nearly two years in consultation with area parents, teachers, administrators and community members to identify upgrades that meet the unique student and community needs of ISD 832; and

Whereas, the strategic facilities plan will deliver significant improvements in ISD 832's math, engineering and science curriculum, as well as additional computer labs, libraries, support for modern technology in all classrooms, and safer and healthier facilities for all teachers and students; and

Whereas, improvements to athletic facilities will provide enhanced opportunities for ISD 832 students, local athletic associations and community members; and

Whereas, the strategic facilities plan will benefit all residents of ISD 832 by providing access to meeting space, computer labs and other resources for local civic groups and community gatherings; and

Whereas, by implementing Leadership in Energy and Environmental Design (LEED) -standard improvements in all schools, including full LEED certification for the new Wildwood Elementary School, ISD 832 can continue its commitment to energy conservation by reducing consumption by 10%-15%, protecting the environment and preserving significant operating dollars for teachers and programs; and

Whereas, the time is right for this project, as ISD 832 is in a unique position to maximize taxpayer value with the use of federal stimulus Build America Bonds, lower than normal construction costs and long-term investments that will deliver efficient operations for the next 50 years.

Therefore, be it resolved by the undersigned elected officer that the City of Lake Elmo is in full support of the ISD 832 facilities plan and bond referendum as approved on February 4, 2010 by the ISD 832 School Board.

Mayor



MAYOR & COUNCIL COMMUNICATION

DATE: 04/20/2010

REGULAR

ITEM #: 6

MOTION

AGENDA ITEM: Promotion of Andrea Friedrich and Tom Steinman from Probation to Firefighter

SUBMITTED BY: Greg Malmquist, Fire Chief

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

REVIEWED BY: Tom Bouthilet, Finance 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 two Probationary Firefighters to Firefighters. The recommended action on this is as follows:

SUGGESTED MOTION: *"Move to Promote Probationary Members Andrea Friedrich and Tom Steinman from Probation to Firefighter Status."*

Following this action, it is recommended that the Mayor and Fire Chief administer the Oath of Office for Ms. Friedrich and Mr. Steinman and that the City Council appropriately congratulate these two individuals.

BACKGROUND INFORMATION: Ms. Friedrich and Mr. Steinman have completed the training requirements of Probation as follows: State Certified Firefighter I & II, State Certified Hazardous Materials Operations, First Responder and CPR. This represents approximately 200 hours of training, all the while maintaining their response requirements of Duty Crews, All Calls and other 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 Andrea Friedrich and Tom Steinman from Probation Status to Firefighter within the Lake Elmo Fire Department. The action required to undertake this is as follows:

***"Move to Promote Probationary Members Andrea Friedrich and Tom Steinman
from Probation to Firefighter Status."***

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

ATTACHMENTS:

1. Oath of Office for Firefighter Andrea Friedrich
2. Oath of Office for Firefighter Tom Steinman

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: 4/20/10

REGULAR

ITEM #: 7

DISCUSSION

AGENDA ITEM: Presentation of CSAH 13 (Ideal Avenue/Olson Lake Trail) Driver Feedback Sign and Roadway Study

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

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

REVIEWED BY: Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: Washington County has completed the Driver Feedback Sign and Roadway Study for CSAH 13 (Ideal Avenue/Olson Lake Trail) and will present its findings at tonight's Council Meeting.

Once the report has been presented, the Council may provide direction, as necessary based upon the findings of the report.

BACKGROUND INFORMATION: Within this study area, County State Aid Highway (CSAH) 13 (Ideal Avenue/Olson Lake Trail) is a two-lane north-south County highway with a posted speed ranging from 40 to 50 miles per hour (mph). CSAH 13 currently carries approximately 2,500 to 3,500 vehicles per day (vpd) in the study area and has narrow, 0' to 4' paved shoulders. The current roadway was constructed in 1945 south of Hidden Bay Trail and in 1960 north of Hidden Bay Trail. Both sections of roadway were last repaved in 1986.

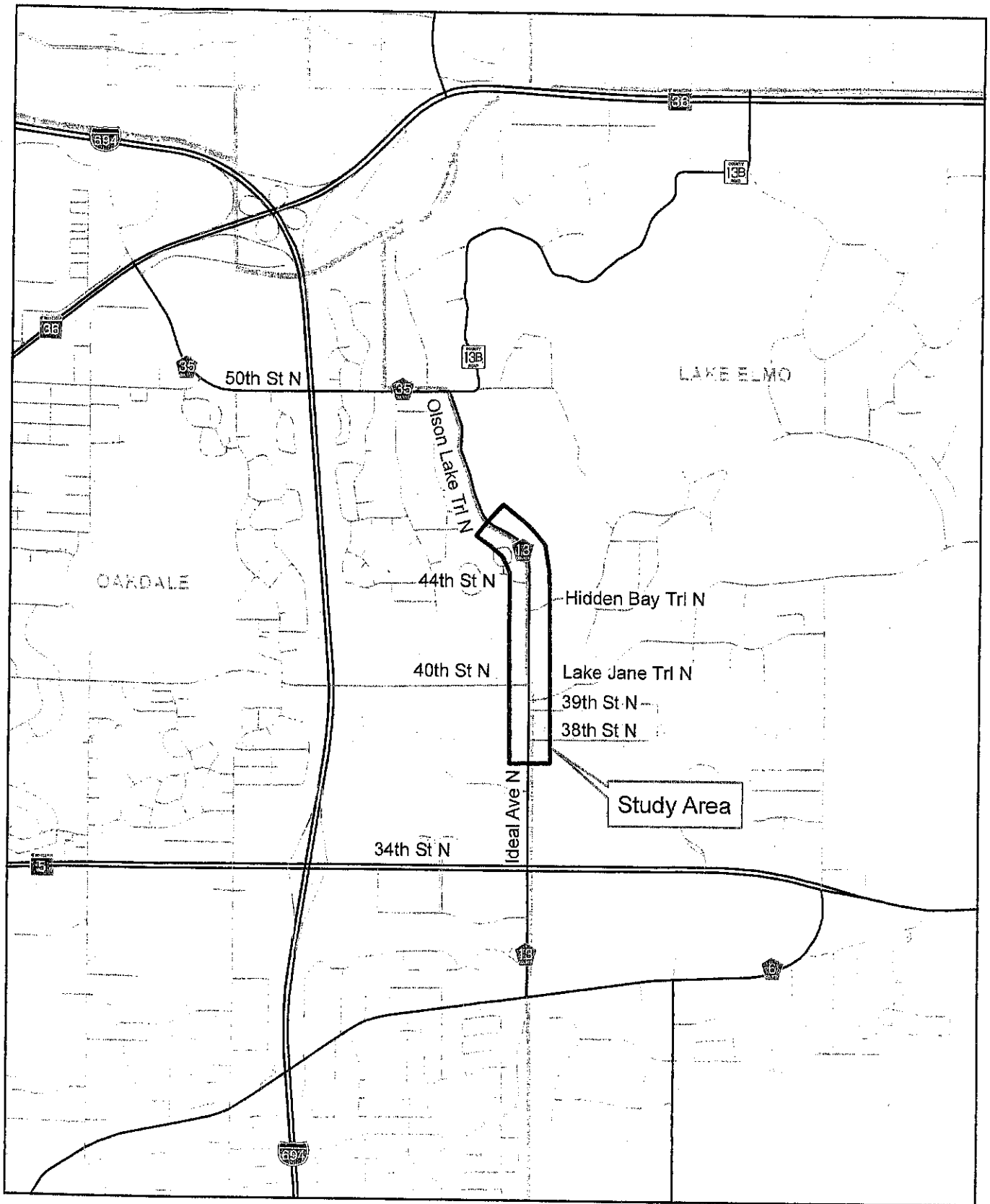
STAFF REPORT: Several concerns along this roadway have been identified by the City of Lake Elmo (speed limits, speed limit posting, pedestrian and bicycle safety, sight distances, and access spacing). Based upon these concerns, Washington County conducted a study of the roadway and will present the results of the study at tonight's Council Meeting.

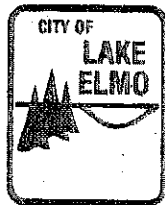
RECOMMENDATION: It is recommended that the Lake Elmo City Council receive the presentation on the Driver Feedback Sign and Roadway Study completed by Washington County and, following this presentation and discussion, provide staff direction, as necessary.

ATTACHMENTS: Study location map.

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Washington County
- Questions from Council to Presenter Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & City Council
- Direction/Action Mayor & City Council





MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010
REGULAR
ITEM: 8
MOTION *Resolution 2010-014*

AGENDA ITEM: Eder's Century Pines Preliminary and Final Plat

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce Messelt, City Administrator *BAW*

REVIEWED BY: Kelli Matzek, City Planner
Ryan Stempski, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is asked to review a preliminary and final plat for a subdivision to be called Eder's Century Pines. Staff has found that the subdivision complies with all applicable zoning and subdivision requirements, and is recommending approval of both the preliminary plat and final plat as submitted. The recommended motion to act on this is as follows:

SUGGESTED MOTION: *"Move to adopt Resolution No. 2010-014 approving a Preliminary and Final Plat for Eder's Century Pines subject to the conditions outlined in the Staff report"*

BACKGROUND INFORMATION: The proposed subdivision has been requested by the Eder Family to facilitative the re-subdivision of the former family farm into seven new lots, three of which would be occupied by existing single family dwellings or farm related outbuildings.

The only significant change to the configuration of lots since the sketch plan was reviewed by the City is the addition of a 1-acre parcel owned by Delmar Eder to the overall subdivision. The final lots will therefore include two existing homes, the original farmstead, three new buildable lots, and the 1.5-acre Delmar Eder property.

As the next step after the City's consideration of the sketch plan for this subdivision, the applicants have submitted a request for concurrent review and approval of the preliminary and final plat for Eder's Century Pines.

STAFF REPORT: The attached Staff report includes a detailed description of the property to be subdivided and a review and analysis of the subdivision and whether or not it adheres to the

City's subdivision requirements. The only significant issue that has been identified by Staff is that the applicant has not yet submitted a surface water and sediment control plan that conforms to the City's recently adopted ordinance pertaining to surface water management.

Since there are only three new buildable lots being created and no new public infrastructure is planned to serve this development, Staff is comfortable with this information being submitted at the time a building permit is sought on each lot. A condition of approval has been drafted to address this issue.

PLANNING COMMISSION REPORT: The Planning Commission conducted a public hearing to consider testimony concerning the Preliminary Plat on April 12, 2010. There were no comments received during the hearing.

The Planning Commission generally discussed the relationship of the proposed subdivision with the Comprehensive Plan, and suggested that the City may need to re-evaluate the overall population and household numbers in Rural Agricultural Density areas if larger sites are not developed at the maximum OP Open Space Preservation development densities allowed under the Zoning Ordinance. Staff pointed out that the Zoning Ordinance establishes minimum lot area and size requirements, and that the City does not otherwise mandate a specific level of development above this amount.

The Commission also discussed the proposed storm water and drainage and erosion control requirements, and asked why the applicants were not required to complete a drainage analysis prior to the approval of the final plat. Staff indicated that with the larger lots that are being created, there are too many variables concerning the potential future construction on each lot to make such study meaningful at this time. With the small number of new buildable lots and the large size of each of these lots, the City Engineer does not believe a complete drainage analysis is necessary until each new home is built. The Staff recommendation includes a provision that the applicants be bound the future submission of a surface water study on each lot (through a developer's agreement) as condition of approval.

The Planning Commission unanimously recommended approval of the preliminary and final plat with four conditions of approval.

RECOMMENDATION: Based upon the above background information, staff report, and Planning Commission action, it is recommended that the City Council approve the preliminary and final plat by undertaking the following action:

Move to adopt Resolution No. 2010-014 approving a Preliminary and Final Plat for Eder's Century Pines subject to the following conditions:

- 1) The applicants shall provide evidence in a form satisfactory to the City Attorney that warrants they have fee interest in Eder's Century Pines.*

2) The applicants shall pay a fee in lieu of parkland dedication in the amount of \$3,600 per buildable lot (\$10,800 total) prior to the recording of the final plat.

3) The applicants shall enter into an agreement with the City that requires the submission of rate and volume control calculations meeting the Storm Water and Erosion and Sediment Control Ordinance for each buildable lot prior to the issuance of a building permit for each of these lots. This agreement shall be executed prior to the release of the plat for recording by the City.

4) The minimum low floor elevations for each lot must be shown on the subdivision plan prior to the recording of the final plat.

Alternatively, the City Council may consider the options outlined in the attached Staff report and either 1) approve only the preliminary plat, with conditions to be addressed prior to final plat approval; 2) table the preliminary and final plat, subject to the provision of additional information; or may 3) deny the request, if it is found to be in violation the City's Subdivision regulations.

ATTACHMENTS:

1. Staff Report
2. Resolution No. 2010-014
3. Final Plat – Eder's Century Pines
4. Subdivision Plan – Eder's Century Pines
5. Land Use Application Form
6. Project Summary
7. Valley Branch Letter (no wetland determination)
8. Soil Test Report
9. City Engineer Comments
10. Valley Branch Comments (3/13/10)

SUGGESTED ORDER OF BUSINESS:

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

City of Lake Elmo Planning Department
Preliminary and Final Plat Review

To: City Council

From: Kyle Klatt, Planning Director

Meeting Date: 4/20/10

Applicant: Eder Family (Entire List of Owners Documented in Application)

Owner: Same as Applicant (see above)

Location: 9825 47th Street; 4890 and 4950 Keats Avenue

Zoning: RR – Rural Residential

Introductory Information

***Application
Summary:***

The City of Lake Elmo has received a request from the Eder Family (for a complete listing of all affected property owners, please refer to list attached to the City's Land Use Application Form) to subdivide the family farm property into seven new parcels. The proposed subdivision will facilitate the division of the family estate amongst the remaining family members. Because there are over four lots being created by this subdivision, the applicants will need to follow the City's platting requirements, which require the submission of a sketch plan before a preliminary or final plat can be accepted by the City.

A sketch plan for this subdivision was reviewed by the Planning Commission and City Council in January of this year. The applicants have now submitted a request for approval of a preliminary and final plat for the subdivision to be named Eder's Century Pines. Staff is recommending that both the preliminary and final plats be reviewed at the same time since there are only three new buildable lots being created and each of these lots are over 10 acres in size.

The Planning Commission conducted a public hearing concerning the preliminary plat at its April 12, 2010 meeting.

***Property
Information:***

The applicants' property is located along Keats Avenue approximately one mile south of Highway 36 and one-half mile east of Lake Jane. The bulk of the land under consideration has been owned by Eder family for over 100 years, and includes not only the original farmstead, but two other parcels that have been conveyed to family members in the past. The total area that will be included in the proposed subdivision is just slightly less than 80 acres, which does not include existing road right-of-way easements that would be rededicated to the City as part of the final plat.

There has been a slight modification from the sketch plan to include the Delmar Eder

property within the proposed subdivision. As noted during the previous review, Staff has determined that this current 1-acre parcel can be incorporated into the plat (with additional area added to it) and remain in compliance with the City's non-conforming provisions. When the original parcel was created, a 40-foot strip of land from the farm property was left in place, presumably to allow for future road or other access along a continuation of 45th Street. With the recent platting of Tapestry at Charlotte's Grove and other road improvements in this area, maintaining this strip of land does not appear necessary. Also, the driveway that serves this property is partially located on the current farmstead property. The Delmar Eder parcel will therefore be increased in size to 1.5 acres by incorporating some of the surrounding land described above while leaving a 10 + acre parcel around this parcel.

Most of the property is currently used for agricultural activities, with three small wooded areas compromising the remainder of the site. The site is bisected by 47th Street, which connects to Julep Avenue and Keats Avenue also abutting portions of the property.

Nearly all of the land surrounding the proposed subdivision is zoned RR – Rural Residential, including the Tapestry at Charlotte's Grove development immediately to the south. The other adjacent land uses include agricultural activities, larger rural residential lots, and the Meyer's Pine Ridge addition to the north.

Soil boring and percolation tests have been performed on all of the lots included as part of the proposed subdivision, and all will be capable of meeting the City's standards for on-site sanitary facilities. A wetland delineation report has also been submitted for the property and no wetlands have been found within the area to be platted.

**Applicable
Codes:**

Section 154.036 RR – Rural Residential

Outlines the general requirements for the RR Rural Residential Zoning District in Lake Elmo. Some of the pertinent standards related to the proposed subdivision include the following:

Min Lot Size: 10 Acres

Min Frontage on a Public Street: 300 ft.

Septic Drainfield Regulations: All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites.

Lot Configuration: All lots must be rectangular in shape and any 2 adjacent sites must have an aspect ratio not exceeding 4:1.

Section 153.07 Preliminary Plat

Describes the application requirements and review process for a preliminary plat request.

Section 153.08 Final Plat

Describes the application requirements and review process for a final plat request.

Section 153.13 Design Standards; Required Improvements

Contains the design standards for new subdivisions. A review of these requirements is found below.

Findings & General Site Overview

Site Data: Lot Size: 80 acres +/-

Existing Uses: Single Family Residences/Agricultural/Agricultural Outbuildings

Existing Zoning: RR – Rural Residential

Property Identification Numbers (PID): 10-029-21-11-0003; 10-029-21-14-0001; 10-029-21-11-0002; 10-029-21-14-0003

Preliminary and Final Plat Review:

**Subdivision
Review:**

The applicant has submitted both a preliminary and final plat, and both of these requests are being submitted for review concurrently by the Planning Commission. In this case, Staff believes it is acceptable to review both requests at the same time since the issues associated with the large lot subdivision are fairly minor, because there are only three new buildable lots being created, and because there is no new public infrastructure planned to serve any of the new lots. The overall configuration of the lots has not changed from the sketch plan with the exception of the Delmar Eder property located in the extreme southwestern portion of the plat. Rather than two outlots being platted around his property, all of this land (the existing 1-acre parcel and ½ acre of additional land around it) is now incorporated directly into the final plat for Eder's Century Pines.

Staff previously provided the Planning Commission with a review of the City's Subdivision Ordinance requirements as they pertain to the proposed subdivision, and specifically noted that because there are no public infrastructure improvements required by the proposed subdivision and no building is proposed in any of the lots in the immediate future, many of the City's subdivision requirements will not apply to this request. This analysis also addressed review comments from the City Engineer. A summary of the City subdivision ordinance requirements and previous review comments with any updated information is summarized as follows:

- *Blocks.* The proposed subdivision will comply with all requirements for the arrangement of blocks within a subdivision.
- *Lots.* Given the large size of the proposed parcels, the subdivision will comply with minimum area, frontage, and lot arrangement requirements. The Delmar Eder parcel (Lot 4, Block 2) does not meet the minimum area or road frontage requirements, but has been deemed acceptable since an existing non-conforming lot is not becoming *less* compliant through with its inclusion as part of the subdivision. Setbacks are shown on the subdivision plan and would allow ample building area within each lot. There are no shoreland or wetland

issues that need to be considered within the platted area.

- *Easements.* The minimum easements as required by the subdivision ordinance have been shown in the proposed plat. The City Engineer previously requested a wider easement of 20 feet along the eastern property line, and this has been provided on the final plat. In addition, all drainage easements required by Valley Branch Watershed district are shown on the final plat.
- *Erosion and Sediment Control.* Detailed erosion control plans will not be required as part of the platting process due to the limited number of lots that will be created and the lack of any major infrastructure installation associated with the subdivision. A Valley Branch Watershed District permit will be required as is the case with any new subdivision within their jurisdiction. A detailed site survey, including an erosion control plan, will be required with a building permit on any of the buildable parcels with this subdivision. Please also note the comments found under the "drainage" discussion.
- *Drainage.* The City recently adopted a new surface water management ordinance, and most of the applicable standards for erosion and sediment control and drainage are found in these ordinance provisions. In some cases, these standards are more restrictive than those found in the subdivision ordinance, and should therefore be used as the minimum standards for the proposed plat. A surface water management plan is required for all subdivisions of more than three lots; however, the proposed plat is somewhat unique since there are no public improvements planned within the platted area. In order to ensure proper compliance with the erosion control standards for any new construction with the subdivision, Staff is recommending that a surface water management plan be submitted prior to the approval of any building permits for new residential structures on the buildable parcels. In order to further clarify the requirements concerning surface water management, Staff is also recommending that an agreement with the applicants be recorded with the property that more fully describes these future requirements.
- *Monuments for Plats.* This section contains requirements for the placement of monuments documenting the location of property boundaries within the subdivision.
- *Sanitary Sewer and Water Distribution and Public Facilities.* There are no public services planned in conjunction with this plat. Water service is planned to follow Keats Avenue along the eastern edge of the subdivision area in the future, but it would not be feasible to require the applicants to extend infrastructure at this time to service only three new lots.
- *Streets, Alleys, and Curbs.* Since there are no new streets required to serve the subdivision, none of this section will apply to the proposed plat.
- *General Improvements.* This section contains provisions related to boulevard trees, street signs, driveway approaches, street lighting, and sidewalks, none of which apply to the subdivision under consideration since existing roads will be

used for all access to the buildable parcels. Staff is not recommending that any additional tree plantings be required since all roads that serve the new lots have been in existence prior to the subdivision and there are currently forested areas within the subdivision that will not be impacted by any future construction activity.

Other issues that were identified by Staff for consideration prior to the preparation of preliminary plat include the following:

- **Comprehensive Plan.** This area is guided for Rural Agricultural Density (0.45 units per acre) which is consistent with the Open Space district zoning regulations. The City does not mandate that agricultural and rural residential property be subdivided as an open space development, and the proposed subdivision complies with the minimum area requirements for a RR – Rural Residential District. The proposed subdivision is therefore consistent with the City's Comprehensive Plan, and specifically the description of the RAD development areas a suitable for low density semi-rural residential development.
- **Park Dedication.** The City's Subdivision Ordinance requires the dedication of public park land with any new subdivision, and the amount of land that is supposed to dedicated in a Rural Residential district is 4% of the total area being subdivided. The ordinance does allow for a cash payment in lieu of parkland dedication using a formula based on the fair market value of the property to be subdivided or a per lot fee set by the City Council for subdivisions with three or fewer parcels. Staff is recommending that the City accept a payment in lieu of land dedication based on the fee schedule set by the Council since there are only three new buildable lots proposed. In this case the applicants will be required to pay a fee of \$3,600 per lot or \$10,800 for the entire subdivision.
- **Large Lot Planning.** The City's subdivision rules state that the City can require a future re-subdivision plan be submitted with a large lot subdivision. The purpose of such a plan would be to show how the property could be re-subdivided at some point in the future into smaller lots. During the sketch plan review, the Planning Commission and Council determined that a re-subdivision plan (or ghost plat) will not be required as part of the Eder's Century Pines review.
- **Delmar Eder Property.** This property has now been included as part of Eder's Century Pines and the resulting 1.5 acre parcel will be recognized as a legal non-conforming lot in a RR – Rural Residential zoning district.
- **Development Agreement.** Although there is no planned public infrastructure or other significant private improvements that would otherwise mandate a development agreement, Staff is recommending that an agreement be prepared and executed prior to the recording of the final plat to address the need for surface water management on each new building site.

- **Final Plat Process.** Given the relatively minor number of issues that need to be address by the applicants and small number of new buidable lots to be created, Staff has recommended that he preliminary and final plat stages be combined into one land use application and subsequent City review.
- **Road Dedication.** The proposed subdivision will help clean up some of the issues associated with the existing roadway easements that run through the subdivision area by dedicating these easements as public roadways on the plat. The Engineer has reviewed the roads to be dedicated and found that they are consistent with the previous easement descriptions, and in some cases, provide additional right-of-way width that now meets the applicable code requirements.
- **City Engineer Comments.** All comments received from the City Engineer regarding the sketch plan have been addressed with the preliminary and final plat submissions, with the following exceptions: 1) the Engineer has noted that the volume control calculations regarding storm water and erosion and sediment control have not been provided, and that an agreement should be required that requires these calculations to be provided prior to any new construction within the subdivision, and 2) the Engineer has requested that minimum low flood elevations for each lot be shown on the subdivision plan. Staff has drafted conditions of approval to address the Engineer's final review comments.
- **Tree Planting Requirements.** After reviewing the present site conditions with the City Forester, staff is not recommending that any additional tree plantings be required, either within public boulevard areas or on private property.

Conclusion: Based on the information submitted and compliance with previous review comments, it appears that the applicants have addressed all previous concerns regarding the sketch plan. The subdivision review should be fairly straight-forward at this point in time, and public a public hearing was conducted by the Planning Commission to seek public comments on the preliminary plat.

Based on the preceding review, Staff has found that all applicable conditions of approval as outlined by the city code Staff has further determined that no revisions to the preliminary plat are necessary, and is therefore recommending that the Commission recommend approval of both the preliminary and final plat.

Additional Information: As noted in the response to the wetland delineation report by the Valley Branch Watershed District, a permit will be needed from the watershed district related to the new subdivision.

Staff has attached the overview report concerning the soil borings and percolation tests performed on the property, which indicates all lots will be able to accommodate a primary and secondary sanitary system.

Recommendation:

**Planning
Commission**

The Planning Commission recommends that the City Council approve the preliminary plat and final plat for Eder's Century Pines, provided the following conditions are met with respect to the final plat:

- 1) The applicants shall provide evidence in a form satisfactory to the City Attorney that warrants they have fee interest in Eder's Century Pines.
- 2) The applicants shall pay a fee in lieu of parkland dedication in the amount of \$3,600 per buildable lot (\$10,800 total) prior to the recording of the final plat.
- 3) The applicants shall enter into an agreement with the City that requires the submission of rate and volume control calculations meeting the Storm Water and Erosion and Sediment Control Ordinance for each buildable lot prior to the issuance of a building permit for each of these lots. This agreement shall be executed prior to the release of the plat for recording by the City.
- 4) The minimum low floor elevations for each lot must be shown on the subdivision plan prior to the recording of the final plat.

**Council
Options:**

The City Council should consider the following options if it does not wish to take action consistent with the Planning Commission recommendation:

- A) Recommend approval of the preliminary plat with any changes that are requested by the City Council and table taking action in the Final Plat until these changes have been addressed.
- B) Table taking action on the preliminary plat in order to request additional information from either staff or the applicants.
- C) Recommend denial of the preliminary plat with findings that the proposed subdivision will not comply with the City's subdivision standards.

cc: Folz, Freeman, Erickson, Inc.; 12445 55th Street N

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

RESOLUTION NO. 2010-014

*A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT FOR
EDER'S CENTURY PINES*

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

WHEREAS, Folz, Freeman, Erickson, Inc., 12445 55th Street North, acting on behalf of Joel and Judith Eder; Emilie and Dean Carlson; Delmar and Joan Eder; Richard and Janet Eder; Melvin and Jane Eder; Mary Shervheim; Anne Marie Lundgren; and John Eder (Applicants) has submitted an application to the City of Lake Elmo (City) for a Preliminary and Final Plat for Eder's Century Pines, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the City has accepted and reviewed both the Preliminary and Final Plat for Eder's Century Pines concurrently for the following reasons: there are a small number of new buildable lots that will be created with the subdivision, each new lot is over 10 acres in size, and no new public infrastructure is required to serve the subdivision, and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on April 12, 2010 to consider the Preliminary Plat request and considered and reviewed the Final Plat request at this same meeting; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary and Final Plat as part of a memorandum to the City Council from Planning Director Kyle Klatt for the April 20, 2010 Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary and Final Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat concurrently with the Final Plat at the City Council meeting held in April 20, 2010

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Preliminary and Final Plat for Eder's Century Pines subject to the following conditions:

- 1) The applicants shall provide evidence in a form satisfactory to the City Attorney that warrants they have fee interest in Eder's Century Pines.

- 2) The applicants shall pay a fee in lieu of parkland dedication in the amount of \$3,600 per buildable lot (\$10,800 total) prior to the recording of the final plat.
- 3) The applicants shall enter into an agreement with the City that requires the submission of rate and volume control calculations meeting the Storm Water and Erosion and Sediment Control Ordinance for each buildable lot prior to the issuance of a building permit for each of these lots. This agreement shall be executed prior to the release of the plat for recording by the City.
- 4) The minimum low floor elevations for each lot must be shown on the subdivision plan prior to the recording of the final plat.

Passed and duly adopted this 20th day of April 2010 by the City Council of the City of Lake Elmo, Minnesota.

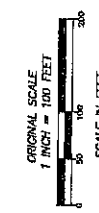
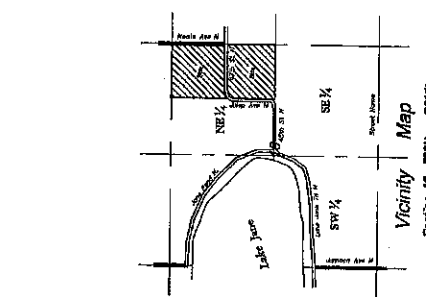
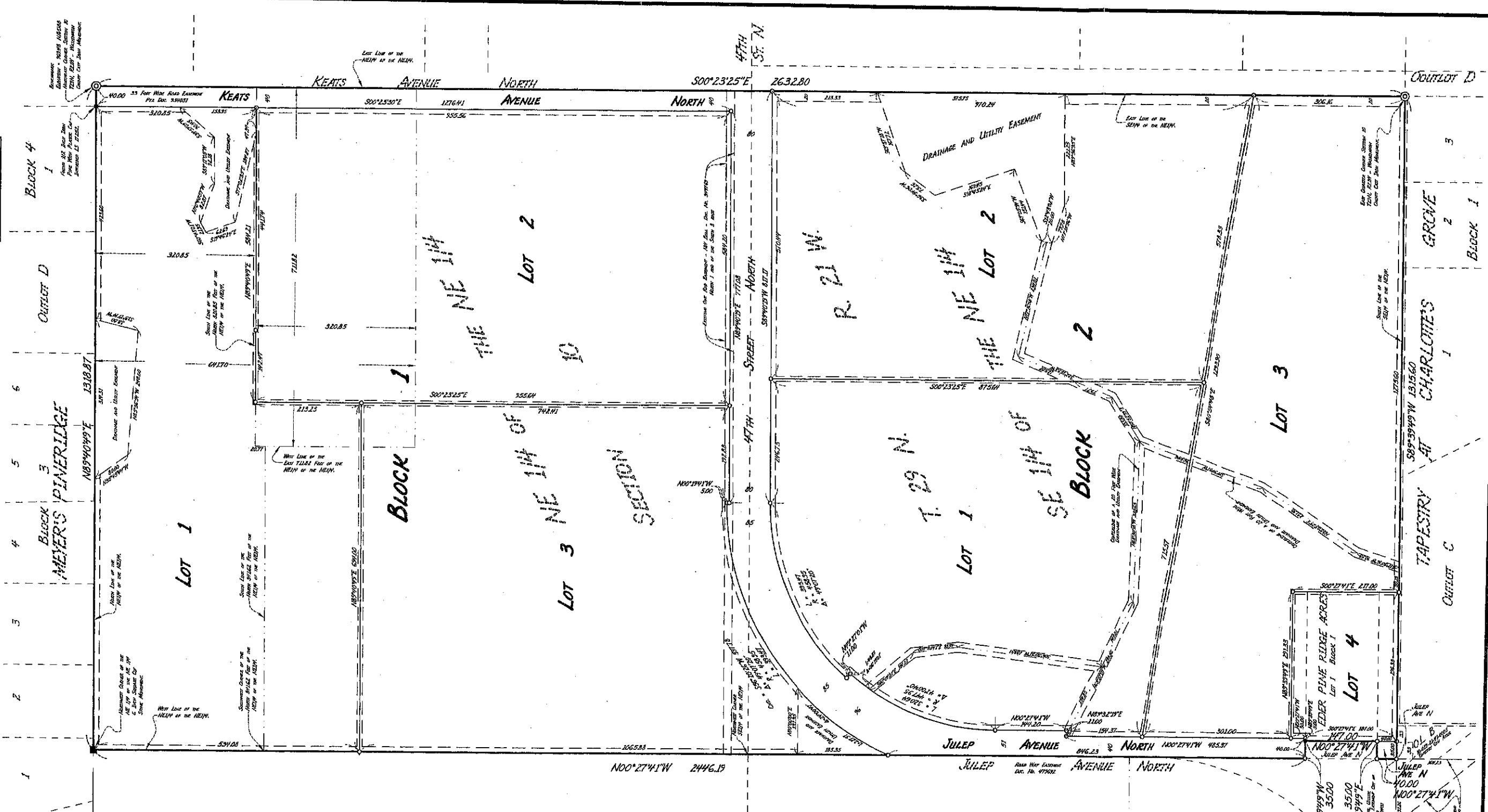
Dean A. Johnston, Mayor

ATTEST:

Bruce Messelt, City Administrator

EDER'S CENTURY PINES

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 Fax (651) 430-9331



LEGEND

- DENOTES SET X INCH BY 1/2 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSURED PERMANENTLY UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

NOTES

1) OBSERVATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM (NAD83) WHERE THE NORTH LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 10, T29N, R21W, BEARS N89°40'49"E.

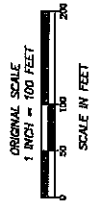
2) DRAINAGE AND UTILITY EASEMENTS BEING 10 FEET WIDE ALONG ALL BLOCK LINES AND 5 FEET WIDE EACH SIDE OF ALL LOT LINES UNLESS SHOWN OTHERWISE.

RECEIVED
FEB 18 2010
CITY OF LAKE ELMO

CITY OF LAKE ELMO



Preliminary Plat



- DENOTES SET X INCH BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INScribed "FREDIAN LS 1988", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- ⚡ DENOTES POWER POLE
- ⚙ DENOTES TELEPHONE MANHOLE
- ☎ DENOTES TELEPHONE PEDestal
- ⑦ DENOTES APPROXIMATE LOCATION OF WELL

1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM (NAD83) WHERE THE NORTH LINE OF THE NE1/4 OF THE NE1/4 OF SECTION 10, T29N, R21W, BEARS N89°40'49"E.

- 3) ZONING INFORMATION FROM CITY OF LAKE ELIJAH ZONING MAP DATED 08-17-02.
- 4) PARCELS IDENTIFICATION NUMBERS, NAMES AND ADDRESSES FROM WASHINGTON COUNTY TAX INFORMATION.
- 5) GROSS AREA OF PLAT = 78.9 ACRES.
- 6) ROADWAY TO BE INDICATED IN - 4.7 ACRES.
- 7) DRIVEWAY AND VEHICULAR EASEMENTS BEING 10 FEET WIDE ALONG ALL LINES AND 5 FEET WIDE EACH SIDE OF ALL LOT LINES, UNLESS SHOWN OTHERWISE.
- 8) NO NEW LOTS SUBMITTED ON SITE, SEE LETTER OF CONCURRENCE FROM MTD DATED NOVEMBER 01, 2006.
- 9) SOILS TESTS BY EDWIN SOILS TESTING AND INSPECTIONS NOVEMBER 01, 2006.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

Timothy J. Freeman February 17, 2010
Date
Timothy J. Freeman, S.S.
Minnesota License No. 16989

12-28-08
Add outlets at request of clients. Recalculate and restate
books.

01-21-10
Remove sublets and create Lot 4, Block 1, per Planning
Commission requirements. Add utility easement width along the east
side of Block 2 to 20 feet, and
Add tested primary and secondary supply areas.
Add approximate location of septic and well on Lot 4.

02-17-10
Add drainage and utility easements following completion of

Fee \$ _____

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

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

APPLICANT: FOLZ, FREEMAN, ERICKSON, INC. 12445 55th STREET NORTH
(Name) (Mailing Address) LAKE ELMO, MN 55042
(Zip)

TELEPHONES: 651-439-8833
(Home) (Work) (Mobile) (Fax)

FEE OWNER: SEE ATTACHED LIST OF OWNERS AND SIGNATURES
(Name) (Mailing Address) (Zip)

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

PROPERTY LOCATION (Address and Complete (Long) Legal Description): SEE ATTACHED DEEDS

P.I.D. 10-029-21-14-0001 9825 47th STREET NORTH LAKE ELMO MN

P.I.D. 10-029-21-11-0003 4890 KEATS AVENUE NORTH LAKE ELMO MN

P.I.D. 10-029-21-11-0002 4950 KEATS AVENUE NORTH LAKE ELMO MN

DETAILED REASON FOR REQUEST: DIVIDE 78 ACRE FARM INTO SIX LOTS TO
BE OWNED BY FAMILY MEMBERS NAMED IN DEED RECORDED AS DOC. NO.
722604.

*VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows:

NONE

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

SEE ATTACHED

Signature of Applicant _____ Date _____ Signature of Applicant _____ Date _____

Joel R. Eder and Judith H. Eder, husband and wife.

Joel R Eder
Joel R. Eder

Judith H. Eder
Judith H. Eder

Emilie M. and Dean T. Carlson, husband and wife.

Emilie M. Carlson
Emilie M. Carlson

Dean T Carlson
Dean T. Carlson

Delmar F. and Joan T. Eder, husband and wife.

Delmar F Eder
Delmar F. Eder

Joan T Eder
Joan T. Eder

Richard F. and Janet M. Eder, husband and wife.

Richard F. Eder
Richard F. Eder

Janet M Eder
Janet M. Eder

Melvin J. and Jane R. Eder, husband and wife.

Melvin J. Eder
Melvin J. Eder

Jane R. Eder
Jane R. Eder

Mary K. Shervheim, a single person

Mary K Shervheim
Mary K. Shervheim

Anne Marie Lundgren, a single person.

Anne M Lundgren
Anne Marie Lundgren

John J. Eder, a single person.

John J Eder
John J. Eder



February 1, 2010

REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL

The name of this proposed subdivision is **EDER'S CENTURY PINES**.

Folz, Freeman, Erickson, Inc., Lake Elmo, Minnesota is performing all necessary Land Surveying and Engineering.

A "Sketch Plan" of the proposed plat was presented to the Planning Commission on Monday, January 11th, 2010. All of the issues discussed at the Planning Commission meeting have been addressed.

Following is a summary of the additions and revisions to the proposed plat:

- Outlots A and B as shown on the "Sketch Plan" have been eliminated and the areas incorporated into existing Lot 1, Block 1, EDER PINE RIDGE ACRES, which remains a legal non-conforming lot that is now a part of the plat within proposed Lot 4, Block 2.
- The drainage and utility easement along the east line of proposed Block 2 has been increased to 20 feet in width.
- Tested areas for primary and secondary drain field areas have been shown, labeled and dimensioned.
- The approximate location of the existing well and septic on proposed Lot 4, Block 2 has been shown and labeled.

The owners of the property that is being subdivided are: Joel R. and Judith H. Eder, husband and wife; Emilie M. and Dean T. Carlson, husband and wife; Delmar F. and Joan T. Eder, husband and wife; Richard F. and Janet M. Eder, husband and wife; Melvin J. and Jane R. Eder, husband and wife; John F. and Carrie E. Carlson, husband and wife; Mary K. Shervheim, a single person; Anne Marie Lundgren, a single person; and John J. Eder, a single person.

The physical addresses, and corresponding parcel identification numbers, and current zoning of the property included in the subdivision are:

Parcel Identification Number: 10-029-21-14-0001
9825 47th Street North
Lake Elmo, MN 55042

Zoned RR - Rural Residential

Parcel Identification Number: 10-029-21-14-0003
4515 Julep Avenue North
Lake Elmo, MN 55042

Zoned RR - Rural Residential

Parcel Identification Number: 10-029-21-11-0003
4890 Keats Avenue North
Lake Elmo, MN 55042

Zoned RR - Rural Residential

2/1/2010

EDER'S CENTURY PINES

Page 2 of 4

Parcel Identification Number: 10-029-21-11-0002
4950 Keats Avenue North
Lake Elmo, MN 55042

Zoned RR - Rural Residential

Owners of the individual parcels and the corresponding legal descriptions are:

Parcel Identification Number: 10-029-21-14-0001

Joel R. and Judith H. Eder, husband and wife; Emilie M. and Dean T. Carlson, husband and wife; Delmar F. and Joan T. Eder, husband and wife; Richard F. and Janet M. Eder, husband and wife; Melvin J. and Jane R. Eder, husband and wife; Mary K. Shervheim, a single person; Anne Marie Lundgren, a single person; and John J. Eder, a single person; owners of the following described property situated in the County of Washington and State of Minnesota, to-wit:

The East Half of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, except the following described parcels of land:

Lot 1, Block 1, EDER PINE RIDGE ACRES, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Washington County, Minnesota.

The South 320.85 feet of the North 641.70 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota.

All that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Beginning at the southwest corner of the North 341.62 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along the southerly line of said North 341.62 feet a distance of 606.63 feet, more or less, to the westerly line of the East 711.82 feet of said Northeast Quarter of the Northeast Quarter; thence northerly along said westerly line a distance of 20.77 feet, more or less, to the southerly line of the North 320.85 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along said southerly line a distance of 711.82 feet, more or less, to the easterly line of said Northeast Quarter of the Northeast Quarter; thence northerly along said easterly line a distance of 320.85 feet, more or less, to the northeast corner thereof; thence westerly along the northerly line of said Northeast Quarter of the Northeast Quarter a distance of 1318.87 feet, more or less, to the northwest corner thereof; thence southerly along the westerly line of said Northeast Quarter of the Northeast Quarter a distance of 341.62 feet, more or less, to the point of beginning.

Together with the following described property situated in the County of Washington and State of Minnesota, to-wit:

Parcel Identification Number: 10-029-21-14-0003

Delmar F. and Joan T. Eder, husband and wife, owners of the following described property situated in the County of Washington and State of Minnesota, to-wit:

2/1/2010

EDER'S CENTURY PINES

Page 3 of 4

Lot 1, Block 1, EDER PINE RIDGE ACRES, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Washington County, Minnesota.

Parcel Identification Number: 10-029-21-11-0003

Melvin J. and Jane R. Eder, husband and wife, owners of the following described property situated in the County of Washington and State of Minnesota, to-wit:

The South 320.85 feet of the North 641.70 feet of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota.

Parcel Identification Number: 10-029-21-11-0002

John F. and Carrie E. Carlson, husband and wife, owners of the following described property situated in the County of Washington and State of Minnesota, to-wit:

All that part of the Northeast Quarter of the Northeast Quarter of Section 10, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Beginning at the southwest corner of the North 341.62 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along the southerly line of said North 341.62 feet a distance of 606.63 feet, more or less, to the westerly line of the East 711.82 feet of said Northeast Quarter of the Northeast Quarter; thence northerly along said westerly line a distance of 20.77 feet, more or less, to the southerly line of the North 320.85 feet of said Northeast Quarter of the Northeast Quarter; thence easterly along said southerly line a distance of 711.82 feet, more or less, to the easterly line of said Northeast Quarter of the Northeast Quarter; thence northerly along said easterly line a distance of 320.85 feet, more or less, to the northeast corner thereof; thence westerly along the northerly line of said Northeast Quarter of the Northeast Quarter a distance of 1318.87 feet, more or less, to the northwest corner thereof; thence southerly along the westerly line of said Northeast Quarter of the Northeast Quarter a distance of 341.62 feet, more or less, to the point of beginning.

The proposed plat of EDER'S CENTURY PINES is comprised of 3,419,560 square feet, or 78.5 acres, that is made up of three (3) separate tax parcels. The plan is to consolidate and divide the property into seven separate lots. Six of the proposed lots exceed the requirements of 10 acres in area and 300 feet of frontage on a public street. One of the lots is an existing legal non-conforming lot that will be increased in size to accommodate an existing driveway and to incorporate a remnant forty foot strip of land.

The 78.5 acre parcel is primarily flat farm land with three wood areas that comprise approximately 9 acres. A wetland specialist has inspected the site and has verified that there are no wetlands. A licensed soil tester has tested and verified that all lots have adequate soils and areas on site septic systems.

The intent of the owners is to divide the property equally between all current owners. This farm was originally conveyed Jacob and Anne Eder in 1902, and has remained a farm in the Eder name ever since. No additional infrastructure is required for this subdivision, and there will be no additional burden to public services or existing roadways. Additionally, at this time no construction being planned for any of the lots. There have been no negative comments by any of the neighbors during the course of our field

2/1/2010

EDER'S CENTURY PINES

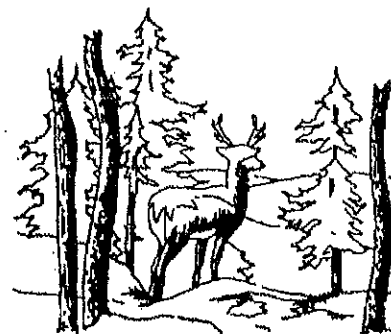
Page 4 of 4

work.

The property is bisected by 47th Street North. The City of Lake Elmo has over time obtained roadway easements to portions of 47th Street North, Keats Avenue North and Julep Avenue North. We would propose that all existing roadway easements be vacated, and subsequently dedicated on this proposed plat to a minimum width of 80 feet (40 feet each side of centerline), and wider where necessary. The reason for this request is that some of the record descriptions do not mathematically close, and combined do not cover all areas included in the roadways that bisect or adjoin the proposed plat. This request will result in a much cleaner plat, with no ambiguity as to what the City of Lake Elmo actually has for right of way widths. The area that will be dedicated to the City of Lake Elmo with this proposal is 207,265 square feet, or 4.7 acres.

November 9, 2009

Mr. Mike Majeski
EOR, Inc.
651 Hale Avenue North
Oakdale, MN 55128



**Re: Eder Property No Wetland Determination, Lake Elmo,
Minnesota**

Dear Mr. Majeski:

This letter summarizes my review of the Wetland Delineation Report (No Wetland Determination) and field visit to the Eder Property within the City of Lake Elmo. The wetland evaluation area is located north and south of 47th Street North, west of Keats Avenue North, in the NE ¼ of Section 10, Township 29N, Range 21W, in Washington County (See "Site Locator Map"). The Valley Branch Watershed District (VBWD) is the Local Government Unit responsible for administering the 1991 *Minnesota Wetland Conservation Act*.

On November 6, 2009, I (representing the VBWD) conducted a field visit to review the wetland evaluation area. The Wetland Delineation Report, referencing the October 9, 2009 field work, appears accurate and compliant with the routine methodology as defined in the 1987 *U.S. Army Corps of Engineers Wetland Delineation Manual*. No jurisdictional wetlands exist on-site. If an official decision is requested prior to November, 2012, assuming that no natural or artificial changes to the hydrology, vegetation, or soils of the area have occurred that alter the wetland boundary, I will recommend approval of the report to the VBWD Board of Managers.

Please note that the VBWD requires permits for the following activities:

- A. Land alterations, such as grading or filling (including re-development projects), which disturb, remove or cover surface vegetation or other surfaces of 1 acre or more,
- B. All projects which create a new impervious surface area of 6,000 square feet or more,
- C. All work within the waters and floodplain of the VBWD,
- D. All projects which result in a discharge of municipal or industrial water or wastewater to a surface water drainage system,
- E. All subdivisions, plats, and developments,
- F. All projects which result in lake augmentation,
- G. All projects which impact a wetland.

If you have any questions regarding this correspondence please call the VBWD's Engineer John Hanson at 952-832-2622 or Mark Wilson at 952-832-2610.



LINCOLN FETCHER • DAVID BUCHECK • DONALD SCHEEL • DALE BORASH • DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55402-0538

www.vbwd.org

Ms. Mike Majeski
November 9, 2009
Page 2

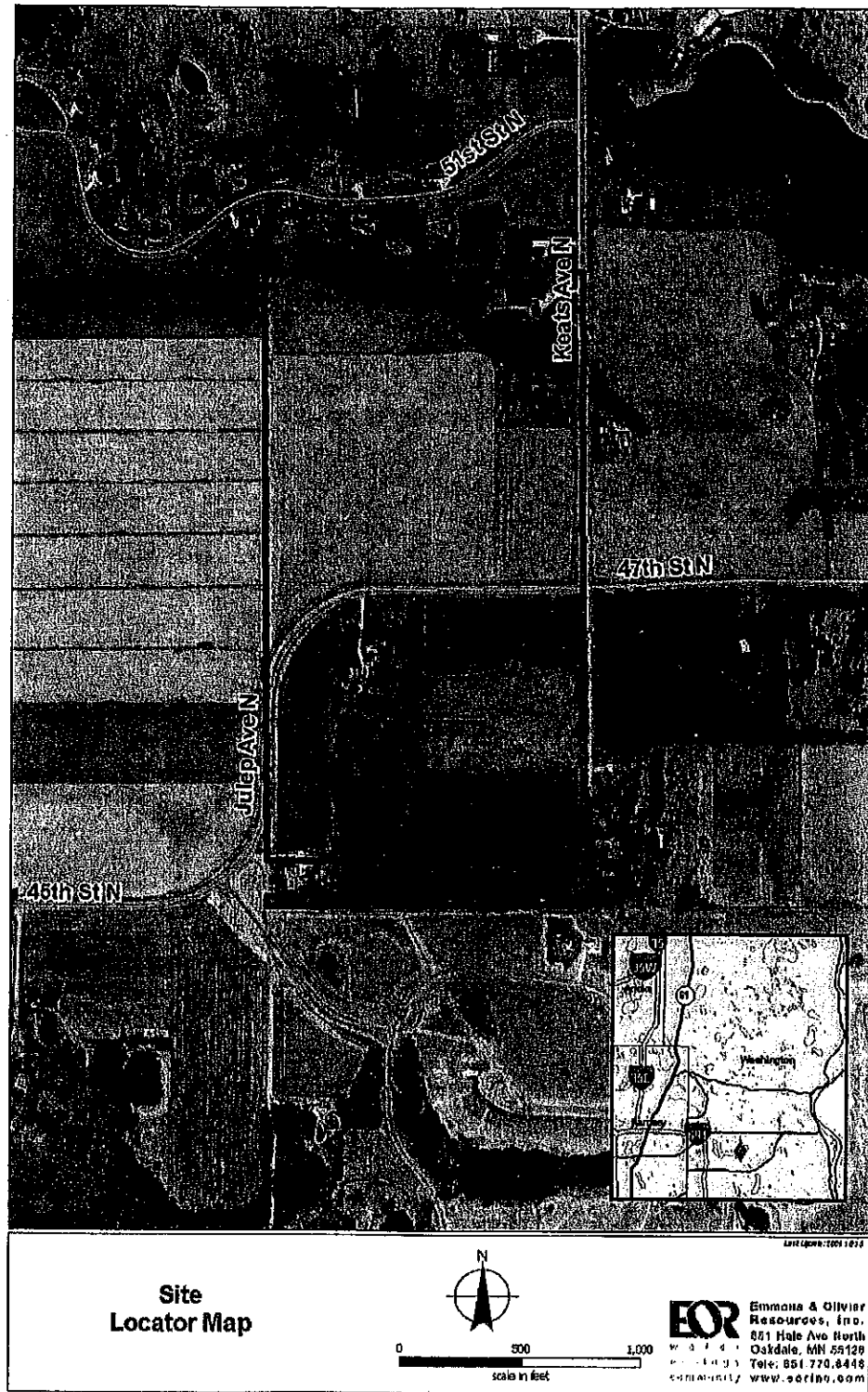
Sincerely,



Mark Wilson
Senior Wetland Biologist
Barr Engineering Company
Engineers for the Valley Branch Watershed District

cc: Ms. Lynda Peterson, BWSR
Ms. Jyneen Thatcher, WCD
Mr. Dan Seemon, ACOE

Figure 1. Project Location in Washington County, MN



EKLIN SOIL TESTING AND INSPECTIONS, INC.

299 Cimarron
Lake Elmo, MN 55042
(651) 337-1300

Melvin Eder
4890 Keats Avenue No.
Lake Elmo, MN 55042

December 7, 2009

Dear Mel,

On November 27, 2009, soil borings and percolation tests were completed for the Eder family sub-division in Lake Elmo.

A total of six lots were tested. The sites are 20000 square feet or more with five borings and two percolation tests on each lot. The four corners of the test site borings are marked with 6' iron fence posts and 48" wooden lathes. The soils on the sites were mostly loam and sand. All of the lots where we tested will support an on site septic system. With a test site of 20000 square feet, there is room for four or five septic systems based on a four to five bedroom home.

We have provided you with boring and percolation logs along with a site plan showing boring locations for each lot. A lot breakdown was also done for a general description of the sites and soils.

We want to thank you for having us do this project for you. If you have any questions, call Dale at our office at 651-337-1300.

Yours truly,



Ed Eklun
Certification No. 3268

Mel Eder
Keats Avenue
Lake Elmo

Lot Breakdown

Lot 1
4950 Keats
Ave.-has
septic system

Five borings - two percolation tests - percolation rate 21-26 MPI - soils loam and sand - sand depth varies in boring - it may be possible to get the drainfield in the sand - site mostly level - test site 22000 sq. ft. - 12.8 acres

Lot 2
4890 Keats
Ave. - has septic
system

Five borings - two percolation tests - percolation rate 3 MPI - soils loam and sand - most of the drainfield should be in sand - site is open - test site 22500 sq. ft. - 12.8 acres

Lot 3

Five borings - two percolation tests - percolation rate 24-21 MPI - soils mostly loam and sand - Borings 13,14 & 15 had mottled soil at 26" to 37" - at the time of home construction, more borings should be done to see if a trench system can be installed - site is open - test site 22500 sq.ft. - 12.8 acres

Lot 4
9825 Julep
Ave. - has
septic system

Five borings - two percolation tests - percolation rate 9-21 MPI - soils loam and sand - most of the drainfield should be in loam or sand - site is partly wooded - test site 20000 sq.ft. - 12.1 acres

Lot 5

Five borings - two percolation tests - percolation rate 21-30 MPI - soils loam and sand - Borings 17-19 shallow mottle - at the time of home construction, more borings should be done to see if a trench system can be installed - site mostly open - test site 22500 sq.ft. - 12.1 acres

Lot 6

Five borings - two percolation tests - percolation rate 24-30 MPI - soils loam and sand - Borings 21,22 & 25 had mottled soil at 42" to 46" - at the time of house construction, more borings should be done to see if a trench system can be installed - site mostly open - test site 22500 sq. ft. - 11.1 acres

The four corners of the test sites are marked with 6' iron fence posts and 48" lathes.

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

MEMORANDUM

To: Kyle Klatt, Planning Director
Copies To: _____

From: Ryan W. Stempski, P.E. *RWS*
Date: April 8, 2010

Reference: Eder's Century Pines Subdivision
Final Plat Review
City of Lake Elmo
Proj. No.: 14575.001 Phase 00010
Routing: _____

A Sketch Plan review by TKDA was provided on January 7, 2010, for the Eder's Century Pines Subdivision. A Preliminary Plat review by TKDA was provided on March 17, 2010. Below are the remaining items to be address prior to Final Plat approval:

1. It is my understanding that this application only involves the platting of the property. There is no construction proposed with this application.
2. Rate and volume control calculations meeting the City Storm Water and Erosion and Sediment Control Ordinance have not been completed for this subdivision. As no construction is proposed at this time, we are suggesting an executed development agreement be recorded with the property that requires these calculations be completed prior to any construction within the subdivision.
3. The minimum Low Floor Elevations for each lot must be shown on the Plat plan.

Please contact me with any questions.

Kyle Klatt

From: John Hanson [JHanson@barr.com]
Sent: Saturday, March 13, 2010 1:37 PM
To: Kyle Klatt
Subject: Eder's Century Pines

Kyle:

A Valley Branch Watershed District (VBWD) permit application has been submitted for the Eder's Century Pines project. The VBWD Managers will discuss the permit request at their March 25 meeting. I will continue my review and send you my permit review memorandum for proposed project no later than March 19.

As we discussed earlier this week, the VBWD Managers have permitted subdivisions similar to this where no construction is proposed with the condition that a VBWD permit must be obtained prior to construction on any parcel. At that time, facilities to manage runoff, as required by the VBWD, must be provided on each parcel. This condition must be included in a document, such as a development agreement, that can be recorded with the Washington County's Recorder's Office. A maintenance agreement in the general format of Appendix B of the VBWD Rules must also be submitted to and approved by the VBWD Attorney. By imposing this condition, it allows the Managers to know where the construction will occur and that the stormwater management facility is located and designed properly to handle the runoff from the proposed impervious surfaces.

John

John P. Hanson
Barr Engineering Company
4700 West 77th Street
Edina, MN 55435

952.832.2622 (telephone most Mondays, Wednesdays, and Fridays)
651.748.4230 (telephone most Tuesdays and Thursdays)
952.832.2601 (fax)
www.barr.com





MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010
REGULAR
ITEM #: 9
MOTION

AGENDA ITEM: Approval of Proposed Easement Encroachment Agreements

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BM*

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

SUMMARY AND ACTION REQUESTED: The City Council is asked to authorize the execution of four easement encroachment agreements allowing residents to construct improvements (in this case fences) within drainage and utility easements on private property. The recommended action is as follows:

SUGGESTED MOTION: *"Move to authorize the execution of Easement Encroachment Agreements for 5650 57th Street Circle North, 3435 Isle Court North, 11711 56th Street North, and 10024 Tapestry Road."*

BACKGROUND INFORMATION: The City has recently received four fence applications in which the property owners are seeking to put a fence in the backyard. Primarily, the fences are located in the standard five foot drainage and utility easement that edges the property lines. These properties are:

- Mendez Property – 5650 57th Street Circle North – fence
- Koepke Property - 3435 Isle Court North – fence
- Myers Property – 11711 56th Street North -- fence
- Hoaglund Property – 10024 Tapestry Road – fence

The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the community. 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 a description of how it will function.

After that information is received, the City Engineer reviews the proposed improvement and 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 approved by the City Council, is needed before the work may commence.

OTHER INFORMATION - LEGAL: An Easement Encroachment Agreement is a legal document which has been (or will be) 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 to allow for access or work within the easement.

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

STAFF REPORT: The four Easement Encroachment Agreements submitted for Council consideration are all fences and have been reviewed by Planning and Engineering staff. The proposed fences meet all City code requirements and Staff would have otherwise issued these fence permits if they did not encroach into a detainage and utility easement.

In the future, it is recommended that a fee be considered as part of the application for an Easement Encroachment Agreement, as the process includes staff time and a fee to record the document with Washington County. In addition, if the Council concurs, future agreements could be placed on the Council's *Consent Agenda*, unless unique circumstances occur, in which case the agreement will be placed on the Regular Agenda for specific consideration.

Attached is an example of the proposed Easement Encroachment Agreement. The agreements for all four properties were not included but follow this sample Agreement.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve the Easement Encroachment Agreements by undertaking the following action:

***“Move to authorize the execution of the Easement Encroachment Agreements
for 5650 57th Street Circle North, 3435 Isle Court North, 11711 56th Street
North, and 10024 Tapestry Road.”***

Alternatively, the City Council may elect to not approve the proposed Easement Encroachment Agreements and/or direct City staff to undertake a different course of action with respect to these applications.

Additionally, Council direction to staff with respect to adding an application fee and use of the consent agenda for future applications is requested.

ATTACHMENTS:

1. Proposed Easement Encroachment Agreement

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation..... Kyle Klatt, 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

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 Travis Hoaglund and Kristin Hoaglund (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

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)

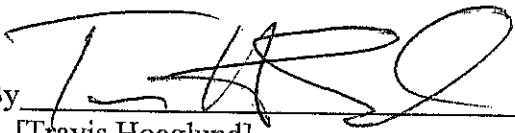
On this ____ day of _____, 2010, before me, a Notary Public, personally appeared Dean Johnston, Mayor of the City of Lake Elmo, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Lake Elmo by the authority of the City Council of the City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

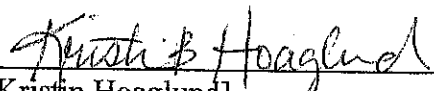
Notary Public

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 
[Travis Hoaglund]

By 
[Kristin Hoaglund]

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)



On this 12th day of April, 2010, before me, a Notary Public, personally appeared Travis Hoaglund and Kristin Hoaglund, husband and wife, who signed the foregoing instrument and acknowledged said instrument to be their free act and deed.



Lonnie Ann Hindberg
Notary Public

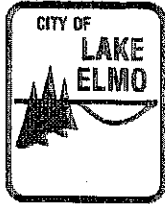
THIS INSTRUMENT DRAFTED BY:

David K. Snyder

Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.

1809 Northwestern Avenue

Stillwater, MN 55082



MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010
REGULAR
ITEM #: 10
MOTION *Ordinance 08-24*
Resolution 2010-013

AGENDA ITEM: Amending Chapters 94, 150, 151, 152, 153, and 154 of the City Code to Bring them into Conformance with the Storm Water and Erosion and Sediment Control Ordinance

SUBMITTED BY: Kelli Matzek, Planner

THROUGH: Bruce Messelt, City Administrator *BAM*

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

SUMMARY AND ACTION REQUESTED: The City Council is asked to review and approve proposed minor amendments to Chapters 94, 150, 151, 152, 153, and 154 of the City Code to incorporate references to and improve consistency with Chapter 150. Chapter 150 regulates storm water and erosion and sediment control throughout the City.

The proposed changes are not intended to alter regulations, but instead to consolidate the information, as applicable, into one area of the code. The text proposed for removal is either outdated, currently in the existing Storm Water and Erosion and Sediment Control Ordinance, or exists in the City of Lake Elmo Engineering Design Standards. The recommended motion to act on this is as follows:

SUGGESTED MOTION: *"Move to approve Ordinance 08-024 approving the code amendments and Resolution 2010-013 authorizing summary publication of this Ordinance"*

BACKGROUND INFORMATION: The Storm Water and Erosion and Sediment Control Ordinance was revised and approved by the City Council on June 16, 2009, to help the City remain compliant with specific permitting requirements under the Minnesota Pollution Control Agency. The intention at that time was to return to the remaining sections of Code to create cohesion throughout the code and to help the City better organize all of the ordinance requirements related to storm water and erosion control into one section.

STAFF REPORT: This organization is what is currently being proposed for review and approval by the City Council. The Planning Commission reviewed this information and held a public hearing at the April 12, 2010 meeting, at which time no one from the public spoke either

for or against the proposed changes. The Planning Commission recommended approval with a unanimous vote.

RECOMMENDATION: Based upon the above background information, it is recommended that the City Council approve the requested amendments to the existing code by undertaking the following action:

“Move to approve Ordinance 08-024 approving the code amendments and Resolution 2010-013 authorizing summary publication of this Ordinance”

Alternatively, the City Council may elect to not take the recommended action and suggest changes to the proposed amendments or direct City staff to proceed accordingly, as appropriate.

ATTACHMENTS:

1. Ordinance 08-024
2. Resolution 2010-013; Summary Publication

SUGGESTED ORDER OF BUSINESS:

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

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

ORDINANCE NO. 08-024

**AN ORDINANCE AMENDING CHAPTERS 94, 150, 151, 152, 153, AND 154 OF
CITY CODE TO BRING INTO CONFORMANCE WITH STORM WATER AND
EROSION AND SEDIMENT CONTROL REGULATIONS IN THE CITY OF
LAKE ELMO**

Section 1. The City Council of the City of Lake Elmo hereby ordains that the Lake Elmo City Code be amended to read as follows:

RIGHT-OF-WAY MANAGEMENT PERMITS CHAPTER (94)

§ 94.36 APPLICATION FOR A RIGHT-OF-WAY PERMIT.

(B) Right-of-way permit applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions:

- (2) Submissions of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed equipment;

- (6) A Storm Water Management Plan and/or an Erosion and Sediment Control Plan if applicable as specified in Section 150.283.

GENERAL PROVISIONS CHAPTER (150)

OPEN SPACE PRESERVATION

§ 150.183 OP DEVELOPMENT PRELIMINARY PLAN, PRELIMINARY PLAT, AND CONDITIONAL USE PERMIT.

(A) *Submittals.*

(2) Twenty sets of site plans, drawn to scale of not less than 1 inch equals 100 feet containing at least the following information:

(i) General grading and drainage plans for the developed OP development in conjunction with a Storm Water Management Plan as identified in Section 150.287;

(7) A Soil Erosion Control Plan clearly illustrating erosion control measures to be used during construction and as permanent measures. See also Section 150.287 regarding Erosion and Sediment Control Plan requirements; and

RESTRICTIVE SOIL OVERLAY DISTRICT

§ 150.202 RESTRICTIVE SOILS AND DEVELOPMENT PERMIT PROVISIONS.

(C) *Application for and processing of permit.*

(2) The application shall include a map of the site and a delineation of the soils found in the site along with a plan and cost estimate of the proposed development and the other engineering data, surveys, and other information and material as may be required in order to determine the effects of the development on the affected land and the suitability of the soils for the development. See Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required.

(3) When proposed work includes construction or alterations of structures, the work shall be submitted with the application, along with detailed drawings of any special foundation structures and/or special provisions for on-site sewage disposal.

WETLAND PROTECTION AND PRESERVATION OVERLAY DISTRICT

§ 150.218 WETLAND PERMIT PROVISIONS.

(C) *Application for and processing of permit.*

(3) See Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required.

INTERSTATE CORRIDOR OVERLAY DISTRICT

§ 150.234 MINIMUM DISTRICT REQUIREMENTS; INTERIM USES.

(B) These uses shall be subject to the following minimum performance standards:

(11) The site plan shall provide for adequate drainage systems which do not pose pollution problems, see Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required;

§ 150.235 MINIMUM DISTRICT REQUIREMENTS; LONG-TERM USES.

(B) These uses shall be subject to the following minimum performance standards:

(7) The site plan shall provide for adequate drainage systems which do not pose pollution problems, see Section 150.283 to determine if a Storm Water Management Plan or an Erosion and Sediment Control Plan is required;

§ 150.255 SHORELAND STANDARDS.

(G) *Storm water management.* The following general and specific standards shall apply, in addition to all applicable requirements found in Section 150.283 (Storm Water Management) of the City Code.

BUILDING REGULATIONS CHAPTER (151)

§ 151.017 EXCAVATION AND GRADING PERMITS.

(C) *Plan approval required.* No grading or excavation permit shall be issued for site grading or excavation without approved plans for site development and adequate provision for site protection from wind or water erosion. See Section 150.283 for Storm Water and Erosion and Sediment Control requirements.

(G) *Submission requirements.* All grading and excavation permit applications shall be accompanied by the following information:

(9) A drainage plan which includes any engineering work for stormwater retention ~~which may be necessary,~~ must comply with Section 150.287;

(10) An erosion control plan indicating the type and location of erosion measures to be used, must comply with section 150.287;

§ 151.027 CONSTRUCTION SITE EROSION CONTROL GRADING REQUIREMENTS.

~~—(A)—~~ *Purpose and intent.*

~~—(1)—~~ The city finds that construction sites where natural ground vegetation has been disturbed by construction activities are sources of erosion of and the depositing of sediment on adjoining properties, public streets, and in surface water conveyance and retention facilities. This erosion and sedimentation defaces the public streets; damages adjacent properties; and reduces the designed capacity of surface water conveyance and retention facilities.

~~—(2)—~~ The city finds that it is in the interest of the general public welfare to establish standards and regulations regarding the grading of building sites; and, the installation of and continual maintenance by builders and home owners of erosion control measures on those building sites, until the time as natural vegetation has been re-established over the disturbed areas of the building site.

~~—(3)—~~ The standards and regulations found in this section are intended to provide the city with the means to permit individual site grading in keeping with approved subdivision plat grading plans; to ensure retention of sedimentation within the building site peripheries until the point in time that reestablished surface vegetation precludes the sedimentation; and to remove sedimentation originating from the site from public streets.

(B) (A) *Site grading.*

(1) *Submission requirements.* All applications for a building permit shall include a plot or site plan detailing the proposed finished grades of the site at all building corners and all lot corners. All grades proposed shall be consistent with the approved grading plan for the subdivision in which the building site is located.

(2) *As built grades certification.* No certificate of occupancy shall be issued by the city for any structure until the builder or the property owner have provided the city with a certificate of a registered surveyor or civil engineer attesting to the "as built" grades of all building corners and site corners; and, the certificate shows all the grades to be consistent with the plot or site plan attached to the building permit application.

(B) See Section 150.289 and 150.290 for additional requirements.

§ 151.027 CONSTRUCTION SITE SURFACE WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

(A) The requirements for construction site storm water management and erosion and sediment control are found in Section 150.283 (Storm Water and Erosion and Sediment Control).

~~—(C) — Site erosion control.~~

~~(1) — Site erosion control plan.~~ The site or plat plan submitted with a building permit application shall provide the details of erosion control measures and devices to be installed on the site to preclude sediments from migrating into the public streets and on to adjacent property. The plan shall include trenched in silt fence along all peripheries of site areas to be disturbed during construction, including, but not limited to, the entire public street frontage of the site, except a single site access drive not exceeding 30 feet in width, and not less than 30 feet in length. The access drive shall be surfaced with 1.5 inch clear material to a depth of 6 inches.

~~—(2) — Erosion control installation.~~ All erosion control devices shall be installed on construction sites in accordance with the erosion control plan and best management practices prescribed by the Minnesota Pollution Control Agency prior to a footing inspection by the city. The Building Official shall not approve footings until erosion control is installed on the site in accordance with the erosion control plan and best management practices.

~~—(3) — Site re-vegetation.~~ All site vegetation shall be re-established within 6 months of the date of the certificate of occupancy.

~~—(4) — Erosion control maintenance.~~ It is the responsibility of the builder or site owner to continuously maintain all erosion control devices on the site in compliance with the erosion control plan, and maintain the condition of adjacent public streets, until the time as vegetative ground cover or impervious surface coverings are fully established on

all areas of the site, as determined by the Building Official. The following procedures are hereby established to assure the compliance.

~~———— (a) *Escrow deposit.* An erosion control and street escrow deposit, in an amount that shall be established from time to time by resolution of the City Council, shall accompany all building permit applications.~~

~~———— (b) *City inspections.* The Building Official, or his or her designee, shall periodically inspect all construction sites to determine compliance with erosion control plans, including the condition of any adjacent public roadways.~~

~~———— (c) *Non-compliance notification.* The builder and/or site owner shall be advised by the Building Official of any erosion control plan non-compliance, or public streets requiring cleaning, by telephone, FAX, e-mail, and/or in writing; and, the builder and/or site owner shall be notified that corrections to bring the site into compliance with the erosion control plan, or removal of materials from public streets, shall be completed within 48 hours. No building code related inspections of sites in non-compliance with this section will be scheduled by the city.~~

~~———— (d) *Re-inspection.* Construction sites found to be in non-compliance with the erosion control plan or public streets found to contain materials originating from the site shall be re-inspected by the city, as soon as practicable, either upon notification by the builder or site owner that erosion control plan compliance or street cleaning deficiencies have been corrected, or, upon expiration of the 48-hour correction period.~~

~~———— (e) *Re-inspection fees.* Site re-inspection(s) to determine compliance with this section shall be at the expense of the site builder or owner, on an hourly portal-to-portal basis, at a rate established by the City Council.~~

~~———— (f) *City remedy for non-compliance with notice.* If, upon re-inspection by the city, the site continues to be in non-compliance with the erosion control plan or the public streets have not been cleaned, the Building Official may employ a contractor or contractors to undertake erosion control corrections, including sweeping of the adjacent public streets, to bring the site into compliance with the erosion control plan. All building permits issued by the city shall provide the city, and its contractors, right of access, at all times, to correct erosion control non-compliance.~~

~~———— (g) *Financial responsibility for city remedy.* All contractor invoices to the city to correct site erosion control, or site re-inspection to verify erosion control compliance, shall be charged to the Erosion Control and Road Escrow Account of the site, including a fee to the city for processing equal to 10% of the any contractor(s) invoice for materials and services.~~

~~———— (D) *Maintenance of Erosion Control and Road Escrow Account.* The City Finance Director shall maintain accounting for all Erosion Control and Street Escrow Accounts. Should any individual Erosion Control and Street Escrow Account become reduced to less than the full amount of escrow established by the City Council, the builder or site~~

~~owner shall be invoiced by the city in an amount sufficient to bring the Erosion Control and Street Escrow Account to the full escrow amount.~~

~~—(E) Transfer of erosion control and street responsibilities. At the time as the ownership of the site transfers in any manner, and, vegetative cover has not been sufficiently established on the site as determined by the Building Official, the responsibilities for compliance with the erosion control plan and adjacent public streets shall transfer to any new owner of the site. The Erosion Control and Street Escrow Account shall be retained by the city unless replaced by new funds of an equal amount.~~

PLAN REVIEW

§ 151.070 SITE AND BUILDING PLAN REVIEW.

(A) *Information required.* Except has hereinafter provided, every person, before commencing construction or alteration of a structure, shall submit to the Zoning Administrator the following documents and information:

(3) Landscaping and screening plan.

(a) Complete landscaping, screening, and erosion control plans shall be prepared and signed by a professional landscape architect or professional site planner with educational training or work experience in land analysis and site plan preparation. These plans shall include:

4. Details of proposed non-vegetative landscaping materials;
and

5. Planning and construction schedule for completion of landscaping and screening plans.

(4) A Storm Water Management Plan and/or an Erosion and Sediment Control Plan as required in Section 150.283.

FLOODPLAIN MANAGEMENT CHAPTER (152)

§ 152.07 FLOOD PLAIN DISTRICT.

(D) *Standards for flood plain conditional uses.*

(5) When at any 1 time more than 1,000 cubic yards of fill or other similar material is located on a parcel for the activities as on-site storage, landscaping, sand and gravel operations, roads, dredge spoil disposal, or construction of flood control works, an erosion/sedimentation control plan must be submitted consistent with Section 150.283 and 150.287. The plan must be prepared and certified by a registered professional engineer.

SUBDIVISION CHAPTER (153)

§ 153.06 PLATTING

(E) *Proposed design features.*

(3) (a) Provision for surface water disposal, drainage, and flood control within the boundaries of the proposed property division consistent with Section 150.283 Storm Water Management and Erosion and Sediment Control.

~~(b) The rate and volume of surface volume runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate and volume of runoff existing on the proposed property division prior to the proposed development. Surface volume runoff is water leaving the property on or very near the surface. To the extent possible, provisions shall be made for controlling runoff by construction or enhancement of ponding facilities on the site of and within the boundaries of the proposed property division, which ponding facilities should provide for both permanent and temporary storage of runoff waters.~~

~~(c) The Soil Conservation Service method of analysis shall be used to calculate the runoff rate prior to development. The pre-development land use shall be considered permanent meadow with a soil conservation curve number of 58. The 100-year, 24 hour storm of 5.9 inches of precipitation shall serve as the basis of the analysis.~~

~~(d) This chapter shall apply to all areas of the city exclusive of that portion for the city within the Ramsey-Washington Metro Watershed District.~~

§ 153.07 PRELIMINARY PLAT.

(E) *Proposed design features.*

(11) (a) Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with Section 150.283 Storm Water Management and Erosion and Sediment Control.

~~(b) The rate and volume of surface volume runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate and volume of runoff existing on the proposed property division prior to the proposed development. Surface volume runoff is water leaving the property on or very near the surface. To the extent possible, provisions shall be made for controlling runoff by construction or enhancement of ponding facilities on the site of and within the boundaries of the proposed property division, which ponding facilities should provide for both permanent and temporary storage of runoff waters.~~

~~(c) The increased runoff volume from new development shall be calculated at 0.35 acre feet for each acre of impervious surface proposed in the development.~~

~~Impervious surface shall be all streets, parking lots, roofs, walks, driveways or other hard surface materials proposed in any development. For residential developments, each lot shall be assumed to contain 3,000 square feet of impervious surface for the house, garage, and driveway. Existing ponds or other facilities may be used for runoff volume control. Any storage ponds shall be designed to retain the volume of runoff calculated under this provision below its outlet or overflow point and above the water table.~~

~~—————(d) The Soil Conservation Service method of analysis shall be used to calculate the runoff rate prior to development. The pre-development land use shall be considered permanent meadow with a soil conservation curve number of 58. The 100-year, 24-hour storm of 5.9 inches of precipitation shall serve as the basis of the analysis.~~

~~—————(e) This chapter shall apply to all areas of the city exclusive of that portion for the city within the Ramsey Washington Metro Watershed District.~~

~~—————(12) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.~~

§ 153.13 DESIGN STANDARDS; REQUIRED IMPROVEMENTS.

(C) *Easements.*

(1) *Width and location.* An easement for utilities at least 10 feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. See Section 150.287(A) (e) for other applicable easement regulations.

(2) *Continuous utility easement locations.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not subsequently be changed without the approval of the Council after a public hearing.

(3) *Provisions for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Council to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. They shall be dedicated to the city by appropriate language in the owner's certificate. See Section 150.287(A) (e) for other applicable easement regulations.

(D) *Erosion and sediment control.* Erosion and sediment control plans shall be provided in accordance with Section 150.287 (B) of the City Code.

(1) ~~Erosion and sedimentation control plans in accordance with the technical standards and specifications of the soil conservation service provided by the County Soil and Water Conservation District Office are required.~~

(2) ~~The development shall conform to the natural limitations presented to topography and soil so as to create the least potential for soil erosion.~~

(3) ~~Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.~~

(4) ~~Land shall be developed in increments of workable size so that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any 1 period of time.~~

(5) ~~When soil is exposed, the exposure shall be for the shortest feasible period of time.~~

(6) ~~Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of 4 inches and shall be of a quality at least equal to the soil quality prior to development.~~

(7) ~~Sodding is required as necessary to prevent erosion. All sodded areas disturbed shall be re-sodded.~~

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the Watershed District, Section 150.287 (A) of the City Code, and City Comprehensive Drainage Plan Local Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision, and may include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins and ponding areas, or both systems.

§ 153.13 DESIGN STANDARDS; REQUIRED IMPROVEMENTS.

(H) *Streets, alleys, and curbs.*

(17) *Curb and gutter.* Bituminous curb shall be used where sanitary sewer will be installed at some later date. Concrete curb and gutter shall be used where sanitary sewer has been installed to city standards. Curb and gutter shall be provided when required in accordance with the City of Lake Elmo Engineering Design Standards.

§ 153.15 REQUIRED IMPROVEMENTS; FINANCIAL ARRANGEMENTS.

(G) *Clean-up obligations; street signs.*

- i. The developer shall remove all soil and debris from and clean all streets within the lands developed in accordance with Section 150.287 (B) (d) of the City Code. ~~at least every 2 months (or within 1 week from the date of any request by the city) during the period commencing May 1 and ending October 31 of each year until the time as the streets and improvements are accepted for ownership and maintenance by the city.~~
- ii. In the event there are or will be constructed on the property, 2 or more streets, and if permanent street signs have not been installed, developer shall install temporary street signs in accordance with recommendations of the Maintenance Department, prior to the issuance of any permit to build upon the property.

(H) *Erosion control.* Erosion control shall be provided with the installation of utilities and street curbs in accordance with the City of Lake Elmo Engineering Design Standards. ~~Within 20 days of installation of utilities and street curbs in any portion of the land developed (if the time occurs between May 1 and October 31 of any year, developer shall sod; secured with a minimum of 2 stakes per roll of sod; that part of the property lying between the curb and a line 18 inches measured perpendicular with the curb or in lieu of the sod, place a fiber blanket with seed approved by the City Engineer (secured with stakes a maximum minimum of 6 feet apart). Either sod or fiber must be placed upon a minimum of 4 inches of topsoil. The topsoil shall be level with the top of the curb at the curb line and rise 1/4 inch for each foot from the curb line. Developer shall maintain the sod, fiber blanket, topsoil, and grade until the time as the streets and improvements in the development are accepted for ownership and maintenance by the city. Developer shall also sod all drainage swales serving each 1.5 acre a minimum distance of 6 feet on each side of the center of the swale.~~

PLANNED UNIT DEVELOPMENT CHAPTER (154)

§ 154.074 PROCEDURE FOR PROCESSING.

(2) *Development Stage Plan.* Development stage submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage for the PUD may be included for background and to provide a basis for the submitted plan. The development stage submission shall include but not be limited to:

(b) Ten sets of preliminary plans, drawn to a scale of not less than 1 inch equals 100 feet (or scale requested by the city staff) containing at least the following information:

10. General grading and drainage plans for the developed PUD in conjunction with a Storm Water Management Plan as identified in Section 150.287; and

(h) ~~A soil erosion control plan acceptable to watershed districts, Department of Natural Resources or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.~~ An Erosion and Sediment Control Plan in accordance with Section 150.287.

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the applicable Watershed District standards, Section 150.287 (A) of the City Code, and City Comprehensive Drainage the Lake Elmo Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision, ~~and may include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins and ponding areas, or both systems.~~

~~(12) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.~~

ADMINISTRATION

§ 154.018 CONDITIONAL USE PERMITS.

(C) *Filing.* Application for a conditional use permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the Administrator, including but not limited to those things listed below. The plans shall contain sufficient information for the community to determine whether the proposed development will meet all applicable development standards.

(5) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated (See Section 150.283 to determine if a Storm Water Management Plan and/or an Erosion and Sediment Control Plan is required);

§ 154.019 INTERIM USE PERMITS.

(D) *Application.* Applications for an interim use permit shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. All applications shall include the following:

(4) Development plans for the proposed use showing all information deemed necessary by the Administrator to ensure the community can determine whether the proposed development will meet all applicable development standards. Such information may include but shall not be limited to the following:

(e) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated (See Section 150.283 to determine if a Storm Water Management Plan and/or an Erosion and Sediment Control Plan is required);

§ 154.102 DRIVE-IN BUSINESS.

(A) *Drainage.* The entire area of any drive-in business shall have a drainage system approved by the City Engineer. See Section 150.283 to determine if a Storm Water Management Plan and/or an Erosion and Sediment Control Plan is required.

Section 2. Adoption Date

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

This Ordinance No. 08-016 was adopted on this 20th day of April 2010, by a vote of ___ Ayes and ___ Nays.

Mayor Dean Johnston

ATTEST:

Bruce A. Messelt
City Administrator

This Ordinance No. 08-024 was published on the _____ day of _____, 2010.

CITY OF LAKE ELMO

RESOLUTION NO. 2010-013

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-024 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-024, an ordinance to update the existing city code to improve consistency with the storm water and erosion and sediment control ordinance; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-024 to be published in the official newspaper in lieu of the entire ordinance:

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-024 which amends chapters 94, 150, 151, 152, 153, and 154 of City Code. The proposed amendments incorporate references to and improve consistency with Chapter 150 which regulates storm water and erosion and sediment control throughout the city.

The full text of Ordinance No. 08-024 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

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

Dated: _____, 2010.

Mayor Dean Johnston

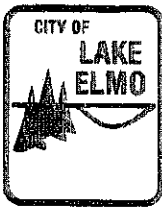
ATTEST:

Bruce A. Messelt
City Administrator

(SEAL)

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

Whereupon said resolution was declared duly passed and adopted.



MAYOR & COUNCIL COMMUNICATION

DATE: 4-20-2010
REGULAR
ITEM #: 11
MOTION Resolution 2010-015

AGENDA ITEM: 2010 Street and Water Quality Improvements – Approval of Plans and Specifications and Ordering Advertisement for Bids

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

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

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

SUMMARY AND ACTION REQUESTED: The City Council is asked to approve the Plans and Specifications for the 2010 Street and Water Quality Improvements and order advertisement for bids. The recommended motion to act on this is as follows:

“Move to approve Resolution No. 2010-015 Approving the Plans and Specifications for the 2010 Street and Water Quality Improvements and Ordering the Advertisement for Bids.”

BACKGROUND INFORMATION: At the January 26th City Council Meeting, Council authorized the preparation of plans and specifications for the 2010 Street and Water Quality Improvements. As a follow up to the meeting, the Council directed a survey of curb preference be completed for each neighborhood. The results of the survey were presented at the March 23rd City Council Meeting and direction was given to construct concrete curb on Jane Road and Isle Avenue and construct bituminous curb on 53rd and 57th Street.

WATER QUALITY IMPROVEMENTS: There are 6 rainwater gardens proposed for the 2010 Street and Water Quality Improvements. This plan will include the curb cuts, grading, seeding, and mulching of the rainwater gardens. The plantings will be completed under separate contract lead by the Washington Conservation District. At the April 8th Valley Branch Watershed District Board Meeting, the City of Lake Elmo did receive approval of the VBWD Community Grant and will receive 50% reimbursement for these water quality improvements. We have received 5 Perpetual Rainwater Garden Agreements from residents within the project area. Therefore we will be installing 5 rainwater gardens within the boulevard areas of the

streets (2 on Jane Road, 1 on Isle Avenue, and 2 on 53rd Street). Additionally, there will be one City rainwater garden and infiltration ditch installed along the west end of Jane Road.

STAFF REPORT: TKDA has completed the Plans and Specifications for the 2010 Street and Water Quality Improvements including the residential streets of Jane Road, Isle Avenue, 53rd Street, and 57th Street. TKDA will present to the City Council the final Plans together with an updated estimate of project cost. The detailed Plans and Specifications are available for review at City Hall. Staff is seeking approval to advertise the project for competitive bids, with a bid date set for May 26, 2010. The tabulated Bids will be presented to Council for award on June 1, 2010.

RECOMMENDATION: Staff recommends that the City Council approve the Plans and Specifications for the 2010 Street and Water Quality Improvements and order the advertisement for bids for the project. The suggested motion is as follows:

"Move to approve Resolution No. 2010-015 Approving the Plans and Specifications for the 2010 Street and Water Quality Improvements and Ordering the Advertisement for Bids."

Alternatively, the City Council may elect to amend, modify or not take the recommended action at this time, and may direct its City staff to proceed otherwise, as determined appropriate.

ATTACHMENTS: (Note: Actual Plans and Specifications are available for review at City Hall and at tonight's meeting).

1. Resolution No. 2010-015
2. Project Schedule

SUGGESTED ORDER OF BUSINESS:

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

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

RESOLUTION NO. 2010-015

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS FOR THE
2010 STREET AND WATER QUALITY IMPROVEMENTS**

WHEREAS, pursuant to resolutions passed by the council, TKDA was directed to prepare plans and specifications for the 2010 Street and Water Quality Improvements in accordance with the 2010 Street and Water Quality Improvements feasibility report approved December 15, 2009;

WHEREAS, TKDA has completed the plans and specifications for these improvements and has presented them to the City Council for approval on April 20, 2010;

NOW, THEREFORE, BE IT RESOLVED,

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

Date: _____, 2010

CITY OF LAKE ELMO

By: _____

Dean A. Johnston
Mayor

ATTEST:

Bruce A. Messelt
City Administrator

**CITY OF LAKE ELMO
2010 STREET AND WATER QUALITY IMPROVEMENTS
PROPOSED PROJECT SCHEDULE**

October 20, 2009	Council orders TKDA to prepare a Feasibility Report
November 10, 2009	City Council Workshop on Assessment Policy
December 15, 2009	Presentation of Feasibility Reports for project area. Council passes resolution receiving Report and calling for Hearing on Improvements to be held January 19, 2010
January 26, 2010	Public Improvement Hearings for project area. Council passes resolution ordering Improvement and preparation of Plans
February 26, 2010	Deadline to receive Resident Curb Surveys
March 3, 2010	Deadline to receive Rainwater Garden Maintenance Agreements from Residents
April 8, 2010	Present to VBWD for BMP Community Grant
April 20, 2010	Presentation of Plans and Specifications to the City Council for all project areas. Council approves Plans and Specifications and orders Advertisement for Bids
April 23, 2010	Placement of Advertisement for Bids – Oakdale-Lake Elmo Review. Publication date of April 28 and May 5
April 27, 2010	Placement of Advertisement for Bids - Construction Bulletin. Publication date of May 3 and May 10
May 26, 2010	Receive Contractor bids/review and prepare preliminary assessment roll
June 1, 2010	City Council accepts bids and awards Contract
June 4, 2010	Process and send out Contract Documents
June 18, 2010	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed
June 23, 2010	Conduct Pre-construction Meeting
June 24, 2010	Contractor begins work
September, 2010	Final Completion
October, 2010	Final assessment hearing



MAYOR & COUNCIL COMMUNICATION

DATE: 4/20/2010

REGULAR

ITEM #: 12

MOTION

AGENDA ITEM: Minimum State Building Permit Surcharge

SUBMITTED BY: Karl Horning, Acting Building Official

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

REVIEWED BY: Kyle Klatt, Planning Director
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The Building Department is requesting the City of Lake Elmo prepare to change its surcharge fee schedule for (1) year in response to recent State of Minnesota Action. The temporary fee would increase effective July 1st, 2010 from the fixed rate of \$ 0.50 for permits based on fixed fees, to an increase of \$ 5.00 for "Permits based on fixed fees". The recommended motion to act on this is as follows:

SUGGESTED MOTION: *"Move to direct staff to prepare an Amendment the current Fee Schedule for Permits based on Fixed Fees from \$ 0.50 to \$ 5.00, effective July 1st, 2010"*

BACKGROUND INFORMATION: Minnesota Statute 326B.148 defining a "SURCHARGE" has been changed for one year, effective July 1, 2010 until June 30, 2011. The specific change is provided below and attached"

"Subdivision 1. **Computation.** To defray the cost of administering sections 326B.101 to 326B.194, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971. The commissioner may use any surplus in surcharge receipts to award grants for code research and development and education.

If the fee for the permit issued is fixed in the amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, **except that effective July 1, 2010, until June 30, 2011, the permit surcharge is equivalent to one-half mill (.0005) of the fee of \$5.** Whichever amount is greater."

STAFF REPORT: City staff has no choice but to recommend that this “unfunded mandate” be incorporated into the City’s current 2010 and projected 2011 fee schedule.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council undertake the following action:

“Move to direct City staff to prepare an Amendment the current Fee Schedule for Permits based on Fixed Fees from \$ 0.50 to \$ 5.00, effective July 1st, 2010”

Alternatively, the City Council may elect to not take any action at this time and/or direct City staff to undertake a different action, as appropriate and directed.

ATTACHMENTS: Notification of Surcharge Increase

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

Minimum state building permit surcharge changes for a year

The Minnesota Statutes § 326B.148 "SURCHARGE" has been changed for one year effective July 1, 2010, until June 30, 2011.

The change only applies to the "Permits based on Fixed Fees, Part 1" and "Permits based on Fixed Fees, Part 2" portions of the Minnesota Department of Labor and Industry's (DLI) surcharge reporting form.

The minimum surcharge for a "fixed fee" permit is \$5, beginning July 1, 2010:

- Municipalities must begin collecting the \$5 minimum surcharge fee July 1, 2010, and continue to collect the new minimum through June 30, 2011.
- If the fee collected for the "fixed fee" permit is less than \$10,010, the surcharge is \$5. Fixed fee permits with a fee of less than \$10,010 are reported in "Permits based on Fixed Fees, Part 1" of the surcharge form.
- If the fee collected for the "fixed fee" permit exceeds \$10,010, the fee is multiplied by .0005 because \$10,010 is the point where the surcharge would increase to \$5.01. Fixed fee permits with a fee of \$10,010 or more are reported in "Permits based on Fixed Fees, Part 2" of the surcharge form.
- The remainder of the surcharge law did not change.

The change to the surcharge law is underlined below. Minnesota Statutes 2008, section 326B.148, subdivision 1, is amended to read:

Subdivision 1. Computation. To defray the costs of administering sections 326B.101 to 326B.194, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971. The commissioner may use any surplus in surcharge receipts to award grants for code research and development and education.

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, except that effective July 1, 2010, until June 30, 2011, the permit surcharge is equivalent to one-half mill (.0005) of the fee or \$5, whichever amount is greater.

New surcharge forms online Aug. 2

New surcharge forms with the change will be available for reporting on the DLI Web site Aug. 2, 2010. Go to <http://www.dli.mn.gov/CCLD/Surcharge.asp> to access the report forms. The current reporting forms will be available until Aug. 2, 2010.

To complete or change a surcharge report after Aug. 2, 2010, for a month or quarter before July 2010, contact Cindy Chapel or Eileen McNiff at (651) 284-5411, or via e-mail at Cynthia.Chapel@state.mn.us or Eileen.McNiff@state.mn.us.