

FILE

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042
City Council Meeting
February 8, 2012

7:00 p.m.

- A. CALL TO ORDER:
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ____ Johnston ____ Emmons ____ Park ____ Pearson ____ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council conducts its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. ACCEPT MINUTES:
 1. Accept January 17, 2012, 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. REPORTS AND ANNOUNCEMENTS:

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

 2.
 - Mayor
 - Administrator
 - City Attorney
 - City Engineer
 - Planning Director

- J. CONSENT AGENDA: (Items 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.)

3. Approve payment of disbursements and payroll
4. Agreement for Services between City of Oakdale and City of Lake Elmo
5. Consider Authorization to Apply for MnDOT Community Roadside Landscaping Partnership Program and Authorize Primary Contact Person

- K. REGULAR AGENDA:

6. Public Comments regarding Possibility of Purchasing Property for the Lake Elmo Library
7. Demontreville Highlands Area Street Improvements Feasibility Report - Resolution Accepting the Report and Calling for a Public Improvement Hearing
8. Keats Ave. N.: MSA Street and Trunk Watermain Improvements Feasibility Report- Resolution Accepting the Report and Calling for a Public Improvement Hearing
9. Continue Discussion: Variance (Septic) Request at 2860 Lake Elmo Avenue
10. Consider Planning Commission Request to Updating Lighting Ordinance

- L. Adjourn

**LAKE ELMO COUNCIL MINUTES
DRAFT**

City of Lake Elmo
City Council Minutes

January 17, 2012

Mayor Johnston called the meeting to order at 7:05 p.m.

PRESENT: Mayor Johnston and Council Members Emmons, Park, Pearson, and Smith

Also Present: Interim Administrator Dawson, Attorney Snyder, City Engineer Griffin, Planning Director Klatt, Interim City Clerk Luczak

APPROVAL OF AGENDA:

MOTION: Council Member Park moved to approve the January 17, 2012, City Council Agenda. Council Member Pearson seconded the motion. The motion passed 5-0.

MOTION: Council Member Pearson to amend the Agenda to allow Chief Malmquist to finish the Fire issues presentation from the immediately preceding Council Workshop, and to add Item No. 11 to discuss the consideration of the purchase of a building for the Library. Council Member Park seconded the motion. Motion passed 5-0.

ACCEPTED MINUTES:

The January 10, 2012, City Council minutes were accepted by consensus of the City Council.

The January 3, 2012, City Council minutes were accepted by consensus of the City Council.

REPORTS:

Chief Malmquist recapped the Fire Dept. Study presentation and requested the Council to provide direction to the Fire Dept. The Chief stated that Fire CIP issues need to be made in the context of the City's Comprehensive CIP, and funding sources needed to be recognized for implementation.

Council members discussed fire services as a good expenditure, that several studies had been done in the past and no action was taken, and public safety and welfare is why people pay taxes. The Council directed Staff to review the CIP and begin the process for the 2012-17 CIP in a few months.

MOTION: Council Member Park moved to direct the Fire Chief and his Staff present to the City Council a report with costs for a potential CIP at a Council Workshop for Public Safety. Council Member Smith seconded the motion. The motion passed 5-0.

PUBLIC COMMENTS:

Justin Bloyer, 8881 Jane Rd., commented about transparency and integrity of the City Council regarding the recent Closed meetings focused on a possible Library building.

City Council Reports:

Mayor Johnston reported that he attended the regional Council of Mayors meeting where the connection of the land use and transportation corridors was featured. He also reported that the Fiscal Disparities program is to be reviewed by State Legislature. The Mayor also reported that he attended the Gateway Corridor meeting, which had an analysis of alternatives regarding light rail location and park-and-ride sites; he encouraged Council to attend the future meetings regarding the Gateway Corridor.

Interim City Administrator Dawson reported that the new City Administrator Dean Zuleger's contract was executed and his start date will be Monday, January 30, 2011.

City Attorney Snyder informed the Council that the land detachment item would be discussed in the Closed session.

City Engineer Griffin updated the Council about the chlorination of Well No. 2, and the feasibility reports on Demontreville and Keats Avenue.

CONSENT AGENDA:

MOTION: Council Member Smith moved to approve the Consent Agenda. Council Member Emmons seconded the motion. The motion passed 5-0.

- Approved disbursements in the amount of \$197,071.60
- RFQ Request for Professional Engineering Services Consultant Pool

REGULAR AGENDA:

Appeal of Ruling regarding Detachment of Land from City of Lake Elmo

Interim City Administrator Dawson updated the City Council regarding the concerns expressed by residents and individual Council members about the ruling regarding detachment of land from the City of Lake Elmo.

City Attorney Snyder had received the ruling and had requested the Judge to amend the findings. He contacted the LMC and general counsel, who at first glance perceived it to

LAKE ELMO COUNCIL MINUTES
DRAFT

be an incorrect ruling but that LMCIT is currently evaluating whether to join. Attorney Snyder stated the City has 30 days to appeal the decision.

Pam Chickett, 5711 Linden Ave. N., supports the City in appealing the land detachment and requested the residents be kept apprised of the situation. Several of the residents of the St. Croix's Sanctuary development do not support the detachment.

The City Council discussed the alternatives and said the City has a decent chance if they appeal the ruling.

MOTION: Council Member Pearson moved to affirm the action of Staff and authorize proceeding with the Appeal process on the ruling to detach land from the corporate limits of the City of Lake Elmo. Council Member Smith seconded the motion. The motion passed 5-0.

Planning Commission Annual Report 2011

Planning Director Klatt presented to the City Council the annual report summarizing the Planning Commission and Department in 2011. The report focused on the larger activities and projects undertaken during the year, and included statistical information pertaining to the City's planning activities.

MOTION: Council Member Smith moved to accept the 2011 Planning Commission and Planning Department Annual Report. Council Member Pearson seconded the motion. The motion passed 5-0.

Planning Commission 2012 Work Plan

Planning Director Klatt requested the Council to review and accept the Planning Commission's annual work plan that the Commission prepared for 2012. He stated that the work plan prioritized the various projects, the internal planning related activities and projects that will be undertaken by Staff in 2012. The Old Village, I-94 Corridor and Comp. Plan updates will play a major role in completing their 2012 goals.

The Council reviewed the plan and provided its comments and suggestions. The City Council discussed the sign ordinance restrictions and outdoor lighting. Council asked about any potential analysis on Lake Elmo Avenue regarding routing bus traffic or light rail, and directed the Planning Commission to report on how the Gateway Study and its alternatives will affect the City.

MOTION: Council Member Smith moved to accept the 2012 Planning Commission Work Plan. Council Member Pearson seconded the motion. The motion passed 5-0.

2012-2016 Infrastructure Capital Improvement Plan (CIP) – Adopt Plan

City Engineer Griffin requested the City Council to consider adopting the 2012-2016 Infrastructure Capital Improvement Plan. As part of the annual budget process, the City prepares a five-year CIP for Council approval which was presented to the Council at the December 6, 2011, meeting. City Engineer Griffin stressed that the first year of the plan is an indication to Staff to initiate the project implementation process. The Council retains the ability to postpone or terminate these projects at several points along the way. The remaining four years are to show infrastructure needs and costs, and are used for planning purposes. They can be changed each year to respond to the various project drivers. In particular, the water and sewer projects are needed to respond to projected future development so they will occur when the development occurs. He recommended that a Council Workshop be scheduled in mid-summer to take a closer look at the CIP needs for 2013 and 2014.

Council Members discussed the storm water utility fund and the annual rain garden program costs, along with the benefits of rain gardens and long-term maintenance responsibilities.

Interim Finance Director Rigdon discussed the status of the surface water utility revenue and the funding of the annual Rain Garden Program. With the VBWD Community matching Grants, the rain garden program accounts for roughly 20% of surface water utility funds.

City Engineer Griffin stated that if the Rain Garden Program were discontinued, the City would not realize 100% of the cost savings since there would continue to be Stormwater related project costs to satisfy VBWD permitting requirements.

MOTION: Council Member Smith moved to adopt the 2012-2016 Infrastructure Capital Improvement Plan (CIP). Council Member Pearson seconded the motion. The motion passed 5-0.

MOTION: Council Member Smith moved to adopt the 2012-2016 Infrastructure Capital Improvement Plan (CIP). Council Member Pearson seconded the motion. The motion passed 5-0.

Water Supply Well No. 4 – Award Test Well Contract

City Engineer Griffin reported to the City Council that project plans and specifications have been completed and were sent out to six qualified well drilling contractors. Five quotes were received. The lowest responsible bid was received by Kimmes Bauer Well Drilling, Inc. in the amount of \$32,765.00. The completion date is February 24, 2012.

MOTION: Council Member Pearson moved to approve the award of a contract to Kimmes Bauer Well Drilling, Inc., in the amount of \$32,765.00 for the construction of Test Well No. 4. Council Member Smith seconded the motion. The motion passed 5-0.

Council Meeting Date Change

Interim City Administrator Dawson stated that when the 2012 Calendar was presented and approved, the fact that Caucuses are on the regular Council meeting of February 7, 2012, was overlooked.

MOTION: Council Member Pearson moved to approve moving the February 7, 2012, Council meeting to Wednesday, February 8, 2012, due to Caucuses. Council Member Emmons seconded the motion. The motion passed 5-0.

Library Possible Purchase of Library Building

Council Member Smith requested the Council to continue discussion about the possible library site to the February 8, 2012, Council meeting so residents have an opportunity to provide their input at that time.

Attorney Snyder stated all discussions regarding price would be conducted at a Closed meeting.

Sarah Linder, 11108 12th St., Library Board Member stated the Library Board takes its financial responsibility seriously, and is planning to provide more services and hours. The Library Board unanimously approved the request for a larger space/building.

Justin Bloyer, 8881 Jane Rd., requested the Council offer the opportunity to let the residents speak prior to a final decision.

The City Council was aware that the Library Board had requested it pursue the purchasing of a building, discussed the Lee building, wished to act in a timely manner and be responsible to the residents, and noted that all discussion of a potential offer would be conducted in a Closed meeting,

MOTION: Council Member Smith moved to continue the possible library purchase discussion to the February 8, 2012, Council meeting to allow public comment at that time. Council Member Pearson seconded the motion. The motion passed 5-0.

The Open meeting recessed at 10:25 p.m.

The Closed meeting opened at 10:37 p.m.

PRESENT: Mayor Johnston and Council Members Emmons, Park, Pearson, and Smith

Also Present: Interim Administrator Dawson, Attorney Snyder, Interim Finance Director Rigdon, and City Engineer Griffin.

The City Council discussed real estate negotiations and the pending litigation.

The Closed meeting recessed at 11:08 p.m.

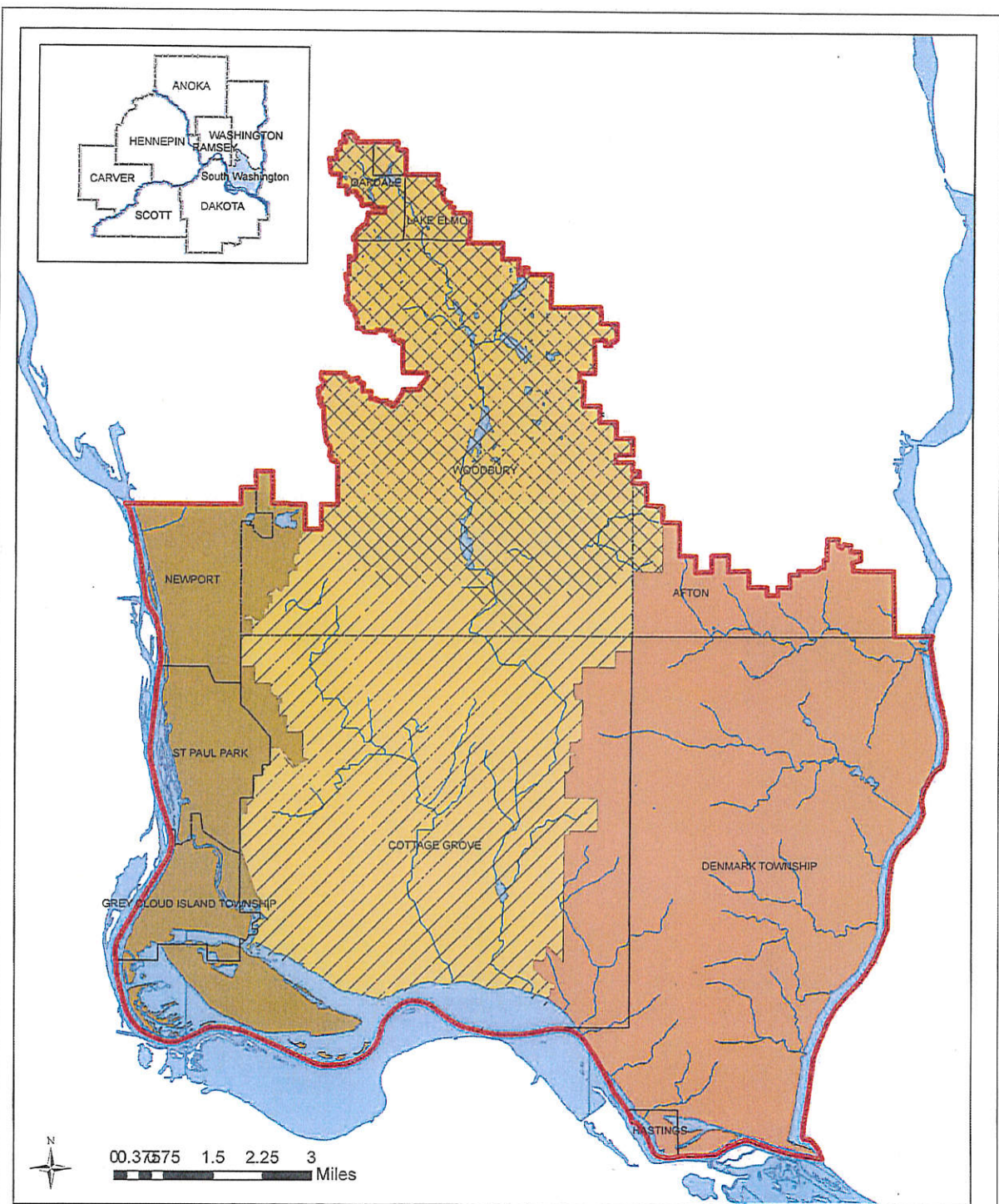
The Open meeting reconvened at 11:08 p.m.

City Attorney Snyder summarized the Council's determinations pending litigation and the time frame for further action.

MOTION: Mayor Johnston moved to engage the services of Welsh Colliers Companies for acquisition of property for the library. Council Member Pearson seconded the motion. Motion passed 4-1, with Council Member Smith voting against.

The meeting adjourned at 11:12 p.m.

Respectfully submitted by Carole Luczak, Interim City Clerk



Map 7.1: Stormwater Utility Fee Management Units



SWWD Jurisdictional Boundary

Member Cities

Management Units

- East Mississippi
- Lower St. Croix
- South Washington

Overflow Project Financing

- 25 PERCENT AREA
- 75 PERCENT AREA

Amended 2011

Data Sources: MN DNR Data Deli, SWWD



MAYOR & COUNCIL COMMUNICATION

DATE: 2/8/2012
CONSENT
ITEM #: 3
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$141,695.79

SUBMITTED BY: Joe Rigdon, Interim Finance Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Joan Ziertman, Finance Consultant

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$141,695.79. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo has fiduciary authority and responsibility to conduct normal business operation. Below is a summary of current claims to be disbursed and paid in accordance with State law and City policies and procedures.

Claim #	Amount	Description
ACH	\$ 5,609.71	Payroll Taxes to IRS 1/26/2012
ACH	\$ 1,075.00	Payroll Taxes to MN Dept. of Revenue 1/26/2012
ACH	\$ 3,728.29	Payroll Retirement to PERA 1/26/2012
DD3772 – DD3785	\$ 17,181.51	Payroll Dated 1/26/2012 (Direct Deposit)
37996-37998	\$ 730.26	Payroll Dated 1/26/2012 (Payroll Paper Checks)
37999-38007	\$105,271.02	Accounts Payable Dated 2/8/2012
1150-1284	\$ 8,100.00	Accounts Payable Dated 2/8//2012 (Library Checks)
TOTAL	\$ 141,695.79	

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 \$141,695.79.

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 February 8, 2012, Disbursements as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 2/8/2012

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

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

Accounts Payable To Be Paid Proof List

User: joan z
Printed: 02/02/2012 - 12:01 PM
Batch: 039-12-2011

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMLEGAL American Legal Publishing Corp										
83741	10/24/2011	789.95	0.00	02/08/2012	Code of Ordinance - Published 2011		-	No		0000
101-410-1320-44300	Miscellaneous	789.95								
	83741 Total:	789.95								
	AMLEGAL Total:									
ANIMALHU Animal Humane Society										
605	01/23/2012	1,071.94	0.00	02/08/2012	Animal Impound Fees		-	No		0000
101-420-2700-43150	Contract Services	1,071.94								
	605 Total:	1,071.94								
	ANIMALHU Total:									
ARVIG Arvig										
2011-04A	12/31/2011	1,020.00	0.00	02/08/2012	Refund Duplicate Payment 2011-04A		-	No		0000
101-000-0000-32250	Utility Permits	1,020.00								
	2011-04A Total:	1,020.00								
	ARVIG Total:									
MES Municipal Emergency Services										
00288278-SNV	01/16/2012	7,781.00	0.00	02/08/2012	22 Pair of Firefighting Boots		-	No		0000
703-420-2220-45800	Other Equipment	7,781.00								
	00288278-SNV Total:	7,781.00								
	MES Total:									
MN CORP Minnesota Corporate Mech Inc.										
13523	10/20/2011	798.46	0.00	02/08/2012	Repair HVAC Unit		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	798.46								
	13523 Total:	798.46								
	MN CORP Total:									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SEH Short Elliott Hendrickson, Inc NW6262 01/11/2012 601-494-9400-43030 Engineering Services NW6262 Total: SEH Total:		2,431.82 2,431.82 2,431.82	0.00	02/08/2012	Design Services for Test Well #4		-		No	0000
TKDA TKDA, Inc. 2011003889 02/10/2012 601-494-9400-43030 Engineering Services 2011003889 Total: TKDA Total:		133.01 133.01 133.01	0.00	02/08/2012	General Engineering Svs - Water System		-		No	0000
WASHCONS Washington Conservation Dist. 2292 12/31/2011 603-496-9500-44370 Conferences & Training 2292 Total: WASHCONS Total:		535.50 535.50 535.50	0.00	02/08/2012	4th Quarter Shared Educator Program		-		No	0000
WASHTAX Washington County 71484 02/23/2012 101-410-1520-44300 Miscellaneous 71484 Total: WASHTAX Total:		736.11 736.11 736.11	0.00	02/08/2012	2012 Truth in Taxation Notice		-		No	0000
Report Total:		15,297.79								

Accounts Payable To Be Paid Proof List

User: joan z
Printed: 02/02/2012 - 12:08 PM
Batch: 001-02-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ABDO Abdo Eick & Meyers, LLP 287984 101-410-1520-43010 Audit Services	01/20/2012	4,000.00	0.00	02/08/2012	Progress Billing for 12/31/11 Audit		-	No		0000
287984 Total:		4,000.00								
ABDO Total:		4,000.00								
ARAM Aramark, Inc. 629-7409658 101-430-3100-44170 Uniforms	01/12/2012	22.86	0.00	02/08/2012	Uniforms		-	No		0000
629-7409658 Total:		22.86								
629-7414592 101-430-3100-44170 Uniforms	02/01/2012	22.86	0.00	02/08/2012	Uniforms		-	No		0000
629-7414592 Total:		22.86								
629-7416408 101-420-2220-44010 Repairs/Maint Bldg	01/24/2012	113.61	0.00	02/08/2012	Monthly Rug Service Station #2		-	No		0000
629-7416408 Total:		113.61								
629-7416409 101-410-1940-44010 Repairs/Maint Contractual Bldg	01/24/2012	154.10	0.00	02/08/2012	Linen City Hall		-	No		0000
629-7416409 Total:		154.10								
629-7416410 101-420-2220-44010 Repairs/Maint Bldg	01/24/2012	112.59	0.00	02/08/2012	Monthly Rug Service Station #1		-	No		0000
629-7416410 Total:		112.59								
629-7421436 101-410-1940-44010 Repairs/Maint Contractual Bldg	01/30/2012	78.32	0.00	02/08/2012	Linen City Hall		-	No		0000
629-7421436 Total:		78.32								
ARAM Total:		504.34								
BECKER Becker Fire and Safety, LLC 358 101-410-1320-44300 Miscellaneous	01/17/2012	31.63	0.00	02/08/2012	Fire Extinguisher Inspections City Hall		-	No		0000
358 Total:		31.63								
359 101-430-3100-44010 Repairs/Maint Bldg	01/17/2012	308.32	0.00	02/08/2012	Fire Extinguishers Annual Inspections		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
360	01/17/2012	308.32								
101-420-2220-44040	Repairs/Maint Eqpt	325.06	0.00	02/08/2012	Fire Extinguisher Inspections - Fire Dep		-	No		0000
	360 Total:	325.06								
	BECKER Total:	665.01								
<hr/>										
BERESTIM Beres Tim	01/30/2012	50.00	0.00	02/08/2012	Refund Overpayment on SW Account		-	No		0000
Ck Req	603-000-0000-37100	50.00								
	Surface Water Utility Sales	50.00								
	Ck Req Total:	50.00								
	BERESTIM Total:	50.00								
<hr/>										
BERKLEY INSURANCE TRUST LEAGUE OF MN CITIE	01/20/2012	500.00	0.00	02/08/2012	Insurance Deductible	Water Damage	-	No		0000
C0009458	101-410-1320-43610	500.00								
	Insurance	500.00								
	C0009458 Total:	500.00								
	BERKLEY Total:	500.00								
<hr/>										
BIFFS Biff's Inc.	01/11/2012	61.29	0.00	02/08/2012	Portable Restrooms		-	No		0000
W453679	101-450-5200-44120	61.29								
	Rentals - Buildings	61.29								
	W453679 Total:	61.29								
	BIFFS Total:	61.29								
<hr/>										
BOYER Boyer Trucks	01/25/2012	263.62	0.00	02/08/2012	00-1 Parts Public Works		-	No		0000
601250	101-430-3125-44040	263.62								
	Repairs/Maint Eqpt	263.62								
	601250 Total:	263.62								
	BOYER Total:	263.62								
<hr/>										
C&J CONS C & J Consulting Services, LLP	02/01/2012	7,837.50	0.00	02/08/2012	Monthly Accg Svs - January 2012		-	No		0000
Jan 12	101-410-1520-43150	7,837.50								
	Contract Services	7,837.50								
	Jan 12 Total:	7,837.50								
	C&J CONS Total:	7,837.50								
<hr/>										
CARQUEST Car Quest Auto Parts	01/18/2012	80.93	0.00	02/08/2012	Misc Filters		-	No		0000
2055-247145	101-430-3120-42210	80.93								
	Equipment Parts	80.93								
	2055-247145 Total:	80.93								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
2055-247550	01/24/2012	21.96	0.00	02/08/2012	Blower Switch 98-1		-	No		0000
101-430-3120-42210	Equipment Parts									
	2055-247550 Total:	21.96								
6971-251037	01/25/2012	8.65	0.00	02/08/2012	Wire and Copper Lugs		-	No		0000
101-430-3120-42210	Equipment Parts									
	6971-251037 Total:	8.65								
	CARQUEST Total:	111.54								
COLEMER Colemer Jamie										
01/24/2012	01/24/2012	42.42	0.00	02/08/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
	01/24/2012 Total:	42.42								
	COLEMER Total:	42.42								
COPELAND Copeland Trucking										
24921.01	01/11/2012	360.00	0.00	02/08/2012	Trucking Library Services		-	No		0000
206-450-5300-42000	Office Supplies									
	24921.01 Total:	360.00								
	COPELAND Total:	360.00								
CUMMINGS Cummings Mary Jo										
02/01/2012	02/01/2012	2,430.00	0.00	02/08/2012	54 Hours of Consulting Services		-	No		0000
206-450-5300-43150	Contract Services									
	02/01/2012 Total:	2,430.00								
	CUMMINGS Total:	2,430.00								
DAWSON Dawson Craig										
02/02/2012	02/02/2012	29.97	0.00	02/08/2012	Mileage		-	No		0000
101-410-1320-43310	Mileage									
02/02/2012	02/02/2012	40.00	0.00	02/08/2012	Reimb Cell Phone		-	No		0000
101-410-1940-43210	Telephone									
	02/02/2012 Total:	69.97								
	DAWSON Total:	69.97								
DELTA Delta Dental Of Minnesota										
4768307	01/15/2012	777.15	0.00	02/08/2012	Feb 2012 Dental Coverage		-	No		0000
101-000-0000-21706	Medical Insurance									
	4768307 Total:	777.15								
	DELTA Total:	777.15								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EMERGAPP Emergency Apparatus Maint. INC										
59815	01/23/2012	235.00	0.00	02/08/2012	Vehicle Safety Inspection, E1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt	235.00								
	59815 Total:	235.00								
59816	01/23/2012	235.00	0.00	02/08/2012	Vehicle Safety Inspection, E2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt	235.00								
	59816 Total:	235.00								
59817	01/23/2012	235.00	0.00	02/08/2012	Vehicle Safety Inspection, T1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt	235.00								
	59817 Total:	235.00								
59818	01/23/2012	608.49	0.00	02/08/2012	Vehicle Safety Inspection, Brake Repair		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt	608.49								
	59818 Total:	608.49								
59819	01/23/2012	235.00	0.00	02/08/2012	Vehicle Safety Inspection, L1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt	235.00								
	59819 Total:	235.00								
	EMERGAPP Total:	1,548.49								
FERGUSON Ferguson Waterworks, Inc.										
SO1347656.001	02/02/2012	444.16	0.00	02/08/2012	Repair Clamps		-		No	0000
601-494-9400-42300	Water Meters & Supplies	444.16								
	SO1347656.001 Total:	444.16								
	FERGUSON Total:	444.16								
FIORILLO Fiorillo Megan										
01/17/2012	01/17/2012	27.50	0.00	02/08/2012	Cabled Live - Workshop	1/17/12	-		No	0000
101-410-1450-43620	Cable Operations	27.50								
	01/17/2012 Total:	27.50								
	FIORILLO Total:	27.50								
FOCUS Focus Engineering, Inc.										
114, 115	01/29/2012	5,040.56	0.00	02/08/2012	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services	5,040.56								
	114, 115 Total:	5,040.56								
101-410-1910-43030	Engineering Services	253.00	0.00	02/08/2012	General Engineering		-		No	0000
	114, 115 Total:	253.00								
116	01/29/2012	5,293.56	0.00	02/08/2012	General Engineering - VRA		-		No	0000
101-420-2400-43030	Engineering	5,293.56								
	116 Total:	5,293.56								
101-410-1910-43030	Engineering Services	1,360.50	0.00	02/08/2012	General Engineering - VRA		-		No	0000
	116 Total:	1,360.50								
404-480-8000-43030	Engineering Services	67.50	0.00	02/08/2012	General Engineering - VRA		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO	Line #
116	01/29/2012	45.00	0.00	02/08/2012	General Engineering - VRA		-			No	0000
101-430-3100-43030	Engineering Services										
116	01/29/2012	267.00	0.00	02/08/2012	General Engineering - VRA		-			No	0000
601-494-9400-43030	Engineering Services										
116	01/29/2012	939.00	0.00	02/08/2012	General Engineering - VRA		-			No	0000
602-495-9450-43030	Engineering Services										
116	01/29/2012	843.50	0.00	02/08/2012	General Engineering - VRA		-			No	0000
603-496-9500-43030	Engineering Services										
116 Total:		4,152.50									
117	01/29/2012	348.50	0.00	02/08/2012	Transportation & Traffic Systems		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	267.00	0.00	02/08/2012	Street Maintenance		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	1,041.50	0.00	02/08/2012	Municipal Aid		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	919.00	0.00	02/08/2012	Capital Improvement Planning		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	45.00	0.00	02/08/2012	2012 Seal Coat Project		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	59.00	0.00	02/08/2012	Trunk Hwy 36 Corridor Planning		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	67.50	0.00	02/08/2012	Wash Cty Demo Trail Reclamation Proj		-			No	0000
409-480-8000-43030	Engineering Services										
117	01/29/2012	840.00	0.00	02/08/2012	Structural Due Diligence Project		-			No	0000
101-410-1930-43030	Engineering Services										
117 Total:		3,587.50									
118	01/29/2012	164.50	0.00	02/08/2012	Development Whistling Valley III		-			No	0000
203-490-9070-43030	Engineering Services										
118 Total:		164.50									
119	01/29/2012	1,069.50	0.00	02/08/2012	Lake Elmo Water System Chorination		-			No	0000
601-494-9400-43030	Engineering Services										
119 Total:		1,069.50									
120	01/29/2012	267.00	0.00	02/08/2012	10th Street Infrastructure Planning		-			No	0000
602-495-9450-43030	Engineering Services										
120 Total:		267.00									
121	01/29/2012	1,872.64	0.00	02/08/2012	Lake Elmo Water System Strategies/Fin		-			No	0000
601-494-9400-43030	Engineering Services										
121 Total:		1,872.64									
122	01/29/2012	199.50	0.00	02/08/2012	3M Litigation		-			No	0000
601-494-9400-43030	Engineering Services										
122 Total:		199.50									
123	01/29/2012	383.50	0.00	02/08/2012	Library Assistance		-			No	0000
206-450-5300-43030	Engineering Services										
123 Total:		383.50									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
124	01/29/2012	6,206.93	0.00	02/08/2012	Demontreville Highlands Area Feasibility		-			0000
419-480-8000-43030	Engineering Services									
	124 Total:	6,206.93								
125	01/29/2012	5,419.61	0.00	02/08/2012	Keats Ave MSA Street & Trunk Main		-			0000
601-494-9400-43030	Engineering Services									
	125 Total:	5,419.61								
	FOCUS Total:	28,616.74								
FXL FXL, Inc.										
January 12	02/01/2012	2,000.00	0.00	02/08/2012	Assessing Services - January 2012		-			0000
101-410-1320-43100	Assessing Services									
	January 12 Total:	2,000.00								
	FXL Total:	2,000.00								
GOVTRNG Government Training Services										
01/20/12	01/20/2012	255.00	0.00	02/08/2012	2012 MCFOA Annual Conference		-			0000
101-410-1910-44370	Conferences & Training									
	01/20/12 Total:	255.00								
	GOVTRNG Total:	255.00								
HLB HLB Tautges Redpath Ltd										
13012	01/30/2012	515.00	0.00	02/08/2012	Flexible Benefit Plan Document		-			0000
101-410-1520-44300	Miscellaneous									
	13012 Total:	515.00								
	HLB Total:	515.00								
IAFC IAFC Membership										
01/23/2012	01/23/2012	229.00	0.00	02/08/2012	Annual Membership		-			0000
101-420-2220-44330	Dues & Subscriptions									
	01/23/2012 Total:	229.00								
	IAFC Total:	229.00								
KDV Kern DeWenter Viere Ltd										
140099	02/02/2012	8,289.00	0.00	02/08/2012	Financial Services - January 2012		-			0000
101-410-1520-43150	Contract Services									
	140099 Total:	8,289.00								
	KDV Total:	8,289.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
KETZNER Ketzner Beverly										
Ck Req	02/01/2012	135.00	0.00	02/08/2012	Refund Overpayment of SW Account		-			No 0000
603-000-0000-37100	Surface Water Utility Sales	135.00								
	Ck Req Total:	135.00								
	KETZNER Total:									
LTLFALLS Little Falls Machine, Inc										
48499	01/12/2012	348.64	0.00	02/08/2012	Spinner Motor		-			No 0000
101-430-3125-44040	Repairs/Maint Eqpt	348.64								
	48499 Total:	348.64								
	LTLFALLS Total:									
MENARDSO Menards - Oakdale										
56276, 58606	01/11/2012	165.06	0.00	02/08/2012	Station #1 items		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg	99.16	0.00	02/08/2012	Station #1 items		-			No 0000
56276, 58606	01/11/2012	264.22	0.00	02/08/2012	Floor Soap		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg	9.60	0.00	02/08/2012			-			No 0000
	56276, 58606 Total:	9.60								
56681	01/13/2012	17.60	0.00	02/08/2012	City Hall Bldg Supplies		-			No 0000
101-450-5200-44010	Repairs/Maint Bldg	17.60	0.00	02/08/2012			-			No 0000
	56681 Total:	17.60								
58146, 59918	01/25/2012	13.86	0.00	02/08/2012	Street Crack Repair Materials		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	13.86	0.00	02/08/2012			-			No 0000
58146, 59918	01/19/2012	13.86	0.00	02/08/2012	Street Crack Repair Materials		-			No 0000
101-430-3120-42240	Street Maintenance Materials	13.86	0.00	02/08/2012	Station #1 Paint		-			No 0000
	58611 Total:	115.43	0.00	02/08/2012			-			No 0000
60046	01/25/2012	115.43	0.00	02/08/2012			-			No 0000
101-420-2220-44010	Repairs/Maint Bldg	115.43	0.00	02/08/2012			-			No 0000
	60046 Total:	115.43								
	MENARDSO Total:	420.71								
METRO FI Metro Fire Chiefs Assoc										
01/30/12	01/30/2012	100.00	0.00	02/08/2012	Annual Membership		-			No 0000
101-420-2220-44330	Dues & Subscriptions	100.00								
	01/30/12 Total:	100.00								
	METRO FI Total:	100.00								
NCPERS 566200-NCPERS MINNESOTA										
5662212	01/23/2012	64.00	0.00	02/08/2012	January 2012 Deductions		-			No 0000
101-000-0000-21708	Other Benefits	64.00								
	5662212 Total:	64.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
NCPERS Total:		64.00								
NEXTel Nextel Communications										
11/18/2011	11/18/2011	17.94	0.00	02/08/2012	Cell Phone Service - Adminsitration		-	No		0000
101-410-1940-43210	Telephone									
11/18/2011	11/18/2011	82.84	0.00	02/08/2012	Cell Phone Service - Fire Dept		-	No		0000
101-420-2220-43210	Telephone									
11/18/2011	11/18/2011	17.62	0.00	02/08/2012	Cell Phone Service - Building Dept		-	No		0000
101-420-2400-43210	Telephone									
11/18/2011	11/18/2011	48.24	0.00	02/08/2012	Cell Phone Service - Public Works Dept		-	No		0000
101-430-3100-43210	Telephone									
11/18/2011	11/18/2011	115.90	0.00	02/08/2012	Cell Phone Service - Parks Dept		-	No		0000
101-450-5200-43210	Telephone									
11/18/2011 Total:		282.54								
NEXTel Total:		282.54								
NORTHSEC Northland Securities, Inc.										
2797	01/10/2012	1,000.00	0.00	02/08/2012	Continuing Disclosure Report		-	No		0000
101-410-1520-44300	Miscellaneous									
2797 Total:		1,000.00								
NORTHSEC Total:		1,000.00								
ONECALL Gopher State One Call										
30775	01/12/2012	100.00	0.00	02/08/2012	Line Locates - January 2012		-	No		0000
101-430-3100-43150	Contract Services									
30775 Total:		100.00								
32945	02/02/2012	15.95	0.00	02/08/2012	Line Locates - January 2012		-	No		0000
101-430-3100-43150	Contract Services									
32945 Total:		15.95								
ONECALL Total:		115.95								
PARTNERE Partner Eng & Science, Inc.										
01/11/2012	01/11/2012	1,800.00	0.00	02/08/2012	Library Building Property Assessment		-	No		0000
206-450-5300-43030	Engineering Services									
01/11/2012 Total:		1,800.00								
PARTNERE Total:		1,800.00								
PELLERDA Peller Dan										
Ck Req	01/11/2012	3,000.00	0.00	02/08/2012	Refund Escrow 11140 20th St #7356		-	No		0000
803-000-0000-22900	Deposits Payable									
Ck Req Total:		3,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PELLERDA Total:		3,000.00								
PRESSA Anastasia Press										
01/17/2012	01/17/2012	55.00	0.00	02/08/2012	Cabled Live CC Mtg 1/17/12		-	No		0000
01-410-1450-43620	Cable Operations									
01/17/2012 Total:		55.00								
01/23/12	01/23/2012	55.00	0.00	02/08/2012	Cabled Live - Planning Comm 1/23/12		-	No		0000
01-410-1450-43620	Cable Operations									
01/23/12 Total:		55.00								
PRESSA Total:		110.00								
PROSTAFF PROSTAFF										
02-843491	01/22/2012	488.25	0.00	02/08/2012	Office Clerk - Temp Help Week End 1/8/12		-	No		0000
01-410-1320-41010	Full-time Salaries									
02-843491 Total:		488.25								
02-844575	01/29/2012	569.63	0.00	02/08/2012	Office Clerk - Temp Week End 1/15/12		-	No		0000
01-410-1320-41010	Full-time Salaries									
02-844575 Total:		569.63								
02-845394	02/05/2012	496.00	0.00	02/08/2012	Office Clerk - Temp Staff Week End 1/20		-	No		0000
01-410-1320-41010	Full-time Salaries									
02-845394 Total:		496.00								
PROSTAFF Total:		1,553.88								
RELIANC Reliance Standard Life										
02/01/2012	02/01/2012	73.06	0.00	02/08/2012	Life Insurance		-	No		0000
01-000-0000-21706	Medical Insurance									
02/01/2012	02/01/2012	10.44	0.00	02/08/2012	AD & D Insurance		-	No		0000
01-000-0000-21708	Other Benefits									
02/01/2012	02/01/2012	87.27	0.00	02/08/2012	LTD Insurance		-	No		0000
01-000-0000-21708	Other Benefits									
02/01/2012	02/01/2012	125.38	0.00	02/08/2012	STD Insurance		-	No		0000
01-000-0000-21708	Other Benefits									
02/01/2012 Total:		296.15								
RELIANC Total:		296.15								
S&T S&T Office Products, Inc.										
01020148	01/09/2012	65.67	0.00	02/08/2012	Office Supplies		-	No		0000
01-410-1320-42000	Office Supplies									
01020148 Total:		65.67								
01026124	01/19/2012	173.62	0.00	02/08/2012	Office Supplies		-	No		0000
01-410-1320-42000	Office Supplies									
01026124 Total:		173.62								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
01029032	01/26/2012	172.85	0.00	02/08/2012	Office Supplies		-			0000
101-410-1320-42000	Office Supplies									No
	01029032 Total:	172.85								
	S&T Total:	412.14								
SACHSJIM James Sachs										
01/24/2012	01/24/2012	97.11	0.00	02/08/2012	Refund Premium withheld in error		-			0000
101-000-0000-21706	Medical Insurance									No
	01/24/2012 Total:	97.11								
	SACHSJIM Total:	97.11								
SAMSCLUB Sam's Club										
01/19/2012	01/19/2012	31.84	0.00	02/08/2012	Rehab Supplies		-			0000
101-420-2220-44300	Miscellaneous									No
01/19/2012	01/19/2012	26.76	0.00	02/08/2012	Towels for Station		-			0000
101-420-2220-44010	Repairs/Maint Bldg									
	01/19/2012 Total:	58.60								
	SAMSCLUB Total:	58.60								
SOUTHWIN Southwind Builders										
Ck Req	01/24/2012	5,000.00	0.00	02/08/2012	Refund Escrow 11544 58th St #8016		-			0000
803-000-0000-22900	Deposits Payable									
	Ck Req Total:	5,000.00								
	SOUTHWIN Total:	5,000.00								
SPRINGB Springbrook Software										
18876	01/24/2012	4,646.61	0.00	02/08/2012	Annual Accg Software Maint Fee		-			0000
101-410-1450-43180	Information Technology/Web									
	18876 Total:	4,646.61								
	SPRINGB Total:	4,646.61								
SW/WC SW/WC Service Cooperatives										
3/1/12	01/26/2012	7,590.00	0.00	02/08/2012	March 2012 Premiums		-			0000
101-000-0000-21706	Medical Insurance									
	3/1/12 Total:	7,590.00								
	SW/WC Total:	7,590.00								
TDS TDS METROCOM - LLC										
02/01/2012	02/01/2012	160.37	0.00	02/08/2012	Analog - Fire		-			0000
101-420-2220-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
02/01/2012	02/01/2012	158.31	0.00	02/08/2012	Analog - Public Works		-			0000
101-430-3100-43210	Telephone									No
02/01/2012	02/01/2012	106.77	0.00	02/08/2012	Analog - Lift Station Alarms		-			0000
602-495-9450-43210	Telephone									No
02/01/2012	02/01/2012	42.90	0.00	02/08/2012	Analog - Well House #2		-			0000
601-494-9400-43210	Telephone									No
02/01/2012 Total:		468.35								
TDS Total:		468.35								
WASH-REC Washington County										
71537	02/27/2012	940.00	0.00	02/08/2012	2012 Accuvote & Automark Mnt Fee		-			No
101-410-1410-44300	Miscellaneous									0000
71537 Total:		940.00								
WASH-REC Total:		940.00								
YOCUM Yocum Oil Company, Inc.										
207257	01/10/2012	1,775.13	0.00	02/08/2012	Bulk Tanks Oil Fill		-			No
101-430-3120-42120	Fuel, Oil and Fluids									0000
207257 Total:		1,775.13								
502870	01/17/2012	160.69	0.00	02/08/2012	Bulk Oil Tanks		-			No
101-430-3100-44010	Repairs/Maint Bldg									0000
502870 Total:		160.69								
YOCUM Total:		1,935.82								
Report Total:		89,973.23								



MAYOR & COUNCIL COMMUNICATION

DATE: 2/8/12

CONSENT

ITEM #: 4

MOTION

AGENDA ITEM: Agreement for Services between the City of Oakdale and City of Lake Elmo

SUBMITTED BY: Mike Bouthilet, Public Works & Parks Superintendent

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Dean A. Zuleger, Craig W. Dawson, and David Synder

SUMMARY AND ACTION REQUESTED:

Enter into an "Agreement for Services" with the City of Oakdale to provide maintenance and emergency services to the Lake Elmo waste water collection system.

BACKGROUND INFORMATION:

For the past ten years the Cities of Oakdale and N. St. Paul have been providing maintenance and emergency services for the areas of Lake Elmo with sewer service. N. St. Paul has only responded to emergencies, while Oakdale has done routine maintenance and emergency work.

STAFF REPORT:

Maintenance of a waste water system involves jetting, flushing, and video of sewer mains, laterals and lift stations. This work requires a specialized truck commonly known as a "Jetter". Jetter trucks are very expensive, over \$200,000, and are limited in use to primarily waste water and storm water duties. The size of our current system does not warrant a purchase for the foreseeable future.

Up until now neither Oakdale nor N. St. Paul has charged for their services. Work has been done under the "good neighbor principle". With the increasing amount and frequency of work required on our system, both Public Works Departments have concurred it is time for a more formal service agreement.

If this agreement is completed, our intention is to have Oakdale and a private contractor do the same maintenance task and evaluate costs and performance. If the result is a private company can provide comparable service for less, we will continue with private contractors. However, the Oakdale agreement should be continued due to their location and ability to respond in a timely manner to emergencies.

Current cost for sewer maintenance with jetter truck and two personnel:

- Private \$220/hour + approximately two hours back and forth travel.
- Oakdale \$145/hour. No travel pay

RECOMMENDATION: Enter into an Agreement for Services with the City of Oakdale to provide maintenance and emergency services to the City of Lake Elmo waste/storm water collection systems.

ATTACHMENTS: Agreement for Services

SUGGESTED ORDER OF BUSINESS:

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

AGREEMENT FOR SERVICES

BETWEEN THE
CITY OF OAKDALE
AND THE
CITY OF LAKE ELMO

This Agreement, made and entered into this ____ day of _____, 2012, by and between the City of Oakdale, ("The City of Oakdale"), a municipal corporation under the laws of the State of Minnesota, and the City of Lake Elmo ("The City of Lake Elmo"), a municipal corporation under the laws of Minnesota,

WITNESSETH:

WHEREAS, in order to manage costs and the quality of maintenance of certain public utilities for the City of Lake Elmo, The City of Lake Elmo Public Works Department has requested the City of Oakdale assist with the repair and routine maintenance of the Lake Elmo public utilities; and

WHEREAS, Lake Elmo has identified general utility maintenance as work that the City of Oakdale could perform for the City of Lake Elmo with regard to their public utilities; and

WHEREAS, Both parties desire this AGREEMENT to be effective on the date the last signature necessary to execute this document is obtained; and

NOW THEREFORE, In consideration of the mutual terms, covenants, warranties and conditions hereinafter set forth, the Parties hereto, intending to be legally bound hereby, mutually agree as follows:

ARTICLE I: SCOPE OF SERVICES

SECTION 1.01.1 Scope of Services

Pursuant to the terms and conditions herein, the City of Oakdale agrees to perform general utility maintenance work ("Work") on City of Lake Elmo public utilities, as Work is defined and pursuant to the provisions in ARTICLE III of this Agreement.

ARTICLE II: TERM

SECTION 2.01 Term

The terms of the Agreement shall remain in effect until terminated, according to the provisions of Section 7.04 of this Agreement.

ARTICLE III: RESPONSIBILITY OF THE CITY OF OAKDALE

As a condition precedent to the City of Oakdale performing the Work, Oakdale agrees it shall accomplish the following tasks:

- 1) Evaluate and determine the urgency of the problem requiring Work.
- 2) Inspect utilities and keep accurate records of inspections and repairs.
- 3) Provide the City of Lake Elmo Public Works Department with information regarding the necessary repairs and/or maintenance requirements for each utility.
- 4) Review and determine the repairs and/or maintenance required to service the City of Lake Elmo Public Works Department public utilities, obtaining specific

instructions regarding whether Work should be commenced immediately (with possible overtime) or whether the Work may be, or should be, commenced and performed during regular work hours. In the event the City of Oakdale fails to properly notify the Lake Elmo Public Works Department of the determined urgency of the problem, the City of Lake Elmo may, at its sole option, deny the overtime request for Work.

- 5) Notify proper authorities at the City of Lake Elmo of the necessary repairs and anticipated down time.
- 6) Perform work directed by the City in a reasonable and workmanlike fashion.

ARTICLE IV: CONSIDERATION AND PAYMENT

SECTION 4.01 Consideration

In consideration of the City of Oakdale's Work, the City of Lake Elmo shall compensate the City of Oakdale for any and all labor, materials, equipment, overhead and miscellaneous expenses and charges associated with the Work. Labor charges per hour shall be at the rates specified in the Union Labor Contract and will include a 40% additional cost for benefits. Charges for materials and miscellaneous charges shall be at the rates calculated by the City of Oakdale, and substantiated, when possible, with invoices from Vendors. Equipment rental hour rates shall be as identified in the City of Oakdale Equipment Rental Rates List. There shall be a one hour minimum charge with additional time charged in half hour increments. Call back overtime shall have a minimum two hour charge.

The City of Oakdale shall periodically provide the City of Lake Elmo with a copy of the union contracts showing the labor rates in effect.

SECTION 4.02 Payment

Upon receipt of the City of Oakdale's invoice and verification of the charges, the City of Lake Elmo agrees it shall make payment to the City of Oakdale within thirty (30) days of receipt. Payment shall be in the full amount of the invoice and shall be sent to the address indicated on the invoice.

ARTICLE V: LIABILITY AND HOLD HARMLESS

SECTION 5.01 Liability

Each party agrees that it shall be responsible for its own acts and omissions and the results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of the other party and the results thereof. Both Parties' liability shall be governed by and limited to the tort liability provisions found in Minnesota Statutes Chapter 466, as amended from time to time, and any other application law(s). This provision shall survive any termination of this Agreement. Each party shall be responsible for its own vehicle comprehensive, liability and collision insurance.

SECTION 5.02 Hold Harmless

Each party agrees that it shall indemnify and save harmless, protect and defend the other party, its employees and agents from any or all liability, suits or demands, including the legal defense thereof, for bodily injuries, including death, or property damages, including loss of use arising out of any activity by itself or its employees and agents under this Agreement.

ARTICLE VI: REPRESENTATION AND WARRANTIES

SECTION 6.01 Authority, Binding Effect

Both Parties represent and warrant that the individuals executing this Agreement on behalf of each of the Parties have the full power and authority to execute and perform this Agreement, and this Agreement constitutes a legal, valid and binding obligation enforceable in accordance with its terms.

SECTION 6.02 Corporate Authorization

Both Parties represent and warrant that the execution and delivery of this Agreement and the performance of duties contemplated herein have been duly authorized by all necessary legislative or corporate action. The execution, delivery and performance of this Agreement shall not conflict with or result in the breach or violation of any term or provision of any of either party's municipal ordinances or state statutes, charter or constitution, any other state or federal law, or any other provision or authority.

ARTICLE VII: MISCELLANEOUS PROVISIONS

SECTION 7.01

All terms, covenants, and conditions of this Agreement shall be binding upon, and insure to the benefit of and be enforceable by the parties hereto and their respective successors, heirs, executors and assigns. This Agreement and the rights and obligations of any party hereunder shall not be assignable except with the written consent of the other party hereto, which consent shall not be unreasonably withheld.

SECTION 7.02 Notice

Any notice, request, demand, statement or consent required or permitted to be given hereunder except for notice of Work as provided for in SECTION 1.01 above, shall be in writing, shall be signed by or on behalf of the party giving notice, and shall be personally delivered or sent by express service, fax, or certified or registered mail, return receipt requested, postage prepaid, to the other party to the respective address given herein below:

If to Oakdale: City Administrator, City of Oakdale
 1584 Hadley Avenue North
 Oakdale, MN 55128
 Office: 651-730-2705
 FAX: 651-730-2718

If to Lake Elmo: City Administrator, City of Lake Elmo
 3800 Laverne Avenue North
 Lake Elmo, MN 55042
 Office: 651-777-5510
 FAX: 651-777-9615

Any such notice given as aforesaid shall be conclusively deemed to have been given and received on the day on which such notice was delivered. Either party may, from time to time, furnish in writing to the other party such notice of a change in the address or individual to whom each notice(s) are to be given.

SECTION 7.03 Severability

This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Agreement, or the application thereof to any person or circumstance, shall, for any reasons and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or

circumstances shall not be affected thereby but rather shall be enforced to the extent permitted by law.

SECTION 7.04 Termination

Except for the provisions contained in Article V, which shall survive any termination of this Agreement, this Agreement may be terminated in whole or in part by writing by either party, provided that no termination may be effected unless:

- 1) The other party is given not less than ninety (90) calendar days written notice of intent to terminate,
- 2) The non-terminating party is afforded an opportunity to confer with the terminating party prior to termination.

SECTION 7.05 Waivers and Amendments

This Agreement may be amended or superseded, and its terms or covenants hereof may be waived, only by a written instrument executed by the parties hereto or in the case of a waiver, by the party waiving compliance. The failure of any party at any time or times to require performance of any provisions hereof shall in no manner affect its right at a later time to enforce the same. No waiver by any party of the breach of any term or covenant contained in this Agreement or in any other such instrument, whether by conduct or otherwise, in any one or more instances, shall be deemed to be, or construed as, a further or continuing waiver of any breach, or a waiver of the breach of any other term or covenant contained herein.

SECTION 7.06 Counterparts

This Agreement may be executed in two or more counterparts, each of which may be deemed an original, but together shall constitute but one and the same instrument.

SECTION 7.07 Force Majeure

Neither party shall be held responsible for performance of this Agreement if the party's performance is prevented by acts or events beyond the party's reasonable control, including but not limited to: severe weather and storms, earthquake or other natural occurrences, strike and other labor unrest, power failures, electrical power surges or current fluctuations, nuclear or other civil military emergencies, or acts of legislative, judicial, executive or administrative authorities.

SECTION 7.08 Entire Agreement

It is understood and agreed that this entire Agreement contains, supersedes and replaces any and all agreements and negotiations, whether oral or written, between the parties relating to the subject matters herein.

(the remainder of this page is left intentionally blank)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the dates listed below:

THE CITY OF LAKE ELMO

BY: _____
Dean A. Zuleger, City Administrator

Date: _____

BY: _____
Dean A. Johnston, Mayor

Date: _____

THE CITY OAKDALE

BY: _____
Craig Waldron, City Administrator

Date: _____

BY: _____
Carmen Sarrack, Mayor

Date: _____

THE CITY OAKDALE: Approved as to form:

BY: _____ Date: _____
Jim Thomson, City of Oakdale Attorney

THE CITY LAKE ELMO: Approved as to form:

BY: _____ Date: _____
David K. Snyder, City of Lake Elmo Attorney



MAYOR & COUNCIL COMMUNICATION

DATE: 2/8/12
CONSENT
ITEM #: 5
MOTION
RESOLUTION 2012-xx

AGENDA ITEM: Consider authorization to apply for the Mn/DOT Community Roadside Landscaping Partnership Program and authorizing the primary contact person.

SUBMITTED BY: Nick M. Johnson, Interim Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider Resolution 2012-xx authorizing the submittal of an application to participate in the Mn/DOT Community Roadside Landscaping Partnership Program and to authorize Nick M. Johnson from the Planning Department to serve as the primary contact person for the application. This resolution is required by Mn/DOT as part of an official application.

The Mn/DOT Community Landscaping Partnership Program provides a venue through which cities, residents, and the State work together on landscaping projects to beautify Highway rights-of-way. The State's funds reimburse for landscaping materials while the City Staff and community residents provide the manual labor.

The proposed project is located in the Village Area of the city along State Highway 5. The finalized location of the plantings is yet to be determined. However, Mn/DOT and Staff are considering multiple locations between Lake Elmo Ave. N. and 39th St. N.

The recommended motion to act on this is as follows:

“Move to approve Resolution 2012 – xx authorizing staff to apply for the Mn/DOT Roadside Landscape Grant and authorizing staff member Nick M. Johnson as the primary contact.”

BACKGROUND INFORMATION: Since 2007, the City has benefited from landscaping materials worth \$34,670.45 being planted within the city limits through this grant. The landscaping materials are completely reimbursed by Mn/DOT and are planted primarily by

resident volunteers. The City Council has historically directed planning and public works staff to utilize time and equipment in managing the grant application and execution.

STAFF REPORT: Staff is recommending the City apply for this grant to continue beautifying Highway 5 in 2012. Recruitment of volunteers is being headed by Lake Elmo resident Sarah Hietpas and will progress over the course of the next months. In addition, Staff intends to reach out to property and business owners along Highway 5 to collect their input and support regarding plant selection and maintenance. Initial discussions with property and business owners have been positive and show support for the project.

The proposed planting dates have not yet been set, but will occur in late spring of 2012.

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

“Move to approve Resolution 2012 – xx authorizing staff to apply for the Mn/DOT Roadside Landscape Grant and authorizing staff member Nick M. Johnson as the primary contact.”

ATTACHMENTS:

1. Resolution 2012-xx
2. Location Map

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item Dean A. Zuleger, 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
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2012-xx

**A RESOLUTION AUTHORIZING THE APPLICATION FOR THE MNDOT
COMMUNITY ROADSIDE LANDSCAPING PARTNERSHIP PROGRAM AND
AUTHORIZATION OF A PRIMARY CONTACT PERSON**

WHEREAS, the City of Lake Elmo will act as the sponsoring unit for the landscaping project in the Village Area on the State Trunk Highway 5 to be conducted during the period April through July of 2012.

WHEREAS, Sarah Hietpas is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project on behalf of the City of Lake Elmo, with Nick M. Johnson serving as the City's Authorized Representative.

ADOPTED BY the Lake Elmo City Council on the 8th day of February, 2012.

Dean A. Johnston, Mayor

ATTEST:

Dean A. Zuleger, City Administrator

I certify that the above resolution was adopted or approved by the City Council of the City of Lake Elmo on February 8th, 2012.

Signed:

(signature)

(title)

(date)

2012 Proposed Mn/DOT HWY-5 Landscaping Project Location-Draft



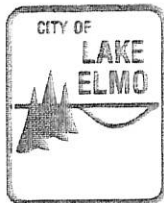
City of Lake Elmo
1/23/2012

Data Source:

Washington County, MN

Proposed Plantings*

*Plantings include trees, shrubs, and perennials. Design will be context sensitive as to not reduce visibility of signage and businesses.



MAYOR & COUNCIL COMMUNICATION

DATE: February 8, 2012

REGULAR

ITEM #:

Public comment; No action

AGENDA ITEM: Public Comments regarding Possibility of Purchasing Property for the Lake Elmo Public Library

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

THROUGH/REVIEWED BY: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: At its January 17 meeting, the City Council scheduled the February 8 meeting to listen to public comments regarding the potential purchase of property which could be used for the Lake Elmo Public Library. As it is expected that the full Council will not be present on February 8, it would be prudent to schedule action on whether to proceed with a purchase after the full Council has had an opportunity to read the record of comments and/or review the video of the Council meeting, and to be present for the vote on the matter. Consequently, the only action recommended for the Council tonight is to listen to residents' comments on the matter.

BACKGROUND INFORMATION: The Library Board has requested that the City Council pursue the purchase of property at 3537 Lake Elmo Avenue North (aka the "Clock building") to house the Lake Elmo Public Library. It believes that, based on what is known about the probable range of costs to purchase the property and to renovate/remodel the building, it is within the feasible financially for the overall operations of the Library in terms of future revenues from the Library levy. Further, over a period of ten to twenty years, it appears that the costs to own would be comparable to and potentially less than renting space for the Library (particularly if there were rental income from tenants in the space). The Library Board has declined to authorize execution of a lease at the former Washington County Rosalie E. Wahl Library at this time.

Several questions have been raised along the way whether purchasing a property is wise, as owning property carries a financial risk due to the illiquidity of the asset, and the uncertainties of real estate prices and the long-term viability of Lake Elmo's library. Some comments have been made that the Library should become established and successful in leased space before a decision is made to make a more permanent site available for it.

At the January 17 meeting, the Council authorized the engagement of services of a commercial real estate broker, should the Council decide at some later date that it wished to pursue negotiations to purchase a property. Since that meeting, an Exclusive Representation Agreement has been executed with Jay Chmielewski of Welsh-Colliers Company.

SUGGESTED ORDER OF BUSINESS:

- Introduction & Report..... City Administrator
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Discussion Mayor & Council Members
- Motion(s)..... Mayor Facilitates

NORTHLAND SECURITIES
 PUBLIC FINANCE GROUP
 10000 W. 10TH AVE., SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.1000
 FAX: 303.733.1001
 WWW.NORTHLANDSECURITIES.COM

	10 Year	15 Year	20 Year
Project Funds	\$ 500,000	\$ 500,000	\$ 500,000
Financing Costs	37,250	37,125	36,875
Debt Service Reserve Fund	60,000	53,733	44,255
Rounding	<u>2,750</u>	<u>4,142</u>	<u>3,870</u>
Par Amount of Bonds	<u>\$ 600,000</u>	<u>\$ 595,000</u>	<u>\$ 585,000</u>
Total Principal	\$600,000	\$595,000	\$585,000
Estimated Average Interest Rate	2.47%	3.14%	3.65%
Estimated Total Interest	\$91,875	\$170,040	\$258,579
Estimated Total P&I	\$691,875	\$765,040	\$843,579
Term*	10	15	20
Est. Avg. Annual Pymt.	\$69,188	\$51,003	\$42,179
DSR Impact	\$1,472	\$1,667	\$1,590
Net P+I	\$67,715	\$49,336	\$40,589

* the DSRF is used to make the last payment on the bonds effectively reducing the number of payments by one year



February 6, 2012

Mayor, City Council, and City staff,

I encourage you to look seriously at the acquisition of "the Clock" building "as is." It seems a realistic solution to our immediate and future space needs. If the facts are presented truthfully and carefully, I think most Lake Elmo residents would see the value of the purchase. To have a viable library, we can all be proud of, we need space, not only for books, media and equipment, but for storytimes with craft projects, book clubs, author events, etc. I am sure you are aware of all our books, media, shelves (wooden and metal), furniture, and office equipment in storage. We are still receiving book donations daily and other offers of equipment. Residents and neighbors are rallying to the cause.

We need a building to be seriously considered by the county and state library people for affiliation status. It is difficult to negotiate without one. We already have the other requirements met. We also need a building in place to start grant writing. There are many grant opportunities for children's literacy programs, small rural libraries, etc.

Aside from the library need for a larger building, getting rid of one empty store front on our main street would speak volumes. I think it would encourage other businesses to renew their leases. I have heard some are considering moving on to greener pastures. I had a resident suggest the back parking lot of "The Clock" building would make a nice space for a farmers market. If we buy "The Clock" building, we would have exposure on both Lake Elmo Ave. N. and Laverne Ave. N., more signage opportunities. I hope the council will consider building signs large enough so they can be read when a person is driving down the street.

I think Anne Smith had a good suggestion, quite a few Council meetings ago, when she asked if anyone had looked at all the empty buildings available on mainstreet. We have a good option now.

Speaking for myself, the thought of moving many books, media, office equipment, storing left over things, installing Internet service, a router, hooking up the technical equipment and everything else that goes along with setting up a library two times in a twelve month span of time seems counter productive. Don't rent a space to see how things are going for a year and then think "The Clock" building will be available. You know how fast time flies.

We need to show our neighboring communities Lake Elmo residents are capable of working together for a better Lake Elmo.

Thank you for your time.

Rosemary Meier
651-777-001
11284 32nd St. N.
POB 217
Lake Elmo, MN
55042

PS If you haven't toured the Art Center (also second floor), Lee building, "The Clock" building, Parks building and Maintenance building, I suggest you do.

TO: Lake Elmo City Council

- DeanJohnston@comcast.net
- mikepearson1965@yahoo.com
- jiemmons@comcast.net
- nikkipark@comcast.net
- annejsmith@msn.com

CC: Carole Luczak, Interim City Clerk

- cluczak@lakeelmo.org

FROM: Liz Johnson, Resident - 2945 Lake Elmo Ave N, Lake Elmo, MN

DATE: February 8, 2012

SUBJ: PUBLIC COMMENT SOUGHT ON POTENTIAL LAKE ELMO LIBRARY LOCATIONS Residents are invited and encouraged to provide comment concerning the possible locations for the new Lake Elmo Public Library. The City Council will be receiving comment at a regular City Council meeting scheduled for 7:00 pm Wednesday, February 8.



Thank you for providing time from which residents can weigh in on the potential library location. Due to a previously scheduled appointment I may not be able to attend this evening's council meeting in which to give my verbal comments. I request that this written document be shared and included as part of the comments the council receives in regards to this subject.

I understand the passion that many have shared in regards to keeping a library in our community and while I understand that passion I don't necessarily agree with the steps taken by the council in disengaging from the Washington County Library system and creating our own local library.

The world as it is today is changing and whether we agree or disagree with where it is headed we aren't going to be able to stop it. Technology is the way the world is moving and people are now receiving most, and in many cases all, of their reading materials through technology especially in light of the newer capabilities through iPhones, iPads, Kindles, and computers overall. While the ability to touch a book in the same light as many of us have experienced appears to be moving in the direction of becoming history, it is the tool that is changing not the opportunity to read and learn. Using technology will accomplish the same goal as paper. Statistics are showing that children are reading more through the use of technology than before...it is always there at their fingertips.

The council made a decision and said that the city could run a library using the same financial resources that Lake Elmo citizens were paying to the county as part of the library tax. As I remember, the council said it wouldn't cost the citizens any more money than what we were paying through our taxes. **I am deeply concerned that the council is going back on their word and leaving us with a sense of being tricked. I am also deeply concerned that the council is leaping ahead without substantiating information** such as:

- Creating history that supports the ability of the city being able to manage and run its own library within the budget (3-5 year history)
- Creating history that demonstrates that the library is being used by multiple generations and meeting the needs of all, not just a few
- The creation of a feasibility study that states this will work...is it feasible and if so how? The feasibility study includes history information on previous use versus actual costs and what would Lake Elmo do differently to meet needs. Can the library be open the same if not more hours than when the county managed it?

- The creation of a needs assessment that clearly defines the current and future needs of a library. What will a library provide that people would not be able to obtain through other means, especially through future technology?
- The creation of a financial stability plan. Can the city really manage a library for the same amount as citizens would normally pay to the county through our taxes? For how long can you sustain that? The identification of when changes in resources might be needed. If the county couldn't make ends meet how can the city without raising additional funds? Our city budget is tight enough and it is important that a city library not use funds needed for other line items of the city budget. Would the cost per unit be reasonable? Can you 'house' the library and provide the necessary resources to make it successful? Resources such as a place to house the library, library materials, computers for both staff and citizen use, wireless access, staffing (whether hired or volunteer it all costs something)
- The creation of a strategic plan that outlines goals, objectives, activities, measurement of success, evaluation plan, and growth plan.

How much of the budget has already been spent on contracting with an engineer to tell the council that the building currently being used for the Regional Arts Center would not support rows and rows of book shelves and books?

- Where is the good stewardship of these dollars? Common sense thinking would naturally say to all of us that the building is old, that multiple shelves of books are extremely heavy, and that this building was built for the purpose of a single family home and not for the purpose of public use such as a library.

Purchasing a building for library space is very premature and does not support the council's commitment in assuring that a library will not cost the citizens any more than what we currently pay in taxes for the county library.

- We don't even know if the library will be a success. We have no history to support such an adventure.
- Purchasing a building is creating a huge liability for the city and increases the overhead costs for a library that are not warranted
- Renting space should be the first step and should provide adequate space to support our needs for years to come. This will provide the time needed to ensure that the city can truly support an independent library. Our library doesn't need its own building at this point in time.

As a city we have bigger issues ahead of us and many in which don't have a solid financial plan to support them. Why would we create another debt and liability for the city by purchasing a building now? For library space when we really don't know if the library overall will be sustainable? That doesn't make sense from a financial perspective.

I encourage the city council to make sure there is a clear and feasible plan in which the library is self-sustaining on the same revenue the county would receive if we were still with the county library system. Let's not jump and put the horse before the cart as we don't even know what size cart is needed nor do we fully understand the size of the horse(s)...financial resources...to support the cart (library).

Please do not purchase a building for a library and please be good stewards of our tax dollars by ensuring that the library is self-sustaining through the use of the library tax only!

Thank you for providing this opportunity for public comment.



MAYOR & COUNCIL COMMUNICATION

DATE: 2/08/2012
REGULAR
ITEM #: 7
MOTION *Resolution 2012-xxx*

AGENDA ITEM: DeMontreville Highlands Area Street Improvements Feasibility Report – Resolution Accepting the Report and Calling for a Public Improvement Hearing

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider adopting Resolution No. 2012-XXX accepting the Feasibility Report for the DeMontreville Highlands Area Street Improvements and Calling for a Public Improvement Hearing to be held on March 6, 2012.

STAFF REPORT: FOCUS Engineering, Inc. has completed the Feasibility Report for the DeMontreville Highlands Area Street Improvements consisting of the following street segments: Highlands Trail North (from DeMontreville Trail to TH 36), Hytrail Avenue North, 59th Street North, Highlands Court North, DeMontreville Trail Circle North, DeMontreville Trail Place North, and 53rd Street North (from DeMontreville Trail to end of cul-de-sac).

As part of the feasibility study, a geotechnical investigation was completed. This investigation concluded that the project area streets can be improved through reclamation; a “Green Road” process that recycles the existing in-place bituminous surface and aggregate base materials to restore pavement strength and durability. This process, when it is feasible, allows the City to improve its streets at a significantly reduced cost while gaining a reasonable service life for the street. Subgrade corrections will be necessary in a few locations to address more distressed areas.

The Report provides total project cost estimates for two alternatives; 1) restoring the wider streets to their current widths of 32 feet; and 2) narrowing most of those streets to 28 feet. The report also investigated the opportunity to incorporate rain gardens within the public right-of-way to improve water quality as part of the overall project. Nineteen (19) potential rain garden sites were identified. Should the council authorize the project, property owners will be contacted to determine if they want to participate in the rain garden program. The Valley Branch Watershed District (VBWD) has indicated that a community grant would again be available for this year’s project.

The DeMontreville Highlands Area Streets were generally constructed in 1980 at 32 feet in width using bituminous curb and placed within a 60 foot right-of-way. Highlands Trail North serves as a

minor collector roadway providing neighborhood access to Trunk Highway 36 to the north and DeMontreville Trail to the south. As a minor collector road, Highlands Trail North has been striped with 12-foot driving lanes and 4-foot shoulders. This road segment has an 80 foot right-of-way. As a minor collector roadway, a width reduction was not reviewed for Highlands Trail North. The four foot shoulders serve as bicycle/pedestrian routes for the neighborhood. DeMontreville Trail Circle North and DeMontreville Trail Place North were constructed with 24 foot widths and would remain at this width following the project.

Estimated Total Project Costs for Reclamation of Neighborhood Streets to their current 32 feet in width is \$1,000,000. Estimated Total Project Costs for Reclamation of Neighborhood Streets with some streets reduced to 28 feet in width is \$1,046,000. The project cost details and associated assessment impacts are included in the Feasibility Report and will be presented at the council meeting. The estimated costs for nineteen rain gardens is \$52,000 with an anticipation that 50%+ will be reimbursed to the City through the VBWD Community Grant Program.

In past years the feasibility reports provided cost estimates for council consideration regarding curb replacement with concrete curb and gutter and bituminous curb. However, at council direction last year the Street CIP was revised to reflect bituminous curb costs going forward.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider accepting the Report and calling for the Public Improvement Hearing to be held on March 6, 2012. The suggested motion to approve this action is as follows:

“Move to adopt Resolution No. 2012-XX Accepting the Feasibility Report for the DeMontreville Highlands Area Street Improvements and Calling for a Public Improvement Hearing to be held on March 6, 2012.”

ATTACHMENTS:

1. Resolution No. 2012-XXX
2. Notice of Public Hearing
3. DeMontreville Highlands Area Street Improvements Feasibility Report (available for review at City Hall)

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
NOTICE OF HEARING
DEMONTREVILLE HIGHLANDS AREA STREET IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the City Hall at or approximately after 7:00 P.M. on Tuesday, March 6, 2012, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement will consist of **reclaiming the pavement surface and aggregate base the for DeMontreville Highlands Area street improvements consisting of Highlands Trail North (from DeMontreville Trail to TH 36), Hytrail Avenue North, 59th Street North, Highlands Court North, DeMontreville Trail Circle North, DeMontreville Trail Place North, and 53rd Street North (from DeMontreville Trail to end of cul-de-sac). The improvement will include the placement of a new bituminous surface in the current approximate location and grade.**

The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain direct driveway access to their property from the above referenced streets. The estimated total cost of the street improvements is \$1,046,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: February 8, 2012

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Dean A. Johnston, Mayor

(Published in the Oakdale-Lake Elmo Review on February 15, 2012 and February 22, 2012)

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

RESOLUTION NO. 2012-XXX

**A RESOLUTION RECEIVING AND ACCEPTING THE
FEASIBILITY REPORT FOR THE
DEMONTREVILLE HIGHLANDS AREA STREET IMPROVEMENTS
AND
CALLING HEARING ON IMPROVEMENTS**

WHEREAS, pursuant to City Council authorization, a feasibility report has been prepared by FOCUS Engineering, Inc. for the DeMontreville Highlands Area street Improvements consisting of Highlands Trail North (from DeMontreville Trail to Trunk Highway 36), Hytrail Avenue North, 59th Street North, Highlands Court North, DeMontreville Trail Circle North, DeMontreville Trail Place North, and 53rd Street North (from DeMontreville Trail to end of cul-de-sac).

WHEREAS, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE, BE IT RESOLVED,

- 1. The City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of the improvements of \$1,046,000.*
- 2. A public hearing shall be held on such proposed improvements on the 6th day of March, 2012, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.*

Date: _____, 2012

CITY OF LAKE ELMO

By: _____

Dean A. Johnston
Mayor

ATTEST:

Dean A. Zuleger
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 8th day of February, 2012, as shown by the minutes of said meeting in my possession.

Carole Luczak
Interim City Clerk

(Seal)



MAYOR & COUNCIL COMMUNICATION

DATE: 2/08/2012

REGULAR

ITEM #: 8

MOTION *Resolution # 2012-xxx*

AGENDA ITEM: Keats Avenue North: MSA Street and Trunk Watermain Improvements Feasibility Report – Resolution Accepting the Report and Calling for a Public Improvement Hearing

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider adopting Resolution No. 2012-XXX accepting the Feasibility Report for the Keats Avenue North: MSA Street and Trunk Watermain Improvements and Calling for a Public Improvement Hearing to be held on March 6, 2012.

STAFF REPORT: FOCUS Engineering, Inc. has completed the Feasibility Report for the Keats Avenue North: MSA Street and Trunk Watermain Improvements consisting of the proposed street reconstruction of Keats Avenue North, a Municipal State Aid route, from 47th Street North to Trunk Highway 36, and the installation of a trunk watermain line along Keats Avenue North from Julep Avenue North, easterly along 47th Street North, then north along Keats Avenue North to 59th Street North (Rock Point Church).

Keats Avenue North is major north and south collector roadway and a designated Municipal State Aid route within the City of Lake Elmo. It is a rural section roadway with a 24 foot wide bituminous surface and four foot gravel shoulders. The current speed limit is 45 mph. With the pavement surface showing significant distresses indicating subgrade failures, Keats Avenue North has been in the city Street CIP programmed for improvement in 2012.

In preparation of this improvement a geotechnical investigation was ordered to obtain more detailed information in regards to the current pavement, base and subgrade condition for Keats Avenue North. The primary objective was to determine if a street reclamation process could be used for the roadway improvement project, a low cost pavement rehabilitation option. Unfortunately, the report findings indicated that a complete reconstruction will be required.

With this information it was determined that the proposed reconstruction of Keats Avenue North be completed concurrently with the Keats Avenue Trunk Watermain Extension project. This

watermain extension project was programmed for construction in 2011 in the city Water System CIP and will provide a critical watermain connection needed to solidify the backbone of the city's water distribution system. With the roadway needing to be reconstructed, the placement of the watermain line can be accomplished at a significant cost savings by combining the project restoration costs.

The proposed improvements include the installation of a 16-inch diameter Trunk Watermain line to interconnect the water system from the Tapestry Development to Rock Point Church. The improvement includes approximately 8,400 feet of watermain. For the street reconstruction, it is recommended that Keats Avenue North be reconstructed as a 9 ton road using 11 foot driving lanes with four foot paved shoulders (30-foot wide paved surface). The four foot paved shoulders are needed to maintain adequate space to accommodate pedestrian/bicycle use. The reduced driving lane width will serve to keep the final lane/shoulder section within the current existing road foot print. Staying within the existing foot print will control the construction limits and impacts thereby reducing ditch restoration, driveway and culvert replacement work. In order to utilize Municipal State Aid Funding a variance request will need to be approved to reduce the lane widths from 12 feet. The recommended project improvements also include the replacement of all cross culverts and replacement of driveway culverts as deemed necessary.

The Estimated Total Project Costs for the Reconstruction of Keats Avenue North meeting Municipal State Aid Standards and with a 30 foot paved surface is \$1,142,000. Estimated Total Project Costs for the Trunk Watermain Extension is \$1,028,000. The project cost details and associated assessment impacts are included in the Feasibility Report and will be presented at the council meeting.

RECOMMENDATION: Based upon the above staff report, the City Council is respectfully requested to consider accepting the Report and calling for the Public Improvement Hearing to be held on March 6, 2012. The suggested motion to approve this action is as follows:

“Move to adopt Resolution No. 2012-XX Accepting the Feasibility Report for the Keats Avenue North: MSA Street and Trunk Watermain Improvements and Calling for a Public Improvement Hearing to be held on March 6, 2012.”

ATTACHMENTS:

1. Resolution No. 2012-XXX
2. Notice of Public Hearing
3. Keats Avenue North: MSA Street and Trunk Watermain Improvements Feasibility Report (available for review at City Hall)

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation of Item City Engineer
- Questions from Council to Staff Mayor Facilitates

- Call for Motion Mayor & City Council
- Discussion/Comments..... Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Action on Motion..... Mayor Facilitates

CITY OF LAKE ELMO
NOTICE OF HEARING
KEATS AVENUE NORTH: MSA STREET AND
TRUNK WATERMAIN IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, March 6, 2012, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement will consist of the **street reconstruction of Keats Avenue North, a Municipal State Aid route, from 47th Street North to Trunk Highway 36; and will concurrently include the construction of a Trunk Watermain connection from Julep Avenue North, easterly along 47th Street North, then north along Keats Avenue North to 59th Street North (Rock Point Church). The improvement will include the reconstruction of Keats Avenue North with the placement of a new bituminous surface in the current approximate location and grade.**

The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain direct driveway access to their property from the above referenced streets. The estimated total cost of the street improvements is \$1,142,000 and the estimated total cost of the trunk watermain improvements is \$1,028,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: February 08, 2012

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Dean A. Johnston, Mayor

(Published in the Oakdale-Lake Elmo Review on February 15, 2012 and February 22, 2012)

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2012-XXX

**A RESOLUTION RECEIVING AND ACCEPTING THE
FEASIBILITY REPORT FOR KEATS AVENUE NORTH: MSA STREET
AND TRUNK WATERMAIN IMPROVEMENTS AND
CALLING HEARING ON IMPROVEMENTS**

WHEREAS, pursuant to City Council authorization, a feasibility report has been prepared by FOCUS Engineering, Inc. for the reconstruction of Keats Avenue North, a Municipal State Aid route, from 47th Street North to Trunk Highway 36; and to concurrently construct a Trunk Watermain connection from Julep Avenue North, easterly along 47th Street North, then north along Keats Avenue North to 59th Street North (Rock Point Church).

WHEREAS, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE, BE IT RESOLVED,

- 1. The City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of the MSA Street Improvements of \$1,142,000 and an estimated total project cost of the Trunk Watermain Improvements of \$1,028,000.*
- 2. A public hearing shall be held on such proposed improvements on the 6th day of March, 2012, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.*

Date: _____, 2012

CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

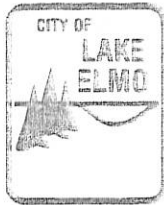
Dean A. Zuleger
City Administrator

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on 8th day of February, 2012, as shown by the minutes of said meeting in my possession.

Carole Luczak
Interim City Clerk

(Seal)



MAYOR & COUNCIL COMMUNICATION

DATE: 2/8/12
REGULAR
ITEM #: K-9
MOTION *Resolution*

AGENDA ITEM: Continue discussion on a Variance Request to install a septic system at 2860 Lake Elmo Avenue North that does not meet setback requirements from property lines, the ordinary high water level, and adjacent structures.

SUBMITTED BY: Kyle Klatt, Planning Director *KL*

THROUGH: Craig Dawson, Interim City Administrator
Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, Interim City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider variance requests related to the installation of a subsurface sewage treatment system (SSTS) at 2860 Lake Elmo Avenue North. The Council has previously considered this request, which included the installation of two holding tanks on the premises, at its August 23, 2011 meeting, and at that time directed the applicant to research additional alternatives to the holding tanks that had been requested. The applicants later attended a Council meeting with representatives from two firms that offered alternative solutions to holding tanks, and have since decided to move forward with one of these firms to install a subsurface treatment system on the site. A preferred plan is now being brought back for formal consideration and action by the City Council, and includes the following specific requests related to the proposed subsurface treatment system:

- Variances from the front and side property line setbacks to allow the placement of a pressure bed 0 feet from a side property line and 3.5 feet from a front property line (the Lake Elmo Avenue right-of-way line). The Washington County SSTS regulations require a minimum setback of 10 feet to property lines.
- A variance to allow the placement of a sewage treatment system within 44 feet of from the Ordinary High Water Elevation (OHW) of Lake Elmo. The Lake Elmo Shoreland Ordinance requires a minimum setback of 75 feet from the OHW.
- A variance to allow the installation of a septic tank five feet from an occupied building and a treatment and dispersal area within 15 feet of an occupied building. The Washington County SSTS regulations require a minimum setback of 10 feet between tanks and 20 feet between treatment areas and an occupied structure.

The original application included setbacks variances, but also requested a variance to allow holding tanks to be used for more than a 12-month period of time. The proposed plan does not include the use of holding tanks, and instead would make use of a standard subsurface treatment system.

Should the City Council wish to grant the variance request, the following motion would apply:

“Move to approve Resolution 2012-___ (A) approving setback variances related to the construction of a subsurface sewage treatment system at 2860 Lake Elmo Avenue North with conditions outlined in the staff report.”

Alternatively, the Council may decide to deny the request with appropriate findings, and in this case should consider the following motion:

“Move to approve Resolution 2012-___ (B) denying setback variances related to the construction of a subsurface sewage treatment system at 2860 Lake Elmo Avenue North with conditions outlined in the staff report.”

Although the City is beyond the 120-day time period for review of this application, the applicant has granted extensions beyond the original time frame, with February 15th as the present deadline. The applicant will need to agree to another extension should the Council wish to delay taking action on this item any further.

BACKGROUND INFORMATION: The City Council has previously received a report and recommendation from the Planning Commission to approve the original variance request. Since the major components of the variance application are very similar to the request considered by the Planning Commission, staff does not believe the application has changed substantially enough to warrant further review by the Commission. In addition, the applicant considered alternate proposals at the direction of the City Council as part of the continued review of the original variance application. In order to make sure that those notified of the original public hearing were aware of any further discussion by the Council on this item, staff has sent out a new notice to the same property owners informing them of the upcoming Council action on this item.

Since the Council reviewed detailed information concerning the applicant's site as part of its earlier reviews, the prior staff reports and meeting materials are not attached to the present report (but are available for review upon request). Instead, staff has attached only the new information that has been submitted by the applicant, which includes all of the details related to a proposed on-site treatment system.

As part of the original application, a septic designer stated that there is no room on-site to provide a septic system, and therefore recommended two 1,500 gallon holding tanks with an alarm system. Washington County regulations specify that holding tanks at the capacities that were proposed can only be installed on a temporary basis, no longer than 12 months in this case. Given the very limited room on the applicant's property to install even holding tanks, the request included several variances related to setbacks from property lines, structures, and the lake. The Council expressed concerns regarding the long-term viability and potential impacts of holding

tanks when presented with the Planning Commission's recommendation for approval of the variance, which ultimately led to its decision to ask the applicant to investigate other options.

As part of the research into other alternatives for sewage treatment for their property, the applicant considered the following:

- 1) *Off-Site System on Private Property:* The applicant asked the neighbors to identify in writing if they would be interested in working with him to place a drainfield off-site. The two property owners across the street (non-lakeshore property) stated that they would not be willing to work with Mr. Durand on that type of arrangement. Letters identifying their intent were previously provided to the Council.
- 2) *A Third Holding Tank:* Because the City Council expressed concern that the future property owner would have to frequently pump the holding tanks, the applicant explored the option of installing three holding tanks instead of the originally proposed two. The applicant's septic designer has stated that a third holding tank could be added if some of the existing concrete in the front yard is removed.

Staff did not receive a site plan showing where this third holding tank could be added or if any additional variances would be needed under this plan. In addition, a representative from Washington County stated that a third tank may require a second pumper truck to visit the site when it is time to pump as a pumper truck's capacity may not be able to handle three tanks worth of sewage. A second truck visit would require additional fees.

- 3) *Equarius System:* The Equarius Corporation proposed a system that utilizes Biomatter Resequencing Converter Technology to solve onsite water conservation and pollution prevention toilet problems. This technology has been applied to develop advanced wastewater treatment systems. In 1999, they developed the Equaris Household Water Treatment and Wastewater Recycling System.
- 4) *Soil Investigation and Design, Inc.:* Soil Investigation & Design, Inc. specializes in the design of sewage treatment systems for challenging sites such as those with high water tables, limited space, unusual soils or near wetlands, lakes or other sensitive areas. The company states that they track research and development of new sewage system technologies. Paul Brandt, representing this firm, submitted a letter identifying their interest in working with Mr. Durand and provided an example of a design they developed for a similar challenging site.

After the applicant presented the above options to the Council, he elected to work with Soil Investigation and Design, Inc. to design an on-site treatment system that avoids the need for any holding tanks. Mr. Brandt has since completed his work on the proposed design, which makes use of a more traditional septic tank and drainfield (pressure bed) system to accommodate the septic needs of the property. The details concerning this design are attached for consideration by the City Council, and part of this documentation includes a detailed site survey. Given the very limited amount of space on the site to accommodate a septic system, the proposed system would need a series of variances identified in the introductory section of this report and as referenced in the attached draft resolutions. These variances are similar to those that would have been necessary to install holding tanks, and specifically, are needed to build the system at a setback

that is less than required from front and side property lines, the ordinance high water elevation of Lake Elmo, and the principal structure.

Other background information that has previously been provided to the City Council concerning the original request is as follows:

- The applicant's property is not guided for a future sewer connection in the Lake Elmo Comprehensive Plan.
- The City Engineer has stated that there is not capacity for Mr. Durand to connect to an existing 201 system (a City-run community septic system).
- Washington County's Department of Public Health and Environment (the septic permitting agency) has recommended against the variance, as they state holding tanks are not a long-term solution and future owners, should the home be used year-round to it's full capacity, *may* need to be pumping every ten days.
- The Valley Branch Watershed District recommended that the elevation of the bottom of the proposed holding tanks be no lower than 893 (2 feet above the 100-year flood level). The septic designer has stated that the bottom elevation that was planned is approximately 888 – 5 feet lower then recommended (not required) by VBWD.
- While the City has generally granted septic variance requests, it should be considered by the City whether this property, at just 5,908 square foot lot should continue to be used for year-round residential purposes. The City Attorney previously indicated that the City Council has the ability to deny the variance should it conclude it is necessary for public health, safety and welfare reasons.

A representative from Washington County's Public Health Department will be attending the meeting to answer any questions the City Council may have regarding the technical aspect of the permit or his professional opinion.

STAFF REPORT: Washington County Public Health and the City Engineer have reviewed the proposed septic design for 2860 Lake Elmo Avenue North, and detailed comments from both parties are attached to this report. The system should be able to comply with all applicable County and City requirements, with the exception of the setback variances noted earlier; however, the plans could be modified somewhat in order to better comply with these requirements. Specifically, the plans as presented show only one tank being used within the system; whereas, the County has suggested that a secondary septic tank could be installed as part of the system in accordance with the attached letter from Washington County. The installation of this secondary tank, in addition to bringing the system into full compliance with County rules, would also alleviate some of the initial concerns expressed by the City Engineer concerning the overall life of the system.

The County has pointed out that the applicant may need to obtain a construction easement from an adjacent property owner in order to construct the proposed drainfield in the proposed location. In order to further address concerns regarding proper notification to this property owner, Staff is recommending that the applicant provide a written acknowledgement and consent from the

property owner to the south in order to allow the drainfield to extend right to this property line. Staff will be asking the applicant to obtain this consent prior to the City Council meeting.

Another potential concern that was identified by Staff with the proposed design is the close proximity of the drainfield to the right-of-way of Lake Elmo Avenue. The initial design that was prepared for the site would have extended the drainfield immediately up to the right-of-way line; however, the septic designer has since revised the plan to show a minimal setback of 3.5 feet from this line. The shifting of the drainfield closer to the house does result in an additional variance being requested, but should give the City or County some additional room to work within the right-of-way without impact the proposed septic system.

The Council should also be aware that the plans do call for the elimination of a larger oak tree in the extreme south eastern portion of the site. Although the drainfield could be put in around the tree, the impact to the root system of the tree with any subsurface treatment system in this area would likely permanently harm this tree and created a potential safety hazard to the loss of a substantial portion of the tree's root system. Staff is recommending that, due to his property's location within a shoreland district, that the applicant be required to plant a replacement for any trees lost due to the installation of the septic system.

For variance applications, the burden is on the applicant to demonstrate why this situation is unique and necessitates flexibility to code requirements. To make this case, a variance can only be granted by the city when strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. The criteria that are included in the City Code for making such a decision include the following:

Practical Difficulties. A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.

- Definition of practical difficulties. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Unique Circumstances. The plight of the landowner is due to circumstances unique to the property not created by the landowner

Character of locality. The proposed variance will not alter the essential character of the locality in which the property in question is located.

Adjacent properties and traffic. The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

In reviewing the request against the four variance criteria, the Planning Commission and staff determined that all of these criteria were met by the applicant and are therefore recommending approval of the variance requests with conditions to address the concerns noted above regarding the proposed design. For the most part, the findings included in the original Planning Commission recommendation have been carried forward as part of the attached resolution of approval. Because the Council has not yet reviewed the preferred alternate design and given the looming deadline for City action, staff has also included a resolution with draft findings for denial of the variance requests should the Council decide to take such action.

PLANNING COMMISSION REPORT: At the August 8th Planning Commission meeting, the commission held a public hearing, took comments from the public and made a recommendation to the City Council to approve the variance requested.

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

“Move to approve Resolution 2012-___ (A) approving setback variances related to the construction of a subsurface sewage treatment system at 2860 Lake Elmo Avenue North with conditions outlined in the staff report.”

Alternatively, the City Council may decide that it will not approve variances for the revised design, at which point it could: 1) approve the original request for two holding tanks, or 2) deny the request with appropriate findings of fact, or 3) consider another alternate that was considered previously, including limiting the occupancy of the house for seasonal use only. In order to keep these options somewhat manageable, Staff has attached an optional resolution (but none of the other options presented) for denial with draft findings for such action, which could be adopted by undertaking the following action:

“Move to approve Resolution 2012-___ (B) denying setback variances related to the construction of a subsurface sewage treatment system at 2860 Lake Elmo Avenue North with conditions outlined in the staff report.”

Should the Council take any other action, the first resolution (A) could be modified accordingly.

ATTACHMENTS:

1. Resolution 2012-___ (A)
2. Resolution 2012-___ (B)
3. Letter from Clyde Durand (1/9/12)
4. Excavating Proposal
5. Agreement to Extend Review Period
6. Certificate of Survey

7. Proposed Design (Soil Investigation and Design, Inc.)
 - a. Cover Letter
 - b. Design Worksheets
 - c. Site Location
 - d. Sire Aerial
 - e. Topographic Map
 - f. Detail Maps
 - g. Design Maps
8. Washington County Review
9. City Engineer Review

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
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2012-__ (A)

*A RESOLUTION APPROVING SETBACK VARIANCES RELATED TO THE CONSTRUCTION
OF A SUBSURFACE SEWAGE TREATMENT SYSTEM AT
2860 LAKE ELMO AVENUE NORTH*

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

WHEREAS, Clyde Durand, 2860 Lake Elmo Avenue (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for variances to allow the construction of a subsurface sewage treatment system (SSTS) that does not meet the required setback from property lines, the Ordinance High Water Elevation (OHW) of Lake Elmo and a principal structure at 2860 Lake Elmo Avenue North, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on August 8, 2011; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated August 23, 2011; and

WHEREAS, the City Council considered said matter at its August 23, 2011 meeting and tabled the item; and

WHEREAS, the City Council reconsidered said matter at its September 20, 2011 and February 8, 2012 meetings.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variances are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.

- 3) That the proposed variances are to allow the construction of a subsurface sewage treatment system at 2860 Lake Elmo Avenue North, and specifically include the following components:
- a) Variances from the front and side property line setbacks to allow the placement of a pressure bed 0 feet from the southern property line and 3.5 feet from a front property line (the Lake Elmo Avenue right-of-way line). The Washington County SSTS regulations require a minimum setback of 10 feet to property lines.
 - b) A variance to allow the placement of a sewage treatment system within 44 feet of from the Ordinary High Water Elevation (OHW) of Lake Elmo. The Lake Elmo Shoreland Ordinance requires a minimum setback of 75 feet from the OHW.
 - c) A variance to allow the installation of a septic tank five feet from an occupied building and a treatment and dispersal area within 15 feet of an occupied building. The Washington County SSTS regulations require a minimum setback of 10 feet between tanks and 20 feet between treatment areas and an occupied structure.
- 4) That the Variances will be located on property legally described as PT GOV LOT 1 BEING THAT PT OF FOLL DESC LYING WLY OF C/L OF WASH CO HWY#17; ALL THAT PT LOT 1 DESC AS FOLLOWS: COMM AT PT ON N LINE OF SD SEC 993.5FT W FROM NE CORN OF SD LOT THN S1DEG57'E 823.1FT TO AN IRON MONUMENT WHICH IS 495.375FT FROM SO LINE OF SD LOT THN RETURN NLY ALG SD LAST DESC COURSE 120FT TO PT OF BEG FROM SD PT OF BEG SO1DEG57'E 120FT TO LAST MENTIONED IRON MONUMENT THN WLY PAR WITH THE S LINE OF SD LOT THE BEARING THEREOF BEING S88DEG17"W 447.9FT TO AN IRON MONUMENT THN NLY AT RT ANG 60FT THN WLY PAR WITH SD S LINE OF SD LOT TO SHORE OF LAKE ELMO THN NLY ALG SD SHORE 60FT M/L TO A LINE DRAWN THRU SD PT OF BEG PAR WITH SD SO LINE OF SD LOT THN ELY TO PT OF BEG TOG WITH ALL RIPARIAN & OTHER RTS TITLE INTER EST IN & TO THE WATERS BED & SHORE OF THAT PT OF SD LK ELMO BORDERING UPON & APPURTENANT TO ABOVE DESC TRACT & LYING WITHIN THE NLY & SLY BOUNDARIES OF SD TRACT AS EXTEND TO & INTO SD LAKE SUBJ TO SURFACE WATER DRAINAGE EASEMENT Section 24 Township 029 Range 021. Commonly known as 2860 Lake Elmo Avenue.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings:*
- a) *The requested variances allow the continued use of the property for residential purposes. A continuation of a residential use is reasonable as the property is in a residential neighborhood, has been used for residential purposes for decades*

and is guided in the Lake Elmo Comprehensive Plan for residential purposes. It is reasonable to continue to use this property for residential purposes.

- b) No other alternative waste management system has been found for this property outside of the proposed septic system with setback variances. A method of waste management is necessary for the property to continue to be used for residential purposes.*
 - c) The inability to continue to use this property for residential purposes would drastically reduce the value of the applicant's property.*
 - d) The applicant is interested in selling the property and is thus required to bring the septic system into compliance.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings:*
- a) The applicant's property is just 0.14 acres in size where 1.5 acres is required.*
 - b) The property has been in use for residential purposes since at least 1968, though no building permit has been found on record.*
 - c) The small residential property is on Lake Elmo, the water body, and is therefore also subject to lakeshore requirements.*
 - d) It is believed that this is the second smallest residential property used for single family detached dwelling purposes within the City limits.*
 - e) The property does not have access to other methods of waste management. A City-run 201 system (community collector) does not have capacity for this home to connect. The Lake Elmo Comprehensive Plan does not guide this property for future sewer connection. The applicant has stated that a septic system off-site is not an option for this property.*
 - f) A portion of the 5,908 square feet is paved and utilized for County Road 17 (Lake Elmo Avenue North).*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings:*
- a) The requested variances allow the continued use of the property for residential purposes. A continuation of a residential use is reasonable as the property is in a residential neighborhood, has been used for residential purposes for decades and is guided in the Lake Elmo Comprehensive Plan for residential purposes. It is reasonable to continue to use this property for residential purposes.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. *Specific findings:*
- a) The requested variances would be to utilize a method of underground management for waste. This would allow the continued use of the home for*

residential purposes which would not change the existing impact to the neighborhood.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Variance is granted with the following conditions:

- 1) The applicant shall provide a written acknowledgement and consent from the property owner to the south regarding the construction of the drainfield at a zero setback from their property line.
- 2) The proposed septic design shall incorporate a second tank in accordance with the review comments from Pete Ganzel of Washington County dated February 3, 2012. The final design shall be reviewed and approved by the City Engineer prior to construction of any portion the treatment system.
- 3) The applicant shall plant a replacement tree on the premises to account for the large oak tree that will be removed due to the installation of the treatment system. The type of tree and replacement location shall be reviewed and approved by the Planning Director.

Passed and duly adopted this 8th day of February 2012 by the City Council of the City of Lake Elmo, Minnesota.

Dean A. Johnston, Mayor

ATTEST:

Dean A. Zuleger, City Administrator

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

RESOLUTION NO. 2012-____(B)

*A RESOLUTION DENYING SETBACK VARIANCES RELATED TO THE CONSTRUCTION OF
A SUBSURFACE SEWAGE TREATMENT SYSTEM AT
2860 LAKE ELMO AVENUE NORTH*

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

WHEREAS, Clyde Durand, 2860 Lake Elmo Avenue (the "Applicant") has submitted an application to the City of Lake Elmo (the "City") for variances to allow the construction of a subsurface sewage treatment system (SSTS) that does not meet the required setback from property lines, the Ordinance High Water Elevation (OHW) of Lake Elmo and a principal structure at 2860 Lake Elmo Avenue North, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.017; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on August 8, 2011; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated August 23, 2011; and

WHEREAS, the City Council considered said matter at its August 23, 2011 meeting and tabled the item; and

WHEREAS, the City Council reconsidered said matter at its September 20, 2011 and February 8, 2012 meetings.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variances are found in the Lake Elmo Zoning Ordinance, Section 154.017.
- 2) That all the submission requirements of said 154.017 have been met by the Applicant.

- 3) That the proposed variances are to allow the construction of a subsurface sewage treatment system at 2860 Lake Elmo Avenue North, and specifically include the following components:

- a) Variances from the front and side property line setbacks to allow the placement of a pressure bed 0 feet from the southern property line and 3.5 feet from a front property line (the Lake Elmo Avenue right-of-way line). The Washington County SSTS regulations require a minimum setback of 10 feet to property lines.
- b) A variance to allow the placement of a sewage treatment system within 44 feet of from the Ordinary High Water Elevation (OHW) of Lake Elmo. The Lake Elmo Shoreland Ordinance requires a minimum setback of 75 feet from the OHW.
- c) A variance to allow the installation of a septic tank five feet from an occupied building and a treatment and dispersal area within 15 feet of an occupied building. The Washington County SSTS regulations require a minimum setback of 10 feet between tanks and 20 feet between treatment areas and an occupied structure.

- 4) That the Variances will be located on property legally described as PT GOV LOT 1 BEING THAT PT OF FOLL DESC LYING WLY OF C/L OF WASH CO HWY#17; ALL THAT PT LOT 1 DESC AS FOLLOWS: COMM AT PT ON N LINE OF SD SEC 993.5FT W FROM NE CORN OF SD LOT THN S1DEG57'E 823.1FT TO AN IRON MONUMENT WHICH IS 495.375FT FROM SO LINE OF SD LOT THN RETURN NLY ALG SD LAST DESC COURSE 120FT TO PT OF BEG FROM SD PT OF BEG SO1DEG57'E 120FT TO LAST MENTIONED IRON MONUMENT THN WLY PAR WITH THE S LINE OF SD LOT THE BEARING THEREOF BEING S88DEG17'W 447.9FT TO AN IRON MONUMENT THN NLY AT RT ANG 60FT THN WLY PAR WITH SD S LINE OF SD LOT TO SHORE OF LAKE ELMO THN NLY ALG SD SHORE 60FT M/L TO A LINE DRAWN THRU SD PT OF BEG PAR WITH SD SO LINE OF SD LOT THN ELY TO PT OF BEG TOG WITH ALL RIPARIAN & OTHER RTS TITLE INTER EST IN & TO THE WATERS BED & SHORE OF THAT PT OF SD LK ELMO BORDERING UPON & APPURTENANT TO ABOVE DESC TRACT & LYING WITHIN THE NLY & SLY BOUNDARIES OF SD TRACT AS EXTEND TO & INTO SD LAKE SUBJ TO SURFACE WATER DRAINAGE EASEMENT Section 24 Township 029 Range 021. Commonly known as 2860 Lake Elmo Avenue.

- 5) That the strict enforcement of Zoning Ordinance would **not** cause practical difficulties and that the property owner **does not** proposes to use the property in a reasonable manner not permitted by an official control. *Specific findings:*

- a) *Although no documents exist as to when the existing home was built, it appears as though it was built in the 1960's. At that time a dry well was constructed to manage the waste from the residential home. Since that time, dry wells are no longer an allowed waste management system.*

- b) *No other alternative waste management system has been found for this property that would comply with all applicable requirements.*
 - c) *The applicant is interested in selling the property and is thus required to bring the septic system into compliance.*
 - d) *It was found by a certified septic designer that a conforming sewage treatment system cannot be installed on the property without variances.*
 - e) *Holding tanks are not a reasonable long-term solution for waste management at 2860 Lake Elmo Avenue North given the estimated pumping needs for a two bedroom home of once every ten days.*
 - f) *The site is too small to install a conventional treatment system without creating negative impact on adjacent properties and Lake Elmo, and a system cannot be installed that will ensure the future viability of this site for residential purposes.*
 - g) *Because a reasonable waste management system has not been found for the property, the existing residential home can no longer be used for residential purposes.*
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific findings:*
- a) *The applicant's property is just 0.14 acres in size where 1.5 acres is required for the R-1 district.*
 - b) *The property has been in use for residential purposes since at least 1968, though no building permit has been found on record.*
 - c) *The small residential property is on Lake Elmo, the water body, and is therefore also subject to lakeshore requirements.*
 - d) *It is believed that this is the second smallest residential property used for single family detached dwelling purposes within the City limits.*
 - e) *The property does not have access to other methods of waste management. A City-run 201 system (community collector) does not have capacity for this home to connect. The Lake Elmo Comprehensive Plan does not guide this property for future sewer connection. The applicant has stated that a septic system off-site is not an option for this property.*
 - f) *A portion of the 5,908 square feet is paved and utilized for County Road 17 (Lake Elmo Avenue North).*
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific findings:*
- a) *The continued use of the home for residential purposes would not alter the residential neighborhood.*
 - b) *The proposed holding tanks would potentially require the pumping of sewage two to three times a month. This additional traffic may be noticeable to the adjoining residential neighborhood.*
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public

streets or substantially diminish or impair property values within the neighborhood.

Specific findings:

- a) *The requested variances would be to utilize a method of underground management for waste. This would allow the continued use of the home for residential purposes which would not change the existing impact to the neighborhood.*

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicants' application for a Variance is denied.

Passed and duly adopted this 8th day of February 2012 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Dean A. Johnston, Mayor

Dean A. Zuleger, City Administrator

Clyde J Durand
2860 Lake Elmo Ave N
Lake Elmo, MN 55082

January 9, 2012

To: City of Lake Elmo and Council Members

To whom it may concern,

Regarding the variance we are requesting to upgrade the septic system for the property located at 2860 Lake Elmo Ave N.

Our original proposal was to remove the existing septic tanks replace them with (2) new holding tanks. This was approved by the planning commission but the council expressed concerns that this was not a long term solution, and asked to see what other alternatives there might be. We have explored a number of different options, from holding tanks to fully self contained waste recycling systems. As you can imagine there is also a wide range of associated costs. We have found what we feel is a good a solution that will work well for the County, City, and future owners of the property.

Since our last presentation to the council we have made a significant investment to resolve concerns and find a permanent solution to this problem. We first hired the survey company of **Folz, Freeman & Erickson Inc.** to verify and mark the property corners as well as provide a Certificate of Survey. We then hired **Soil Investigations Inc.**, a company that specializes in designing waste treatment systems for properties where restricted space and wetlands are an issue.

We are currently proposing Soil Investigations design **Option #2** for the Council to consider. Please see Soil Investigations (Durand Design Options) for proposed option. We arrived at this point after hiring and working closely with Folz, Freeman & Erickson and Soil Investigations Inc. We believe this will be approved by the County as a viable solution to the properties unique needs

Documents Included:

Certificate of Survey
Soil Investigations (Durand Design Options)
GJ Smith Excavators Inc – Proposal

Please feel free contact my son **Paul Durand** at (651) 429-2070 with any questions or concerns you may have.

Sincerely
Clyde J Durand
(651) 770-4864

PROPOSAL

Page No.

of

Pages

WASHINGTON CO PERMIT \$1750.00

GJ SMITH EXCAVATORS, INC. - FOREST OAKS CONDOS, INC.

11160 190TH AVE. NW

ELK RIVER, MN 55330

Fax 651 429 1941 OFFICE: (763) 441-8888 SHOP: (763) 633-8888

FAX: (763) 441-8727

PROPOSAL SUBMITTED TO <u>Paul</u>		PHONE	DATE <u>12-20-11</u>
STREET		JOB NAME <u>Septic installation</u>	
CITY, STATE and ZIP CODE		JOB LOCATION <u>444 Elm</u>	
ARCHITECT	DATE OF PLANS	<u>For clydes house</u>	JOB PHONE

We hereby submit specifications and estimates for:

pump out existing tank cover and fill with compactable sand to provide enough area for pressurized bed

Remove and replace canopy - remove sufficient concrete to set tanks and replace discharge pipe to new septic tank

pump station with alarm and event counter and wiring to electrical panel in home

construct pressure bed and complete system to septic design restore and seed disturbed area with top soil & seed

replace concrete 4 square foot additional and permits in addition to quote

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

variances will be needed dollars (\$ 15450.00).

Payment to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within SPRING 2012 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

Signature

AGREEMENT TO EXTEND REVIEW PERIOD

On September 15, 2011, the City informed Mr. Clyde Durand that an additional 60 days would be taken to review Mr. Durand's application for a septic variance to be located at 2860 Lake Elmo Avenue. At the September 20th City Council meeting, additional options were brought to the City Council from the applicant. At that meeting, the City Council asked the applicant for more detailed information on the options provided. The deadline for the City Council to make a determination on this application was November 17, 2011; however the applicant agreed to grant an extension until January 15, 2012 to complete the review. Mr. Clyde Durand has recently provided the City with a preferred option that will include revised variances, and in order to provide the City with sufficient time to review this new information, has agreed to extend the period of time for reviewing the application to February 15, 2012.

CITY OF LAKE ELMO

Dated: 1/13/12

By: Kyle Klatt
Kyle Klatt, City Planner

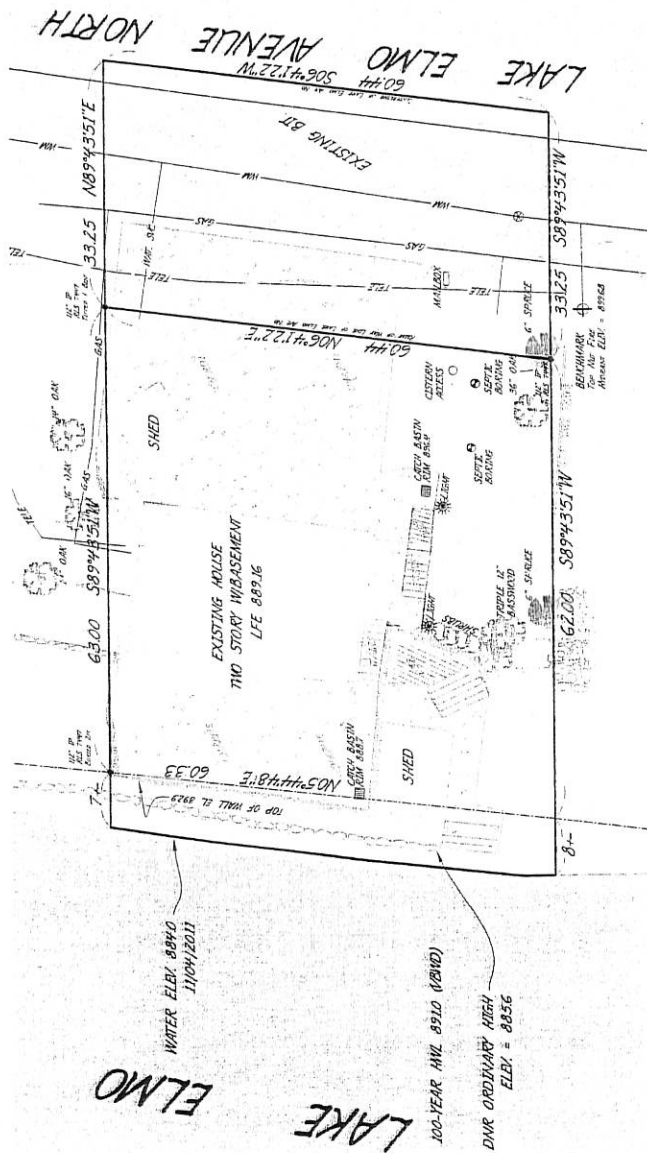
CLYDE DURAND, PROPERTY OWNER OF 2860 LAKE ELMO AVENUE

Dated: Jan. 13, 2012

By: Clyde J. Durand
Clyde Durand, Property Owner
Its: _____

Site Plan Survey

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 www.ffe-inc.com



SURVEY FOR:
CLYDE DURAND
2860 LAKE ELMO AVE. NO.
LAKE ELMO, MN 55042

ORIGINAL SCALE
1 INCH = 10 FEET

0 5 10 20
SCALE IN FEET

AS PROVIDED BY ESA TITLE SERVICES, LLC - REPORT 1107249)

Highway No. 17.

All that part of Lot One (1) of Section Twenty-four (24) in Township Twenty-nine (29) North of Range Twenty-one (21) West, Washington County, Minnesota, bounded and described as follows:

[illegible]

Together with all riparian and other rights, title, and interest in and to the waters, bed, and shore of that part of said Lake Elmo bordering upon and appurtenant to the above described tract and lying with the northerly and southerly boundaries of said tract as extended to and into said lake.

Certificate of Title No. 31078

ELEVATIONS BASED ON MEAN SEA LEVEL DATUM, NGVD 88.

- IMPROVEMENTS LOCATED DURING FIELD SURVEY ON 11/04/2011.
CONTOUR DATA FROM FIELD SURVEY PERFORMED ON 11/04/2011.
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON
COUNTY COORDINATE SYSTEM, NAD83.

• DENOTES FOUND IRON PIPE PIPE MOVEMENT, SIZE AND MARKINGS AS INDICATED

- 6" JACKET
ASAP
- DENOTES EXISTING TREE (SIZE AND TYPE)
- DENOTES EXISTING 2-FT CONTOUR

THE BOUNDARIES OF THIS SURVEY ARE BASED ON THE MONUMENTS FOUND FROM THE SURVEY PREPARED BY ART HOLM & ASSOC., INC DATED JANUARY 8, 1977 SIGNED BY ARTHUR M. HOLM FLS 7447 AND UPDATED AND SIGNED ON NOVEMBER 14, 1977 BY DONALD S. BLANSDOLL RLS 5 2769. FOR MORE PARTICULAR INFORMATION REGARDING THE MONUMENTS FOUND HEREON USED FREEMAN CONTACT THIS SURVEYOR TIMOTHY J. FREEMAN, LS 10000 N. 45TH ST. FREEMAN, FRICKSON INC

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, LS
 Minnesota Nurse No. 14689
 Date 11/16/2011

Note: Official Copies of this map are crinn sealed

Soil Investigation and Design, Inc.

2809 78th Ave. N
Brooklyn Park, MN 55444
Metro: 651-260-3783

16 South 5th Avenue East
Melrose, MN 56352
320-260-8874

pbrandt@soilinvestigations.us

December 8, 2011

Mr. Clyde Durand
2860 Lake Elmo Ave
Lake Elmo, MN 55042

Re: 2860 Lake Elmo Ave. N Septic System

Dear Clyde and Carl,

I have completed my field investigation of your property at the address stated above. The following information is the situation as it was observed on the site at the time of our investigation. Also, I have received the property survey and topographic drawings of your site indicating the available area(s) for septic systems.

I will first discuss the site survey of your site. The survey indicates a few things that were not apparent at first glance with the site. Your property does not extend to the end of the concrete that was laid as a driving surface. As the survey drawing shows, the edge of the right of way is near the big Oak tree and runs north parallel to Lake Elmo Ave. This removes approximately 215 square feet of space that could have been used for the treatment area. Further, the drawing shows that the water and gas lines are located within the area (under the concrete I had hoped to use as part of the treatment bed (drainfield)).

The loss of property area because of the right of way limits along with the water and gas lines in conjunction with the cost of concrete removal, relocating the water and gas lines and the construction of the system in a disturbed area makes the use of the northern portion of the parking area infeasible.

Therefore, the only area on the property to place a septic drainfield is in the southeast corner of your property. The area extends from the right of way line to within 20 feet of the house. This is a regulatory setback from the house. The southern boundary of the drainfield is approximately one (1) foot from the fence and it extends west to the brink of the hill that leads to the lake (please see the attached drawing).

As you can see on the attached drawing, the drainfield will need to be placed over some disturbed soil to maintain the setbacks from the house and right of way. This will cause the entire system to be classified as an "other type" system and require monitoring but most likely not an operating permit.

However, with the variance we are requesting, annual permitting and monitoring would most

likely be a requirement anyway so it is not a large change in this project.

After reviewing the site diagram, I am recommending (see drawing) that the tanks be placed between the drainfield and the house. That only a small area of the concrete to be cut to allow installation of the system, as a result the old sewer line from the house will be abandoned. A new line should be run inside the house then cut through the wall at a place to allow direct access to the tank. Since the area will be under concrete the top of the tank and new sewer line should be insulated with two to four inches of rigid foam insulation to prevent freezing.

Now with respect to the soil, I have completed the required soil boring(s) at the site. The soil at the site is a medium grained sand. The soil suitable for treating septic system effluent extends from the surface to five (5) feet below the surface. What this means is that an in ground system can be installed at your site if enough room exists. A two (2) bedroom home requires a design load of 300 gallons per day of water use. A medium sand can treat one (1) gallon of septic effluent per square foot per day, therefore you need 300 square feet of space at least 20 feet from the house.

The old cistern(s) need to be removed, from the property. The pressure bed will be placed in the area of these old structures and the excavation must be backfilled with washed sand. The old pipe should be disconnected and sealed as per appropriate code.

The design criteria for this site allow for only one type of system at your site. That is a pressure bed. This bed should be time dosed with frequent small doses, with a high water override to allow larger flows to be handled without a backup into the house. The system needs a high water alarm, a low water shut off and the controllers should be installed in the basement because of the location.

With this type of system, the drainfield pipes are installed in one broad and shallow excavation. The piping is connected together so the entire pressure bed area is watered with the effluent at the same time. This type of system needs to have the water applied with a pressure pump and it needs to be timed dosed. This means that a small quantity of water is sprayed on the area many times over the day rather than one or two larger applications associated with a demand dosing system.

The tanks should be located near the stairs leading to the lake without disturbing them. The concrete above should be removed and hauled off site like the old tanks. A new sewer line should be run directly into the basement. A new line in the basement should be installed to the old piping near the east wall of the basement. The outside line and top of the septic tank should be insulated adequate to protect it at the installed depth to prevent freezing. This will vary with depth, the insulation is due to the concrete surface that will be shoveled and kept bare in the winter.

The new tank must be kept 5 feet from the house to prevent loss of structural integrity of the basement wall. The inlet to the tank should be in the side to allow direct discharge. The tank should be a 1,500 gallon two compartment vessel with the first chamber being 1,000 gallons and the second 500 gallons. The first chamber is the septic tank and must have an inlet baffle and an

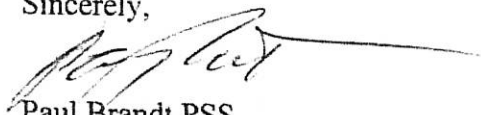
filter on the outlet to the dosing chamber. The tank must be constructed to current code. The tank should have manholes into both chambers as required by code.

The pump alarms and floats should be installed in the second compartment (dosing chamber) to allow efficient operation. The inlet and outlet for the piping must have water tight seals too. The timer for the dosing should be selected by the installer and be programmable from a minimum of 5 doses to a maximum of not less than 24 doses per day. The timer and/or pump must be able to record the number of events to allow monitoring.

Other items of concern include removal of the car port, and the 36 inch oak tree. The oak will have a large portion of its roots cut and will be a safety hazard to Lake Elmo Avenue. If the tree is left the roots will be a danger to the operation of the pressure bed. If during the installation rain occurs proper planning to prevent erosion materials from entering the lake must be completed.

If you have any questions please feel free to contact me at 651-260-3783 and/or aquoll10@hotmail.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Brandt', with a long horizontal line extending to the right.

Paul Brandt PSS

Soil Investigation & Design, Inc.



Property Owner/Client:

Clyde Durand

Site Address:

2860 Lake Elmo Ave. N Lake Elmo, MN

1. AVERAGE DESIGN FLOW:

A. Design Flow: 300 Gallons Per Day (GPD)

B. Septic Tank capacity: 1500 Gallons

Note: The estimated design flow is considered a peak flow rate including a safety factor. For long term performance, the average daily flow is recommended to be < 60% of this value.

C. Number of Septic Tanks or Compartments:

2

Effluent Screen & Alarm?

Yes

Type of Soil Treatment and Dispersal Area*

- ☐ Trenches ☒ Bed ☐ Mound ☐ At-Grade
☐ Drip Distribution ☐ None - Holding Tanks Only

Type of Distribution*

- ☐ Gravity Distribution ☒ Pressure Distribution-Level ☐ Pressure Distribution-Unlevel

* Selection Required

Benchmark Elev = 899.68 ft

System Type

- ☐ Type I ☐ Type II ☐ Type III ☐ Type IV ☐ Type V

Benchmark Location: Fire Hydrant

Type of Distribution Media:

Rock

2. SITE EVALUATION:

A. Depth to Limiting Layer: 60 inches

5.0 ft

Elevation of Limiting Layer: 891

B. Measured Percent Land Slope: 9.0 %

0.0

C. Soil Texture: Medium Sand

Percolation Rate: 16 Minutes per Inch

D. Soil Hydraulic Loading Rate: 1.00 GPD/ft²

E. Contour Loading Rate: 8.0 Gal/ft

3. DESIGN SUMMARY

Trench Design Summary

Absorption Area ft²Sidewall Depth inTrench Width inTotal Lineal Feet ftNumber of Trenches Maximum Trench Depth inDesigner's Max Trench Depth in

Bed Design Summary

Absorption Area 300 ft²

Media Below Pipe 12.0 in

Bed Length 15.0 ft

Bed Width 20 ft

Maximum Bed Depth 24 in

Designer's Max Bed Depth 894 in

Mound Design Summary

Absorption Area ft²Bed Length ftBed Width ftAbsorption Width ftClean Sand Lift ftBerm Width (slope 0-1%) ftUpslope Berm Width ftDownslope Berm Width ftEndslope Berm Width ftTotal System Length ftTotal System Width ft

At-Grade Design Summary

Absorption Bed Width ftAbsorption Bed Length ftSystem Height ftAbsorption Bed Area ft²Upslope Berm Width ftDownslope Berm Width ftEndslope Berm Width ftSystem Length ftSystem Width ft



Pressure Distribution Summary

No. of Perforated Laterals Perforation Spacing ft Perforation Diameter in
 Lateral Diameter in Supply Pipe Diameter in Minimum Dose Volume
 Flow Rate GPM Total Head ft Maximum Dose Volume

Holding Tanks Only

Number of Holding Tanks Total Volume of Holding Tanks gallons
 High Level Alarm?

4. ORGANIC LOADING (if pretreatment is being used)

Organic Loading to Pre-Treatment Unit = Design Flow X Estimated BOD in mg/L in the effluent X 8.35 ÷ 1,000,000

gpd X mg/L X 8.35 ÷ 1,000,000 = lbs BOD/day

Calculate System Organic Loading: lbs. BOD/day ÷ Bottom Area = lbs/day/ft²

lbs/day ÷ ft² = lbs/day/ft²

Comments/Special Design Considerations:

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

(Designer)

(Signature)

(License #)

(Date)

OSTP Trench & Bed Design Worksheet

Minnesota Pollution
Control Agency

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1. SYSTEM SIZING:

A. Design Flow (Design Sum.1A):

300

GPD

B. Maximum Depth*:

24

inches

C. Soil Loading Rate (Design Sum.2D):

1.00

GPD/ft²

*Depth to limiting condition(Design Sum.2A) - 3 ft 3
ft separation may be reduced for Trt. Level A or B

D. Required Bottom Area: Design Flow (1.A) ÷ Loading Rate (1.C) = Initial Required Bottom Area

300

GPD ÷

1.00

GPD/ft² =

300

ft²

E. Select Dispersal Media:

☐ Rock

☐ Other Approved Media

F. Select Distribution Method:

☐ Pressure (required for rapidly permeable soils)

☐ Gravity-Drop Box

☐ Gravity-Other

G. Select Dispersal Type:

☐ Trench - Rock

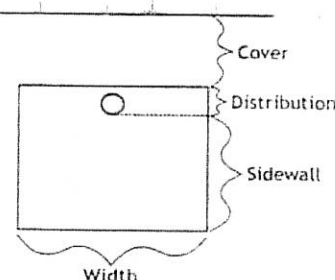
☐ Trench - Registered Product:

☐ Bed - Rock

☐ Bed - Registered Product:

2. TRENCH CONFIGURATION: (Rock or equivalent media)

A. Initial required trench bottom area (ft ²): (from 1.D)	Sidewall Absorption (inches)	Bottom Area Reduction	Bottom Area Multiplier	Design trench bottom area
300	6 to 11	0%	1	300
	12 to 17	20%	0.8	240
	18 to 23	34%	0.66	198
	24	40%	0.6	180



B. Select Sidewall Height: inches = ft

C. Design Bottom Area (2.A): ft²

D. Select Trench Width: inches = ft

E. Total Designed Trench Length: Bottom Area (2.C) ÷ Trench Width (2.D) = Total Required Trench Length

ft² ÷ ft = ft

F. Select Trench Spacing: ft (typically 5 - 12 ft from center to center)

G. Calculate Lawn Area: Trench Length (2.E) X Trench Spacing (2.F) = ft² lawn area

ft X ft = ft² lawn area

H. Calculate Minimum length based on Contour Loading Rate: Design Flow(1A) ÷ CLR (1Ci) =

gpd ÷ 8.0 gal/ft = ft

I. If using rock, select Depth Required to Cover Distribution Pipe:

ft (0.33 for pressure, 0.5 for gravity)

J. Calculate *Media Volume*: (*Sidewall Height* (2.B) + *Depth to Cover Pipe* (2.I)) X *Bottom Area* (2.C) = cubic ft.

$$(\text{ } \text{ft} + \text{ } \text{ft}) \times \text{ } \text{ft}^2 = \text{ } \text{ft}^3$$

Divide ft^3 by $27 \text{ ft}^3/\text{yd}^3$ to calculate cubic yards:

$$\text{ } \text{ft}^3 \div 27 = \text{ } \text{yd}^3$$

K. If using a registered product, enter the *Component Length*: $\text{ } \text{in.} \div 12 \text{ } \text{ft.}$

L. *Number of Components* = *Total Length Required* (2.E) divided by *Component Length* (2.K) (Round up)

$$\text{ } \div \text{ } = \text{ }$$

3. BED CONFIGURATION: (for sites with less than 6% slope)

A. Select size *Multiplier*: $\text{ } 1.0$ 1.0 = pressurized 1.5 = gravity (not allowed in rapidly permeable soils)

B. Req'd *Bottom Area* (1.D): $\text{ } 300 \text{ ft}^2$

Designed Bottom Area: $\text{ } 300 \text{ ft}^2$

C. Select *Bed Width*: $\text{ } 20 \text{ ft}$ Maximum width = 25 ft. (pressurized)
Maximum width = 12 ft. (gravity)

D. Calculate *Bed Length*: *Designed Bottom Area* (3.B) \div *Bed Width* (3.C) = *Bed Length*

$$\text{ } 300 \text{ ft}^2 \div \text{ } 20.0 \text{ ft} = \text{ } 15 \text{ ft}$$

E. Select *Sidewall Absorption*: $\text{ } 12.0$ inches below the pipe = $\text{ } 1.0 \text{ ft}$

F. Calculate *Media Volume*: (*Media Depth* (3.E) + depth to cover pipe) X *Designed Bottom Area* (3.B) = ft^3

$$(\text{ } 1.00 \text{ ft} + \text{ } 0.33 \text{ ft}) \times \text{ } 300.0 \text{ ft}^2 = \text{ } 399.0 \text{ ft}^3$$

Calculate *Volume in cubic yards*: *Media volume in cubic feet* (3.F) $\div 27$ = cubic yards

$$\text{ } 399 \text{ ft}^3 \div 27 = \text{ } 15 \text{ yd}^3$$

G. If using a registered product, enter the *Component Length*: $\text{ } \text{in.} \div 12 \text{ } \text{ft.}$

H. If using a registered product, enter the *Component Width*: $\text{ } \text{in.} \div 12 \text{ } \text{ft.}$

I. *Number of Components per Row* = *Bed Length* (2.E) divided by *Component Length* (2.K) (Round up)

$$\text{ } 15 \div \text{ } = \text{ }$$

J. *Number of Rows* = *Bed Width* (2.E) divided by *Component Width* (2.K) (Round up)

Adjust *Bed Width* (3.C) until this number is a whole number

$$\text{ } \div \text{ } = \text{ }$$

K. *Total Number of Components* = *Number of Components per Row* X *Number of Rows*

$$\text{ } \times \text{ } = \text{ }$$

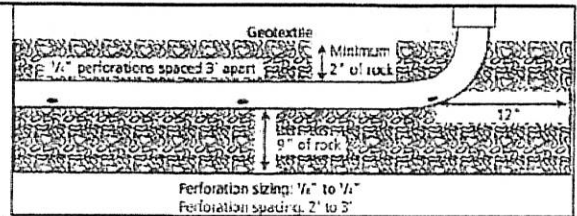
OSTP Pressure Distribution Design Worksheet

Minnesota Pollution Control Agency

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- Select Number of Perforated Laterals in system/zone:
(2 feet is minimum and 3 feet is maximum spacing)
- Select Perforation Spacing: ft
- Select Perforation Diameter Size: inch



- Length of Laterals = Media Bed Length - 2 Feet. Perforation can not be closer than 1 foot from edge.

$$\boxed{15} \text{ ft} - 2 \text{ ft} = \boxed{13} \text{ ft}$$

- Determine the Number of Perforation Spaces. Divide the Length of Laterals (Line 4) by the Perforation Spacing (Line 2) and round down to the nearest whole number.

$$\text{Number of Perforation Spaces} = \boxed{13} \text{ ft} \div \boxed{3} \text{ ft} = \boxed{4} \text{ Spaces}$$

- Number of Perforations per Lateral is equal to 1.0 plus the Number of Perforation Spaces (Line 5).

$$\text{Perforations Per Lateral} = \boxed{4} \text{ Spaces} + 1 = \boxed{5} \text{ Perfs. Per Lateral}$$

Check table below to verify the number of perforations per lateral guarantees less than a 10% discharge variation. The value is double if the a center manifold is used.

Maximum Number of Perforations Per Lateral to Guarantee <10% Discharge Variation											
1/4 Inch Perforations						7/32 Inch Perforations					
Perforation Spacing (Feet)	Pipe Diameter (Inches)					Perforation Spacing (Feet)	Pipe Diameter (Inches)				
	1	1 1/4	1 1/2	2	3		1	1 1/4	1 1/2	2	3
2	10	13	18	30	60	2	11	16	21	34	68
2 1/2	8	12	16	28	54	2 1/2	10	14	20	32	64
3	8	12	16	25	52	3	9	14	19	30	60
3/16 Inch Perforations						1/8 Inch Perforations					
Perforation Spacing (Feet)	Pipe Diameter (Inches)					Perforation Spacing (Feet)	Pipe Diameter (Inches)				
	1	1 1/4	1 1/2	2	3		1	1 1/4	1 1/2	2	3
2	12	18	26	46	87	2	21	33	44	74	149
2 1/2	12	17	24	40	80	2 1/2	20	30	41	69	135
3	12	16	22	37	75	3	20	29	38	64	128

- Total Number of Perforations equals the Number of Perforations per Lateral (Line 6) multiplied by the Number of Perforated Laterals (Line 1).

$$\boxed{5} \text{ Perf. Per Lateral} \times \boxed{4} \text{ Number of Perf. Laterals} = \boxed{20} \text{ Total Number of Perf.}$$

- Calculate the Square Feet per Perforation. Recommended value is 4-10 ft² per perforation. Does not apply to At-Grades

Bed Area = Bed Width (ft) X Bed Length (ft)

$$\boxed{20} \text{ ft} \times \boxed{15} \text{ ft} = \boxed{300} \text{ ft}^2$$

Square Foot per Perforation = Bed Area divided by the Total Number of Perforations (Line 7).

$$\boxed{300} \text{ ft}^2 \div \boxed{20} \text{ perforations} = \boxed{15.0} \text{ ft}^2/\text{perforations}$$

- Select Minimum Average Head: ft

- Select Perforation Discharge (GPM) based on Table III:

$$\boxed{0.74} \text{ GPM per Perforation}$$

- Determine required Flow Rate by multiplying the Total Number of Perforations (Line 7) by the Perforation Discharge (Line 10).

$$\boxed{20} \text{ Perforations} \times \boxed{0.74} \text{ GPM per Perforation} = \boxed{15} \text{ GPM}$$

Perforation Discharge (GPM)				
Head (ft)	Perforation Diameter			
	1/4"	3/16"	1/2"	3/4"
1.0'	0.13	0.41	0.56	0.74
1.5	0.22	0.51	0.69	0.9
2.0'	0.25	0.59	0.80	1.04
2.5	0.29	0.65	0.89	1.17
3.0	0.32	0.72	0.98	1.28
4.0	0.37	0.83	1.13	1.47
5.0	0.41	0.93	1.26	1.65
1 foot	1/4 inch and 3/16 inch perforations on dwellings			
2 feet	1/8 inch perforations on dwellings and for other establishments			
3 feet	1/4 inch and 3/16 inch perforations on MFT's			

OSTP Pressure Distribution Design Worksheet

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12. Select Type of Manifold Connection (End or Center): ☐ End ☒ Center

13. Select Lateral Diameter from Table I above: in

14. Volume of Liquid Per Foot of Distribution Piping: Gallons/ft

15. Volume of Distribution Piping =

= [Number of Perforated Laterals (Line 1) X Length of Laterals (Line 4) X
(Volume of Liquid Per Foot of Distribution Piping (Line 14))]

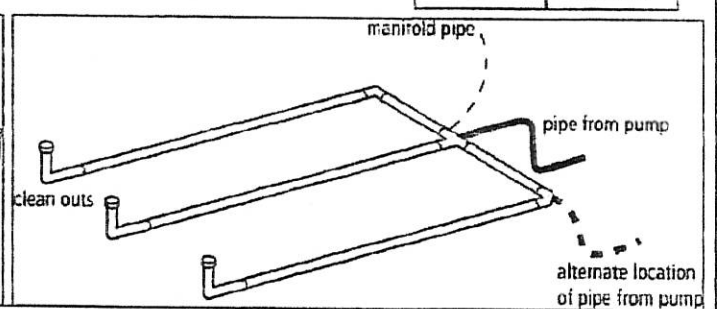
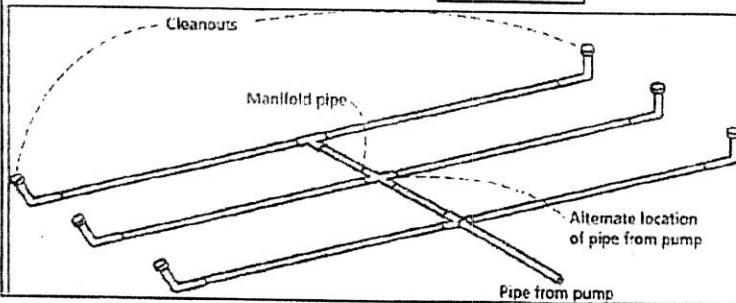
X ft X gal/ft = Gallons

16. Minimum Dose = Volume of Distribution Piping (Line 15) X 5

gals X 5 = Gallons

Table II
Volume of Liquid in
Pipe

Pipe Diameter (inches)	Liquid Per Foot (Gallons)
1	0.045
1.25	0.078
1.5	0.110
2	0.170
3	0.380
4	0.661



OSTP Pump Selection Design Worksheet

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PUMP CAPACITY

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A. Pumping to Gravity or Pressure Distribution:

☐ Gravity

☒ Pressure

Selection required

1. If pumping to gravity enter the gallon per minute of the pump: GPM

2. Is the pump for the treatment system or the collection system:

☒ Treatment System

☐ Collection System

Selection required

3. If pumping to a pressurized treatment system, what part or type of system:

☐ Soil Treatment Unit

☐ Media Filter

☐ Other

4. If pumping to a pressurized distribution system:

15.0 GPM

(Line 11 of Pressure Distribution or Line 10 of Non-Level or enter If Collection System)

2. HEAD REQUIREMENTS

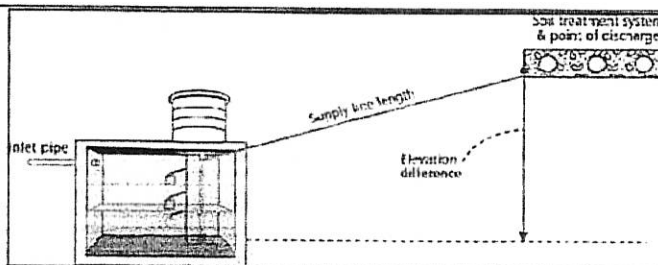
3. Elevation Difference 3 ft

between pump and point of discharge:

NOTE: If system is an individual subsurface sewage treatment system, complete steps 4 - 9. If system is a Collection System, skip steps 4, 5, 7 and 8 and go to Step 10.

4. Distribution Head Loss: 5 ft

5. Additional Head Loss: ft (due to special equipment, etc.)



Distribution Head Loss

Gravity Distribution = 0ft

Pressure Distribution based on Minimum Average Head value on Pressure Distribution Worksheet:

Minimum Average Head	Distribution Head Loss
1ft	5ft
2ft	6ft
5ft	10ft

6. A. Supply Pipe Diameter: 1.0 in

B. Supply Pipe Length: 25 ft

7. Based on Friction Loss in Plastic Pipe per 100ft from Table 1:

Friction Loss = 19.18 ft per 100ft of pipe

8. Determine Equivalent Pipe Length from pump discharge to soil dispersal area discharge point. Estimate by adding 25% to supply pipe length for fitting loss. Supply Pipe Length (6.B) X 1.25 = Equivalent Pipe Length

25 ft X 1.25 = 31.3 ft

9. Calculate Supply Friction Loss by multiplying Friction Loss Per 100ft (Line 6) by the Equivalent Pipe Length (Line 7) and divide by 100.

Supply Friction Loss =

19.18 ft per 100ft X 31.3 ft ÷ 100 = 6.0 ft

fr Friction Loss in Plastic Pipe per 100 ft (C=130)

Nominal Pipe Diameter

Flow Rate (GPM)	1	1¼	1½	2	3
10	9.11	3.08	1.27	0.31	---
12	12.77	4.31	1.78	0.44	---
14	16.99	5.74	2.36	0.58	---
16	---	7.35	3.03	0.75	0.10
18	---	9.14	3.76	0.93	0.13
20	---	11.11	4.58	1.13	0.16
25	---	16.79	6.92	1.71	0.24
30	---	---	9.69	2.39	0.33
35	---	---	12.90	3.18	0.44
40	---	---	16.52	4.07	0.57
45	---	---	---	5.07	0.70
50	---	---	---	6.16	0.86
55	---	---	---	7.35	1.02
60	---	---	---	8.63	1.20
65	---	---	---	10.01	1.39
70	---	---	---	11.48	1.60

OSTP Pump Selection Design Worksheet

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10. Equivalent length of pipe fittings.

Section 10 is for Collection Systems ONLY and does NOT need to be completed for individual subsurface sewage treatment systems.

Quantity X Equivalent Length Factor = Equivalent Length

Fitting Type	Quantity		Equivalent Length Factor		Equivalent Length (ft)
Gate Valve		X		=	
90 Deg Elbow		X		=	
45 Deg Elbow		X		=	
Tee - Flow Thru		X		=	
Tee - Branch Flow		X		=	
Swing Check Valve		X		=	
Angle Valve		X		=	
Globe Valve		X		=	
Butterfly Valve		X		=	
Valve 10		X		=	
Valve 11		X		=	

Equivalent Length Factors (ft.) for PVC Pipe Fittings

Fitting Type	Pipe Diameter (in.)		
	1½	2	3
Gate Valve	1.07	1.38	2.04
90 Deg Elbow	4.03	5.17	7.67
45 Deg Elbow	2.15	2.76	4.09
Tee - Flow Thru	2.68	3.45	5.11
Tee - Branch Flow	8.05	10.30	15.30
Swing Check Valve	13.40	17.20	25.50
Angle Valve	20.10	25.80	38.40
Globe Valve	45.60	58.60	86.90
Butterfly Valve	-	7.75	11.50

NOTE: Equivalent length values for PVC pipe fittings are based on calculations using the Hazen-Williams Equation. See Advanced Designs for SSTs for equation. Other pipe material may require different equivalent length factors. Verify other equivalent length factors with pipe material manufacturer.

NOTE: System installer should contact system designer if the number of fittings varies from the design to the actual installation.

A. Sum of Equivalent Length due to pipe fittings:

ft

B. Total Pipe Length = Supply Pipe Length (5.B) + Equivalent Pipe Length (9.A.)

ft + ft = ft

C. Hazen-Williams friction loss due to pipe fittings and supply pipe (h_f):

$(10.5 \div \text{Pipe Diameter}^{4.87}) \times (\text{Flow Rate} \div \text{Constant})^{1.85} \times \text{Total Pipe Length (10.B)}$

$(10.5 \div \text{in}^{4.87}) \times (\text{gpm} \div 130)^{1.85} \times \text{ft} = \text{ft}$

11. Total Head requirement is the sum of the Elevation Difference (Line 3), the Distribution Head Loss (Line 4), Additional Head Loss (Line 5), and either Supply Friction Loss (Line 9), or Friction Loss from the Supply Pipe and Pipe Fittings for collection systems (Line 10.C)

NOTE: Supply Friction Loss (Line 8) need ONLY be used if NOT a collection system.

NOTE: Friction Loss from the Supply Pipe and Pipe Fittings (Line 9.C) need ONLY be used if system is a collection system.

3.0 ft + 5.0 ft + ft + 6.0 ft = 14.0 ft

3. PUMP SELECTION

A pump must be selected to deliver at least **15** GPM (Line 1 or Line 2) with at least **14** feet of total head.

Comments: Pump type

OSTP Pump Tank Sizing, Dosing, Float, and Timer Setting Design Worksheet

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DETERMINE AREA AND/OR GALLONS PER INCH

1. A. Rectangle area = Length (L) X Width (W)

$$7.0 \text{ ft} \times 4.6 \text{ ft} = 32.2 \text{ ft}^2$$

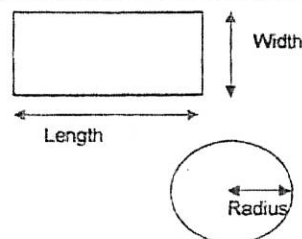
- B. Circle area = $3.14r^2$ ($3.14 \times \text{radius} \times \text{radius}$)

$$3.14 \times \text{Radius}^2 \text{ ft} = \text{ft}^2$$

- C. Tank model and manufacturer (optional):

- D. Get area from manufacturer

- E. Get gallons per inch from manufacturer



2. Calculate Gallons Per Inch:

There are 7.48 gallons per cubic foot. Therefore, multiply the area from 1.A, 1.B, or 1.C by 7.48 to determine the gallons per foot the tank holds. Then divide that number by 12 to calculate the gallons per inch.

$$(\text{Area} \times 7.48 \text{ gallons/ft}^3) / (12 \text{ in/ft}) =$$

$$32.2 \text{ ft}^2 \times 7.48 \text{ gal/ft}^3 \div 12 \text{ in/ft} = 20.1 \text{ Gallons per inch}$$

TANK CAPACITY

3. Enter the Designed Pump Tank Capacity (minimum provided in the table below): 500 Gallons

4. Calculate Total Tank Volume

- A. Depth from bottom of inlet pipe to tank bottom:

$$32 \text{ in}$$

- B. Total Tank Volume = Depth from bottom of inlet pipe (Line 4.A) X Gallons/Inch (Line 2)

$$32 \text{ in} \times 20.1 \text{ Gallons Per Inch} = 642.3 \text{ Gallons}$$

5. Calculate Volume to Cover Pump (The inlet of the pump must be at least 4-inches from the bottom of the pump tank & 2 inches of water covering the pump is recommended)

$$(\text{Pump and block height} + 2 \text{ inches}) \times \text{Gallons Per Inch (1D or 2)}$$

$$(13 \text{ in} + 2 \text{ inches}) \times 20.1 \text{ Gallons Per Inch} = 301 \text{ Gallons}$$

DOSING VOLUME

6. Minimum Pumpout Volume - 5 X Volume of Distribution Piping:

$$11.7 \text{ Gallons}$$

- Line 17 of the Pressure Distribution or Line 11 of Non-level

7. Calculate Maximum Pumpout Volume (25% of Design Flow)

$$\text{Design Flow: } 300 \text{ GPD} \times 0.25 = 75 \text{ Gallons}$$

8. Select a pumpout volume that meets both items above (Line 6 & 7):

$$50 \text{ Gallons}$$

9. Calculate Doses Per Day = Design Flow ÷ Dosing Volume

$$300 \text{ gpd} \div 50 \text{ gal} = 6.0 \text{ Doses}$$

10. Calculate Drainback:

- A. Diameter of Supply Pipe =

$$1 \text{ inches}$$

- B. Length of Supply Pipe =

$$25 \text{ feet}$$

- C. Volume of Liquid Per Lineal Foot of Pipe =

$$0.045 \text{ Gallons/ft}$$

- D. Drainback = Length of Supply Pipe X Volume of Liquid Per Lineal Foot of Pipe

$$25 \text{ ft} \times 0.045 \text{ gal/ft} = 1.1 \text{ Gallons}$$

11. Total Dosing Volume = Dosing Volume (Line 8) plus Drainback (Line 10.D)

$$50 \text{ gal} + 1.1 \text{ gal} = 51.1 \text{ Gallons}$$

12. Minimum Alarm Volume = Depth of alarm (2 or 3 inches) X gallons per inch of tank (Line 1 or 2)

$$3 \text{ in} \times 20.071333 \text{ gal/in} = 60.214 \text{ Gallons}$$

OSTP Pump Tank Sizing, Dosing, Float, and Timer Setting Design Worksheet

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TIMER or DEMAND FLOAT SETTINGS

Select Timer or Demand Dosing: ☒ Timer ☐ Demand Dose

A. Timer Settings

13. Required Flow Rate:

A. From Design (Line 11 of Pressure Distribution or Line 10 of Non-Level*): GPM

B. Or calculated: GPM = Change in Depth (in) x Gallons Per Inch (Line 1 or 2) / Time Interval in Minutes

in X gal/in ÷ min = GPM

**Note: This value must be
adjusted after field
measurement &
calculation.*

14. Choose a Flow Rate from Line 13.A or 13.B above.

GPM

15. Calculate TIMER ON setting:

Total Dosing Volume (Line 11)/GPM(Line 14)

gal ÷ gpm = Minutes ON

16. Calculate TIMER OFF setting:

Minutes Per Day (1440)/Doses Per Day (Line 9) - Minutes On (Line 15)

1440 min ÷ doses/day - min = Minutes OFF

17. Pump Off Float - Measuring from bottom of tank:

Distance to set Pump Off Float=Gallons to Cover Pump (Line 5) / Gallons Per Inch (Line 1 or 2):

gal ÷ gal/in = Inches

18. Alarm Float - Measuring from bottom of tank:

Distance to set Alarm Float = Tank Depth(4A) - Alarm Depth (Line 13)

in - in = in

B. DEMAND DOSE FLOAT SETTINGS

18. Calculate Float Separation Distance using Dosing Volume.

Total Dosing Volume (Line 12)/Gallons Per Inch (Line 2)

gal ÷ gal/in = Inches

19. Measuring from bottom of tank:

A. Distance to set Pump Off Float = Pump Height + Block Height (Line 5) + Alarm Depth (Line 13)

in + in = Inches

B. Distance to set Pump On Float=Distance to Set Pump-Off Float (Line 19.A) + Float Separation Distance (Line 18)

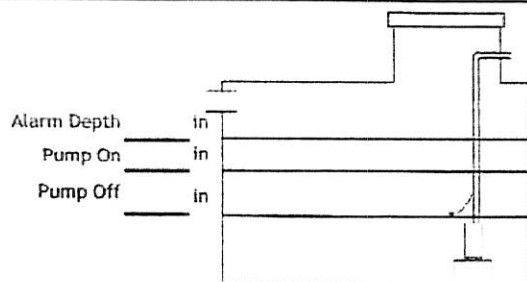
in + in = Inches

C. Distance to set Alarm Float = Distance to set Pump-On Float (19.B) + Alarm Depth (2-3 inches)

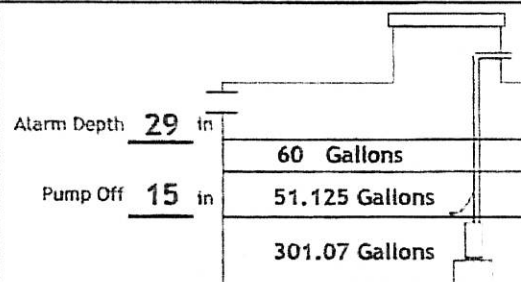
in + in = Inches

FLOAT SETTINGS

DEMAND DOSING



TIMED DOSING



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OSTP Soil Observation Log

v 11.3.28

Date 10/11/2011
Time 15:15

Client/ Address: Clyde Durand

Legal Description/ GPS

2860 Lake Leimo Ave. N, Lake Elmo, Mn 55042

Landscape position

summit

Vegetation

grass

Soil parent materials
(Check all that apply)☐ Outwash ☐ Lacustrine ☐ Loess
☐ Till ☐ Alluvium ☐ Bedrock ☐ Organic

Observation #/Location:

Soil survey map units

Side Yard
Slope % 1.0
Slope shape Linear, Linear

Depth (in)	Texture	Coarse Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure		
							Shape	Grade	Consistence
0 to 11	medium sand	>5	10 YR 3/3	NA			Single grain	Structureless	Friable
11 to 21	fine sand	>5	10 YR 4/4	NA			Single grain	Structureless	Loose
21 to 42	medium sand	>5	10 YR 5/4	NA			Single grain	Structureless	Loose
42 to 60	medium sand	>5	10 YR 4/4	NA			Single grain	Structureless	Loose
60 to 72	medium sand	>5	10 YR 4/4	10 YR 4/6 & 3/6	Concentrations, depletions	S1	Single grain	Structureless	Firm

Comments

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Paul Perovet
(Designer)[Signature]
(Signature)05752
(License #)10/30/11
(Date)

UNIVERSITY OF MINNESOTA

OSTP Soil Observation Log

v 11.3.28

Date 10/11/20...

Time 14:50

Client/ Address: Clyde Durand

Legal Description/ GPS 2860 Lake Leimo Ave. N, Lake Elmo, Mn 55042

Landscape position

summit

Vegetation

grass

Soil parent materials

☐ Outwash ☐ Lacustrine ☐ Loess

Observation #/Location:

(Check all that apply)

☐ Till ☐ Alluvium ☐ Bedrock ☐ Organic

Soil survey map units

NA

Slide Yard

Slope%

1.0

Slope shape

linear

Depth (in)	Texture	Coarse Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure		
							Shape	Grade	Consistence
0 to 10	medium sand	>5	10 YR 3/3				Single grain	Structureless	Friable
10 to 18	medium sand	>5	10 YR 4/4				Single grain	Structureless	Loose
18 to 39	medium sand	>5	10 YR 5/4				Single grain	Structureless	Loose
39 to 61	medium sand	>5	10 YR 4/4				Single grain	Structureless	Loose
61 to 72	medium sand	>5	10 YR 4/4	10 YR 5/6 & 3/6	Concentrations, depletions	S1	Single grain	Structureless	Firm

Comments

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Paul Brauer
(Designer)

Paul Brauer
(Signature)

45187
(License #)

10/30/11
(Date)

Textures:	Subsoil Indicator(s) of Saturation:	Consistence:
c-clay	S1. Distinct gray or red redox features	<u>Loose-</u> Intact specimen not available
sic-silty clay	S2. Depleted matrix (value ≥ 4 and chroma ≤ 2)	<u>Friable-</u> Slight force between fingers
sc-sandy clay	S3. 5Y chroma ≤ 3	<u>Firm-</u> Moderate force between fingers
cl-clay loam	S4. 7.5 YR or redder faint redox concentrations or redox depletions	<u>Extremely firm-</u> Moderate force between hands or slight foot pressure
sicl-silty clay loam	If yes to one of the above indicators then:	<u>Rigid-</u> Foot pressure
scl-sandy clay loam	Topsoil Indicator(s) of Saturation:	Slope Shape:
si-silt	T1. Wetland Vegetation	Slope shape is described in two directions: up and down slope (perpendicular to the contour), and across slope (along the horizontal contour); e.g. Linear, Convex or LV.
sil-silt loam	T2. Depressional Landscape	
l-loam	T3. Organic texture or organic modifiers	
sl-sandy loam	T4. N 2.5/ 0 color	
ls-loamy sand	T5. Redox features in topsoil	
s-sand	T6. Hydraulic indicators	
Soil Structure	Landscape Position:	
Grade:	Summit	
<u>Massive-</u>	Shoulder	
<u>Weak-</u>	Back Side	
<u>Moderate-</u>	Foot Slope	
<u>Strong-</u>	Toe Slope	
<u>Loose-</u>		
Soil Structure		
Shape:		
<u>Granular-</u>	The peds are approximately spherical or polyhedral and are commonly found in topsoil. These are the small, rounded peds that hang onto roots when soil is turned over.	
<u>Platy-</u>	The peds are flat and plate like. They are oriented horizontally and are usually overlapping. Platy structure is commonly found in forested areas just below the leaf litter or shallow topsoil.	
<u>Blocky-</u>	The peds are block-like or polyhedral, and are bounded by flat or slightly rounded surface that are casting of the faces of surrounding peds. Blocky structure is commonly found in the lower topsoil and subsoil.	
<u>Prismatic-</u>	Flat or slightly rounded vertical faces bound the individual peds. Peds are distinctly longer vertically, and faces are typically cast or molds of adjoining peds. Prismatic structure is commonly found in the lower subsoil.	
<u>Single Grain-</u>	The structure found in a sandy soil. The individual particles are not held together.	

Google maps

Address Lake Elmo Avenue North
Address is approximate



bing Maps

2860 Lake Elmo Ave N
Lake Elmo MN 55042

Home 27° 13' 10" N 93° 10' 10" W
© 2012 Microsoft Corporation



Bird's eye view maps can't be panned so another map view has been substituted

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SOIL SCIENTIST UNDER THE LAWS OF THE STATE OF MINNESOTA

PRINT NAME: Paul Brandt

SIGNATURE:

DATE: 1/12/12 LICENSE #: 30007

Project Name:

Septic System Design, 2860 Lake Elmo Ave. N

PLAN SHEET

Approved By

PJB

Date

1/12/2012

Title

President

Easement OR Project No.

Plan Sheet

Soil Investigation

& Design, Inc,
2809 - 78th Ave N
Brooklyn Park, MN 55444
651-260-3783 Metro
320-260-8874 Greater Minnesota

Figure 1: Site Location

Send To Printer

Back To MSR Maps

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS Lake Elmo, Minnesota, United States 17 Apr 1991


 0 50 100 150
 Feet Meters

Download photos of this map from the Internet

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1 of 1

1/18/2012 9:57 AM

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 & Design, Inc.
 2809 - 78th Ave N
 Brooklyn Park, MN 55444
 651-260-3783 Metro
 320-260-8874 Greater Minnesota

Figure 2: Site Aerial

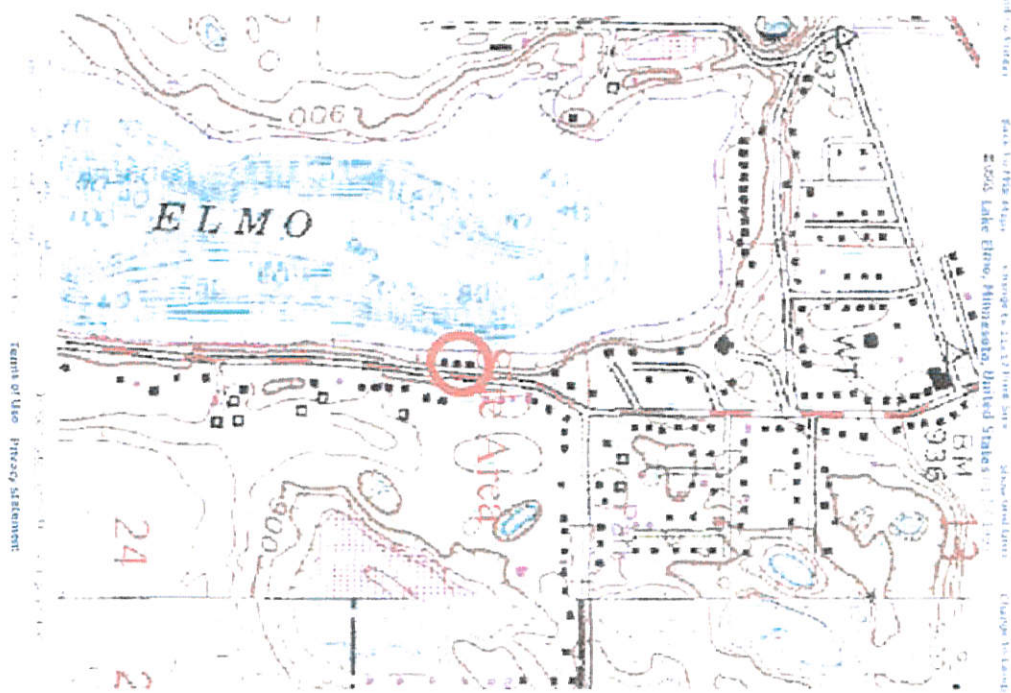
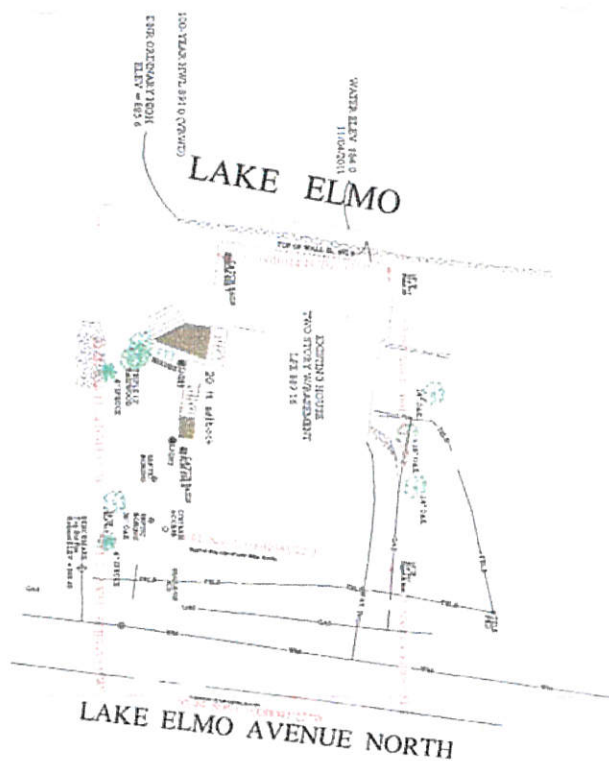
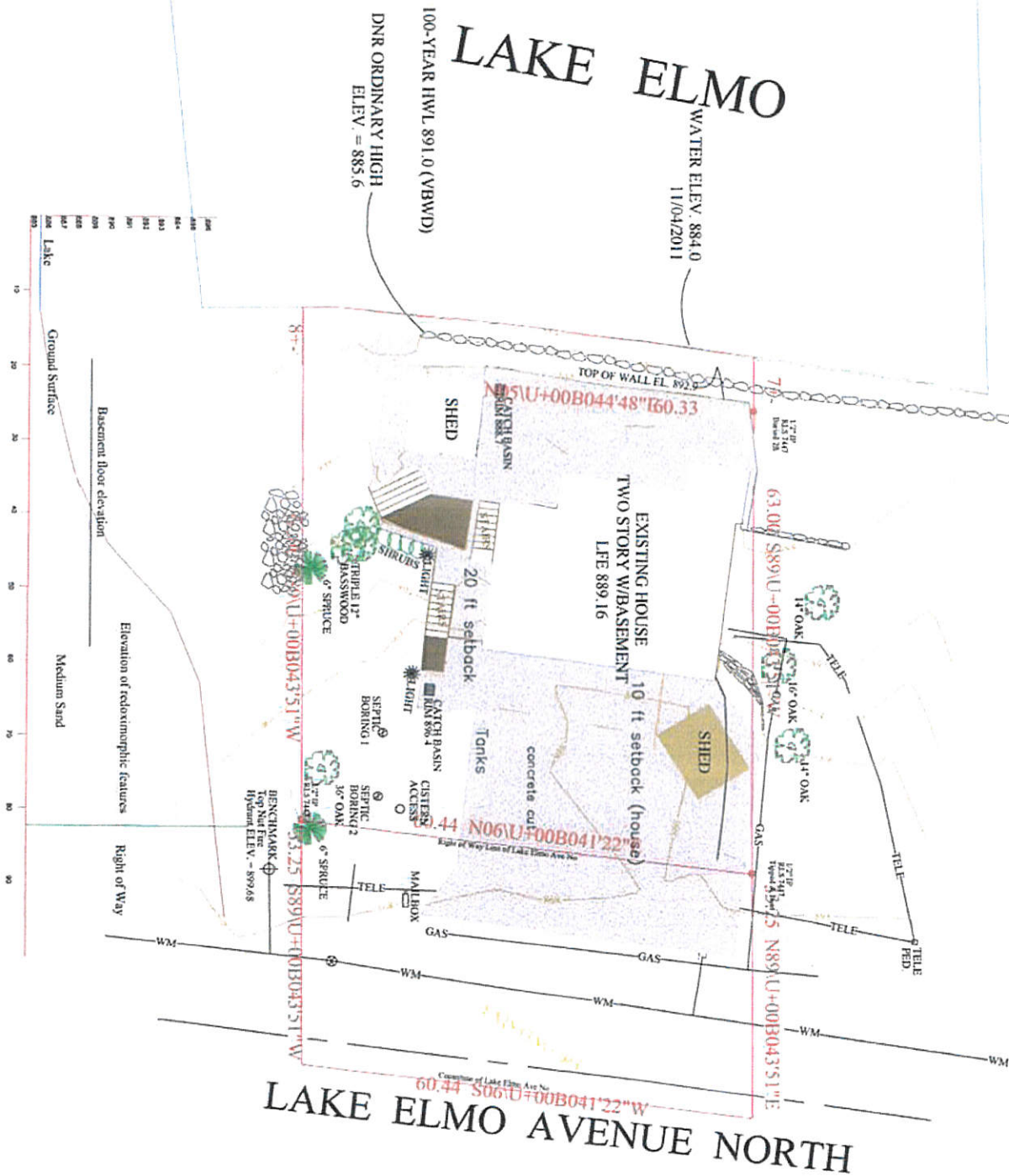


Figure 3: Site Topographic Map

Figure 3: Site Topographic Map



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PJB

Date _____

1/15/2012

Title

President

Easement OR Project No

Soil Investigation

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Brooklyn Park, MN 55444
651-260-3783 Metro
320-260-8874 Greater Minnesota

Plan Sheet

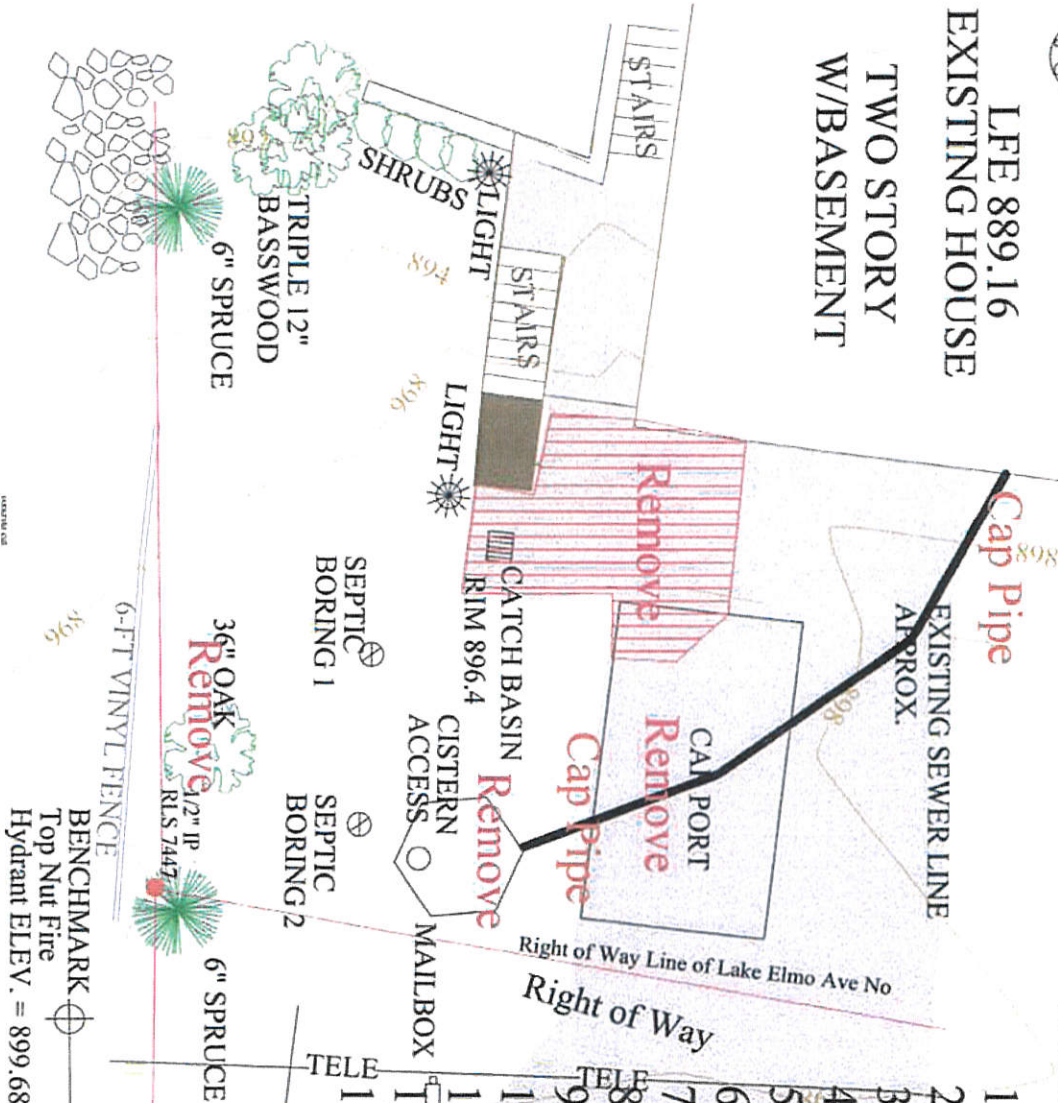
Figure 4: Site Detail Map



WATER ELEV. 884.0
11/04/2011
100-YEAR HWL 891.0 (VBWD)
DNR ORDINARY HIGH
ELEV. = 885.6

LFE 889.16
EXISTING HOUSE

TWO STORY
W/BASEMENT



Site Preparation List

1. Remove Car Port
2. Excavate old Cistern
3. Remove Old Cistern
4. Dispose of offsite
5. Cut & Remove Concrete
6. Dispose of offsite
7. Remove Catch Basin
8. Relocate as shown
9. Reconnect to existing outlet
10. Remove 36" Oak
11. Dispose of offsite
12. Cap or remove old piping
13. Set up Traffic Control & Safety measures

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PRINT NAME: Paul Brandt

SIGNATURE: *[Signature]*

DATE: 1/15/12 LICENSE #: 30007

Project Name:

Septic System Design, 2860 Lake Elmo Ave. N

PLAN SHEET

Approved By
PJB

Date
1/15/2012

Title
President

Easement OR Project No.

Soil Investigation

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Brooklyn Park, MN 55444
651-260-3783 Metro
320-260-8874 Greater Minnesota

Plan Sheet

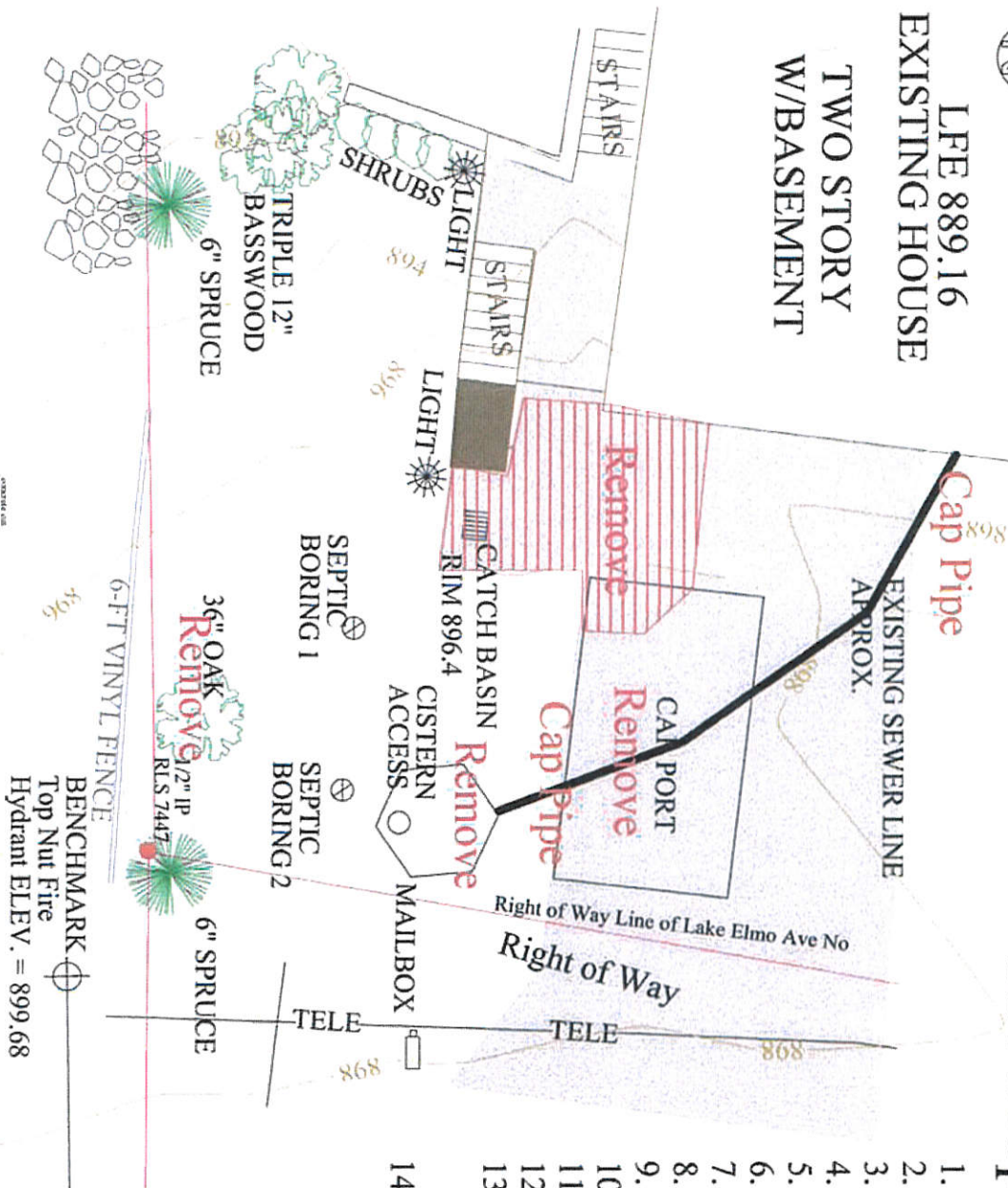
Figure 4A: Site Detail Map



WATER ELEV. 884.0 DNR ORDINARY HIGH
11/04/2011
100-YEAR HWL 891.0 (VBWD)
ELEV. = 885.6

LFE 889.16
EXISTING HOUSE

TWO STORY
W/BASEMENT



Site Preparation List

1. Remove Car Port
2. Excavate old Cistern
3. Remove Old Cistern
4. Dispose of offsite
5. Cut & Remove Concrete
6. Dispose of offsite
7. Remove Catch Basin
8. Relocate as shown
9. Reconnect to existing outlet
10. Remove 36" Oak
11. Dispose of offsite
12. Cap or remove old piping
13. Set up Traffic Control & Safety measures
14. Backfill Cistern area with clean washed Sand

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SIGNATURE:

DATE: 1/15/12 LICENSE #: 30007

Project Name: Septic System Design, 2860 Lake Elmo Ave. N

PLAN SHEET

Approved By
PJB

Date
1/15/2012

Title
President

Easement OR Project No.

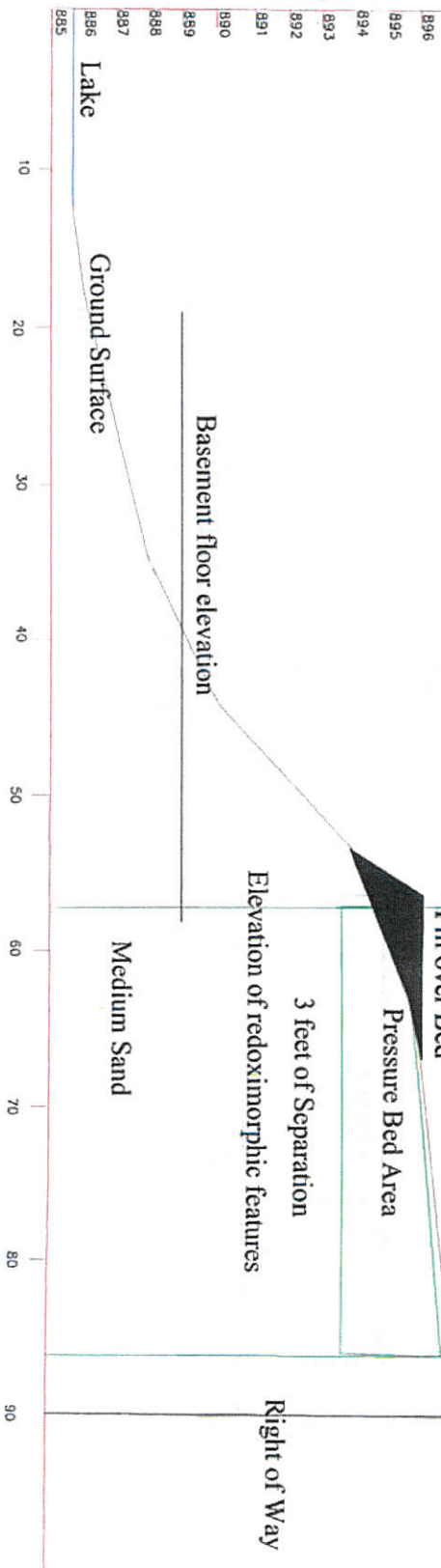
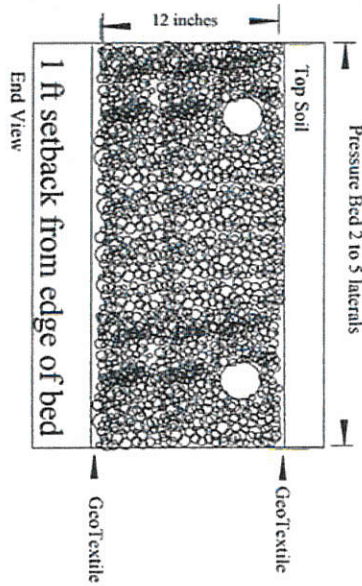
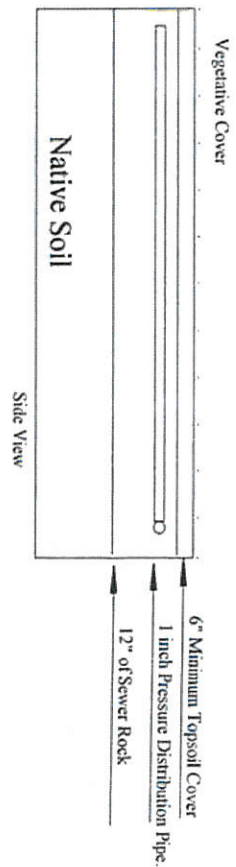
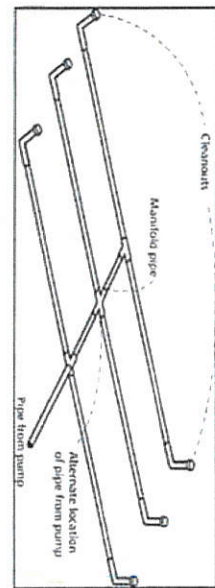
Soil Investigation

& Design, Inc,
2809 - 78th Ave N
Brooklyn Park, MN 55444
651-260-3783 Metro
320-260-8874 Greater Minnesota

Plan Sheet

Figure 4A: Site Detail Map





I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SOIL SCIENTIST UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: **Paul Brandt**

SIGNATURE: *[Signature]*
DATE: 1/15/12 LICENSE #: 30007

Project Name: **Septic System Design, 2860 Lake Elmo Ave. N**

PLAN SHEET

Approved By: **PJB** Date: **1/15/2012**

Title: **President**

Easement OR Project No.

Soil Investigation

& Design, Inc.,
2809 - 78th Ave N
Brooklyn Park, MN 55444
651-260-3783 Metro
320-260-8874 Greater Minnesota

Plan Sheet

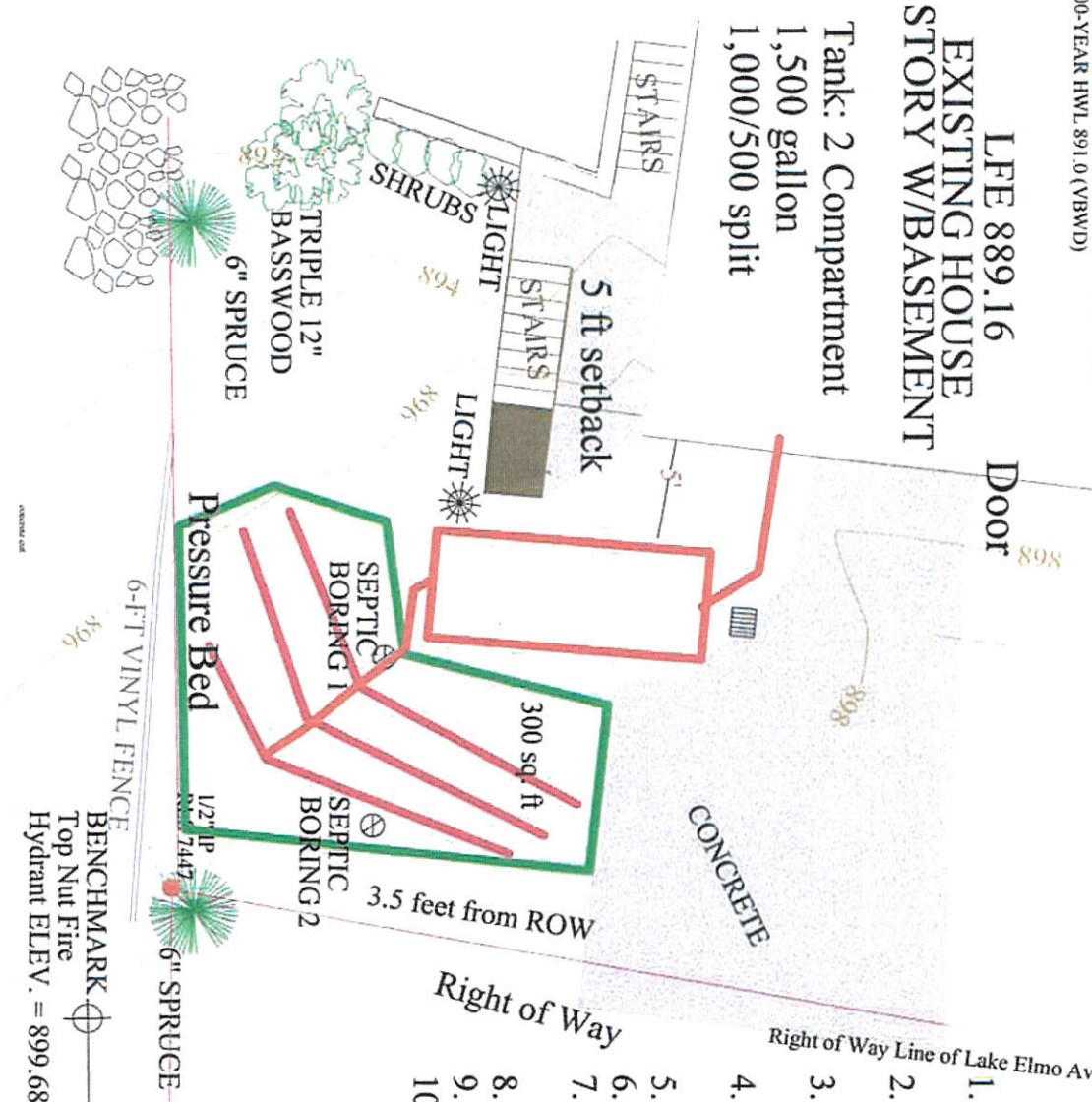
Figure 5B: Site Design Map



WATER ELEV. 884.0
11/04/2011
100-YEAR HWL 891.0 (VBWD)
DNK ORDINARY HIGH
ELEV. = 885.6

LFE 889.16
EXISTING HOUSE
TWO STORY W/BASEMENT

Tank: 2 Compartment
1,500 gallon
1,000/500 split



Action List

1. Install Septic Tank with manholes to surface
2. Install New Piping from House
3. Reinstall Catch Basin (north) by tank
4. Reconnect Catch Basin to existing pipe.
5. Install Pressure Bed
6. Install Inspection Pipes
7. Install Pump in Dosing Chamber
8. Install Filter in Septic Tank
9. backfill and re-seed
10. Replace Concrete

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SOIL SCIENTIST UNDER THE LAWS OF THE STATE OF MINNESOTA.		Project Name: Septic System Design, 2860 Lake Elmo Ave. N	
		PLAN SHEET	
PRINT NAME: Paul Brandt	SIGNATURE: <i>[Signature]</i>	Approved By PJB	Date 1/15/2012
DATE: 1/15/12	LICENSE #: 30007	Title President	Soil Investigation & Design, Inc., 2809 - 78th Ave N Brooklyn Park, MN 55444 651-260-3783 Metro 320-260-8874 Greater Minnesota
		Easement OR Project No.	Plan Sheet Figure 5A: Site Design Map

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267

Date: February 7, 2012

To: Kyle Klatt, Lake Elmo Planning Director Re: City of Lake Elmo
2860 Lake Elmo Avenue N
Cc: Ryan Stempski, P.E., Assistant City Engineer Review of Variance Request
For Septic System Setbacks
From: Jack Griffin, P.E., City Engineer

A variance request was received from the above referenced address to install a septic system and drainfield within the required setbacks for the property at 2860 Lake Elmo Avenue N. Four variances are required for the proposed design:

1. Setback variance from a drainfield to a lot line. 10 feet required. Zero feet proposed to side property line. 3.5 feet proposed to County right-of-way line.
2. Setback variance from tank to building foundation. 10 feet required. 5 feet proposed.
3. Setback variance from drainfield to OHWL of Lake Elmo. 75 feet required. 44 feet proposed.
4. Design variance to allow only one septic tank prior to the pressurized drainfield.

The following submittal items were received:

- **REVISED Sewage System design dated December 8, 2011, by Soil Investigation and Design Inc. and received on February 2, 2012.**
- Application Cover Letter dated January 9, 2012.
- Certificate of Survey completed by FFE and dated November 16, 2011.
- Septic System and Drainfield preliminary design report by Soil investigation and Design, Inc., dated December 8, 2011.
- Installation Proposal from GJ Smith Excavators, Inc. dated December 20, 2011.

This application is complete.

Review Comments: The proposed replacement sewage system for this property falls under the jurisdiction and review of Washington County. A review letter by the county was received, dated February 3, 2012. The County has completed a general review of the proposal and has determined that the design appears suitable for treatment of domestic strength waste from a 2-bedroom home. However, due to site constraints several code variances must be approved by the City as itemized above for the system to be approved for installation. It should also be noted that the proposed design requires the removal of an existing 36-inch Oak tree.

It is recommended that if approval is granted for the requested variances, the following conditions of approval be incorporated:

- Conditions of approval:
 1. A permanent easement must be obtained for the zero lot line installation to facilitate both initial construction and on-going operation.
 2. All wells must be located to verify a minimum 50 foot separation from the proposed sewage system is maintained.
 3. Due to the tight site constraints, the installation must be field staked for construction to ensure that the installation is completed per plan.
 4. The system must incorporate a redesign to include a second septic tank configuration in accordance with the County Code. **A variance to this requirement should not be granted.** Advanced treatment of the septic effluent prior to discharge to the pressure bed is recommended for the longevity of the system. The site cannot support a secondary drainfield. A second septic tank may satisfy the advanced treatment recommendation.
 5. The County has indicated that this system will require an annually renewed operating permit.



2/3/2012

Kyle Klatt
City of Lake Elmo
3800 Laverne Ave
Lake Elmo, MN 55042

Department of Public
Health and Environment

Lowell Johnson
Director

Sue Hedlund
Deputy Director

RE: Proposed SSTS Design, 2860 Lake Elmo Avenue (Durand Residence)

I have reviewed the proposed site plan, soil borings and design for a replacement sewage system for the residence at 2860 Lake Elmo Avenue, submitted by Paul Brandt.

The design appears suitable for treatment of domestic strength waste from a 2 bedroom home. Because of lot constraints, a number of setback variances will be necessary for installation of the system. These include;

5' tank to foundation (10' required)

0' lot line to drainfield (10' required)

50' drainfield to OHWL of Lake Elmo (75' required).

The zero lot line installation proposed may require a construction easement from the adjacent property owner.

Current code requires a septic tank capacity of 1500 gallons partitioned or separate tanks (1000/500) for a 2 bedroom home. The design calls for a single partitioned tank with a septic tank capacity of 1000 gallons with a 500 gallon pump chamber. It appears that a partitioned 1000/500 gallon septic tank with a separate 750 gallon pump tank could be installed in the area available with a slight rearrangement of tank position. In a recent discussion with Ryan Stempski, the timed dosed pressure bed being proposed will work well, both in terms of longevity and pathogen removal, without a pretreatment device.

Since excavation and sand filling places this design in the category of a Class III system, an annually renewed operating permit will be required. A monitoring and mitigation plan must be provided which will comprise the basis of the operating permit.

Sincerely,



Pete Ganzel
Senior Environmental Specialist

cc: Clyde Durand, Ryan Stempski



MAYOR & COUNCIL COMMUNICATION

DATE: 2/8/12
REGULAR
ITEM #: K-10
MOTION *Resolution*

AGENDA ITEM: Consider Planning Commission Request to Updating Lighting Ordinance

SUBMITTED BY: Kyle Klatt, Planning Director *KK*

THROUGH: Craig Dawson, Interim City Administrator
Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, Interim City Planner

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a recommendation from the Planning Commission to update the City's Lighting Ordinance (Section 150.035 – 150.038). This item has been on the Planning Commission's work plan over the past few years, and at this time, the Commission has expressed a desire to proceed with potential revisions to the ordinance. Prior to starting its work, the Commission did want to seek comments from the Council, and in particular would like to determine if the Council will support spending some time working on the ordinance. On a related note, any Council comments and concerns regarding the ordinance could be stated at this time and would be considered as part of the update process.

Based on an initial discussion regarding this matter, the Commission has identified the following preliminary list of issues it would like to see addressed with an ordinance update:

- More specific requirements for when a lighting plan must be submitted to the City, and whether or not individual home owners should be required to prepare such plans.
- Clarification for when a photometric plan is required, and whether or not this should be based on project size or potential impacts or some other metric.
- Whether or not temporary lighting should be exempt from the ordinance.
- Whether or not the code should require lights that are not being used to be turned off at night (or at least scaled back).
- The review (and potential inclusion) of recent advances in technology as it pertains to lighting.

- The Commission in general would like to see the code move more towards a performance system and to remove references to specific lighting types in the ordinance.
- A review of available fixtures and the creation of a document that would help residents and business find compliant fixtures.

RECOMMENDATION: The Planning Commission is seeking authorization from the City Council to proceed with an update to the City's lighting ordinance. If the Council decides to take such action, it should also provide any initial comments concerning the lighting ordinance for consideration by the Planning Commission.

ATTACHMENTS:

1. Exterior Lighting Ordinance

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
- DiscussionMayor & City Council
- Action on MotionMayor Facilitates

LIGHTING, GLARE CONTROL, AND EXTERIOR LIGHTING STANDARDS

§ 150.035 PURPOSE.

The purpose of §§ 150.035 *et seq.* is to regulate the spillover of light and glare on rural areas of the community, pedestrians, and land uses in the proximity of the light source to evaluate the impact of light source on the safety of adjacent traffic.

(1997 Code, § 1350.01) (Am. Ord. 97-17, passed 9-16-1997)

§ 150.036 EXTERIOR LIGHTING PLAN.

(A) (1) At the time any exterior light is installed or modified for projects, an exterior lighting plan shall be submitted to the city in order to determine whether the purpose and requirements of §§ 150.035 *et seq.* have been met.

(2) This plan will be prepared by a certified architect, landscape architect, or lighting designer.

(B) (1) The applicant must provide a plan that identifies the location, size, and type of luminaire, and show how the applicant intends to comply with §§ 150.035 *et seq.*

(2) A photometric plan of the site and fixture data sheet must be submitted with a site plan for office, commercial, or any type of industrial project in order to determine the effect of the luminaire on surrounding properties.

(3) The applicant shall provide the fixture data sheet for residential lighting proposals.

(1997 Code, § 1350.03) (Am. Ord. 97-17, passed 9-16-1997) Penalty, see § 10.99

§ 150.037 PROHIBITED LIGHTING.

(A) *Public roadway or street.* No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when light is of the brilliance and so positioned as to impair the vision of the driver of any motor vehicle.

Lake Elmo, MN Code of Ordinances

(B) *Luminaires.*

(1) Except for "full cutoff luminaires" as defined in §§ 150.035 *et seq.*, no luminaires are allowed which do not meet the standards outlined in §§ 150.035 *et seq.*

(2) See illustration below.

(C) *Lighting in all zoning districts.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be directed into any adjoining property.

(D) *Bare light bulbs.* Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(E) *Light cast.* No light or combination of lights, which cast light on a public street, shall exceed 1 foot-candle. Meter reading as measured from the centerline of the street, nor shall any light or combination of lights, which cast light on residential property, exceed 4/10 foot-candles.

(1997 Code, § 1350.04) (Am. Ord. 97-17, passed 9-16-1997) Penalty, see § 10.99

§ 150.038 MINIMUM STANDARDS.

(A) *Minimum standards for lighting with a total cutoff angle of greater than 90 degrees.*

(1) When a luminaire has a total cutoff of an angle greater than 90 degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height is designated below. This standard is designed to ensure that no light is emitted above a horizontal plane parallel to the ground. In order to achieve a total cutoff at 90 degrees, the luminaire will emit maximum (peak) candle power at an angle not exceeding 75 degrees. This angle is formed by the line at which maximum candlepower is emitted for the light source and a line perpendicular to the ground from the light source.

(2) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

(Am. Ord. 97-104, passed 3-19-2002)

<i>Use and District</i>	<i>Maximum Permitted Illumination at a Point 6 Feet Above the Ground (In Foot Candles)</i>	<i>Maximum Permitted Height</i>

Lake Elmo, MN Code of Ordinances

<i>Use and District</i>	<i>Maximum Permitted Illumination at a Point 6 Feet Above the Ground (In Foot Candles)</i>	<i>Maximum Permitted Height</i>
All Residential Districts	0.30	15 feet
All Non-Residential Districts	1.50	20 feet

(B) *Minimum standards for lighting with a total cutoff angle of less than 90 degrees.*

(1) When a luminaire has a total cutoff of light at an angle less than 90 degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer 5 feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination and the maximum permitted height is illustrated below. This type of light fixture may be taller and provide greater illumination at the property line than the 1 specified above, because the design of this fixture ensures that its light source will not be directly visible off-site.

(2) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

(Am. Ord. 97-104, passed 3-19-2002)

<i>Use and District</i>	<i>Maximum Permitted Illumination at a Point 6 Feet Above the Ground (In Foot Candles)</i>	<i>Maximum Permitted Height</i>
All Residential Districts	1.00	15 feet
All Non-Residential Districts	3.00	30 feet

(C) *Minimum standards for lighting on agricultural lands.* When a permanent outdoor luminaire is placed on agricultural land, only Mercury lamps shall be permitted.

(D) *Attachments.* Attachment entitled "Good Neighbor Outdoor Lighting" is on file in the Building Official's office, and can be found in Appendix A of this code. This is the guide to be used for residential lighting.

(1997 Code, § 1350.05) (Am. Ord. 97-17, passed 9-16-1997) Penalty, see § 10.99

