

City of Lake Elmo

3800 Laverne Avenue North

Lake Elmo, MN 55042

City Council Meeting

April 17, 2012

7:00 p.m.

6:30 P.M. – PARKS COMMISSION INTERVIEWS

- 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 April 3, 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.)
1. Sara Quick, Jaycees President
- I. **REPORTS AND ANNOUNCEMENTS:**
(These are verbal updates and do not have to be formally added to the agenda.)
- Mayor and Council
 - Administrator
 - City Attorney
 - City Engineer
 - Planning Director
 - Finance 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.)

2. Approve Payment of Disbursements and Payroll
3. Test Well No. 4 - Pay Request No. 1 (Final)
4. A.T. & T. Mobility Letter of Understanding
5. Resolution Related to 2012 Assessments to Washington County
6. AmeriCorps Staffing Opportunity
7. Authorize Agreement with MnDOT for the Community Roadside Landscaping Partnership Program

K. **REGULAR AGENDA:**

8. Park Commission Appointments
9. Special Event Permit – Wild Adventure Race Spring Sprint – Sunfish Lake Park/Lake Elmo Park Reserve

L. Adjourn

City of Lake Elmo
City Council Minutes
April 3, 2012

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

PRESENT: Mayor Johnston, Council Members Smith, Park & Pearson

Also Present: City Administrator Zuleger, Attorney Snyder, City Engineer Griffin, Planning Director Klatt, Finance Director Bendel, and Interim City Clerk Luczak.

APPROVAL OF AGENDA:

City Administrator Zuleger requested that one item be added to the Consent Agenda #5a, resolution related to 2012 abatements to Washington County.

*MOTION: Council Member Smith moved to approve the April 3, 2012 City Council Agenda as amended. Council Member Pearson seconded the motion. **The motion passed 4-0.***

ACCEPTED MINUTES:

The March 20, 2012 City Council Minutes were accepted by consensus of the City Council.

PUBLIC COMMENTS / INQUIRIES:

None

REPORTS:

Mayor Johnston reported he attended the Stillwater Chamber of Commerce City area meeting.

City Administrator Zuleger reported to the Council that the Newsletter will be mailing within a week. He continues to meet with residents on storm water appeals and 12 out of 24 are settled. The Council was updated on the Red Zone letters mailed to residents on Highland Trail informing and addressing the residents speeding concerns. Dean received notice from the Tri-Lakes Association that the DNR will provide 160 hours of watercraft inspections on Olson and Demontreville Lakes reducing the City's cost to \$750. The City met with the Toll Bros. developers about their request for a senior and assisted living development. The I-94 Corridor discussions have received positive feedback from landowners. The April 10th Workshop presentations will address the 2010 Census Data, Stillwater Chamber of Commerce and I-94 Development. Staff and Council Retreat is scheduled for April 2012.

City Attorney Snyder stated the detachment proceedings are in the courts, Well No. 4 site acquisition delayed and updating administrative penalties.

City Engineer Griffin reported that Well No. 4 closing has been pushed back to mitigate the encroachment easement of Valley Branch Watershed District. The Design Variance from State Aid Operations was denied on a technicality March 22, 2012, but options may still be available.

Planning Director Klatt informed the Council the Open House with the Village Work Group was well attended.

Finance Director Bendel reported that audit preparation was complete and the auditors are scheduled to be on-site April 23 through May 4, 2012. Cathy continues to clean-up some areas and lingering projects.

CONSENT AGENDA:

MOTION: Council Member Park moved to approve the Consent Agenda Items 2-5. Council Member Pearson seconded the motion. The motion passed 4-0.

- Approved disbursements and payroll in the amount of \$59,708.24
- 2011 Street and Water Quality Improvements-Compensating Change Order (CCO) No. 1 and Pay Request (PR) No. 4 (Final)
- 2012 Street and Water Quality Improvements (Demontreville-Highlands Area) – Award Engineering Services Contract
- Municipal State Aid System Revision – Resolution Establishing and Designating Demontreville Trail as a Municipal State Aid Street
- Resolution Related to the 2012 Assessments to Washington County

RESOLUTION RELATED TO 2012 ASSESSMENTS TO WASHINGTON COUNTY

Finance Director Bendel explained the Resolution was necessary to remove three properties from the 2012 Washington County Assessment roll. This will correct two Abatements which were billed incorrectly, and one raw billing error.

MOTION: Council Member Smith moved to approve the Consent Agenda Item 5a. Council Member Pearson seconded the motion. The motion passed 4-0.

REGULAR AGENDA:

OLSON LAKE TRAIL SANITARY SEWER EXTENSION – JOINT SEWER PROJECT WITH THE CITY OF OAKDALE
City Engineer Griffin updated the Council on the City of Oakdale's Olson Lake Trail Sanitary Sewer Extension Project. Oakdale has invited the City of Lake Elmo to participate as a joint project to connect Lake Elmo properties along the east side of Olson Lake Trail to sanitary sewer.

Griffin indicated that this issue was discussed at the last council meeting and the City Engineer was directed to obtain additional information; namely, to make additional efforts to contact impacted properties to determine resident interest, to determine approximate cost for a feasibility study, and to determine if Washington County will be participating in street restoration costs.

Griffin indicated that the Assistant City Engineer has been in contact with all 15 property owners who could benefit from the Phase I and Phase II sewer extensions. Ten (10) property owners indicated that they are in favor of connecting to sanitary sewer while five (5) properties indicated that they were not in favor. Griffin indicated that the estimated cost of the feasibility study would be \$8,000 to be shared equally between the cities of Oakdale and Lake Elmo. Contact was made with Washington County to determine the street restoration costs and an answer could not be affirmed. The timing, funding source, and extent of street improvement work to be completed by Washington County were not completely determined and each factor may impact whether or not there would be a cost savings realized for the benefit of the sewer extension project. Given the unknowns, Griffin indicated that the council should assume that there would not be a savings and that the feasibility study would review two alternative sewer alignments. One alignment under the roadway

and one alignment along the west ditch. County participation would continue to be pursued as part of the Report.

Council discussed the Feasibility Study and the costs and asked questions about future sewer extensions beyond the scope of this initial sewer extension, including policy issues related to properties connecting to Oakdale sewer. Council Member Smith asked about a fairness equity policy, assessment to all regardless of a hook-up or not, and a compliance deferment option for residents. Mayor Johnston and Engineer Griffin were advocates for the infrastructure to be in place, and the Feasibility Study is the opportunity to get the facts and address the resident's concerns. **Council Member Smith asked if the costs could be offset if the infrastructure was in place. Council Member Pearson agreed that a Feasibility Study was needed as there were too many unknowns.**

Tony Haider, 4575 Olson Trail, spoke in favor of the sewer system.

MOTION: Mayor Johnston moved to authorize an approximate \$4,000.00 expenditure for a Feasibility Study for a joint sanitary sewer extension project with the City of Oakdale with the costs to be assessed back to property owners if the project goes ahead; and requested the City Engineer to further review additional potential service areas from 50th Street to 4415 Olson Lake Road. Council Member Park seconded the motion. **The motion passed 4-0.**

LOT AREA (SIZE) AND WIDTH VARIANCE – 5577 LAKE ELMO AVENUE

Planning Director Klatt updated the Council about the variance request to subdivide the 5.11 acre lot into two new smaller lots. The property is currently zoned Rural Residential which requires a minimum of 10 acres. The Planning Commission supported the draft findings to deny the request based on the following: The proposed lot split is not a reasonable use of property and does not represent practical difficulties for the applicant, any practical difficulties that exist were created by the landowner, and the proposed variances would take an existing non-conforming lot and create two non-conforming lots.

Council Members and Planning Director Klatt discussed the potential for consolidation of driveways that could address access and safety concerns; however, Klatt noted that existing easements would likely not allow for additional private or public access. Mayor Johnston discussed that he thought the proposed variance was not consistent with the City's Comprehensive Plan. Council Member Smith asked about the City's water infrastructure and the Open Space Developments that will support it in the future.

James Delaplain 16230 4th Ave. N., Plymouth, attorney representing applicant, questioned the "practical difficulties" and noted that they were not applicable as stated in the Findings of Fact. The lot split would be a reasonable use of the property, but the applicant would need to request driveway approval from the Council.

Steven Weber, 5577 Lake Elmo Ave., commented that it had been his parent's intent to split the lot and preserve the rural characteristics of the area.

Eileen Bergmann, 5500 Lake Elmo Ave., reviewed the history of the property stating she and husband sold the property to the applicant's father, Ron Weber, in 1978. At that time, the City's zoning code required a minimum of five acres. She expressed concern about the City setting precedent for other rural property owners.

Council discussed the safety concerns with another potential driveway access and future congestion. The Comprehensive Plan requires that the City bring services to that part of the City. Attorney Snyder commented that granting the variance to authorize the subdivision of the lots places minimal reasonable restrictions. Council Member Park stated that it was not part of an Open Space Development, and it would not change the character of the area. Engineer Griffin stated to bring utilities efficiently, a coordinated plan would be needed for infrastructure and that it may be expensive. Mayor Johnston commented that Council Member Smith made a compelling argument about the Comprehensive Plan.

MOTION: Council Member Pearson moved to adopt a Resolution Denying Lot Area and Width Variances to Allow a Minor Subdivision at 5577 Lake Elmo Avenue North. Council Member Smith seconded the motion. *The motion passed 3-1, with Council Member Park voting against. Council Member Pearson was in favor of the lot split as it was a reasonable use of the oddly-shaped property.*

LAKE ELMO PARK RESERVE WEST SIDE ACCESS PLAN (Prepared by Washington County)

At the request of Washington County, the City of Lake Elmo and Oakdale has been asked to review and provide comments on a plan that was prepared to identify potential opportunities for improving access to the Lake Elmo Park Reserve from the west side of the park property. The Parks Commission has adopted a motion in support of the plan as presented. Planning Director Klatt and Staff has participated in a stakeholder group over the past year. The Planning Commission also reviewed the Plan and provided feedback. Klatt noted that the Plan would tie into the planned greenway belt system to the Park Reserve, circling around the existing Park, and has been drafted to incorporate elements from the Lake Elmo trail plan.

Council Member Pearson discussed the proposed parking lots and the opposition by residents on 15th Street. Planning Director Klatt said the County was aware of the parking concerns, and that County recognized the neighbors' request for additional enforcement of the parking restrictions along the public streets. Mayor Johnston stated it is a reserve, not a developed park, and a preserve supports the trails for non-motorized use for the region. He did not support any additional development within the park and noted that the County is allowed to develop only 20% of total park area. It was further noted that when you have a trail, it does impact the wildlife. **The City Council requested that Washington County consider improving access in the northeastern portion of the park?**

Steven Dahly, 8955 15th St., was not expecting a path along 15th Street since the School District had determined the road was safe for children to use as a connection to a school bus stop along Inwood Avenue. He suggested that pedestrians and bicyclists could use the road, not the trail.

Doug Troupe, 9250 15th St., stated there was no logic to the plan to build a trail through a development, and an off road trail system that would not lead to any specific place.

Planning Director Klatt informed the Council that the Parks Commission has decided to begin studying ways to implement the City's trail plan, starting with the proposed trail alignment in the northeast quadrant of the City and connecting the Stillwater Area High School to the Village.

Brad Sahr, 9170 15th St., provided a handout and petition. East of Inwood Ave. to 15th St. is .8 of a mile and two thirds more costly for Phase D. The number of visitor estimates information was not provided, and the trail would tarnish and unduly burden East of Inwood Ave. Phase E would be at the City's cost which is East of Inwood Ave. to Keats Ave.

Michelle Houk, 1532 15th St. Ct., agreed with Mr. Sahr's comments. It is an unnecessary City expense when there is no great need to have access and does not preserve the character of the City.

Lil Linder, 9255 15th St., expressed frustration over an access gate off of Klondike Ave. that prevented access into the park in this location. Council Member Pearson discussed non-motorized access on Klondike Ave.

Administrator Zuleger recommended that the Council place the petition on file and provide copies to the Planning and Parks Commission. **The City will review the No Parking signs on 15th Street, and talk with the Washington County Sheriff's Office to determine signage.**

*MOTION: Council Member Smith moved to place on file the Petition from the 15th Street neighborhood and to share this petition with the Planning and Parks Commissions. Mayor Johnston seconded the motion. **Motion passed 4-0.***

2012 CITY OF LAKE ELMO PROGRAM OF WORK CALENDAR

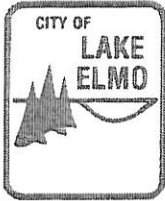
City Administrator Zuleger provided the perspective for the 2nd Quarter, stating that several items were already completed. Budget discussions will be conducted earlier. Dean is currently reviewing on office efficiency, code enforcement penalties, nuisance enforcement, building growth, and meeting with residents about stormwater appeals. The I-94 Corridor discussions have received positive feedback from landowners. Discussion of Parks and Trails, and Fall Festival plans will be forthcoming by June.

Council Member Smith updated the Council that the 2011 Fall Festival financials are completed.

The meeting was adjourned at 9:59 PM

Submitted by Carole Luczak, Interim City Clerk

Resolution No. 2012-012:	Related to 2012 Assessments to Washington County
Resolution No. 2012-013:	Establishing Municipal State Aid Streets
Resolution No. 2012-014:	Denied Lot Area and Width Variances to Allow a Minor Subdivision at 5577 Lake Elmo Avenue



MAYOR & COUNCIL COMMUNICATION

DATE: 04/17/2012
CONSENT
ITEM #: .
MOTION *as part of Consent Agenda*

AGENDA ITEM: 1st Quarter Financial Report
SUBMITTED BY: Cathy Bendel, Finance Director
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the 1st Quarter Financial Report. 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 and report the financial (unaudited) statement to the City Council. City guidelines suggest the Council be updated on a quarterly basis.

STAFF REPORT: Attached please find a 1st Quarter summary report highlighting the 2012 first quarterly actual results and compares those results to the 2012 Budget.

RECOMMENDATION: Based upon the above background information it is recommended that the City Council receive the 1st quarterly Financial Report *as part of tonight's Consent Agenda*.

Alternatively, the City Council does have the authority to remove this item from the Consent Agenda and further discuss and review.

ATTACHMENTS:

1. Memorandum Outlining 1st Quarter Highlights
2. 1st Quarter Financial Report

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

Memorandum

To: City of Lake Elmo City Council

From: Cathy Bendel

Date: April 12, 2012

Re: General Fund Revenue/Expenditures through 1st Quarter 2012 (Unaudited)

The attached report details the key year to day revenue and expense activity for the City of Lake Elmo General Fund for the 1st Quarter of 2012. Each future quarter will be added to this report to have a good snapshot of where actual activity is at year to date compared to budget. The larger variances are highlighted below:

Revenues:

- General Contractor licenses to date are at 89% of budget due to a much larger volume of construction activity that anticipated in the budget.
- MSA-Maintenance to date is at 58% of budget and this is the first of two installments. The full year will be \$12k over budget.
- Assessment searches to date are at 90% of budget due to a coordinated effort to make sure to charge for all search requests. On average 5 searches are done per week due to an increased volume of activity in the housing market.
- Miscellaneous revenue reflects assets sold to date. The Fire Department sold a group of older pagers for \$1.6k and the Public Works Department sold the 1989 Chevy 1 ton and a 1979 Roscoe Roller for a combined total of \$4.5k.
- Internal charges reflect the service fee charged for processing performed related to the library card reimbursements. Through Q1, 372 library card reimbursements have been processed at a reimbursement of \$2 each.

Expenses:

All departments are well below their 25% of budget and continue to identify and implement any cost saving measures. A few key items to note:

- Although the winter was far milder than anticipated, as a result of Public Works having to pre-order salt and sand for the upcoming season, no cost savings will be seen until the fall of 2012 when the City will be able to greatly reduce the order for the next season.

- Significant insurance premium savings will be seen for 2012. The property and liability coverage will be billed later this month and an estimated savings of 15% is anticipated based on a coverage and classification review with department heads resulting in changes and premium savings. There has already been a savings benefit related to workers compensation coverage of \$13k, again as a result of the coverage and classification review with the department heads.

Funding Updates:

The 2012 Recycling Grant application will be completed and submitted by the end of this month. The anticipated grant amount will be for approximately \$15,500 as budgeted.

The Fire Department is coordinating with Department heads to pull together the compilation of an application for FEMA Hazard Mitigation Assistance funding. The project is anticipated to cost approximately \$40k and if the application for funding is successful, 75% of the funding would be covered by FEMA.

The Fire Department is working with the Washington County Park staff to try to get a DNR grant to cover the cost to install dry fire hydrants in the parks of Lake Elmo. More information will be provided as the project progresses.

The Finance Department is working with Northland Securities to have a Finance Plan in place to be able to shorten the turnaround time for refinancing bonds should there be cost savings opportunities in the future due to low interest rates. Historically the turnaround time for a refinance was up to two months. Having a Finance Plan on file shortens the turnaround window to as little as one week. Since there is no cost until the point in time that a bond rating is requested, there is no downside. This will ensure that no cost savings opportunities are missed.

City of Lake Elmo
 Budget to Actual
 Q1-12
 101-General Fund Detail

REVENUE	BUDGET	Q1	% of Budget	Over/ (Under)	
Current Ad Valorem Taxes	2,442,903.00	0.00	0.00%	(2,442,903.00)	
Mobile Home Tax	8,000.00	0.00	0.00%	(8,000.00)	
Liquor License	8,000.00	0.00	0.00%	(8,000.00)	
Waste hauler License	200.00	0.00	0.00%	(200.00)	
General Contractor License	2,000.00	1,785.00	89.25%	(215.00)	Numerous license requests!
Heating Contractor License	50.00	0.00	0.00%	(50.00)	
Blacktopping Contractor License	50.00	0.00	0.00%	(50.00)	
Building Permits	115,000.00	19,384.10	16.86%	(95,615.90)	
Heating Permits	6,000.00	1,435.00	23.92%	(4,565.00)	
Plumbing Permits	3,500.00	960.00	27.43%	(2,540.00)	
Sewer Permits	300.00	0.00	0.00%	(300.00)	
Animal License	2,000.00	1,140.00	57.00%	(860.00)	Majority of licenses early in year
Utility Permits	5,000.00	621.80	12.44%	(4,378.20)	
Burning Permits	1,000.00	350.00	35.00%	(650.00)	
MSA-Maintenance	75,000.00	43,789.00	58.39%	(31,211.00)	1st half 2012; actual will be \$12k over budget
State Fire Aid	40,000.00	1,500.00	3.75%	(38,500.00)	
PERA Aid	2,749.00	0.00	0.00%	(2,749.00)	
Gravel Tax	1,000.00	688.63	68.86%	(311.37)	
Recycling Grant	15,500.00	0.00	0.00%	(15,500.00)	
Cable Franchise Revenue	36,500.00	0.00	0.00%	(36,500.00)	
Zoning and Subdivision Fees	5,500.00	1,152.40	20.95%	(4,347.60)	
Plan Check Fees	38,000.00	7,594.02	19.98%	(30,405.98)	
Copies, books, maps	150.00	6.00	4.00%	(144.00)	
Assessment Searches	200.00	180.00	90.00%	(20.00)	Avg if 5 searches per wk
lean up Days	3,000.00	0.00	0.00%	(3,000.00)	
Cable Optn Reimbursement	2,000.00	47.50	2.38%	(1,952.50)	
Fines	53,000.00	11,724.31	22.12%	(41,275.69)	
Misc Revenue	6,384.00	6,311.07	98.86%	(72.93)	Sale of assets; Chev 1 ton truck, roscoe roller, pagers
Internal Charges	0.00	744.00	NA	744.00	Library card svc fees; not budgeted
Interest Earnings	20,000.00	0.00	0.00%	(20,000.00)	Currently interest only bkd at YE
Donations	8,000.00	7,500.00	93.75%	(500.00)	
Total Revenues	2,900,986.00	106,912.83	3.69%	(2,794,073.17)	
EXPENSE BY DEPT					
410-General Government	965,182.00	179,409.80	18.59%	785,772.20	
420-Public Safety	1,081,541.00	105,546.74	9.76%	975,994.26	
430-Public Works	482,749.00	91,764.45	19.01%	390,984.55	
450-Culture Recreation	183,103.00	28,798.85	15.73%	154,304.15	
460-Compensation Adj	13,411.00	0.00	0.00%	13,411.00	
493-Other Financing Uses	175,000.00	0.00	0.00%	175,000.00	
Total Expenses	2,900,986.00	405,519.84	13.98%	2,495,466.16	
Net	0.00	(298,607.01)	NA	(298,607.01)	

**City of Lake Elmo
Building Department**

Building Permit Detail Summary

For Occupancy = A-3,B,R-I,M,R-3,U-1 And Class = Add,Alter,Demolition,New,Remodel,Repair

January 2, 2012 Through April 13, 2012

Occupancy B

Class of Work: Add

Permit #	Description of Work/Address	Date Issued	Use of Building	Valuation
8261	Gasline 11320 Upper 33rd St	1/17/2012	Commercial	1,400
Totals for Class of Work: Add		Number of Permits = 1	Total Valuation =	1,400

Class of Work: Repair

Permit #	Description of Work/Address	Date Issued	Use of Building	Valuation
8301	repair 11325 Stillwater Blvd	4/3/2012	Commercial	2,650
8263	reroof 11144 Stillwater Blvd	1/23/2012	Commercial	38,420
8255	Roof Replacement 3537 Lake Elmo Ave	1/6/2012	Office Building	33,800
Totals for Class of Work: Repair		Number of Permits = 3	Total Valuation =	74,870

Totals for Occupancy: B

Number of Permits = 4	Total Valuation
	76,270

Occupancy U-1

Class of Work: Add

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8295	accessory structure 8045 59th St	3/23/2012	Accessory Building	2,600
8303	accessory structure/porch overhang/kit remodel 8539 Lake Jane Tr	4/9/2012	Accessory Building	33,163

*Totals for Class of Work: Add**Number of Permits = 2**Total Valuation = 35,763***Class of Work: New**

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8249	accessory structure 617 Julep Ct	1/3/2012	Accessory Building	59,000

*Totals for Class of Work: New**Number of Permits = 1**Total Valuation = 59,000***Totals for Occupancy: U-1****Number of Permits = 3****Total Valuation 94,763****Occupancy R-3****Class of Work: Add**

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8289	addition & remodel (incl plmg & hvac) 2915 Lake Elmo Ave	3/13/2012	Single Family Dwelling	45,000
8297	addition & remodel (incl plmg & hvac) 655 Julep Ave	3/27/2012	Single Family Dwelling	68,000
8287	Deck 5400 Jamaca Blvd	3/12/2012	deck	10,000
8274	fence 8945 27 st	2/16/2012	Single Family Dwelling	3,000

Class of Work: Add

Permit #	Description of Work/Address	Date Issued	Use of Building	Valuation
8290	fence 8696 42nd St	3/16/2012	Single Family Dwelling	3,000
8250	Fireplace 4452 Lake Elmo Ave	1/3/2012	Single Family Dwelling	3,200
8258	Fireplace 2976 Lake Elmo Ave	1/11/2012	Single Family Dwelling	2,000
8311	Fireplace 7955 Hill Tr. N.	4/13/2012	Single Family Dwelling	3,200
8309	Porch 4181 Irish Ct.	4/12/2012	Single Family Dwelling	15,000
Totals for Class of Work: Add			Number of Permits = 9	Total Valuation = 152,400

Class of Work: Remodel

Permit #	Description of Work/Address	Date Issued	Use of Building	Valuation
8266	Door Replacement 4855 Jerome Ave	1/27/2012	Single Family Dwelling	1,741
8270	interior buildout incld P & H 4348 Lily Ave	2/6/2012	Single Family Dwelling	20,000
8275	Remodel 3047 Klondike Ave	2/17/2012	Single Family Dwelling	5,000
8267	Remodel (including plmg&Htg) 4884 Lily Av	2/3/2012	Single Family Dwelling	25,000
8292	Remodel (including plmg&Htg) 11307 30th St	3/19/2012	Single Family Dwelling	25,000
8272	repair 3033 Inwood Ave	2/7/2012	Single Family Dwelling	1,525

Class of Work: Remodel

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8277	window replacement 974 Jasmine Ave	2/22/2012	Single Family Dwelling	4,993
8279	window replacement 8539 Lake Jane Tr	3/2/2012	Single Family Dwelling	2,600
8276	window replacement/door 8695 Ironwood Tr	2/22/2012	Single Family Dwelling	5,152
<i>Totals for Class of Work: Remodel</i>				<i>Total Valuation = 91,011</i>

Class of Work: New

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8268	New House 11751 58 th st. n.	2/3/2012	Single Family Dwelling	460,412
8269	New House 11165 50 th st. n.	2/3/2012	Single Family Dwelling	650,000
8296	New House 2965 Jonquil Tr.	3/27/2012	Single Family Dwelling	575,000
8310	New House 2950 Jonquil Tr.	4/13/2012	Single Family Dwelling	437,000
<i>Totals for Class of Work: New</i>				<i>Total Valuation = 2,122,412</i>

Class of Work: Repair

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8271	Door Replacement 4911 Olson Lake Tr	2/6/2012	Single Family Dwelling	3,000
8256	repair 8659 Stillwater Blvd	1/11/2012	Single Family Dwelling	18,500

Class of Work: Repair

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8251	Roof Replacement 3303 Lake Elmo Ave	1/4/2012	Single Family Dwelling	2,000
8282	Roof Replacement (ice & water) 697 Julep Ave	3/7/2012	Single Family Dwelling	13,000
8281	Roof Replacement (ice & water) 2359 Legion Ave	3/7/2012	Single Family Dwelling	4,900
8291	Roof Replacement (ice & water) 8572 Lake Jane Tr.	3/19/2012	Single Family Dwelling	9,000
8293	Roof Replacement (ice & water) 481 Cimarron.	3/19/2012	Mobile Home	1,201
8294	Roof Replacement (ice & water) 5422 Lake Elmo Ave	3/22/2012	Single Family Dwelling	14,524
8299	Roof Replacement (ice & water) 5064 Marquess Tr. Ct	3/28/2012	Single Family Dwelling	8,000
8305	Roof Replacement (ice & water) 11291 30th St	4/10/2012	Single Family Dwelling	6,900
<i>Totals for Class of Work: Repair</i>				<i>Total Valuation = 81,025</i>

Class of Work: Demolition

<i>Permit #</i>	<i>Description of Work/Address</i>	<i>Date Issued</i>	<i>Use of Building</i>	<i>Valuation</i>
8260	demolition 11460 Marquess Way	1/11/2012	Single Family Dwelling	6,000
<i>Totals for Class of Work: Demolition</i>				<i>Total Valuation = 6,000</i>
Totals for Occupancy: R-3				Total Valuation 2,452,848

Grand Total:

Number of Permits 40

Total Valuation =

2,623,881

**City of Lake Elmo
Building Department**

Plumbing Permit Detail Summary

January 2, 2012 Through April 13, 2012

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
8307	alter resd plmg	4/11/2012	5,000
8308	alter resd plmg & gasline	4/11/2012	5,000
8269	New Residential	2/3/2012	35,000
8265	Remodel Commercial	1/27/2012	1,000
8268	Resd plmg/water /sewer connect.	2/3/2012	35,000
8296	Resd plmg/water /sewer connect.	3/27/2012	30,000
8310	Resd plmg/water /sewer connect.	4/13/2012	30,000
8278	water heater install	3/2/2012	3,500
8283	water heater install	3/7/2012	500

Total Number of Permits = 9

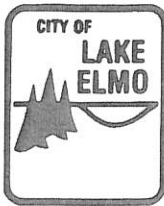
Total Valuation = 145,000

**City of Lake Elmo
Building Department**

HVAC Permit Detail Summary

January 2, 2012 Through April 13, 2012

Permit #	Description of Work	Date Issued	Valuation
8269	HVAC-residential	2/3/2012	30,000
8268	HVAC-residential	2/3/2012	30,000
8280	HVAC-residential	3/5/2012	6,800
8296	HVAC-residential	3/27/2012	25,000
8310	HVAC-residential	4/13/2012	25,000
8261	New Commercial	1/17/2012	1,400
8248	replace furnace	1/3/2012	3,150
8252	replace furnace	1/6/2012	1,650
8253	replace furnace	1/6/2012	3,000
8254	replace furnace	1/6/2012	3,400
8257	replace furnace	1/11/2012	1,775
8259	replace furnace	1/11/2012	2,787
8262	replace furnace	1/18/2012	2,000
8273	replace furnace	2/9/2012	1,750
8284	replace furnace	3/12/2012	2,300
8285	replace furnace	3/12/2012	3,500
8286	replace furnace	3/12/2012	4,200
8302	replace furnace/AC	4/3/2012	6,287
8306	replace furnace/AC	4/10/2012	9,770
Total Number of Permits = 19			Total Valuation =
			163,769



MAYOR & COUNCIL COMMUNICATION

this is handed out
@ mtg

DATE: 4/17/2012
CONSENT
ITEM #: 2
MOTION as part of Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$180,187.74

SUBMITTED BY: Cathy Bendel, 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 \$180,187.74. 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	\$ 7,068.62	Payroll Taxes to IRS 4/5/2012
ACH	\$ 1,204.65	Payroll Taxes to MN Dept. of Revenue 4/5/2012
ACH	\$ 4,176.52	Payroll Retirement to PERA 4/5/2012
DD3886 – DD3921	\$ 25,846.99	Payroll Dated 4/5/2012 (Direct Deposit)
38259-38261	\$ 941.42	Payroll Dated 4/5/2012 (Payroll Paper Checks)
38262-38311	\$ 139,869.54	Accounts Payable Dated 4/17/2012
1394-1411	\$ 1,080.00	Accounts Payable Dated 4/17/2012 (Library Checks)
TOTAL	\$ 180,187.74	

STAFF REPORT: City staff has compiled 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 \$180,187.74.

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

“Move to approve the April 17, 2012, Disbursements as Presented [and modified] herein.”

ATTACHMENTS:

1. Accounts Payable Dated 4/17/2012

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



MAYOR & COUNCIL COMMUNICATION

DATE: 4/17/2012
CONSENT
ITEM #: 2
MOTION *as part of Consent Agenda*

AGENDA ITEM: Approve Disbursements in the Amount of \$70,016.81

SUBMITTED BY: Cathy Bendel, 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 \$70,016.81. 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	\$ 7,068.62	Payroll Taxes to IRS 4/5/2012
ACH	\$ 1,204.65	Payroll Taxes to MN Dept. of Revenue 4/5/2012
ACH	\$ 4,176.52	Payroll Retirement to PERA 4/5/2012
DD3886 – DD3921	\$ 25,846.99	Payroll Dated 4/5/2012 (Direct Deposit)
38259-38261	\$ 941.42	Payroll Dated 4/5/2012 (Payroll Paper Checks)
38262-38311	\$ 29,698.61	Accounts Payable Dated 4/17/2012
1394-1411	\$ 1,080.00	Accounts Payable Dated 4/17/2012 (Library Checks)
TOTAL	\$ 70,016.81	

STAFF REPORT: City staff has compiled 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 \$70,016.81.

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

"Move to approve the April 17, 2012, Disbursements as Presented [and modified] herein."

ATTACHMENTS:

1. Accounts Payable Dated 4/17/2012

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: 04/12/2012 - 12:40 PM
Batch: 002-04-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware, Inc										
119926	03/19/2012	22.13	0.00	04/17/2012	Chlorine Vent Piping and Hardware		-			No 0000
601-494-9400-44030	Repairs/Maint Imp Not Bldgs									
119926	03/19/2012	37.25	0.00	04/17/2012	Drill Bits		-			No 0000
601-494-9400-42400	Small Tools & Minor Equipment									
	119926 Total:	59.38								
120826	04/09/2012	26.11	0.00	04/17/2012	Basketball Goal Nets		-			No 0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	120826 Total:	26.11								
	ACEHARD Total:	85.49								
ALEXANDR Alexandria Technical College										
66819	03/22/2012	44.00	0.00	04/17/2012	Safety Officer X 2, Witter & Hauser		-			No 0000
101-420-2220-44370	Conferences & Training									
	66819 Total:	44.00								
	ALEXANDR Total:	44.00								
ARAM Aramark, Inc.										
629-7464093	03/29/2012	22.91	0.00	04/17/2012	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
	629-7464093 Total:	22.91								
629-7465920	04/02/2012	182.14	0.00	04/17/2012	Linen - City Hall		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7465920 Total:	182.14								
	ARAM Total:	205.05								
ASPENMI Aspen Mills, Inc.										
119518	03/26/2012	34.95	0.00	04/17/2012	Pants, Winkels		-			No 0000
101-420-2220-44170	Uniforms									
	119518 Total:	34.95								
119519	03/26/2012	191.72	0.00	04/17/2012	Shirts, Pants, Brass, G. Malmquist		-			No 0000
101-420-2220-44170	Uniforms									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
COVERALL Coverall of The Twin Cities		40.00								
7070176617	04/01/2012	321.38	0.00	04/17/2012	Cleaning City Hall & annex		-		No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	7070176617 Total:	321.38								
	COVERALL Total:	321.38								
CTYBLOOM City of Bloomington		40.00								
March 2012	03/31/2012	40.00	0.00	04/17/2012	Lab Bacteria Tests		-		No	0000
601-494-9400-42270	Utility System Maintenance									
	March 2012 Total:	40.00								
	CTYBLOOM Total:	40.00								
CTYOAKDA City of Oakdale		2,777.66								
10000460-01	03/29/2012	2,777.66	0.00	04/17/2012	Water Service 194		-		No	0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	2,777.66								
201203303146	03/30/2012	342.92	0.00	04/17/2012	E1 Generator Repair		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201203303146 Total:	342.92								
	CTYOAKDA Total:	3,120.58								
CTYROSEV City of Roseville		1,652.08								
215925	04/02/2012	1,652.08	0.00	04/17/2012	Monthly IT Services - April 2012		-		No	0000
101-410-1450-43180	Information Technology/Web									
	215925 Total:	1,652.08								
	CTYROSEV Total:	1,652.08								
CUMMINGS Cummings Mary Jo		2,700.00								
04/11/12	04/11/2012	2,700.00	0.00	04/17/2012	Library Consulting 3/27/12-4/12/12		-		No	0000
206-450-5300-43150	Contract Services									
	04/11/12 Total:	2,700.00								
	CUMMINGS Total:	2,700.00								
EMERGAPP Emergency Apparatus Maint. INC		723.48								
60818	03/26/2012	723.48	0.00	04/17/2012	Pump Repairs to L1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	60818 Total:	723.48								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
60819	03/26/2012	482.85	0.00	04/17/2012	Pump Repairs to E2		-	No		0000	
101-420-2220-44040	Repairs/Maint Eght										
	60819 Total:	482.85									
	EMERGAPP Total:	1,206.33									
EMERGAUT Emergency Automotive tech, Inc											
20480	03/27/2012	120.56	0.00	04/17/2012	Repair emergency lights on E1		-	No		0000	
101-420-2220-44040	Repairs/Maint Eght										
	20480 Total:	120.56									
	EMERGAUT Total:	120.56									
ENVENTIS ENVENTIS											
737500	04/01/2012	572.82	0.00	04/17/2012	Telephone/Data Service - City hall		-	No		0000	
101-410-1940-43210	Telephone				April						
737500	04/01/2012	456.10	0.00	04/17/2012	Telephone/Data Service - PW - April		-	No		0000	
101-430-3100-43210	Telephone										
	737500 Total:	1,028.92									
	ENVENTIS Total:	1,028.92									
FOCUS Focus Engineering, Inc.											
164 & 165	04/11/2012	7,734.76	0.00	04/17/2012	General Engineering		-	No		0000	
101-410-1930-43030	Engineering Services										
164 & 165	04/11/2012	225.00	0.00	04/17/2012	General Engineering		-	No		0000	
101-410-1910-43030	Engineering Services										
	164 & 165 Total:	7,959.76									
166	04/11/2012	607.50	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
101-420-2400-43030	Engineering										
166	04/11/2012	1,258.64	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
101-410-1910-43030	Engineering Services										
166	04/11/2012	104.00	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
404-480-8000-43030	Engineering Services										
166	04/11/2012	517.50	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
101-430-3100-43030	Engineering Services										
166	04/11/2012	3,692.63	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
601-494-9400-43030	Engineering Services										
166	04/11/2012	2,867.50	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
602-495-9450-43030	Engineering Services										
166	04/11/2012	3,862.50	0.00	04/17/2012	General Engineering - VRA		-	No		0000	
603-496-9500-43030	Engineering Services										
	166 Total:	12,910.27									
167	04/12/2012	292.50	0.00	04/17/2012	Transportation & Traffic Systems		-	No		0000	
409-480-8000-43030	Engineering Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
167	04/12/2012									
409-480-8000-43030	Engineering Services	606.00	0.00	04/17/2012	Street Maintenance		-	No		0000
167	04/12/2012									
409-480-8000-43030	Engineering Services	2,776.69	0.00	04/17/2012	Municipal Aid System		-	No		0000
167	04/12/2012									
409-480-8000-43030	Engineering Services	492.00	0.00	04/17/2012	Capital Improvement Planning		-	No		0000
167	04/12/2012									
409-480-8000-43030	Engineering Services	1,389.00	0.00	04/17/2012	2012 Seal Coat Project		-	No		0000
167	04/12/2012									
409-480-8000-43030	Engineering Services	225.00	0.00	04/17/2012	Wash Cty Demo Trail Reclaim Project		-	No		0000
167	04/12/2012									
409-480-8000-43030	Engineering Services	5,781.19								
167 Total:		247.50	0.00	04/17/2012	Development - Whistling Valley		-	No		0000
168	04/11/2012									
203-490-9070-43030	Engineering Services	247.50								
168 Total:		774.50	0.00	04/17/2012	2011 Street Improvement Feasibility		-	No		0000
169	04/11/2012									
418-480-8000-43030	Engineering Services	774.50								
169 Total:		774.50	0.00	04/17/2012	Lake Elmo Area Village Eng. Support		-	No		0000
170	04/11/2012									
413-480-8000-43030	Engineering Services	380.64								
170 Total:		380.64	0.00	04/17/2012	10th Street Infrastructure Planning		-	No		0000
171	04/11/2012									
420-480-8000-43030	Engineering Services	2,534.00	0.00	04/17/2012	Supply Well & Pumphouse 4		-	No		0000
171 Total:		2,534.00	0.00	04/17/2012	3M Litigation		-	No		0000
172	04/11/2012									
601-494-9400-43030	Engineering Services	3,197.49	0.00	04/17/2012	Lake Elmo Water system Chlorination		-	No		0000
172 Total:		88.50	0.00	04/17/2012	Demontreville Highlands Area - Feas		-	No		0000
173	04/11/2012									
601-494-9400-43030	Engineering Services	88.50								
173 Total:		531.50	0.00	04/17/2012						
174	04/11/2012									
601-494-9400-43030	Engineering Services	531.50								
174 Total:		531.50	0.00	04/17/2012						
175	04/11/2012									
419-480-8000-43030	Engineering Services	2,257.49	0.00	04/17/2012						
175 Total:		2,257.49	0.00	04/17/2012						
FOCUS Total:		36,662.84								
GOPHER Gopher State One-Call										
35494	04/05/2012									
101-430-3100-43150	Contract Services	105.85	0.00	04/17/2012	Line Locates - March 2012		-	No		0000
35494 Total:		105.85								
GOPHER Total:		105.85								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HARDDRIV Harddrives, Inc.										
Final Cert #4	04/19/2012	42,210.53	0.00	04/17/2012	2011 Street & Water Improv - Final		-	No		0000
418-480-8000-45300	Improvements Other Than Bldgs									
Final Cert #4 Total:		42,210.53								
HARDDRIV Total:		42,210.53								
HOLIDAYC Holiday Credit Office										
03/15/2012	03/15/2012	435.84	0.00	04/17/2012	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
03/15/2012 Total:		435.84								
HOLIDAYC Total:		435.84								
HP Hewlett-Packard Company										
Multiple	02/28/2012	1,314.81	0.00	04/17/2012	City Administrator Laptop		-	No		0000
410-480-8000-45700	Office Equipment & Furnishings									
Multiple Total:		1,314.81								
HP Total:		1,314.81								
JOHNDAVI Johnson David										
Ck Req	04/09/2012	50.00	0.00	04/17/2012	Refund Overpayment of SW account		-	No		0000
603-000-0000-37100	Surface Water Utility Sales									
Ck Req Total:		50.00								
JOHNDAVI Total:		50.00								
KAMCO Kamco, Corp										
3675	03/27/2012	180.00	0.00	04/17/2012	Limb & Drop Large Oak - 32nd		-	No		0000
602-495-9450-44300	Miscellaneous Expenses				Drainfield					
3675 Total:		180.00								
KAMCO Total:		180.00								
KDV Kern DeWenter Viere Ltd										
144311	03/31/2012	5,265.00	0.00	04/17/2012	Financial Services - March 2012		-	No		0000
101-410-1520-43150	Contract Services									
144311 Total:		5,265.00								
KDV Total:		5,265.00								
LARSON LARSON DIESEL SERVICE, Corp										
120301003	03/01/2012	421.46	0.00	04/17/2012	Fuel Regulator Repair 06-1		-	No		0000
101-430-3125-44040	Repairs/Maint Egt									
120301003 Total:		421.46								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LARSON Total:		421.46								
LEAGMN League of MN Cities										
165422	04/03/2012	99.00	0.00	04/17/2012	2012 Annual Conference		-		No	0000
101-410-1320-44370	Conferences & Training	99.00								
	165422 Total:	99.00								
LEAGMN Total:		99.00								
LEOIL Lake Elmo Oil, Inc.										
Multiple	03/02/2012	5,206.41	0.00	04/17/2012	Fuel		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids	5,206.41								
	Multiple Total:	5,206.41								
LEOIL Total:		5,206.41								
Lillie Newspapers Inc. Lillie Suburban										
03/29/2012	03/29/2012	34.85	0.00	04/17/2012	Legal Publishing - Ordinances		-		No	0000
101-410-1320-43510	Legal Publishing	34.85								
	03/29/2012 Total:	34.85								
Lillie Total:		34.85								
LOFF Loffler Companies, Inc.										
1383986	04/02/2012	251.14	0.00	04/17/2012	Copy Machines Overage & Base - April 12		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	251.14								
	1383986 Total:	251.14								
LOFF Total:		251.14								
LUCZAK Carole Luczak										
Ck Req	03/04/2012	91.56	0.00	04/17/2012	Mileage MCFOA Conference		-		No	0000
101-410-1320-43310	Mileage	91.56								
Ck Req	03/04/2012	36.00	0.00	04/17/2012	Reimb Meals MCFOA Conference		-		No	0000
101-410-1320-44370	Conferences & Training	36.00								
	Ck Req Total:	127.56								
LUCZAK Total:		127.56								
MARONEYS Maroney's Sanitation, Inc										
426589	04/05/2012	108.32	0.00	04/17/2012	Waste Removal - City Hall		-		No	0000
101-410-1940-43840	Refuse	108.32								
426589	04/05/2012	47.68	0.00	04/17/2012	Waste Removal - Fire		-		No	0000
101-420-2220-43840	Refuse	47.68								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	PO Line #
426589	04/05/2012	207.82	0.00	04/17/2012	Waste Removal - Public Works		-		No		0000
101-430-3100-43840	Refuse										
426589	04/05/2012	207.82	0.00	04/17/2012	Waste Removal - Parks		-		No		0000
101-450-5200-43840	Refuse										
426589 Total:		571.64									
MARONEYS Total:		571.64									
MENARDSO Menards - Oakdale											
76732	03/27/2012	7.45	0.00	04/17/2012	4 X 4 post-mailbox Repair		-		No		0000
101-430-3125-42250	Landscaping Materials										
76732 Total:		7.45									
MENARDSO Total:		7.45									
METCOU Metropolitan Council											
986142	04/03/2012	1,081.28	0.00	04/17/2012	Monthly Wastewater Service - April		-		No		0000
602-495-9450-43820	Sewer Utility - Met Council				2012						
986142 Total:		1,081.28									
METCOU Total:		1,081.28									
MILLEREX Miller Excavating, Inc.											
16117	03/26/2012	315.00	0.00	04/17/2012	Grading Gravel Roads		-		No		0000
101-430-3120-43150	Contract Services										
16117 Total:		315.00									
MILLEREX Total:		315.00									
NCPERS 566200-NCPERS MINNESOTA											
5662212	03/23/2012	48.00	0.00	04/17/2012	March 2012 Deductions		-		No		0000
101-000-0000-21708	Other Benefits										
5662212 Total:		48.00									
NCPERS Total:		48.00									
PITNEY Pitney Bowes											
376476	05/03/2012	240.33	0.00	04/17/2012	Postage Machine Rental		-		No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
376476 Total:		240.33									
PITNEY Total:		240.33									
PITNEYRE Reserve Account Pitney Bowes											
04/10/2012	04/10/2012	500.00	0.00	04/17/2012	Postage		-		No		0000
101-410-1320-43220	Postage										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	04/10/2012 Total:	500.00								
	PITNEYRE Total:	500.00								
PLANTH PLANT HEALTH ASSOCIATES, INC										
1081-12	04/01/2012	487.50	0.00	04/17/2012	Forester Services - March 2012		-		No	0000
101-430-3250-43150	Contract Services									
	1081-12 Total:	487.50								
	PLANTH Total:	487.50								
POSTOFF1 POSTMASTER										
04/03/2012	04/03/2012	500.00	0.00	04/17/2012	Newsletter		-		No	0000
101-410-1450-43510	Public Notices									
	04/03/2012 Total:	500.00								
	POSTOFF1 Total:	500.00								
PRESSA Anastasia Press										
04/03/2012	04/03/2012	55.00	0.00	04/17/2012	Cabled Live 4/3/12 CC Meeting		-		No	0000
101-410-1450-43620	Cable Operations									
	04/03/2012 Total:	55.00								
04/10/12	04/10/2012	41.25	0.00	04/17/2012	4/10/12 Cable Workshop		-		No	0000
101-410-1450-43620	Cable Operations									
	04/10/12 Total:	41.25								
	PRESSA Total:	96.25								
PROSTAFF PROSTAFF										
102-852413	03/29/2012	625.81	0.00	04/17/2012	Temp help WE 3/25/12		-		No	0000
101-410-1320-41010	Full-time Salaries									
	102-852413 Total:	625.81								
102-853166	04/05/2012	620.00	0.00	04/17/2012	Temp WE 4/1/12		-		No	0000
101-410-1320-41010	Full-time Salaries									
	102-853166 Total:	620.00								
	PROSTAFF Total:	1,245.81								
RIVRCOOP River Country Cooperative										
03/31/2012	03/31/2012	616.59	0.00	04/17/2012	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
	03/31/2012 Total:	616.59								
	RIVRCOOP Total:	616.59								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ROSEFLOR Rose Floral & Greenhouse 525529	04/30/2012	117.78	0.00	04/17/2012	Funeral Arrangement - VanZandt		-	No	0000	
101-410-1320-44330 Dues & Subscriptions 525529 Total:		117.78								
ROSEFLOR Total:		117.78								
SAMSCLUB Sam's Club										
04/03/2012	04/03/2012	39.80	0.00	04/17/2012	Rehab Supplies		-	No	0000	
101-420-2220-44300 Miscellaneous										
04/03/2012	04/03/2012	10.58	0.00	04/17/2012	City Hall Supplies		-	No	0000	
101-410-1320-44300 Miscellaneous										
04/03/2012 Total:		50.38								
SAMSCLUB Total:		50.38								
SW/WC SW/WC Service Cooperatives										
04/01/12	03/28/2012	11,361.00	0.00	04/17/2012	April 2012 Premiums		-	No	0000	
101-000-0000-21706 Medical Insurance										
04/01/12 Total:		11,361.00								
SW/WC Total:		11,361.00								
TASCH T.A. Schifsky & Sons Inc										
52835	04/02/2012	288.19	0.00	04/17/2012	Asphalt		-	No	0000	
101-430-3120-42240 Street Maintenance Materials										
52835 Total:		288.19								
TASCH Total:		288.19								
VISALE40 VISA										
03/07/2012	03/07/2012	61.00	0.00	04/17/2012	Stock Photo Purchase for Website		-	No	0000	
101-410-1320-43090 Newsletter/Website										
03/07/2012	03/07/2012	68.16	0.00	04/17/2012	Training in New Ulm - Luczak		-	No	0000	
101-410-1320-44370 Conferences & Training										
03/07/2012	03/07/2012	197.76	0.00	04/17/2012	Lodging Sec Fire School - Hauser		-	No	0000	
101-420-2220-44370 Conferences & Training										
03/07/2012	03/07/2012	197.76	0.00	04/17/2012	Lodging Sec Fire School - Witter		-	No	0000	
101-420-2220-44370 Conferences & Training										
03/07/2012	03/07/2012	286.56	0.00	04/17/2012	Lodging MCFOA Conference - Luczak		-	No	0000	
101-410-1320-44370 Conferences & Training										
03/07/2012	03/07/2012	43.37	0.00	04/17/2012	Ink Cartridge - Planning Dept		-	No	0000	
101-410-1910-42000 Office Supplies										
03/07/2012 Total:		854.61								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
VISALE40 Total:		854.61								
WASRADIO WASHINGTON COUNTY										
71994	03/29/2012	3,800.76	0.00	04/17/2012	1/4rly user fee for 800 MHz radios		-		No	0000
101-420-2220-43230	Radio									
71994	03/29/2012	114.00	0.00	04/17/2012	Radio Repair/maintenance fund		-		No	0000
101-420-2220-43230	Radio									
71994 Total:		3,914.76								
WASRADIO Total:		3,914.76								
XCEL Xcel Energy										
51-0117417-0	04/10/2012	35.59	0.00	04/17/2012	Welcome Sign		-		No	0000
101-430-3160-43810	Street Lighting									
51-0117417-0 Total:		35.59								
51-4504807-7	04/10/2012	46.33	0.00	04/17/2012	Lights at Legion Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-4504807-7	04/10/2012	72.20	0.00	04/17/2012	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-4504807-7	04/10/2012	30.77	0.00	04/17/2012	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4504807-7 Total:		149.30								
51-4572945-7	04/10/2012	29.71	0.00	04/17/2012	Street Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4572945-7 Total:		29.71								
51-4576456-3	04/10/2012	549.59	0.00	04/17/2012	Fire Station #2		-		No	0000
101-420-2220-43810	Electric Utility									
51-4576456-3 Total:		549.59								
51-4580376-5	04/10/2012	315.73	0.00	04/17/2012	City Hall		-		No	0000
101-410-1940-43810	Electric Utility									
51-4580376-5	04/10/2012	28.99	0.00	04/17/2012	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-4580376-5	04/10/2012	455.36	0.00	04/17/2012	City Hall		-		No	0000
101-410-1940-43810	Electric Utility									
51-4580376-5 Total:		800.08								
51-4733556-8	04/10/2012	21.67	0.00	04/17/2012	Tennis Courts		-		No	0000
101-450-5200-43810	Electric Utility									
51-4733556-8 Total:		21.67								
51-5044219-0	04/10/2012	146.57	0.00	04/17/2012	Parks Building		-		No	0000
101-450-5200-43810	Electric Utility									
51-5044219-0 Total:		146.57								
51-5275289-3	04/10/2012	10.17	0.00	04/17/2012	Pebble Park		-		No	0000
101-450-5200-43810	Electric Utility									
51-5275289-3 Total:		10.17								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
51-5356323-8	04/10/2012	1,352.24	0.00	04/17/2012	Wells 1 & 2		-		No	0000
601-494-9400-43810	Electric Utility									
51-5356323-8	Total:	1,352.24							No	0000
51-5522323-2	04/10/2012	39.92	0.00	04/17/2012	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-5522323-2	Total:	39.92							No	0000
51-5747685-4	04/10/2012	166.05	0.00	04/17/2012	Arts Center		-		No	0000
101-450-5200-43810	Electric Utility									
51-5747685-4	Total:	166.05							No	0000
51-5916043-7	04/10/2012	20.43	0.00	04/17/2012	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-5916043-7	Total:	20.43							No	0000
51-6429583-8	04/10/2012	17.66	0.00	04/17/2012	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
51-6429583-8	Total:	17.66							No	0000
51-6433976-2	04/10/2012	352.32	0.00	04/17/2012	Fire Station #1		-		No	0000
101-420-2220-43810	Electric Utility									
51-6433976-2	Total:	352.32							No	0000
51-6736544-2	04/10/2012	1,970.18	0.00	04/17/2012	Street Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-6736544-2	Total:	1,970.18							No	0000
51-6928283-3	04/10/2012	28.22	0.00	04/17/2012	Traffic Lights		-		No	0000
101-430-3160-43810	Street Lighting									
51-6928283-3	Total:	28.22							No	0000
51-6956201-4	04/10/2012	49.95	0.00	04/17/2012	VFW Ballfield Lights		-		No	0000
101-450-5200-43810	Electric Utility									
51-6956201-4	Total:	49.95							No	0000
51-7538112-1	04/10/2012	2,481.96	0.00	04/17/2012	Public Works		-		No	0000
101-430-3100-43810	Electric Utility									
51-7538112-1	Total:	2,481.96							No	0000
51-8126093-5	04/10/2012	125.98	0.00	04/17/2012	Water Tower 2		-		No	0000
601-494-9400-43810	Electric Utility									
51-8126093-5	Total:	125.98							No	0000
51-8711719-3	04/10/2012	12.39	0.00	04/17/2012	Speed sign Hwy 5		-		No	0000
101-430-3160-43810	Street Lighting									
51-8711719-3	Total:	12.39							No	0000
XCEL Total:		8,359.98								
Report Total:		139,869.54								



MAYOR & COUNCIL COMMUNICATION

DATE: 04/17/2012

CONSENT

ITEM #: 3

MOTION as part of Consent Agenda

AGENDA ITEM: Test Well No. 4 – Pay Request No. 1 (Final)

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Mike Bouthilet, Public Works
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider accepting the work for Test Well No. 4 as recommended by the City Engineer and approving Pay Request No. 1 (Final) to Kimmes-Bauer Well Drilling, Inc., the Contractor for the project, in the amount of \$35,792.50. The warranty period started on March 22, 2012, and extends to March 22, 2013. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT AND BACKGROUND INFORMATION: The Well Drilling work for Test Well No. 4 has been completed, including restoration and punch list items. The project Certificate of Completion has been prepared by the City Engineer, and the one-year warranty period has been established. Pay Request No. 1 (and Final Payment) in the amount of \$35,792.50 has been requested by the Contractor, Kimmes-Bauer Well Drilling, Inc., based upon actual quantities installed. The pay request has been reviewed and the quantities installed have been verified.

The original construction contract to Kimmes-Bauer was in the amount of \$32,765.00 based upon estimated quantities. Additional pay quantities were needed, in particular, to complete the grouting of the annular space between the casing pipe and the aquifer. The pre-bid construction cost estimate for Test Well No. 4 was \$53,410. The contractor bids received ranged from \$32,765 to \$51,454.

RECOMMENDATION: Based upon the above staff report and background information, it is recommended that the City Council, as part of the *Consent Agenda*, consider accepting the work for Test Well No. 4 as recommended by the City Engineer and approving Pay Request No. 1 (Final) to Kimmes-Bauer Well Drilling, Inc., the Contractor for the project, in the amount of \$35,792.50.

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

“Move to accept the work for Test Well No. 4 as recommended by the City Engineer and approve Pay Request No. 1 (Final) to Kimmes-Bauer Well Drilling, Inc. in the amount of \$35,792.50. [and amended and/or modified at tonight's meeting].”

ATTACHMENTS:

1. Certificate of Completion
2. Pay Request No. 1 (Final)

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

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

CERTIFICATE OF COMPLETIONDATE OF ISSUANCE: April 17, 2012

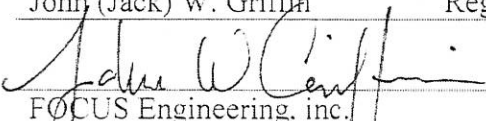
OWNER:	CITY OF LAKE ELMO, MN
CONTRACTOR:	KIMMES-BAUER WELL DRILLING, INC.
PROJECT NAME:	TEST WELL NO. 4
PROJECT NO.:	2011.129

- ☒ This Certification of Completion applies to all work under the Contract Documents
☐ This Certification of Completion applies to the following specified parts of the Contract Documents

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated January 10, 2012, and related Contract Documents as prepared by SEH, Inc. dated January 4, 2012. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: March 22, 2012

John (Jack) W. Griffin Reg. No. 22492


FOCUS Engineering, inc.THE WARRANTY PERIOD BEGINS March 22, 2012 AND ENDS March 22, 2013

Invoice

Invoice #	39499
Date	3/12/2012

KIMMES
BAUER
 Kimmes-Bauer Well Drilling, Inc.
 22100 Lillie Avenue
 Hastings, Minnesota 55033
 (651) 437-1973
 kimmesbauer@gmail.com
 WELL DRILLING, INC.

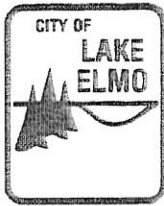
Bill To	City of Lake Elmo 3800 Laverne Avenue No. Lake Elmo, Minnesota 55042
---------	--

Ship To	Unique No. 779064 11240 50th Street N. Lake Elmo, MN 55042 Test Well No. 4
---------	---

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
-------------	-------	-----	------	-----	--------	---------

Quantity	Item Code	Description	Price Each	Amount
1	L1	[Item No. 1] Mobilization & Demobilization	2,000.00	2,000.00
81	L1	[Item No. 2] Drill & Drive 10" Casing to 81 Ft.	50.00	4,050.00
209	L1	[Item No. 3] Drill 10" Open Hole to 209 Ft.	25.00	5,225.00
1	L1	[Item No. 4] Gamma Log Open Hole	1,200.00	1,200.00
210	L1	[Item No. 5] Install 6" Casing to 210 Ft.	25.00	5,250.00
20	CG	[Item No. 6] Grout Annular Space between Casing 20 Yds.	395.00	7,900.00
1	L2	[Item No. 7] Install Grouting Packer	300.00	300.00
1	L1	[Item No. 8] Development Equipment Installation	200.00	200.00
5	L1	[Item No. 9] 5 Hrs. of Air Developing Well	250.00	1,250.00
1	L2	[Item No. 10] Furnish & Install Test Pumping System	1,500.00	1,500.00
1	L2	[Item No. 11] Furnish & Install Electronic Data Logger in Test Well & Monitor	590.00	590.00
6	L2	[Item No. 12] Operate Test Pump & Record Water Levels	90.00	540.00
1.5	L2	[Item No. 13] Record Recovery Water Levels after Pump Shutdown	85.00	127.50
1	L2	[Item No. 14] Furnish & Install Steel Overlapping Well Cap & Padlock	100.00	100.00
1	WT	[Item No. 15] Water Sampling & Analysis	4,000.00	4,000.00
1	L2	[Item No. 16] Remobilize, Abandon & Seal Well (Not yet completed)	0.00	0.00
24	PEA	[Item No. 17] 24 Cubic Yards of 1 1/2" Course Aggregate for Working Base	65.00	1,560.00
		Sales Tax	0.00%	0.00
Total				\$35,792.50

Thank you for your business!



MAYOR & COUNCIL COMMUNICATION

DATE: 4-17-2012
CONSENT
ITEM #: 4
MOTION / \$\$ Fiscal Impact

AGENDA ITEM: A.T.&T. Mobility Letter of Understanding

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: To amend by a Letter of Understanding to a 2008 contract entered into by the City of Lake Elmo and Cingular (Now A.T.T.) to locate communication antenna and equipment on the top of the municipal-owned water tower at 3303 Langly Court.

<u>FISCAL IMPACT:</u> \$ 14,853.50 (Annual Lease – Continuing at a 3% increase each year – Johnston / Hoyt signatories).
--

BACKGROUND INFORMATION: The City Council of Lake Elmo had the placement of a cellular antenna by Cingular (ATT) on the top of the downtown water tower facility located at 3303 Langly Court. The 23 page document spells out terms and specification for the location of equipment including terms for contract amendment or termination. In 2010, Cingular assigned the contract to ATT with City approval.

STAFF REPORT: A.T.T. has requested an amendment by Letter of Understanding (subsequently a formal amendment will be signed) to make the following changes to the base language of the 2008 agreement:

1. Expansion of Permitted Use – In conversation with A.T.T. Mobility Representatives this clause allows for the upgrade (3G to 4G) and reception boosting capabilities that will not materially affect the superstructure of the water tower. There will not be a material change to any equipment;
2. Sale of Property – Protection of A.T.T.'s location right if Lake Elmo was to sell the tower to a private water utility or destruct the tower;
3. Rental Stream Offer – This language protects A.T.T's rights per the contract if Lake Elmo were to try to assign the rental agreement to a third party for any reason.

A.T. & T. is amending their current agreements in light of several municipalities assigning contract rights to third parties to obtain additional revenue. Currently Lake Elmo has no offers for such an assignment or any difficulties with A.T. T. Mobility's use of the 3303 Langly Court.

RECOMMENDATION: The City Council, through consent, approves the Letter of Understanding with A.T.T. Mobility and assigns the Mayor & City Administrator the responsibility to sign the appropriate amendments to the 2008 Agreement as they become available.

SUGGESTED ORDER OF BUSINESS (IF REMOVED FROM CONSENT AGENDA:

- 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



March 26, 2012

CITY OF LAKE ELMO
City Administrator 3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Communications Facility located at 3303 LANGLEY COURT, LAKE ELMO, MN 55042

FA#: 10122628

Dear Landlord,

As you are aware, AT&T Mobility ("AT&T") has partnered with Md7 to work with you to facilitate certain modifications to the cell site lease on your property. These modifications will allow AT&T to meet current business requirements and enhance your site's value to the network.

Changes in the Wireless Industry

Recent industry developments are changing how wireless telecommunications carriers operate. In the past, carriers focused on rapidly building out their networks in order to provide the best coverage. Today, while consumers are enjoying greater services and better coverage than ever before, operating costs continue to escalate. As a result, the wireless industry is also focusing on operating networks as efficiently as possible.

In order to maintain its long-term flexibility, AT&T will require the following lease provisions to address future technological and network changes:

■ Expansion of Permitted Use

"Lessee, its personnel, invitees, contractors, agents, sublessees, or its authorized sublessees, or assigns may use the Premises, at no additional cost or expense, for the transmission and reception of any and all communications signals and to modify, supplement, replace, upgrade, expand, including the number and type(s) of antennas, or refurbish the equipment and/or improvements thereon (collectively, "Communications Facility"), or relocate the same within the Premises at any time during the term of this Lease, so long as these changes do not exceed the structural capacity of the tower/structure at this height, or at Tenant's sole expense upgrade the structural capacity in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services or for any other reason. Lessor shall reasonably cooperate in obtaining governmental and other use permits or approvals necessary or desirable for the foregoing permitted use. If Lessor does not comply with the terms of this section, in addition to any other rights it may have at law, Lessee may terminate this Lease and shall have no further liability to Lessor. If Lessor does not comply with the terms of this section, Lessee will have

the right to exercise any and all rights available to it under law and equity, including the right to cure Lessor's default and to deduct the costs of such cure from any monies due to Lessor from Lessee."

■ Sale of Property/ Rental Stream Offer

a) "Sale of Property. If Lessor, at any time during the Term of the Agreement, decides to sell, subdivide or rezone any of the Premises (or any interest therein), all or any part of the Property or surrounding property (or any interest therein), to a purchaser other than Lessee, Lessor acknowledges and agrees that such sale, subdivision or rezoning shall be made subject to this Agreement and Lessee's rights hereunder. Lessor agrees that it shall promptly notify Lessee in writing of such sale, subdivision or rezoning.

b) Rental Stream Offer. If at any time after the date of this Amendment, Lessor receives a bona fide written offer from a third party or receives a modified written offer from a third party seeking an assignment of the rental stream associated with this Agreement ("Rental Stream Offer"), Lessor shall immediately furnish Lessee with a copy of the Rental Stream Offer. Lessee shall have the right within ninety (90) days after it receives such copy and representation to match the Rental Stream Offer and agree in writing to match the terms of the Rental Stream Offer. Such writing shall be in the form of a contract substantially similar to the Rental Stream Offer. If Lessee chooses not to exercise this right of first refusal or fails to provide written notice to Lessor within the ninety (90) day period, Lessor may assign the rental stream pursuant to the Rental Stream Offer, subject to the terms of this Agreement. If Lessor attempts to assign or transfer rent payments without complying with this Section, the assignment or transfer shall be void, Lessee shall not be responsible for any failure to make payments under this Agreement and reserves the right to hold payments due under this Agreement until Lessor complies with this Section.

c) If Lessor attempts to transfer ownership to a third party in accordance with (a) or (b) without fully complying with the terms and conditions of (a) and (b) heretofore, such a transfer shall be void and of no further force or effect. Lessor agrees to indemnify Lessee for any and all claims associated with such a purported transfer."

This letter of understanding is subject in all respects to the preparation, execution and delivery of a definitive amendment in form and substance mutually agreeable to each of us. AT&T values its affiliation with you and hopes to continue a long and mutually profitable relationship in the years to come. After having reviewed these changes, please contact me prior to Wednesday, April 11, 2012. Thank you for your consideration.

Sincerely,

Cyrus Sidhwa

Md7 | Lease Consultant

10590 West Ocean Air Dr

San Diego, CA 92130

o 858-754-2156

f (858) 630-4281

csidhwa@md7.com

Authorized Agent for AT&T Mobility

cc: Gregory D. Ohmer

Area Manager Real Estate Transaction, AT&T Mobility



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

RESOLUTION NO. 2012-015

**A RESOLUTION RELATED TO 2012 ASSESSMENTS
TO WASHINGTON COUNTY**

BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, the attached list of 5 parcels may be removed from the 2012 assessment roll due per the attached Washington County abatement forms.

APPROVED by the Lake Elmo City Council on this 17th day of April, 2012.

By: _____
Dean A. Johnston
Mayor

ATTEST:

Dean A. Zuleger
City Administrator

City of Lake Elmo
 Parcels to be removed from 2012 Assessment File
 Updates as of 4.17.2012

Address	PID	Type	Amount	Year Assessed
11933 21st St. N	24.029.21.44.0015	Street	1,980.00	2011
2141 Legion Lane N	24.029.21.43.0008	Street	1,575.00	2008
8017 50th St. N	09.029.21.22.0013	Street	901.36	2005
9090 Jannaca Court	15.029.21.32.0018	Street	276.85	2008
8655 27th St. N	21.029.21.13.0002	Street	276.85	2008
			<u>5,010.06</u>	

**WASHINGTON COUNTY ASSESSMENT DIVISION
APPLICATION FOR ABATEMENT - GENERAL FORM
CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS**

(M.S.) 375.192

Worksheet #:

Assessment Year: 2011

Payable Year: 2012

APPLICANT

Owner's Name (please print or type) John Francis & Maureen Tumulty			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address 11933 21st Street N			Property Address (if different from mailing address)		
City Lake Elmo	State MN	Zip 55042	City	State	Zip

DESCRIPTION OF PROPERTY

Property ID Number 24.029.21.44.0015	MP Number		
Legal Description of Property Eden Park 2nd Add Lot 8 Block 1 Subdivision Cd 37181	City or Township Lake Elmo	School District # 834	TAG

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Classification
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Revised:

Land EMV	Improvement EMV	Total	Classification
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Applicant's Statement of Facts:

Applicant's Request:

Please abate the 2009 Street Improvement assessment in the amount of \$1980.00. This amount was paid by the taxpayer in February 2011.
Taxpayer should not be assessed for this improvement in the future.

Applicant's Signature: Cathy Bunde

Date: 4/10/12

Note: Minnesota Statute's 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00 or both.

Note: Must include City/Township Resolution for reductions on assessments

Note: Must include Fire report for Local Option Disaster Credit

Clay/Bear
Date: 4/10/12

**WASHINGTON COUNTY ASSESSMENT DIVISION
APPLICATION FOR ABATEMENT - GENERAL FORM
CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS**

(M.S.) 375.192

Worksheet #:

Assessment Year: 2005

Payable Year: 2012

APPLICANT

Owner's Name (please print or type)			Soc. Sec. /Fed ID	Phone	Cell
Joyce Osterkamp					
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Judy Garscia					
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address			Property Address (if different from mailing address)		
8017 50 th Street N					
City	State	Zip	City	State	Zip
Lake Elmo	MN	55042			

DESCRIPTION OF PROPERTY

Property ID Number	MP Number		
09.029.21.22.0013			
Legal Description of Property	City or Township	School District #	TAG
Lane's Demontreville Country Club Lot 755 Subdivision Cd 37445	Lake Elmo	834	

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Classification

Revised:

Land EMV	Improvement EMV	Total	Classification

Applicant's Statement of Facts:

Applicant's Request:

Please abate the remainder of the Hill Trail and 50th Street improvement assessment in the amount of \$901.36. This was paid by the taxpayer in July 2011.

Taxpayer should not be assessed for this improvement in the future.

Applicant's Signature:

Carol B. Biele

Date:

4/10/12

Note: Minnesota Statute's 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00 or both.

Note: Must include City/Township Resolution for reductions on assessments

Note: Must include Fire report for Local Option Disaster Credit

WASHINGTON COUNTY ASSESSMENT DIVISION APPLICATION FOR ABATEMENT - GENERAL FORM (M.S.) 375 192		Worksheet #:	Assessment Year: 2008	Payable Year: 2012
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APPLICANT

Owner's Name	Peter Klopp	Soc. Sec. / Fed ID	Phone	Cell
Owner's Name	Michael Klopp	Soc. Sec. / Fed ID	Phone	Cell
Owner's Name		Soc. Sec. / Fed ID	Phone	Cell
Owner's Mailing Address	9090 Jamaca Court			
City	Lake Elmo	State	MN	Zip
			55042	
Property Address (if different from mailing address)				
City	Lake Elmo	State	MN	Zip
			55042	

DESCRIPTION OF PROPERTY

Property ID Number	15.029.21.32.0018
Legal Description of Property	Friedrich Heights Lot 4 Block 1 Subdivision Cd 37245
MP Number	
City or Township	Lake Elmo
School District #	834
TAG	

ASSESSOR'S ESTIMATED MARKET VALUE

Original:	Land EMV	Improvement EMV	Total	Classification

Revised:	Land EMV	Improvement EMV	Total	Classification

Applicant's Statement of Facts:	
Applicant's Request:	
Please abate the 2006 Overlay Project assessment in the amount of \$276.85. This was paid by the taxpayer in September 2011.	
Applicant's Signature:	<i>Carol B...</i> Date: 4/10/12

Note: Minnesota Statute's 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00 or both.

Note: Must include City/Township Resolution for reductions on assessments
Note: Must include Fire report for Local Option Disaster Credit

**WASHINGTON COUNTY ASSESSMENT DIVISION
APPLICATION FOR ABATEMENT - GENERAL FORM
CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS**

(M.S.) 375.192

Worksheet #:

Assessment Year: 2008

Payable Year: 2012

APPLICANT

Owner's Name (please print or type) Patrick & Margaret Corrigan			Soc. Sec. /Fed ID		Phone		Cell	
Owner's Name			Soc. Sec. /Fed ID		Phone		Cell	
Owner's Name			Soc. Sec. /Fed ID		Phone		Cell	
Owner's Mailing Address 8655 27th Street N				Property Address (if different from mailing address)				
City Lake Elmo		State MN	Zip 55042	City		State	Zip	

DESCRIPTION OF PROPERTY

Property ID Number 21.029.21.13.0002		MP Number	
Legal Description of Property Tablyn Park Lot 8 Block 1 Subdivision Cd 37750		City or Township Lake Elmo	School District # 622
		TAG	

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Classification
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Revised:

Land EMV	Improvement EMV	Total	Classification
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Applicant's Statement of Facts:

Applicant's Request:

Please abate the 2006 Street Repairs assessment in the amount of \$276.85. This was paid by the taxpayer in June 2011.

Applicant's Signature:

Carly B...

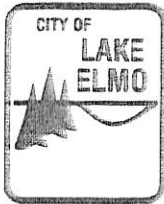
Date:

4/10/12

Note: Minnesota Statute's 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00 or both.

Note: Must include City/Township Resolution for reductions on assessments

Note: Must include Fire report for Local Option Disaster Credit



MAYOR & COUNCIL COMMUNICATION

DATE: 4-17-2012
CONSENT
ITEM #: 6
MOTION / \$\$ Fiscal Impact

AGENDA ITEM: AmeriCorps Staffing Opportunity

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

FISCAL IMPACT: \$ In-Kind Equivalent = \$30,000 (11 Month FTE)

BACKGROUND INFORMATION: The MPCA, through the Regional Council of Mayors, is offering 27 no cost employees (typically a recent college graduate) to communities to begin work in September 2012 in the areas of energy conservation, recycling, urban forestry, stormwater, local foods and bike/ped/complete streets.

STAFF REPORT: As the community begins to look at sustainable growth, the need for "bodies" will increase to accomplish certain projects that will be critical for balance. After an internal review, the staff believes that an AmeriCorps member could aid in four areas:

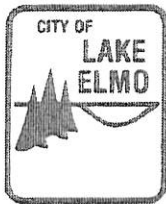
1. Establish a formal recycling program;
2. Advocate for increased participation in our stormwater programs;
3. Organize and improve our ped/bike trail system.

In addition, AmeriCorps members come with experience in urban forestry and energy conservation. If successful in the process, the City Administrator will transition the "Kriegler" position (which has handled many of these issues) to a communication / park programming function to place a greater emphasis on taxpayer service and immediate need.

RECOMMENDATION: The City Council, through consent, approves the City Administrator making application to the MPCA for an AmeriCorps member to be placed in Lake Elmo for an 11 month assignment beginning in September of 2012.

SUGGESTED ORDER OF BUSINESS (IF REMOVED FROM CONSENT AGENDA:

- 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



MAYOR & COUNCIL COMMUNICATION

DATE: 4/23/12

CONSENT

ITEM #: 7

AGENDA ITEM: Consider approving Contract No. 01029 and authorizing the City Administrator and Mayor to execute an agreement with Mn/DOT for the Community Roadside Landscaping Partnership Program

SUBMITTED BY: Nick Johnson, Interim City Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve Contract No. 01029 and to authorize City Administrator Dean A. Zuleger and Mayor Dean Johnston to execute that agreement with Mn/DOT for the reimbursement of up to \$18,200 in landscaping materials for a proposed Highway 5 beautification project. This resolution is required by Mn/DOT to officially enter into the agreement and for the city to receive the reimbursement money after the project is complete.

BACKGROUND INFORMATION: In February of 2012, the City Council approved an application to participate in the Mn/DOT Community Roadside Landscaping Partnership Program and to authorize staff member Nick Johnson to serve as the primary contact person for the 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 grant funds cover costs related to the purchase of landscaping materials while the City staff and community residents provide the manual labor.

The City has utilized this same grant program to beautify areas along State Highway 5 on four previous occasions.

The project completed in 2007 near Carriage Station Park resulted in the planting of 60 trees with assistance by approximately 35 volunteers. The project completed in 2008 was also successful and resulted in the planting of many shrubs and trees south of Carriage Station Park. The planting in 2009 resulted in \$12,400 worth of landscaping material (paid for by Mn/DOT) beautifying Highway 5 and the Fields of St. Croix 2nd Addition entrance. Finally, the plantings in 2011 occurred along HWY-5 near Wildflower Shores and to the West of Manning Ave. near Fields of St. Croix 2nd Addition.

STAFF REPORT:

The proposed project is located along HWY-5 in the Village Area from just West of Laverne Ave. N. to the East of 39th St. N. The plantings are scheduled to be completed on Saturday, June 2nd from 9:00am to 1:00pm through the help of resident volunteers. The plantings will also serve as the City's Arbor Day celebration, and local partners/sponsors have agreed to host the event and serve the volunteers some refreshments and snacks. The central location for the volunteers to gather will be the Lake Elmo Bank parking lot, just to the west of 39th St. N. Regarding the recruitment of resident volunteers, the process is ongoing and looking positive.

ATTACHMENTS:

1. Resolution 2012-16
2. Cooperative Landscaping Agreement: Mn/DOT Contract #01029

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

RESOLUTION NO. 2012-016

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR AND MAYOR TO ENTER INTO CONTRACT NO. 01029 WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF LANDSCAPE MATERIALS TO BE UTILIZED ALONG STATE HIGHWAY 5

WHEREAS, the City of Lake Elmo applied for and was approved to receive a grant through the Mn/DOT Roadside Landscape Partnership Program to landscape within the road right-of-way of State Highway 5;

NOW THEREFORE BE IT RESOLVED, that the City of Lake Elmo enter into Agreement No. 01029 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City of the State's share of the costs of the landscape materials acquisition to be installed along and adjacent to Trunk Highway No. 5 from 100 feet west of Laverne Ave. N. to 300 feet East of 39th St. N.

BE IT FURTHER RESOLVED, that the Mayor and the City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

ADOPTED BY the Lake Elmo City Council on the 17th day of April, 2012.

Dean A. Johnston, Mayor

ATTEST:

Dean A. Zuleger, City Administrator

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 as a duly authorized meeting thereto held on the 17th day of April, 2012, as shown by the minutes of the meeting in my possession.

Signed:

(Signature)

(Type or Print Name)

(Title)

Subscribed and sworn to before me
this _____ day of April, 2012.

Notary Public

My Commission Expires

CERTIFICATION

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
CITY OF LAKE ELMO
COOPERATIVE LANDSCAPING
AGREEMENT**

State Project Number (SP): 8214-969G
Trunk Highway Number (TH): 5

Original Amount Encumbered
[\$18,200.00]

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and City of Lake Elmo acting through its City Council ("City").

Recitals

1. The City will perform landscaping along Trunk Highway No. 5 from 400' west of Laverne Ave. N. to 500' east of Lisbon Ave. N within the City limits according to plans, specifications and special provisions designated as the "Lake Elmo Landscaping Plan" and as State Project No. 8214-969G (T.H. 5); and
2. The City requests the State participate in the acquisition costs of the landscape materials and the State is willing to participate in the acquisition costs of said landscaping materials according to the State's "Community Roadside Landscaping Partnership Program"; and
3. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.

Agreement

1. Term of Agreement; Survival of Terms; Plans; Incorporation of Exhibits

- 1.1. *Effective date.* This Agreement will be effective the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. *Expiration date.* This Agreement will expire when all obligations have been satisfactorily fulfilled according to the Community Roadside Landscaping Partnership Program Project Application, on file in the State's Office of Environmental Stewardship and incorporated into this Agreement by reference.
- 1.3. *Survival of terms.* All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: 2.2. Right-of-Way, Easements and Permits; 2.3. Maintenance; 6. Liability and Worker Compensation Claims; 8. State Audits; 9. Government Data Practices; 10. Governing Law; Jurisdiction; Venue; and 12. Force Majeure.
- 1.4. *Plans, Specifications, Special Provisions.* Plans, specifications and special provisions designated as the "Lake Elmo Landscaping Plan" and as State Project No. 8214-969G (T.H. 5) are on file in the office of the City and the State's office of Environmental Stewardship and are incorporated into this Agreement by reference. ("Landscape Plans")
- 1.5. *Exhibits.* Exhibit A is attached and incorporated into this Agreement.

2. Agreement between the Parties

2.1. Acquisition and Installation of Landscape Materials

- A. *Acquisition and Installation.* The City will acquire landscape materials and perform landscaping according to the Landscape Plans.

B. Documents furnished by the City. Within 7 days of ordering the landscape materials, the City will submit a copy of the purchase orders to the State's Landscape Partnership Program Coordinator in St. Paul.

C. Control and Inspection of Landscape Materials

- i. The landscape materials acquired under this Agreement will be under the control of the City; however the materials will be open to inspection by the State's authorized representatives. The City will give the State's Landscape Partnership Program Coordinator five days notice of its intention to receive delivery of the landscape materials.
- ii. The City must verify that the nursery vendor has a valid nursery certificate as required by the Minnesota Department of Agriculture ("MDA"). Nursery stock originating outside Minnesota must have been certified under all applicable MDA and United States Department of Agriculture ("USDA") quarantines. Certification documents issued by the appropriate regulatory official at origin must accompany all nursery stock shipments, including but not limited to, USDA quarantines for Gypsy Moth, Phytophthora ramorum, Emerald Ash Borer and Black Stem Rust. MDA Japanese Beetle Quarantine nursery stock from Minnesota must be inspected and certified to be free of harmful plant pests, but is not subject to MDA external Japanese Beetle Quarantine.

D. Protecting and Locating Utilities. The City will preserve and protect all utilities located on lands covered by this Agreement, without cost to the State. As required by Minnesota Statute 216D, the City will notify Gopher State One Call System (www.gopherstateonecall.org) (1-800-252-1166) at least 48 hours before any excavation is done on this project.

E. Restore Right-of-Way. Upon completion of the installation of landscape materials and after performing any ongoing maintenance operations, the City will restore all disturbed areas of State right-of-way so as to perpetuate satisfactory drainage, erosion control and aesthetics.

F. Completion of Acquisition and Installation. The City will cause the acquisition and installation of the landscape materials to be started and completed according to the time schedule in the Community Roadside Landscaping Partnership Project Application. The completion date for the acquisition and installation of the landscape materials may be extended, by an exchange of letters between the appropriate City official and the State's Landscape Partnership Program Coordinator, for unavoidable delays encountered in the performance of the acquisition and installation of the landscape materials.

G. Compliance with Laws, Ordinances, Regulations. The City will comply with all Federal, State and Local laws, and all applicable ordinances and regulations in connection with the acquisition and installation of the landscape materials.

2.2. Right-of-Way, Easements and Permits

A. The City is authorized to work on State right-of-way for the purposes of installing and maintaining the landscape materials, including any necessary replacement of landscape materials that fail to survive. All suppliers, contractors or volunteers under the direction of the City, occupying the State's right-of-way must be provided with and wear required reflective clothing.

B. The City's use of State right-of-way will in no way impair or interfere with the safety or convenience of the traveling public in its use of the highway and any use of State right-of-way under this Agreement will remain subordinate to the right of the State to use the property for highway and transportation purposes. No advertising signs or devices of any form or size will be constructed or be permitted to be constructed or placed upon State right-of-way. This Agreement does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge facility that would become subject to Section 4(f) of the Federal Aid Highway Act of 1968.

C. The City will obtain all construction permits and any other permits and sanctions that may be required in connection with the installation of the landscape materials without cost to the State.

2.3. *Maintenance by the City.* The City will provide for the maintenance of the landscaping without cost to the State. Maintenance includes, but is not limited to, weeding and pruning, and removal and replacement of all materials that fail to survive. Criteria for maintenance and replacement are shown and described in EXHIBIT "A", Maintenance Responsibilities Plan and Schedule.

3. State Cost and Payment by the State

3.1. *Basis of State Cost.* The State's complete share of the costs of the landscaping is the delivered cost of the landscaping materials acquired according to the Landscape Plans.

3.2. *Estimated State Cost and Maximum Obligation.* The estimated cost of the landscape materials acquisition is \$18,200.00. The maximum obligation of the State under this Agreement will not exceed \$20,000.00, unless the maximum obligation is increased by amendment to this Agreement.

3.3. *Conditions of Payment.* The State will pay the City the delivered cost of the landscape materials, not to exceed the maximum obligation, after the following conditions have been met:

A. Encumbrance by the State of the State's total cost share.

B. Execution of this Agreement and transmittal to the City.

C. Receipt by the State's Landscape Partnership Program Coordinator, from the City, of the following:

- i. Copies of the purchase orders for the landscape materials, as provided for in Section 2.1.B. of this Agreement.
- ii. Written request for payment, accompanied by copies of supplier invoices for the landscape materials acquisition and delivery.

D. Receipt of a memo, from the State's Landscape Partnership Program Coordinator, verifying that the landscaping has been completed and recommending reimbursement.

4. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

4.1. The State's Authorized Representative will be:

Name/Title: Todd Carroll, Landscape Partnership Program Coordinator (or successor)
 Address: 395 John Ireland Boulevard, Mailstop 686, St. Paul, MN 55155
 Telephone: (651) 366-4617
 Fax: (651) 366-4769
 E-Mail: todd.carroll@state.mn.us

4.2. The City's Authorized Representative will be:

Name/Title: Nick Johnson/Interim City Planner (or successor)
 Address: 3800 Laverne Ave. North, Lake Elmo, MN 55042
 Telephone: 651-233-5413

5. Assignment; Amendments; Waiver; Contract Complete

5.1. *Assignment.* Neither party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

5.2. *Amendments.* Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

- 5.3. *Waiver.* If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.
- 5.4. *Contract Complete.* This Agreement contains all prior negotiations and agreements between the State and the City. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. **Liability; Worker Compensation Claims**

Each party is responsible for its own employees for any claims arising under the Workers Compensation Act. Each party is responsible for its own acts, omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of others and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the City.

7. **Nondiscrimination**

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

8. **State Audits**

Under Minnesota Statutes § 16C.05, subdivision 5, the City's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. **Government Data Practices**

The City and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this Agreement. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the City or the State.

10. **Governing Law; Jurisdiction; Venue**

Minnesota law governs the validity, interpretation and enforcement of this Agreement. Venue for all legal proceedings arising out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. **Termination; Suspension**

11.1. *By Mutual Agreement.* This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

11.2. *Termination for Insufficient Funding.* The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source, or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the City. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the City will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available.

11.3. *Suspension.* In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. **Force Majeure**

Neither party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a

party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]

DEPARTMENT OF TRANSPORTATION

Recommended for Approval:

By:

(Landscape Partnership Program Coordinator)

By:

(District Engineer)

Approved:

By:

(State Design Engineer)

Date:

COMMISSIONER OF ADMINISTRATION

By:

(With delegated authority)

Date:

Signed:

Date:

SWIFT Purchase Order:

CITY OF LAKE ELMO

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions or ordinances.

By:

Title:

Date:

By:

Title:

Date:

INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

EXHIBIT "A"

Maintenance Responsibilities Plan and Schedule

Table 1a. REQUIRED LANDSCAPE MAINTENANCE ACTIVITIES

MAINTENANCE CONSIDERATION				
PLANT GROUPS	PRUNING		WEED CONTROL	FERTILIZATION See Table 5, Fertilization Schedule
	When To	Type Of		
Evergreen Trees	Anytime - Dry	Corrective and Deadwood Removal	Maintain mulch at 3" minimum around trees in mowed areas, keep weed free.	Yes
Shade Trees	Anytime - Dry*	Training and Corrective		Yes
Ornamental Trees	Winter**	Corrective		Yes
Evergreen Shrubs	Anytime - Dry	Deadwood Removal		Yes
Deciduous Shrubs	Dormant	Corrective and Renewal	Maintain minimum 3" woodchip mulch in a weed free condition until shrub crown closure.	Yes
Vines	Dormant	Deadwood Removal		No
Groundcovers				

* Do not prune oaks during April, May and June. Do not prune Honeylocust while dormant or when humid or wet.

** Do not prune apples, crabapples or Mountain Ash during April, May and June.

TABLE 1b. REQUIRED LANDSCAPE MAINTENANCE ACTIVITIES

MAINTENANCE CONSIDERATION				
PLANT GROUPS	WATERING	INSECT AND DISEASE CONTROL	RODENT PROTECTION	REMOVALS AND REPLACEMENTS
Evergreen Trees	Yes until established (2 yrs.).	As needed.	Yes - Pine Only	Remove all dead plants.
Shade Trees			Yes	
Ornamental Trees	Supplemental watering may be needed during drought periods (especially during July and August) even after plants are established.	Remove diseased plants that pose threats to adjacent plantings.	Yes	Replace dead or dying plants unless the lost plants do not noticeably compromise the visual appearance or design intent.
Evergreen Shrubs			No*	
Deciduous Shrubs			No*	
Vines			No*	
Groundcovers			No*	

* Rodent protection is generally not practical for mass shrub plantings, maintaining clean mulched planting areas free of weed growth will reduce problems. Mowed turf in formal planting areas will help reduce rodent problems.

TABLE 2a. CALENDAR OF LANDSCAPE MAINTENANCE

ACTIVITY	January	February	March	April	May	June
Pruning	See Table 1a for Best Time for Specific Species.					
Weed Control:	Planting beds must be kept in a weed free condition.					
Remulch				0XX	XXXXX	XO
Herbicide	Must be applied by a licensed Pesticide Applicator.					
Fertilization: Turf Shrubs, Trees				XXXX		
Insect & Disease	Time of control depends on the type of insect or disease and when it is detected.					
Sunscauld Protection				Remove wrap*		
Watering	During first and second growing seasons approximately once a week or as needed to maintain adequate but not excessive soil moisture.					
Maintain Rodent Protection	0000	0000	0000	0000	0000	0000
Turf Maintenance Mowing					00X	XXXXX
Mower Damage Prevention				X	XXXXX	XXXXX
Replanting Evergreen Trees Deciduous Trees Container Plants Turf				0XX 0XX XXX O	XOX XXXXX XXXXX XXXXX	XXXXX XXXXX XXXXX

X - Optimum Time O - Less than Optimum Time * Undiluted white latex paint is recommended, repaint as necessary until trees reach 4" caliper.

BLE 2b. CALENDAR OF LANDSCAPE MAINTENANCE

ACTIVITY	July	August	September	October	November	December
Pruning	See Table 1a for Best Time for Specific Species.					
Weed Control:	Planting beds must be kept in a weed free condition.					
Remulch	XXXX	XXXX	XXXX	XXXX	OO	XO
Herbicide	Must be applied by a licensed Pesticide Applicator.					
Fertilization: Turf Shrubs, Trees				XXXX XXXX		
Insect & Disease	Time of control depends on the type of insect or disease and when it is detected.					
Sunscald Protection				Apply or maintain paint. Install wrap*.		
Watering	During first and second growing seasons approximately once a week or as needed.					
Maintain Rodent Protection	OOOO	OOOO	XXXX	XXXX	XOOO	OOOO
Turf Maintenance Mowing	XXXX	XXXX	XXXX	XXOO		
Mower Damage Prevention	XXXX	XXXX	XXXX	XXOO		
Replanting Evergreen Trees Deciduous Trees Container Plants Turf	 OOOO OOOO	 OX OOOX OOOX	 XXXO XXXO XXXX	 OXXX OO	 XO	

X - Optimum Time O - Less than Optimum Time

* Undiluted white latex paint is recommended, repaint as necessary until trees reach 4" caliper.

TABLE 3. DESCRIPTIONS OF TYPES OF PRUNING

TYPES OF PRUNING	WHEN TO PRUNE	DESCRIPTION
Disease Removal	After Diagnosis	Removal of fungal bacterial growths. Sterilize pruners between cuts.
Deadwood Removal	See Table 1	Removal of dead branches, normally from the interior portion of the crown.
Training	See Table 1	Maintaining the central leaders and acceptable symmetry in evergreen, shade and ornamental trees. Removal of suckers and water sprouts.
Corrective	See Table 1	Removal of storm-damaged, vehicle-damaged or vandalized limbs.
Renewal	See Table 1	Removing all top growth at or near the ground line and removal. Or removal of 1/3 of the oldest stems at the ground line.

TABLE 4. WEED CONTROL METHODS - INTEGRATED APPROACH

METHOD	CATEGORY	
	TREES	SHRUB BEDS
Replanting - Filling Voids		X
Fertilization	X	X
Remulch*	X	X
Herbicides	X	X
Weed Whip	No	X

* Wood chip mulch should be replenished around shade trees and low growing shrubs every 3-5 years. Place mulch to a 4" depth. Mulching will help control weeds, reduce mower damage and conserve moisture.

TABLE 5. FERTILIZATION SCHEDULE

CATEGORY	FREQUENCY	TIME OF APPLICATION	ANALYSIS **	RATE
Mowed Turf	Every 3 Years	April or October	23-0-30	1 lb (N)/1000 sq. ft.
Shrub Beds*	Every 3 Years	October or April	23-0-30	1 lb (N)/1000 sq. ft.
Shade Trees*	Every 3 Years	October or April	23-0-30	.5 lbs/1 Cu. Yd. of soil

Note: Do not fertilize trees and turf during the same season. Offset tree fertilization by one season in order to prevent fertilizer burn on turf.

* Plants that fix nitrogen, like Silver Buffaloberry, Caragana, Honeylocust, Russian Olive or other legumes, should not be fertilized except under special conditions.

Tall shrubs do not need to be fertilized if leaf color remains normal.

** Analysis will be allowed within the following ranges: N (16-24) - P (0) - K (20-30).



MAYOR & COUNCIL COMMUNICATION

DATE: 4/17/12

REGULAR

ITEM #: 8

AGENDA ITEM: Park Commission Appointments

SUBMITTED BY: Dean A. Zuleger, City Administrator

REVIEWED: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED

The City Council is respectfully requested to appoint Sarah Hietpas to fill the vacancy of 1st Alternate, and Wendy Sullivan as 2nd Alternate, on the Parks Commission.

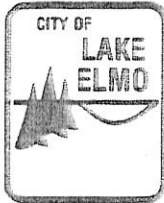
“Move to appoint Sarah Hietpas, 3704 Kindred Court, as 1st Alternate on the Parks Commission, and Wendy Sullivan, 10150 Tapestry Bend, as 2nd Alternate on the Parks Commission.”

RECOMMENDATION:

Staff is requesting Council to appoint Sarah Hietpas as 1st Alternate and Wendy Sullivan as 2nd Alternate to the Park Commission, providing a full membership of Parks Commissioners.

ATTACHMENTS:

1. Applications



MAYOR & COUNCIL COMMUNICATION

DATE: 4/17/12

REGULAR

ITEM #: 9

MOTION

AGENDA ITEM: Special Event Permit: Wild Adventure Race Spring Sprint - Sunfish Lake Park/Lake Elmo Park Reserve

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, Interim City Planner
Park Commission
Greg Malmquist, Fire Chief

SUMMARY AND ACTION REQUESTED: The City Council is being asked to review a request from Rick Odgers of Wild Adventure Race to conduct an orienteering/trail run within Sunfish Lake Park as part of a larger race event to be conducted within the Lake Elmo Park Reserve. The event would be conducted on Saturday, June 2 and would involve a biking, boating, and running component, with only the former element being conducted within the City park property. This is the first event to be submitted under the recently adopted Special Event Permit ordinance, and is being recommended for approval by Staff.

The recommended motion to act on this on this request is as follows:

“Move to approve a request for a Special Event Permit by Wild Adventure Race to conduct an orienteering/trail run within Sunfish Lake Park as part of a larger race event to be conducted within the Lake Elmo Park Reserve with two conditions of approval”

<u>FISCAL IMPACT:</u> None – all costs associated with the event will be borne by the applicant. There are no anticipated public expenses associated with the event.
--

BACKGROUND INFORMATION: The applicant has completed a special event permit application form and provided a project narrative that provides additional details about the event. The event being proposed would be a rely-type race that requires participants to navigate a course with maps and a compass. The portions of the race that will take place in the Lake Elmo Park Reserve will involve the use of boats and bicycles, while the portion in Sunfish Lake Park will involve runners on foot. Since the event is an orienteering race, there will be flags placed

along the relay route at various checkpoints. An example of the flags to be used is included in the application narrative.

Other than the runners using the park and the flags to be placed along the route, the only other impact to Sunfish Lake Park will be the parking of bicycles in the parking lot and the gathering of event volunteers in this location to assist the participants. The event is not expected to draw spectators and will not involve the use of sound systems or other activities that could be a potential nuisance to surrounding neighbors or park users.

A special event permit has been deemed necessary for this event because it will involve more than 100 participants within a 24-hour period and is a privately-sponsored event. The recently adopted ordinance for Special Events also lists a series of information that must be provided or requirements that must be met in order to conduct the event, which includes the following:

- **Maximum Number of People:** 200 competitors and 10 volunteers
- **Sound Equipment:** None
- **Sanitary Facilities:** None (event starts and ends in the Park Reserve)
- **Security:** The Washington County Parks Department has been working with the applicant securing proper permits for access to the park. Volunteers will be used to monitor the bike drop area and to help monitor the crossing at Highway 5.
- **Food Service:** None provided at Sunfish Lake Park
- **Fire Protection:** None required, please see comments from the Fire Chief below.
- **Duration of Special Event:** June 2, 2012 between 8:00 a.m. and 3:00 p.m. (with two additional hours for setup and teardown). Racers will be in Sunfish Lake Park between 10:00 a.m. and 2:00 p.m.
- **Cleanup Plan:** Removal of flags and clearing of parking lot.
- **Waivers:** None requested.
- **Insurance:** To be secured within two weeks of event; example certificate included with application.

In addition to the above requirements, the applicant has indicated that they will have EMT's on the site during the event. The Fire Chief has requested that access be maintained into the park for emergency vehicles and also, in the event that his department is called in, a point of contact and directions to the emergency. Staff will be providing the proper contact information to the Fire Chief, and is suggesting that one of the conditions of approval include a provision that access into the park not be blocked off during any part of the event.

The applicant has indicated that they obtain insurance closer to the race event, and therefore, has submitted only an example insurance form with the current request. Staff is recommending that an additional condition of approval require the submission of proper insurance documentation at least two weeks prior to the event date.

PARK COMMISSION REPORT: The Lake Elmo Park Commission will be reviewing the special event permit request at its April 16, 2012 meeting. Any action by the Commission will be presented as part of a verbal update to the Council.

RECOMMENDATION: Based upon the above background information and staff report, it is recommended that the City Council approve a Special Event Permit for Wild Adventure Race to conduct an orienteering/trail run within Sunfish Lake Park as part of a larger race event to be conducted within the Lake Elmo Park Reserve on June 2, 2012 by undertaking the following action:

“Move to approve a request for a Special Event Permit by Wild Adventure Race to conduct an orienteering/trail run within Sunfish Lake Park as part of a larger race event to be conducted within the Lake Elmo Park Reserve with the following conditions of approval:

- 1. Access into Sunfish Lake Park shall not be blocked at any time during the course of the event.***
- 2. A valid certificate of insurance meeting the requirements of Section 110.070 (E, 1, j) of the City Code shall be submitted at least two weeks prior to the event.”***

ATTACHMENTS:

1. Special Event Permit Application Form
2. Application Narrative
3. Example Certificate of Insurance
4. Special Event Permit 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
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates



Special Event Permit Application

I. Title and Brief Description of Event

WILD ADVENTURE RACE SPRING SPRINT

THE ORIENTEERING SECTION/TRAIL RUN PORTION OF AN EVENT WITH
A START/FINISH AT LAKE ELMO REGIONAL PARK

The applicant is responsible for answering all questions, including inquiries from media and citizens.

Applicant: RIK ODGERS Title: RACE DIRECTOR
Address: 2905 36th Ave S. Minneapolis MN 55406
Business/Organization: WILD ADVENTURE RACE

Daytime Phone: 612.356.1353 Mobile Phone: 612.356.1353 Emergency Phone: 651.895.5785

III. Event Timetable

A. Requested day and date: Saturday June 2nd 2012
B. Requested Hours of Operation, from 8 a.m. to 3 p.m.
C. Set up beginning day and date June 2, time 6 a.m. to 6 p.m.
D. Dismantle by day and date June 2, time 6 a.m. to 6 p.m.
E. Anticipated number of participants: 160; and spectators: —

IV. Insurance

Attach to this application either an insurance policy or a certificate of insurance including the policy number and showing liability amounts. The policy must state that any outside area to be used for an event is covered. The policy must also show evidence that the requested event is not excluded from insurance liability.

we get Insurance based on the number of participants. This occurs much closer to the race. usually finalized within 2 wks of the event. we list all parks or private landowners as additional insured. we can provide you an example of an additional insured certificate from a past race.

V. Check All Items that Apply to your Event

- ☒ Use of a Public Facility (note facility): SUN FISH LAKE PARK
- ☒ Event participant and/or spectator parking areas (describe): 2 or 3 volunteer vehicles
- ☐ Entertainment or stage location (provide to-scale drawings);
- ☐ Construction or erection of temporary structures (may need permit: check with planning department);
- ☐ Trash containers (indicate # and locations): _____;
- ☐ Portable toilet facilities (indicate # and locations): _____;
- ☒ First aid facilities (indicate who is providing): We provide an EMT at the Park
- ☐ Parade and/or parade floats (may need permit);
- ☐ Fireworks and/or pyrotechnics site (may need permit, check with the fire department);
- ☐ Cooking facilities, open flame, or vehicle fuels (may need permit, check with fire department);
- ☐ Electricity (indicate source and plan): _____;
- ☐ Other (please describe): _____;

VI. Food, Beverages, and/or Entertainment

- A. If your event includes music, live entertainment, sound amplification or any other noise impact, please describe, including the intended hours of the music, sound or noise.

- B. Will alcoholic beverages be served? ____ Yes ☒ No

C. Name of liquor establishment: _____

- D. For service of alcohol outside a licensed premise, include a diagram showing the defined area of the alcohol concession service and attach a copy of your certificate of liquor liability insurance covering the limits of the alcohol service area.

E. If serving alcohol, describe how you will ensure that alcohol will be possessed and consumed only by those persons 21 years or older. Describe all security measures in place.

~~NA~~

F. Will food and/or non-alcoholic beverages be served? Yes ☐ No ☒

G. If yes, describe sanitation and food-handling procedures:

~~NA~~

H. If yes, you will need to have a Temporary Food License from Ramsey County. Attach a copy of your Temporary Food License to this application.

I. If you intend to cook food in the event area, describe your area layout, including fuel or electrical sources to be used:

~~NA~~

VII. Vendors or Concessionaires

List what vendors/concessionaires you will have at your event and list their Sales Tax ID Number:

~~NA~~

VIII. Security and Safety Procedures

A. Describe your proposed procedures for security and crowd control:

This is a running event. There will be no crowd/spectators, so crowd control will not be an issue we will have. Volunteers, including EMTs on site for security.

B. If the event is to occur at night, describe how you will light the event area in order to increase the safety of participants and spectators coming to and leaving the event:

NA

IX. Clean-up

List persons responsible for clean-up duties:

RICK ODGERS Gayle Perreira
LIZ DeJong
Jason Perreira

X. Mitigation of Impacts on Others

Describe how you intend to mitigate the impacts of the special event on businesses, churches, neighbors, motorists, and others:

we will hang orange and white checkpoint/orienteering flags
along trails. Participants will run the trails looking for these
flags. They will bike into the park. There is no noise expected or
anything else that should effect churches, neighbors, etc. Racers
practice "A LEAVE NO TRACE" philosophy
Note: Any condition which causes adverse impacts may be cause to revoke the Special Events Permit

Applicant Signature:

[Signature]

Date of Application:

4-2-2012

Request for Special Event Permit

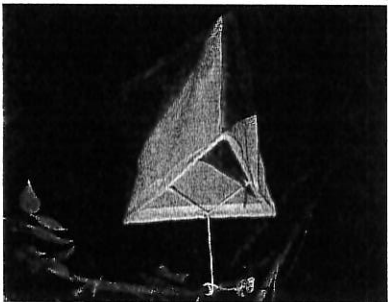
What: Wild Adventure Race Sprint Series Race 1

When: June 2nd, 2012

Where: Sun Fish Lake Park and Lake Elmo Park Reserve

Time: 6:00 am to 4:00 pm (race competitors will be in the park from approximately 10:00 am to 2:00 pm)

Description: An adventure race is a team sport that requires navigating a course with maps and a compass utilizing combinations of non-motorized disciplines – on foot, bike, and in boats (canoe, kayak, or raft). It is very similar to orienteering, which has been done at Sun Fish Lake Park in the past. In this particular event, which is designed for beginners, racers in teams of 2 will begin on bikes in Lake Elmo Park Reserve (LEPR). They will be looking for checkpoints along the way.



Checkpoints are generally orange and white, lightweight orienteering flags (see image). Racers will also be doing a boat section in LEPR. These two sections could take teams up to 2 hrs to complete, thus spreading out teams quite a bit. After the bike and boat sections teams will leave LEPR by the North Entrance, cross Hwy 5, and enter Sun Fish Lake Park. Teams will then drop their bikes with volunteers in a section of the parking lot or just off the lot, near the trailhead. Teams will then go on foot to look for more checkpoints, approximately 5-10 of them. Most teams should finish in under 1 hour. Once the section is complete, teams will retrieve their bikes and head back across Hwy 5 to the finish in LEPR. The whole course should take the average team 3 hours.

There may be one or two volunteer vehicles, but other than that, the only space we will be occupying is an area with the bikes. This is very flexible. With the start and finish in LEPR, there will be limited impact in Sun Fish Lake Park. The Minnesota Orienteering Club held a similar event in the park several years ago.

We have permission from LEPR and we are coordinating the crossing of Hwy 5 with the Washington County Sheriff's Office and MnDOT.

Max People: 200 competitors plus up to 10 volunteers. The competitors will be well spread out. We will not disturb regular park visitors any more than any other trail runner would. In fact, the comment we usually receive from park managers and staff is that visitors were not even aware an event was happening in the park.

Sound Equipment: None

Sanitary Facilities: None required, the competitors will be running on the trails for approximately 1 hour and then will head to LEPR.

Security: We will have volunteers at the bike drop. Competitors will retrieve bikes after they have done the trail run and return to LEPR.

Food Service: No food will be provided at Sun Fish Lake Park

Fire Protection: Not applicable

Clean Up Plan: Clean up will merely mean removing 5-10 orange and white orienteering flags that will have been placed along the trails, and making sure the parking lot is clear of any possible wrappers from "energy bars" consumed by the participants. This will take no more than one hour.

Waiver: NA

Insurance: We carry a \$1 million insurance per occurrence and provide additional insured certificates for land owners/managers. Provided is an example from a previous race of an additional insured certificate for the City of Duluth.

Safety: We will have EMTs on site.

Miscellaneous: Parking will not be needed (except for a volunteer vehicle or two), but bikes will be dropped in a corner of the lot.

Thank you for considering our request. Please direct any questions to **Rick Odgers** at **612.356.1353** or via email at **ricko@wildadventurerace.com**.

CERTIFICATE OF INSURANCE

PRODUCER American Specialty Insurance & Risk Services, Inc. 142 North Main Street Roanoke, Indiana 46783	
INSURED United States Adventure Racing Association, Inc. 910 Delrey Drive College Station, TX 77845	
INSURERS AFFORDING COVERAGE INS. A: AXIS Insurance Company INS. B: INS. C:	
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW.	
CERT NUMBER: 1000914201	

COVERAGES

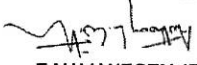
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITION OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.				
INS	POLICY	POLICY	POLICY	LIMITS
LTR	TYPE	NUMBER	EFFECTIVE	EXPIRATION
A	GL	AXGL02100475-10	02/20/2010 12:01 a.m.	02/20/2011 12:01 a.m.
General Aggregate				
3,000,000				
Products-Completed Operations Aggregate				
3,000,000				
Personal and Advertising Injury				
1,000,000				
Each Occurrence				
1,000,000				
Damage to Premises Rented to You (Any One Premises)				
300,000				
Medical Expense Limit (Any One Person)				
Excluded				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

- The Certificateholder is only an additional insured with respect to liability caused by the negligence of the Named Insured as per Form AXIS 1003-Additional Insured-Certificateholders, but only with respect to WILD ADVENTURE RACE FALL 24-HR from September 17, 2010 through September 18, 2010.

CERTIFICATE HOLDER

CANCELLATION

CITY OF DULUTH 12 E 4 ST DULUTH, MN 55805	
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.	
AUTHORIZED REPRESENTATIVE 	

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

ORDINANCE NO. 08-054

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

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

§ 110.070 SPECIAL EVENT PERMITS.

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

(B) A Special Event shall include the following:

(1) Any temporary, privately-sponsored event, typically conducted outdoors, open to the general public, held on public or privately owned property that will be attended by over 100 people within a 24-hour period where such event would not otherwise be permitted under the City's zoning regulations.

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

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

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

(2) Special events or activities permitted or permitted by other State laws or regulations of the City of Lake Elmo, including publicly-sponsored activities in the local park system and any other lawfully established event for which the City Council has expressly granted approval prior to adoption of this ordinance, unless said event is expanded or enlarged, in which case a Special Event Permit will be required.

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

(4) Garage sales

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

(D) Permit Required

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

(E) Requirements for Issuance of a Permit

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

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

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

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

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

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

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

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

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

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

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

(k) Miscellaneous. Prior to the issuance of a permit, the City Council, may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons, attendant or of the citizens of the City of Lake Elmo including, but not limited to, restrictions on parking and vehicle access, lighting, litter and noise.

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

(a) All performance standards as specified in Section 154.110 for Agricultural Sales Businesses. The City Council, may exempt the applicant from any of these standards that are deemed unnecessary given the nature or duration of the event.

(F) Application Procedures.

(1) A written application for a Special Event Permit shall be filed on forms provided by the City with the City Administrator not less than thirty (30) days before the date proposed for

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

(G) Fees

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

(H) Granting a Permit

(1) The City Council, in its sole discretion, reserves the right to review and determine whether or not a request for a special event and/or street closing is acceptable. In the event the City Council determines the activity does not meet these criteria, such applications shall be denied.

(J) Denial of Permit

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

(K) Transferability

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

(L) Enforcement and Penalties

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

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

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

(M) Revocation of Permit

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

SECTION 2. Effective Date

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

SECTION 3. Adoption Date

This Ordinance No. 08-054 was adopted on this 1st day of November, 2011 by a vote of ____ Ayes and ____ Nays.

Mayor Dean A. Johnston

ATTEST:

Craig Dawson
Interim City Administrator

This Ordinance No 08-054 was published on the ____ day of _____, 2011.

