

FILE

**City of Lake Elmo**

3800 Laverne Avenue North

Lake Elmo, MN 55042

City Council Meeting

May 1, 2012

**7:00 p.m.**

- A. **CALL TO ORDER:**
- B. **PLEDGE OF ALLEGIANCE:**
- C. **ATTENDANCE:** \_\_\_ Johnston \_\_\_ Emmons \_\_\_ Park \_\_\_ Pearson \_\_\_ Smith
- D. **APPROVAL OF AGENDA:** (The approved agenda is the order in which the City Council will do its business.)
- E. **ORDER OF BUSINESS:** (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council conducts its public business.)
- F. **GROUND RULES:** (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. **ACCEPT MINUTES:**
1. Accept April 17, 2012, City Council minutes
- H. **PUBLIC COMMENTS/INQUIRIES:** In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.)
- Greg Stopka, Alliance for Innovation
- 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. Approve Year End Fund Closing Transfers
  4. 2012 Seal Coat Project – Approval of Plans and Specifications and Ordering Advertisement for Bids
  5. CSAH 10Mill and Overlay – Resolution Approving a County Project Within Municipal Corporate Limits
  6. Demontreville Park and Wildlife Area – Approve Parking Lot Improvements and Add to 2012 Street Improvement Project
  7. Designation of South Washington Watershed District as the LGU for Administering the Wetlands Conservation Act
  8. Approve Budget Adjustment/Designation and Donation for Maintenance of Historic District 12 School House
- K. **REGULAR AGENDA:**
9. Purchase of Lake Elmo Fire Department Turnout Gear
  10. Council Discussion of Economic Development Authority (EDA)
  11. Authorization to Purchase Landscape Material for MnDOT Landscape Partnership Program Planting
- L. Adjourn

City of Lake Elmo  
City Council Minutes  
April 17, 2012

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

**PRESENT:** Mayor Johnston, Council Members Emmons, Smith, & Pearson

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

**APPROVAL OF AGENDA:**

*MOTION: Council Member Smith moved to approve the April 17, 2012 City Council Agenda as presented. Council Member Pearson seconded the motion. **The motion passed 4-0.***

**ACCEPTED MINUTES:**

Mayor Johnston asked that the minutes under the Regular Agenda Item – Lot Area and Width Variance – 5577 Lake Elmo Avenue, Paragraph 2; be amended to read: Mayor Johnston thought that the proposed variance was consistent with the City's Comprehensive Plan noting that two acres per house was consistent with the plan. Mayor Johnston asked the minutes under Reports, Paragraph 1; be amended to read: Stillwater Chamber of Commerce Symposium meeting. City Administrator Zuleger asked that the Council listen to residents who had concerns about the minutes reflecting their comments on the Regular Agenda Item – Lake Elmo Park Reserve West Side Access Plan. Brad Sahr, 9170 15<sup>th</sup> Street approached the Council and asked that the minutes under Regular Agenda Item – Lake Elmo Park Reserve West Side Access Plan, Paragraph 1; be amended to read: The Parks Commission presented the plan. Council agreed with the amendment. **Mr. Sahr raised further concerns about the Planning Commission minutes as well which was taken as a note for staff to review.** Mr. Sahr, representing Lil Linder, 9255 15<sup>th</sup> Street, asked that Paragraph 8; be amended to read: Expressed frustration over a request for access at Klondike Avenue into the park into this location and this would be fiscally irresponsible. Council agreed with the amendment. Mr. Sahr asked that the petition and the associated comments presented that evening be included in the minutes. Council agreed to allow the attachment. Michele Houk, 1532 15<sup>th</sup> Street Court approached the Council and asked that the minutes under Regular Agenda Item – Lake Elmo Park Reserve West Side Access Plan, Paragraph 7; be amended to read: There is an easement on Cardinal View but that the preceding property on 15<sup>th</sup> Street North has no easement at this time.

The April 3, 2012 City Council Minutes were accepted as amended by consensus of the City Council.

**PUBLIC COMMENTS/INQUIRIES:**

Jim McLeod, 11580 30<sup>th</sup> Street North, approached the Council and inquired why the city tax rate increased by 11 percent. **Finance Director Bendel responded that she would research the answer to his question and provide her findings to Mr. McLeod.**

Justin Bloyer, 8881 Jane Road North, approached the Council and raised concerns regarding an email he had received about the previous evening's Parks Commission meeting. Mr. Bloyer stated he was not in attendance at the meeting but had concerns that he stated were shared by additional citizens that at times they felt they have been treated with disrespect. Mr. Bloyer noted that he was happy to see that the ground rule signs had been taken off the wall in the council chambers and felt that was a step in the right direction. Mr. Bloyer continued that he serves as a member of the Planning Commission at the pleasure of the City Council and

expressed his concern for the way in which some Commission Members treat the public. He asked that the City Council impart to the Commissioners an understanding for treating the public with dignity and respect.

Gary Peltier, 5747 Highlands Court North, approached the Council and inquired about why bituminous had been chosen over concrete for the Keats Avenue and Demontreville Highlands street projects. He raised concerns about having to repeat the street projects sooner in the future using bituminous over concrete and expressed his support of concrete curbs. City Engineer Griffin, Council Member Pearson, Council Member Smith, Council Member Emmons and Mayor Johnston explained the decision process, the fiscal impact to both the residents affected and residents at large, and that the decision had been made through thorough discussions beginning with the CIP process through the report and design stages of the project and that the project is now in progress. Council recommended Mr. Peltier meet with staff and Council if he would like additional information or would like to have further discussion regarding the projects.

Sara Quick, Jaycees President approached the Council and expressed her gratitude for support of the Jaycees and their projects. She noted the following upcoming events: Sunday, April 22, 2012 annual Pitch, Hit and Run Skills Competition at 12:00 p.m.; May 5, 2012 annual Sand Box Fill followed by a Karaoke Social at Sergeant Peppers at 8:00 p.m.; June 2, 2012 Old Fashioned Family Fun Day at Lions Park at 1:00 p.m.

Mayor Johnston introduced newly hired City Clerk Sandie Thone. He stated that there have been many changes in staff in the past few months and expressed this was the strongest, most consistent and capable staff that he has ever seen and was excited to have this team working for the residents. Ms. Thone thanked the Mayor, Council and Administrator for the opportunity to serve the City of Lake Elmo. She expressed Lake Elmo is dear to her heart and thanked the staff and council for so warmly welcoming her to the team. She expressed her excitement in being part of this professional and team-oriented Council and staff.

## REPORTS:

Council Member Emmons regretted that he was unable to attend the past couple meetings due to professional travel constraints.

Council Member Smith reported the Lake Elmo Fall Festival will be held on September 8, 2012 and she will keep all informed on the progress of the event.

Council Member Pearson reported that he met with Family Means who does much work with Cimarron Mobile Home Park children and expressed his appreciation for the organization and the important work that they do. ***He asked the council to support the program and staff to draft a letter of support for the program.***

Mayor Johnston reported he attended the Regional Council of Mayors meeting and presented information obtained on grant funding for green planning objectives as they may relate to the Village and the I-94 Corridor projects. He attended the Gateway Corridor Commission whose objectives are to maximize use of the corridor, minimize the cost and to minimize transit time. He stated discussion is being had regarding the locations of the Park and Rides, including two sites in Lake Elmo. He stated the decision will be made at the next meeting and encouraged discussion and support over the next several weeks for the locations in Lake Elmo expounding on the benefits to the community.

City Administrator Zuleger reported over fifty percent of the surveys had been submitted regarding the Village Sewer Survey and of the 116 surveys submitted; 56-yes, 20-no, and 30-undecided. He will be supporting the Chamber in applying for a main street grant to support downtown improvements. He is working with members of Bachman's staff, Jennifer Pelletier and the Lake Elmo Elementary principal on a safe route to school grant to address safety concerns on Highway 5. He reported newsletter costs for the latest edition of The Source and stated that it would actually cost about the same as the previous newsletter due to the change made from two color to one color printing. He recognized Washington County Deputy Sheriff Nick Loperfido and stated the



staff is working hard on citizen engagement and wished to thank and personally recognize the Deputy Sheriff for his significant contributions in this area. He added congratulations are in order for Mr. Loperfido for his recent promotion to detective. In addition he wished to thank and recognize Engineer Ryan Stempiski for his significant contributions in the area of citizen engagement as well. He expressed his wish to continue this formal recognition process in the future. Council Member Pearson expressed his appreciation for Sheriff Deputy Loperfido's work. Additionally he thanked and expressed his appreciation for City Administrator Zuleger's significant contributions and hard work. City Administrator Zuleger stated he regrets and accepts full responsibility that at the last Parks Commission meeting, when Lake Elmo Park Reserve West Side Access Plan was presented, he assumed the plan had been thoroughly vetted. He recommended the plan be brought back to the Parks Commission for further discussion and review. He stated there will be a staff/council retreat on Friday and Saturday, April 20 and 21, 2012. The retreat will focus on building trust amongst the Council and staff and creating a vision statement for the City of Lake Elmo.

City Attorney Snyder noted that there was a need for participation on Well Site #4 regarding the impact of flood plain areas on the site and discussions with staff have identified a number of solutions and will update accordingly. He stated they continue working on updating Administrative Penalty Fines. He added no scheduling order has been issued in regards to the detachment hearing to date.

City Engineer Griffin reported they are staying on top of the well site/flood plain issue. He added the Whistling Valley Subdivision has a completion date of June 15, 2012.

Planning Director Klatt gave an update on the Village Work Group and noted they are now scheduling meetings with the technical committee and will be meeting with both Washington County and the State to talk about mainly transportation issues. He added they have taken the feedback from the public and are refining the plans and will continue to reach out to the school district, the watershed district and others to gather feedback on the plans. The workgroup will begin to focus on transfer development rights and other programs to help promote and maintain the open space in the Village. He noted that the I-94 group is continuing to work on the Comprehensive Plan amendments and the zoning requirements in preparation for Comprehensive Plan and zoning updates for the I-94 Corridor project.

Finance Director Bendel reported financial reports were presented in this week's agenda packet and would be more detailed in the future and will include budget-to-actual reports. She reported they were working on cleaning up assessments, reconciling and that the City is in good shape for the upcoming audit.

#### CONSENT AGENDA:

*MOTION: Councilmember Smith moved to approve the Consent Agenda, removing items: 1<sup>st</sup> Quarter Financial Report, Item 2 and Item 6 for further discussion and review. Council Member Emmons seconded the motion. The motion passed 4-0.*

- 1<sup>st</sup> Quarter Financial Report
- 2) Approve Payment of Disbursements and Payroll in the amount of \$70,016.81
- 3) Test Well Number 4 – Pay Request Number 1 (Final)
- 4) AT&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

#### 1ST QUARTER FINANCIAL REPORT

Council Member Pearson inquired about additional information regarding the Fire Department's request to

obtain a grant from the DNR to cover installation of dry fire hydrants and the Fire Department's request for application for FEMA Hazard Mitigation funding. City Administrator Zuleger explained the exploration of obtaining dry fire hydrants which would serve the Tri-Lakes area and the Lake Elmo area where there are not direct sources of water for firefighting purposes. In addition, he explained the FEMA Hazard Mitigation grants are submitted on an annual basis and the City is aiming to utilize these funds, if granted, as a means to bolster the paid-on-call fire department's needs. Council Member Pearson recommended if the grant for dry fire hydrants is obtained, that Washington County Parks be in agreement to maintain these along with the City.

## **ITEM 2: APPROVE PAYMENT OF DISBURSEMENTS AND PAYROLL IN THE AMOUNT OF \$70,016.81**

Council Member Pearson inquired whether the C & J Consulting fees would be coming to an end and Administrator Zuleger responded in the affirmative. He inquired about the quality of services offered by The City of Roseville for IT services. Administrator Zuleger responded we were very happy with the quality and cost-effectiveness of the services. ***He asked for additional information regarding the Met. Council wastewater fee. Finance Director Bendel responded she would supply him with additional details.***

*MOTION: Council Member Pearson moved to approve Consent Agenda Item 2. Council Member Smith seconded the motion. **The motion passed 4-0.***

## **ITEM 6: AMERICORPS STAFFING OPPORTUNITY**

Council Member Pearson requested additional information on the AmeriCorps Staffing Opportunity. Administrator Zuleger responded the City is applying for a no-cost AmeriCorps' representative to work in the areas of a recycling program, resident stormwater/groundwater programs and improvements on our pedestrian/bike trails for the period of 11 months (equating to \$30,000). Administrator Zuleger noted we are currently lightly staffed and felt it would be good to take advantage of such program offerings when made available. Council Member Pearson expressed trust in the staff to utilize the representative effectively for the City, if granted.

*MOTION: Council Member Pearson moved to approve Consent Agenda Item 6. Council Member Smith seconded the motion. **The motion passed 4-0.***

## **REGULAR AGENDA:**

## **ITEM 8: PARKS COMMISSION APPOINTMENTS**

Mayor Johnston stated interviews were held this evening with two very qualified residents for the vacancies on the Parks Commission and added he felt both of them would be helpful in moving program forwards in this area. Council Member Emmons expressed his appreciation for the energy and the backgrounds of the two applicants.

*MOTION: Council Member Smith moved to approve Sarah Hieptas, 3704 Kindred Court as the 1<sup>st</sup> Alternate on the Parks Commission and Wendy Sullivan, 10150 Tapestry Bend as 2<sup>nd</sup> Alternate on the Parks Commission. Council Member Pearson seconded the motion. **The motion passed 4-0.***

## **ITEM 9: SPECIAL EVENT PERMIT: WILD ADVENTURE RACE SPRING SPRINT – SUNFISH LAKE PARK/LAKE ELMO PARK RESERVE**

Planning Director Klatt explained this is the first permit application under the new special event permit process and ordinance and stated it has gone well. The event includes three tiers; boating, biking and running and will utilize Lake Elmo Park Reserve and Sunfish Lake Park. He stated the event is in compliance with all of the requirements and staff recommends approval of the special event permit with the following two conditions: 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 11.070 (E, 1, j) of the City Code shall be submitted at least two weeks prior to the event.

*MOTION: Council Member Emmons moved to approve Special Event Permit: Wild Adventure Race Spring Sprint – Sunfish Lake Park/Lake Elmo Park Reserve with the following two conditions: 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 11.070 (E, 1, j) of the City Code shall be submitted at least two weeks prior to the event. Council Member Pearson seconded the motion. **The motion passed 4-0.***

The meeting was adjourned at 8:16 p.m.

Respectfully submitted by Sandie Thone, City Clerk

Resolution No. 2012-015:	Related to 2012 Assessments to Washington County
Resolution No. 2012-016:	Authorized City Administrator and Mayor to Enter into Contract No. 01029 with State of Minnesota, Department of Transportation for Reimbursement of Landscape Materials to be Utilized Along State Highway 5





## MAYOR & COUNCIL COMMUNICATION

DATE: 5/1/2012

**CONSENT**

ITEM #: 2

**MOTION** as part of Consent Agenda

**AGENDA ITEM:** Approve Disbursements in the Amount of \$111,837.61

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Joan Ziertman, Finance Consultant

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**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$111,837.61. 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	\$ 6,059.62	Payroll Taxes to IRS 4/19/2012
ACH	\$ 1,175.26	Payroll Taxes to MN Dept. of Revenue 4/19/2012
ACH	\$ 4,181.80	Payroll Retirement to PERA 4/19/2012
DD3922 – DD3937	\$ 19,638.79	Payroll Dated 4/19/2012 (Direct Deposit)
38312-38314	\$ 820.95	Payroll Dated 4/19/2012 (Payroll Paper Checks)
38315-38357	\$ 79,061.19	Accounts Payable Dated 5/1/2012
1412-1426	\$ 900.00	Accounts Payable Dated 5/1/2012 (Library Checks)
<b>TOTAL</b>	<b>\$ 111,837.61</b>	

**STAFF REPORT:** City staff has complied and reviewed the attached set of claims. All appears to be in order and consistent with City budgetary and fiscal policies and Council direction

**RECOMMENDATION:** It is recommended that the City Council approve as part of the Consent Agenda proposed disbursements in the amount of \$111,837.61.

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 May 1, 2012, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 5/1/2012

**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: 04/26/2012 - 1:01 PM  
Batch: 006-04-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Aramark, Inc.										
629-7469021	04/05/2012	22.91	0.00	05/01/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
629-7469021	Total:	22.91								
629-7473951	04/12/2012	22.91	0.00	05/01/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
629-7473951	Total:	22.91								
629-7475814	04/16/2012	113.87	0.00	05/01/2012	Monthly Rug Service Station #2		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7475814	Total:	113.87								
629-7475815	04/16/2012	182.14	0.00	05/01/2012	Linen City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7475815	Total:	182.14								
629-7475816	04/16/2012	112.59	0.00	05/01/2012	Monthly Rug Service Station #1		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7475816	Total:	112.59								
629-7478862	04/19/2012	22.91	0.00	05/01/2012	Uniforms		-	No		0000
101-430-3100-44170	Uniforms									
629-7478862	Total:	22.91								
629-7480708	04/23/2012	23.09	0.00	05/01/2012	Monthly Rug Service Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7480708	Total:	23.09								
ARAM Total:		500.42								
ASPENMI Aspen Mills, Inc.										
120, 323	04/17/2012	89.73	0.00	05/01/2012	Pants, belt, Tie clips - Dept		-	No		0000
101-420-2220-44170	Uniforms									
120, 323	Total:	89.73								
ASPENMI Total:		89.73								
C&J CONS C & J Consulting Services, LLP										
April 2012	04/24/2012	1,037.50	0.00	05/01/2012	Final Billing per contract thru 4/12/12		-	No		0000
101-410-1520-43150	Contract Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	April 2012 Total:	1,037.50								
	C&J CONS Total:	1,037.50								
CARQUEST Car Quest Auto Parts										
2055-245336	04/11/2012	141.26	0.00	05/01/2012	Battery & Parts 91-1 air filter 05-4		-		No	0000
101-450-5200-42210	Equipment Parts									
2055-245336	04/11/2012	78.42	0.00	05/01/2012	Anti-freeze		-		No	0000
101-450-5200-42120	Fuel, Oil and Fluids									
	2055-245336 Total:	219.68								
	CARQUEST Total:	219.68								
COLEMER Colemer Jamie										
Check Req	04/22/2012	56.82	0.00	05/01/2012	3 pair of Shirts & Pants and 1 pair boot		-		No	0000
101-430-3100-44170	Uniforms									
	Check Req Total:	56.82								
	COLEMER Total:	56.82								
DELTA Delta Dental Of Minnesota										
4835105	04/15/2012	1,017.10	0.00	05/01/2012	April 2012 Dental Coverage		-		No	0000
101-000-0000-21706	Medical Insurance									
	4835105 Total:	1,017.10								
	DELTA Total:	1,017.10								
DUSTYSBO Dusty's Body Shop										
15718	04/18/2012	1,645.00	0.00	05/01/2012	Body repairs to E2		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	15718 Total:	1,645.00								
	DUSTYSBO Total:	1,645.00								
E.G.RUD E.G. Rud & Sons, Inc.										
25960	04/04/2012	3,356.50	0.00	05/01/2012	Well #4 Site Acquisition - Land Survey		-		No	0000
601-494-9400-43150	Contract Services									
	25960 Total:	3,356.50								
	E.G.RUD Total:	3,356.50								
FASTENAL Fastenal										
MNOAK1356	04/12/2012	24.76	0.00	05/01/2012	Trailer Safety Chain Hardware		-		No	0000
101-450-5200-42400	Small Tools & Minor Equipment									
	MNOAK1356 Total:	24.76								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FASTENAL Total: 24.76										
FXL FXL, Inc.										
April 2012	04/01/2012	2,000.00	0.00	05/01/2012	Assessing Services	- April 2012	-	No		0000
101-410-1320-43100	Assessing Services	2,000.00								
April 2012 Total:		2,000.00								
FXL Total:		2,000.00								
HOLIDAYC Holiday Credit Office										
04/15/2012	04/15/2012	315.51	0.00	05/01/2012	Fuel		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids	315.51								
04/15/2012 Total:		315.51								
HOLIDAYC Total:		315.51								
JOHNSON& Johnson & Turner Attorneys										
March 2012	04/10/2012	1,429.50	0.00	05/01/2012	Legal Services - Development		-	No		0000
203-490-9070-43040	Legal Services	4,310.00	0.00	05/01/2012	Legal Services - Prosecution		-	No		0000
March 2012	04/10/2012	918.00	0.00	05/01/2012	Legal Services - Infrastructure		-	No		0000
101-420-2150-43045	Attorney Criminal	1,846.00	0.00	05/01/2012	Legal Services - 3 M		-	No		0000
March 2012	04/10/2012	8,503.50								
413-480-8000-43040	Legal Services	8,503.50								
March 2012	04/10/2012	8,503.50								
601-494-9400-43040	Legal Services									
March 2012 Total:		8,503.50								
JOHNSON& Total:		8,503.50								
KIMMESB Kimmes-Bauer, Inc.										
39499	03/12/2012	35,792.50	0.00	05/01/2012	Well Drilling work for Well #4		-	No		0000
601-494-9400-43150	Contract Services	35,792.50								
39499 Total:		35,792.50								
KIMMESB Total:		35,792.50								
KLATT Klatt Kyle										
04/12/2012	04/12/2012	130.43	0.00	05/01/2012	Health Savings Reimbursement		-	No		0000
101-000-0000-21710	Health HSA	130.43								
04/12/2012 Total:		130.43								
KLATT Total:		130.43								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
LEAGMN League of MN Cities										
165979	04/23/2012	355.00	0.00	05/01/2012	2012 Annual Conference		-		No	0000
101-410-1110-44370	Conferences & Training									
	165979 Total:	355.00								
	LEAGMN Total:	355.00								
LINNER Linner Electric Company, Inc.										
22188	04/25/2012	329.00	0.00	05/01/2012	Well #2 Chlorination System		-		No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	22188 Total:	329.00								
	LINNER Total:	329.00								
MALMQ Malmquist Greg										
04/12/2012	04/12/2012	28.71	0.00	05/01/2012	Meals/Parking, Emerg Mgmt Training		-		No	0000
101-420-2220-44370	Conferences & Training									
	04/12/2012 Total:	28.71								
	MALMQ Total:	28.71								
MENARDSO Menards - Oakdale										
81958	04/12/2012	112.80	0.00	05/01/2012	Saw Blades for Rescue tools		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	81958 Total:	112.80								
	MENARDSO Total:	112.80								
MEYERSEW Meyer Sewer Service, Inc										
54658	04/02/2012	350.00	0.00	05/01/2012	Pumped holding tank PWD		-		No	0000
101-430-3100-44010	Repairs\Maint Bldg									
	54658 Total:	350.00								
	MEYERSEW Total:	350.00								
MFRA McCombs Frank Roos Assoc Inc.										
70271	04/01/2012	3,709.65	0.00	05/01/2012	Planning Services - March 2012		-		No	0000
101-410-1910-43150	Contract Services									
	70271 Total:	3,709.65								
	MFRA Total:	3,709.65								
MIRACLE Equipment Co. Miracle Recreation										
722602	04/09/2012	413.04	0.00	05/01/2012	2 tot swing seats and 3 slash proof seat		-		No	0000
101-450-5200-44030	Repairs\Maint Imp Not Bldgs									
	722602 Total:	413.04								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MIRACLE Total:		413.04								
MNDEE Economic Development MN Dept, of E										
7799119	04/10/2012	3,582.00	0.00	05/01/2012	Unemployment Insurance		-	No		0000
101-410-1320-41420	Unemployment Benefits	3,582.00								
7799119 Total:		3,582.00								
MNDEE Total:										
MUNICI-P Munici-Pals										
04/01/2012	04/01/2012	60.00	0.00	05/01/2012	Annual Munici-pals workshop 2012		-	No		0000
101-410-1320-44380	Staff Development	60.00								
04/01/2012 Total:		60.00								
MUNICI-P Total:		60.00								
NEXTEL Nextel Communications										
761950227-108	03/18/2012	87.03	0.00	05/01/2012	Cell Phone Service - Administration		-	No		0000
101-410-1940-43210	Telephone	79.68								
761950227-108	03/18/2012	17.93	0.00	05/01/2012	Cell Phone Service - Fire Dept		-	No		0000
101-420-2220-43210	Telephone	35.38								
761950227-108	03/18/2012	89.08	0.00	05/01/2012	Cell Phone Service - Building Dept		-	No		0000
101-420-2400-43210	Telephone	309.10								
761950227-108	03/18/2012	309.10	0.00	05/01/2012	Cell Phone Service - Public Works Dept		-	No		0000
101-430-3100-43210	Telephone									
761950227-108	03/18/2012		0.00	05/01/2012	Cell Phone Service - Parks Dept		-	No		0000
101-450-5200-43210	Telephone									
761950227-108 Total:		309.10								
NEXTEL Total:		309.10								
NIMMOTOD Nimmo Todd										
803-000-0000-22900	04/24/2012	5,000.00	0.00	05/01/2012	Refund Escrow - 11679 58th Street #7830		-	No		0000
Deposits Payable		5,000.00								
Chk Req Total:		5,000.00								
NIMMOTOD Total:		5,000.00								
PITNEYRE Reserve Account Pitney Bowes										
04/16/2012	04/16/2012	500.00	0.00	05/01/2012	Postage		-	No		0000
101-410-1320-43220	Postage	500.00								
04/16/2012 Total:		500.00								
PITNEYRE Total:		500.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PRESSA Anastasia Press										
04/17/2012	04/17/2012	55.00	0.00	05/01/2012	City Council Meeting 4/17/12		-		No	0000
101-410-1450-43620	Cable Operations									
	04/17/2012 Total:	55.00								
04/23/2012	04/23/2012	55.00	0.00	05/01/2012	4/23/12 Planning Commission		-		No	0000
101-410-1450-43620	Cable Operations									
	04/23/2012 Total:	55.00								
	PRESSA Total:	110.00								
PROSTAFF PROSTAFF										
102-854096	04/22/2012	496.00	0.00	05/01/2012	Temp Help WE 4/8/12		-		No	0000
101-410-1320-41010	Full-time Salaries									
	102-854096 Total:	496.00								
102-855292	04/29/2012	620.00	0.00	05/01/2012	Temp Help WE 4/15/12		-		No	0000
101-410-1320-41010	Full-time Salaries									
	102-855292 Total:	620.00								
	PROSTAFF Total:	1,116.00								
ROBERTSC ROBERTS COMPANY INC.										
254886A	04/13/2012	22.50	0.00	05/01/2012	Service Pins		-		No	0000
101-420-2220-44170	Uniforms									
	254886A Total:	22.50								
	ROBERTSC Total:	22.50								
ROGERS Rogers Printing Services, Corp										
18567	04/06/2012	94.05	0.00	05/01/2012	Business Cards		-		No	0000
101-410-1320-42000	Office Supplies									
	18567 Total:	94.05								
18581	04/11/2012	57.66	0.00	05/01/2012	Business Cards		-		No	0000
101-410-1320-42000	Office Supplies									
	18581 Total:	57.66								
18582	04/11/2012	245.55	0.00	05/01/2012	Office Business Cards		-		No	0000
101-410-1320-42000	Office Supplies									
	18582 Total:	245.55								
18591	04/18/2012	2,203.76	0.00	05/01/2012	Quarterly Newsletter		-		No	0000
101-410-1320-43090	Newsletter/Website									
	18591 Total:	2,203.76								
	ROGERS Total:	2,601.02								
ROTARYLE Lake Elmo Rotary Club										
2nd Quarter	04/01/2012	125.00	0.00	05/01/2012	Membership Dues - D. Zuleger		-		No	0000
101-410-1320-44330	Dues & Subscriptions									

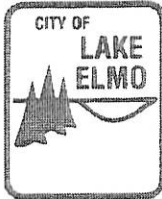


Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
2nd Quarter 101-410-1320-44330 Dues & Subscriptions 2nd Quarter Total: ROTARYLE Total:	04/01/2012	16.00 141.00 141.00	0.00	05/01/2012	2 Meetings in March		-	No		0000
S&T S&T Office Products, Inc. 01PC5290 03/26/2012 101-410-1320-42000 Office Supplies 01PC5290 Total:		31.74 31.74 -4.17	0.00	05/01/2012	Office Supplies		-	No		0000
01PC6409 03/28/2012 101-410-1320-42000 Office Supplies 01PC6409 Total:		-4.17 -4.17 27.57	0.00	05/01/2012	Credit Memo		-	No		0000
01PC8249 04/02/2012 101-410-1320-42000 Office Supplies 01PC8249 Total:		27.57 11.70 11.70	0.00	05/01/2012	Office Supplies - Name Plates		-	No		0000
01PC8253 04/02/2012 101-410-1320-42000 Office Supplies 01PC8253 Total:		27.57 11.70 259.59	0.00	05/01/2012	Office Supplies - Name Plates		-	No		0000
01PD1669 04/10/2012 101-410-1320-42000 Office Supplies 01PD1669 Total:		259.59 6.69 6.69	0.00	05/01/2012	Office Supplies		-	No		0000
01PD1848 04/11/2012 101-410-1320-42000 Office Supplies 01PD1848 Total: S&T Total:		333.12 333.12	0.00	05/01/2012	Office Supplies		-	No		0000
SCHLOMKA Schlomka 12878 04/11/2012 101-420-2220-44010 Repairs/Maint Bldg 12878 Total: SCHLOMKA Total:		220.00 220.00 220.00	0.00	05/01/2012	Pump Tanks at Station #2		-	No		0000
SENTRYSE Sentry Security Fasteners, Inc 56141 04/13/2012 601-494-9400-42400 Small Tools & Minor Equipment 56141 Total: SENTRYSE Total:		281.63 281.63 281.63	0.00	05/01/2012	Key Lock/Volt/Switch Well II		-	No		0000
TASCH T.A. Schifsky & Sons Inc 52874 04/11/2012 101-430-3120-42240 Street Maintenance Materials 52874 Total:		612.58 612.58	0.00	05/01/2012	Asphalt		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
52913	04/16/2012	619.81	0.00	05/01/2012	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials									
	52913 Total:	619.81								
	TASCH Total:	1,232.39								
TDS TDS METROCOM - LLC										
651-779-8882	04/13/2012	162.94	0.00	05/01/2012	Analog Lines - Fire		-		No	0000
101-420-2220-43210	Telephone									
651-779-8882	04/13/2012	157.54	0.00	05/01/2012	Analog Lines - Public Works		-		No	0000
101-430-3100-43210	Telephone									
651-779-8882	04/13/2012	106.65	0.00	05/01/2012	Analog Lines - Lift Station Alarms		-		No	0000
602-495-9450-43210	Telephone									
651-779-8882	04/13/2012	42.87	0.00	05/01/2012	Alarm - Well House #2		-		No	0000
601-494-9400-43210	Telephone									
	651-779-8882 Total:	470.00								
	TDS Total:	470.00								
TESSMAN TESSMAN Company Corp										
S157099-IN	04/23/2012	144.00	0.00	05/01/2012	Herbicide		-		No	0000
101-450-5200-42160	Chemicals									
S157099-IN	04/23/2012	144.35	0.00	05/01/2012	Fertilizer, Seed		-		No	0000
101-450-5200-42250	Landscaping Materials									
	S157099-IN Total:	288.35								
	TESSMAN Total:	288.35								
THONESAN Thone Sandie										
04/18/2012	04/18/2012	410.00	0.00	05/01/2012	Reimburse 2012 Clerks Institute		-		No	0000
101-410-1320-44380	Staff Development				Registr					
	04/18/2012 Total:	410.00								
	THONESAN Total:	410.00								
WASHCONS Washington Conservation Dist.										
2355	03/31/2012	554.25	0.00	05/01/2012	1st Quarter billing for Shared Educator		-		No	0000
603-496-9500-44370	Conferences & Training									
	2355 Total:	554.25								
	WASHCONS Total:	554.25								
WASHTAX Washington County										
72068	04/12/2012	1,487.00	0.00	05/01/2012	2012 Special Assessment Billing		-		No	0000
101-410-1320-43100	Assessing Services									
	72068 Total:	1,487.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	WASHTAX Total:	1,487.00								
WILDWOOD WILDWOOD LODGE										
04/24/2012	04/24/2012	220.00	0.00	05/01/2012	Wildwood Lodge Retreat		-	No		0000
101-410-1320-44370	Conferences & Training	220.00								
	04/24/2012 Total:	220.00								
	WILDWOOD Total:	220.00								
XCEL Xcel Energy										
04/17/2012	04/17/2012	90.63	0.00	05/01/2012	Electric Utility Service		-	No		0000
101-410-1940-43810	Electric Utility	90.63								
	04/17/2012 Total:	90.63								
	XCEL Total:	90.63								
ZULEGER Zuleger Dean										
04/13/2012	04/13/2012	44.55	0.00	05/01/2012	Reimburse Mileage		-	No		0000
101-410-1320-43310	Mileage	44.55								
	04/13/2012 Total:	44.55								
	ZULEGER Total:	44.55								
	Report Total:	79,061.19								





## MAYOR & COUNCIL COMMUNICATION

DATE: 5/1/2012

**CONSENT**

ITEM #: 3

**MOTION**

**AGENDA ITEM:** Approve Year End Fund Closing Transfers

**SUBMITTED BY:** Cathy Bendel, Finance Director

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to approve the closing of the following funds:

- 2002 G.O. Improvement Bonds Fund
- Development Fund
- 2010 Street Improvement Fund

**STAFF REPORT:** City staff has worked closely with the external accountants to review the reconciliations on the above mentioned funds. It has been determined that activity has been completed, recorded and reconciled so that the funds can be closed.

**RECOMMENDATION:** It is recommended that the City Council approve as part of its Consent Agenda the following three internal fund transfers:

- \$35,948.13 from the 2002 G.O. Improvement Bond Fund to the Infrastructure Reserve Fund. This transfer is needed because the actual costs came in below budget by this amount and the excess funds will be applied toward other infrastructure projects.
- \$9,116.50 from the General Fund to the Development Fund. This transfer is needed due to the actual costs coming in over budget by this amount.
- \$11,649.58 from the 2010 Street Improvement Fund to the 2010A GO Improvement Bond Fund. This transfer is needed due to the actual costs coming in below budget and the funds will be used to pay down the bond.

***“Move to Approve the proposed internal transfers to allow for the closure of the 2002 GO Improvements Bonds Fund, the Development Fund and the 2010 Street Improvement Fund.”***

Alternatively, the City Council does have the authority to further discuss, modify and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to approve the proposed internal transfers as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Recap of proposed transfer journal entries

**SUGGESTED ORDER OF BUSINESS:**

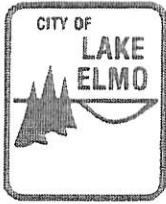
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates



City of Lake Elmo  
Proposed Year End Transfers  
2011

	Account #	Transfers Out	Transfers In
<b><u>FUND CLOSING TRANSFERS</u></b>			
2002 G.O. Improvement Bonds	312-493-9360-47200	35,948.13	
Infrastructure Reserve	409-000-0000-39200		35,948.13
<b><i>Transfer to close 2002 G.O. Improvements bond fund</i></b>			
General Fund	101-493-9360-47200	9,116.50	
Development Fund	203-000-0000-39200		9,116.50
<b><i>Transfer to close Development fund</i></b>			
2010 Street Improvements	417-493-9360-47200	11,649.58	
2010A G.O. Improvement Bonds	317-000-0000-39200		11,649.58
<b><i>Transfer to close 2010 Street Improvements fund</i></b>			
		<u>56,714.21</u>	<u>56,714.21</u>





## MAYOR & COUNCIL COMMUNICATION

DATE: 5/01/2012  
CONSENT  
ITEM #: 4  
RESOLUTION 2012-017

**AGENDA ITEM:** 2012 Seal Coat Project – Approval of Plans and Specifications and Ordering Advertisement for Bids

**SUBMITTED BY:** Ryan Stempski, Assistant City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Jack Griffin, City Engineer  
Cathy Bendel, Finance Director  
Mike Bouthilet, Public Works Superintendent

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving Resolution 2012-017, Approving the Plans and Specifications and Ordering the Advertisement for Bids for the 2012 Seal Coat Project. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**BACKGROUND INFORMATION AN AND STAFF REPORT:** In accordance with the annual street maintenance program, the City Council ordered, on March 20, 2012, the preparation of plans and specifications for the 2012 Seal Coat Project. The project includes the specifications to seal coat approximately 4.6 miles of City streets. (see attached Street Maintenance Program Map) and includes an additional 2.6 miles of streets for West Lakeland Township. By competitively bidding both the City and Township projects together, we anticipate a potential savings through a reduced unit price for the seal coating work.

A project schedule is attached. With the approval of the Plans and Specifications, the bids would be presented to Council for award at the June 5, 2012, City Council meeting. Final completion for the project is August 17, 2012.

The City portion of the work will be paid for through the street maintenance funds with a 2012 budget in the amount of \$125,000 (Fund No. 45300). This includes both construction and engineering costs. The engineer's post design total project cost estimate is \$85,500, which is well within the planned budget amount. The underage is partially due to the removal of certain street segments from the maintenance program. The Fields of St. Croix neighborhood was removed from the 2012 project since the previous seal coat application indicates additional service life. This neighborhood has been deferred until 2016. The Tamarack Farms neighborhood is showing street distresses that indicate the need for a more significant improvement, therefore a seal coat is

not recommended in 2012. This neighborhood has been moved to the Street Capital Improvement Plan for further review, consideration and scheduling.

The West Lakeland Township portion of the work will be reimbursed to Lake Elmo by the Township in accordance with the joint project Agreement, dated March 20, 2012. The Township will also be reimbursing the City for administration and engineering services associated with the project, in the amount of 6% of the construction costs for the Township portion of the work.

In 2011, the City completed a crack seal project along the City streets in preparation for this year's seal coat application. The 2012 Seal Coat Project now provides the design documents for seal coating these same street segments to complete the maintenance process. In a similar fashion, staff has reserved a budget amount of \$20,000 for the 2012 Crack Seal Project, to be brought forward for council consideration later this year. The streets identified on the attached Street Maintenance Program Map for 2013, will be crack sealed later this year in preparation for a seal coat application in 2013.

**RECOMMENDATION:** Based upon the above staff report, it is recommended that the City Council consider approving, as part of the *Consent Agenda*, Resolution No. 2012-017, Approving the Plans and Specifications and Ordering the Advertisement for Bids for the 2012 Seal Coat Project.

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 approve Resolution No. 2012-017, Approving the Plans and Specifications and Ordering the Advertisement for Bids for the 2012 Seal Coat Project.  
[as amended and/or modified at tonight's meeting].”***

**ATTACHMENTS:**

1. Resolution No. 2012-017
2. Project Location Map
3. Project Schedule

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

- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion, if appropriate ..... Mayor & City Council
- Discussion ..... Mayor Facilitates
- Public Input, if appropriate ..... Mayor Facilitates
- Action on Motion ..... Mayor Facilitates

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

**RESOLUTION NO. 2012-017**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
ORDERING ADVERTISEMENT FOR BIDS FOR THE 2012 SEAL COAT  
PROJECT**

WHEREAS, pursuant to a motion passed by the Council on March 20, 2012, FOCUS Engineering, Inc. was directed to prepare plans and specifications for the 2012 Seal Coat Project,

WHEREAS, FOCUS has completed the plans and specifications for these improvements and has presented them to the City Council for approval on May 1, 2012,

NOW, THEREFORE, BE IT RESOLVED,

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

Date: \_\_\_\_\_, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_

Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator

## **CERTIFICATION**

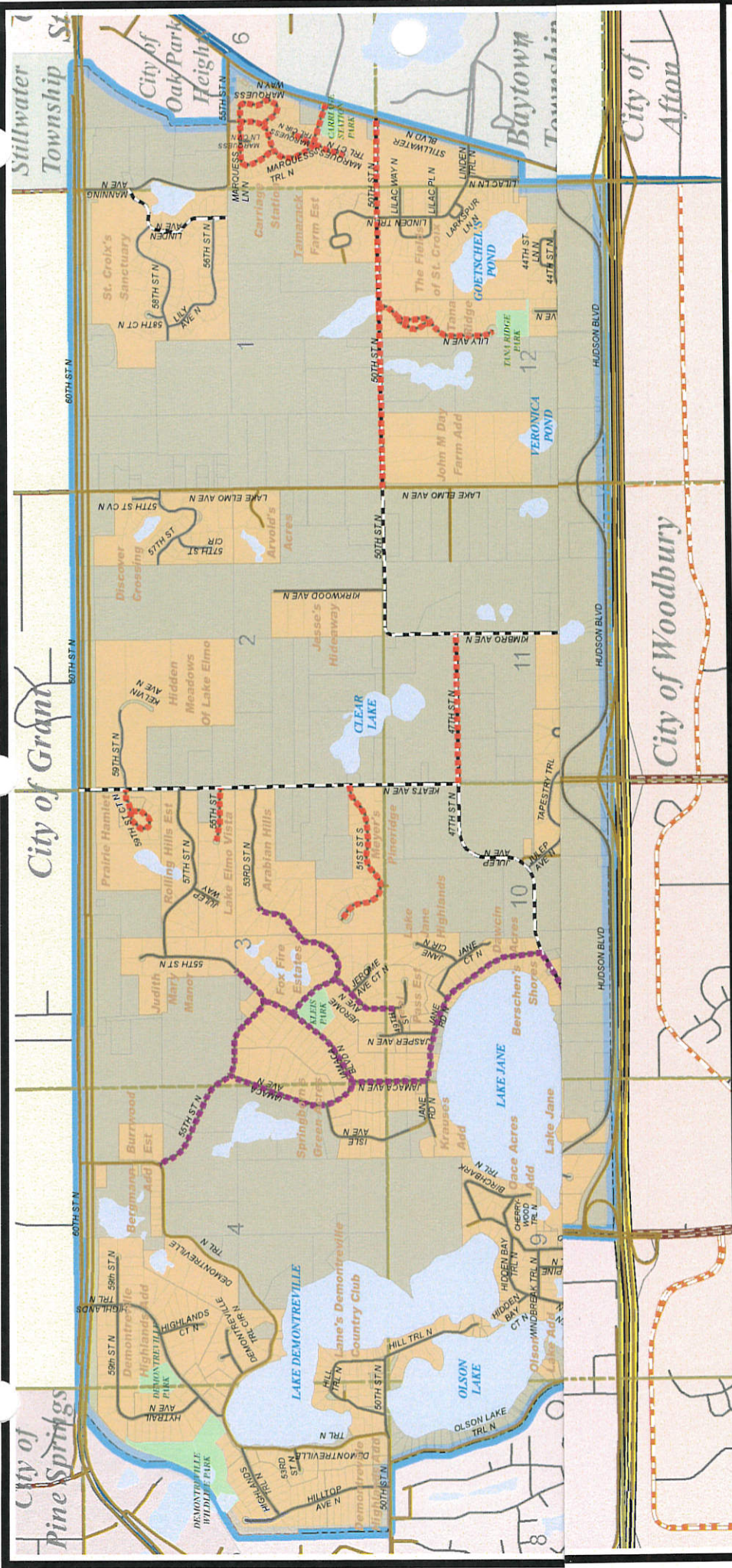
I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on the 1st day of May 2012, as shown by the minutes of said meeting in my possession.

---

Sandie Thone  
City Clerk

(Seal)





# STREET MAINTENANCE PROGRAM

THE CITY OF  
**LAKE ELMO**

**SEALCOAT YEAR**

2013

2012

**City Hall**  
3800 Laverne Avenue N  
651/777-5510  
www.lakeelmo.org

**Public Works Building**  
3445 Ideal Ave N  
651/233-5414

**Fire Stations**  
Station No. 1  
3510 Laverne Ave N  
651/770-5005  
Station No. 2  
4259 Jamaica Ave N  
651/779-8862

**Schools**

**Parcels**

**Subdivisions**

**City Parks**

**Golf Course**

**Lake Elmo Regional Park Reserve**  
Park Office  
651/430-8368

**Lakes**

**Map Date: March 2012**

**Created By:**  
**FOCUS** ENGINEERING, inc.



**CITY OF LAKE ELMO  
2012 SEAL COAT**

**FOCUS PROJECT NO. 2012.118**

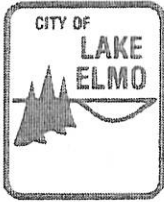
**PROPOSED SCHEDULE**

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March 20, 2012	Council orders preparation of Plans & Specifications
May 1, 2012	Presentation of Plans and Specifications. Council Approves Plans and Specifications and Orders Advertisement for Bids
May 4, 2012	Placement of Advertisement for Bids –Oakdale-Lake Elmo Review. Publication on May 9 & May 16 – Finance and Commerce. Publication on May 7 & May 14 – Quest CDN. Publication on May 4
May 31, 2012	Receive Contractor bids
June 5, 2012	City Council accepts bids and awards Contract.
June 8, 2012	Process and send out Contract Documents.
June 22, 2012	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed.
June 26, 2012	Conduct Pre-Construction Meeting.
June 27, 2012	Contractor begins work.
August 3, 2012	Substantial Completion of Work
August 17, 2012	Final Completion of Work (Including Final Sweeping)







## MAYOR & COUNCIL COMMUNICATION

DATE: 5/01/2012  
CONSENT  
ITEM #: 5  
RESOLUTION 2012-018

**AGENDA ITEM:** CSAH 10 (10th Street N) Mill and Overlay – Resolution Approving a County Project within Municipal Corporate Limits

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Ryan Stempski, Assistant City Engineer  
Mike Bouthilet, Public Works  
Kyle Klatt, City Planner

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving Resolution 2012-018, Approving a County Project within Municipal Corporate Limits. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*. By approving this Resolution, the Council is authorizing the City Engineer to sign the Washington County Construction Plans.

**STAFF REPORT AND BACKGROUND INFORMATION:** In accordance with State Aid Rules, no portion of a County State Aid Highway (CSAH) System along or within the corporate limits of a municipality shall be constructed, reconstructed, or improved without the approval of the plans by the governing body of the municipality. Therefore, Washington County has submitted preliminary plans for City review and approval for the County State Aid Highway (CSAH) 10 (10th Street N) pavement preservation project. The project extends through the Cities of Oakdale and Lake Elmo from I-694 to 600 feet east of CSAH 13 (Inwood Avenue N). The project will be funded 100% by the County with no City cost participation required. The County intends to use State Aid Funds for the improvements.

The project is a mill and overlay of the existing bituminous surface, thereby replacing the top 2-inches of the roadway pavement. Within the City of Lake Elmo, the project includes CSAH 10 (10th Street N) from the westerly City limits to a point 600 feet east of Inwood Avenue N. The project will not involve realignment, widening, or intersection configuration revisions, thereby maintaining the existing design elements upon completion of the project.

Washington County has prepared the final layout of the improvements, dated March 29, 2012, for State Aid Project No. 082-610-011. A copy of the project plans are on file and available for review at City Hall. CSAH 10 construction work will require approximately six (6) weeks to

complete once the Contractor has mobilized. Traffic will remain open during construction. Construction will occur sometime in June or July, 2012.

**RECOMMENDATION:** Based upon the above staff report, it is recommended that the City Council consider approving, as part of the *Consent Agenda*, Resolution No. 2012-018, Approving a County Project within Municipal Corporate Limits. By approving this Resolution, the Council is authorizing the City Engineer to sign the Washington County Construction Plans.

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:

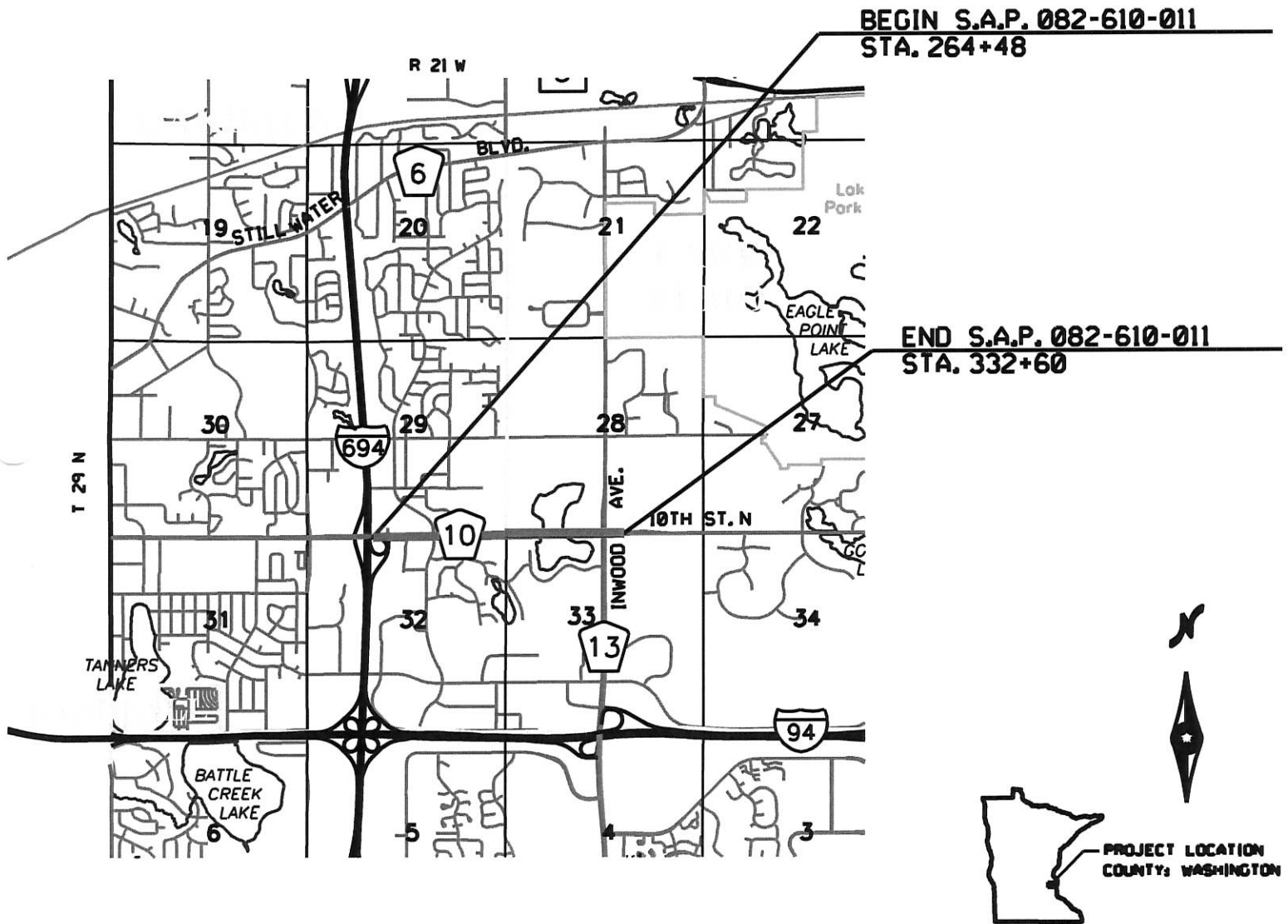
**“Move to approve Resolution No. 2012-018, Approving a  
County Project within Municipal Corporate Limits.  
*[as amended and/or modified at tonight’s meeting].”***

**ATTACHMENTS:**

1. Location Map
2. Resolution No. 2012-018

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

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



PROJECT LOCATION MAP  
SAP 082-610-011  
WASHINGTON COUNTY  
CASH 10 MILL & OVERLAY





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

**RESOLUTION NO. 2012-018**

**A RESOLUTION APPROVING A COUNTY PROJECT WITHIN  
MUNICIPAL CORPORATE LIMITS**

WHEREAS, Washington County intends to complete a pavement preservation project along County State Aid Highway (CSAH) 10 (10th Street N) from the I-694 Bridge in Oakdale to 600 feet east of CSAH 13 (Inwood Avenue N),

WHEREAS the project will not involve realignment, widening, or intersection configuration revisions, thereby maintaining the existing design elements upon completion of the project,

WHEREAS, Washington County has prepared a recommended layout, dated March 29, 2012, for State Aid Project No. 082-610-011, with said plans on file at the offices of City Hall,

WHEREAS, the improvements will be paid 100% by Washington County using County State Aid Funds with no cost participation by the City of Lake Elmo.

NOW, THEREFORE, BE IT RESOLVED,

1. That said plans for State Aid Project No. 082-610-011 within the corporate limits of Lake Elmo be hereby approved.
2. The City Engineer is hereby authorized to sign the Construction Plans for State Aid Project No. 082-610-011 on behalf of the City of Lake Elmo.

Date: \_\_\_\_\_, 2012

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Dean A. Johnston  
Mayor

ATTEST:

\_\_\_\_\_  
Dean A. Zuleger  
City Administrator

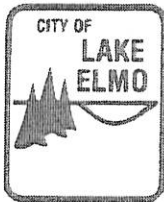
### **CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on the 1st day of May 2012, as shown by the minutes of said meeting in my possession.

---

Sandie Thone  
City Clerk

(Seal)



## MAYOR & COUNCIL COMMUNICATION

DATE: 5/01/2012  
**CONSENT**  
ITEM #: 6  
**MOTION**

**AGENDA ITEM:** DeMontreville Park and Wildlife Area – Approve Parking Lot Improvements and add them to the 2012 Street Improvement Project

**SUBMITTED BY:** Jack Griffin, City Engineer

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Ryan Stempiski, Assistant City Engineer  
Mike Bouthilet, Public Works  
Carol Kriegler, Project Assistant  
Kyle Klatt, City Planner

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**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving the Parking Lot Improvements for the DeMontreville Park and Wildlife Area and to add them to the 2012 Street Improvement Project, with the improvements to be paid from the Park Dedication Fund. 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 2012 Street Improvement project includes street reclamation for the DeMontreville Highlands Area. Within this improvement area there are two public parking locations that are adjacent or integral to these street segments; namely, the DeMontreville Park parking lot and the DeMontreville Wildlife Area bump-out parking.

The pavement distresses within these parking areas are similar to the adjacent streets. Completing pavement improvements to these parking areas in conjunction with the 2012 Street Improvement project would provide a cost savings through an economy of scale. Therefore, staff prepared a preliminary estimate of probable costs for the proposed parking lot improvements. These costs were provided to the Park Commission for consideration and input. At the April 16, 2012 Park Commission meeting, the Commission recommended support for the improvements as presented, to be completed using Park Dedication Funds.

The estimated total project costs for the DeMontreville Park parking lot is \$27,800 and the estimated total project costs for the DeMontreville Wildlife Area bump-out parking area is \$5,300. These improvements include the reclamation of the existing pavement to a 6-inch depth

with the placement of a new 3-inch bituminous surface and new 6-inch high bituminous curb. The improvements also include some drainage corrections and subgrade corrections.

The project costs above are based upon the parking lot improvements being included in the 2012 Street and Water Quality Improvement project. A significant savings (for both engineering and construction) is potentially realized if these improvements are included in the larger street project.

**RECOMMENDATION:** Based upon the above staff report, it is recommended that the City Council consider approving, as part of the *Consent Agenda*, the Parking Lot Improvements for the DeMontreville Park and Wildlife Area and to add them to the 2012 Street & Water Quality Improvement Projects, with the improvements to be paid from the Park Dedication Fund.

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 approve the Parking Lot Improvements for the DeMontreville Park and Wildlife Area and to add them to the 2012 Street Improvement Project.  
[as amended and/or modified at tonight’s meeting].”**

**ATTACHMENTS:**

1. Location Map

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

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

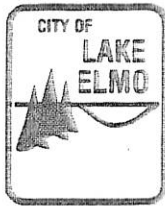


# Demontreville Park and Wildlife Area Parking Lot Improvements Location Map









## MAYOR & COUNCIL COMMUNICATION

DATE: 5/1/12

**CONSENT**

ITEM #: 7

**AGENDA ITEM:** Designation of South Washington Watershed District as the LGU for Administrating the Wetlands Conservation Act

**SUBMITTED BY:** Kyle Klatt, Planning Director 

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Nick Johnson, Interim City Planner

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**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to designate the South Washington Watershed District (SWWD) as the administrative Local Government Unit (LGU) for the Wetland Conservation Act. This request has been made by other cities within the watershed district's boundaries, and the watershed district is seeking a response from Lake Elmo to determine the City's interest in taking this action as well. Lake Elmo has previously assigned a similar designation to Valley Branch Watershed District for the portions of Lake Elmo within their district.

If approved by the Council, the attached Resolution No. 2012-019 designating the SWWD as the LGU for the Wetland Conservation Act will be forwarded to the watershed district for implementation.

**BACKGROUND INFORMATION:** The "Water Resources" section of Lake Elmo's Comprehensive Plan includes a brief section on the Wetland Conservation Act, which reads as follows:

The Valley Branch Watershed District (VBWD) serves as the local governmental unit (LGU) for the Wetland Conservation Act (WCA) in the area of Lake Elmo within VBWD. The City is the LGU for the WCA within the BCWD and SWWD areas. The City utilizes the services of the Washington Conservation District (WCD) in carrying out its responsibilities under WCA. The WCD provides services to administer WCA, including wetland determinations, reviewing wetland delineations and impact applications, providing recommendations to the City, preparing notices of application or decisions, and other administrative tasks.

Staff has reviewed the request and is recommending that the City Council adopt the resolution as drafted. The wetland rules that apply to Lake Elmo would not be changed in any manner as part of the proposed designation, and instead, the administration of the rules would now be the

responsibility of SWWD. There do not appear to be any specific drawbacks to making the requested designation, which should help reduce the amount of staff time and resources needed to deal with Wetland permits in the SWWD portion of Lake Elmo.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council designate the South Washington Watershed District (SWWD) as the administrative Local Government Unit (LGU) for the Wetland Conservation Act by adopting the attached Resolution No 2012-019.

**ATTACHMENTS:**

1. Resolution 2012-019
2. Letter from SWWD (3/27/12)



## CITY OF LAKE ELMO

### RESOLUTION NO. 2012-019

#### *A RESOLUTION REGARDING THE ADMINISTRATION OF THE WETLAND ACT OF 1991*

**WHEREAS**, the Minnesota Wetland Conservation Act of 1991 (WCA) requires a local governmental unit (LGU) to implement this law by adopting the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

**WHEREAS**, the BWSR is requesting notification of an LGU's decision adopting or excepting administrative responsibility for another LGU in accordance with Minn. Rules part 8420.0200, item B; which requires each local government unit of the State to acknowledge in writing to the BWSR that it is assuming its responsibilities under the Wetland Conservation Act; and

**WHEREAS**, the LGU is responsible for following the WCA rules as stated in 8420.0200, Determining Local Government Unit Duties.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo hereby **DESIGNATES** the administrative responsibility as the LGU to South Washington Watershed District for the WCA for that area of the City of Lake Elmo included within the boundary of the South Washington Watershed District within the guidelines as set forth by the WCA rules.

Passed and duly adopted this 1<sup>st</sup> day of May 2012 by the City Council of the City of Lake Elmo, Minnesota.

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Dean A. Johnston, Mayor

ATTEST:

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Dean A. Zuleger, City Administrator

# South Washington **WATERSHED** District



March 27, 2012

Mr. Kyle Klatt, Planning Director  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

**RE: Wetland Conservation Act Local Unit of Government**

Dear Mr. Klatt:

At the request of select Cities and Townships within the South Washington Watershed District (SWWD) is requesting consideration of the attached resolution. This resolution will designate the administrative responsibility as Local Government Unit (LGU) to South Washington Watershed District for the Wetland Conservation Act. The LGU status will apply to that area of the City or Township included within the boundary of the SWWD.

The SWWD is requesting designation from most Cities and Townships within the watershed boundary. If the council designates LGU status to the SWWD, please forward a copy of the resolution to the SWWD office. Upon receipt of all City and Township resolutions the SWWD Board will complete the process by passing a resolution accepting LGU status. The SWWD will then forward all resolutions to the Minnesota Board of Water and Soil Resources. A target date for implementation by the SWWD is May 15, 2012. The SWWD appreciates your consideration of this action at a regular meeting in April to allow action by the SWWD Board at their May 8, 2012 meeting.

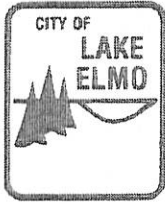
If you have questions or need additional information please contact me at 651.714.3729 or [mmoore@ci.woodbury.mn.us](mailto:mmoore@ci.woodbury.mn.us).

Sincerely,  
South Washington Watershed District



Matt Moore  
SWWD Administrator

L:\wetlands\WCA\LGU Request.docx



## MAYOR & COUNCIL COMMUNICATION

DATE: 5/1/2012

**CONSENT**

ITEM #: 8

**MOTION**

**AGENDA ITEM:** Approve Budget Adjustment/Designation and Donation for Maintenance of Historic District 12 School House

**SUBMITTED BY:** Oakdale Lake Elmo Historical Society

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider a Budget Adjustment and disbursements as a donation to the Oakdale Lake Elmo Historical Society for annual maintenance of the Historic District 12 School House.

**BACKGROUND INFORMATION:** The City Council of Lake Elmo has allocated certain monies in its approved 2012 Annual Budget for discretionary spending. Support for the Oakdale Lake Elmo Historical Society - and maintenance of the Historic District 12 School House, in particular - has been supported by the City on an annual basis. Accordingly, the 2012 Annual Budget and Council Discretionary account was constructed with such support in mind.

**STAFF REPORT:** City staff has reviewed the attached request and finds it generally to be in order and consistent with City budgetary and fiscal policies and past Council action. In 2009, the Oakdale Lake Elmo Historical Society requested \$1,200 in support from the City and The City Council approved a donation of \$1,100. In 2010, and 2011, the City Council approved a \$500 donation.

Affirmative Council action on this, as requested would result in the following Budget Adjustment:

Account #	Amount	Description
101-410-1110-44300	\$ 2,000.00	Council Discretionary
	(\$ 500.00)	- Less Donation to Oakdale Lake Elmo Historical Society
	\$ 1,500.00	Remaining Council Discretionary

**RECOMMENDATION:** In accordance with past practice and applicable State laws and City policies and procedures, it is recommended that the City Council approve as part of its Consent Agenda a Budget Adjustment/Designation and Donation in an amount - to be determined by the

Council - to the Oakdale Lake Elmo Historical Society for annual maintenance of the Historical District 12 School House. The suggested motion to do so is:

***“Move to Approve Budget Adjustment 2012-001 in the amount of \$ \_\_\_\_\_ from Mayor and Council Discretionary to Oakdale Lake Elmo Historical Society.”***

Alternatively, the City Council does have the authority to further discuss, modify and deliberate prior to taking action. If done so, the appropriate action of the Council following such discussion would be:

**“Move to approve the proposed Budget Adjustment/Designation and Donation, as Presented [and modified] herein.”**

**ATTACHMENTS:**

1. Request from the Oakdale Lake Elmo Historical Society
2. Budget Adjustment

**SUGGESTED ORDER OF BUSINESS:**

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



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Oakdale Lake Elmo Historical Society

**1584 Hadley Avenue North  
Oakdale, MN 55128**

Duane Ellertson Pres. 739-7152

Richard Eder Vice President &

Carol Houck Secretary 777-7937

Treasurer 773-9483

Restored District 12 school house located at  
4442 Hadley Ave. N. Oakdale  
In Oakdale Nature Park

**RECEIVED**

APR 17 2012

CITY OF LAKE ELMO

April 16, 2012

**Ms. Cathy Bendel  
Finance Director  
Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo MN 55042**

Dear MS Bendel:

The Oakdale Lake Elmo Historical Society requests a five hundred dollar (\$500) grant to help preserve the history of Oakdale Township, cities of Oakdale, Lake Elmo and the Historic District 12 Schoolhouse.

Thank you for your attention to this mater.

Sincerely,

**Duane Ellertson  
President**



## BUDGET ADJUSTMENT - 2010

DATE: May 1<sup>st</sup> 2012

ACTIVITY # 2012-001

DESCRIPTION: 2012 Donation to Oakdale Lake Elmo Historical Society

**TYPE OF ACTIVITY:**

☐

**TRANSFER OF FUNDS**

FROM ACCOUNT # \_\_\_\_\_ AMOUNT: \_\_\_\_\_

TO ACCOUNT # \_\_\_\_\_ AMOUNT: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

☒

**BUDGET ADJUSTMENT/DESIGNATION**

FROM ACCOUNT # 101-410-1110-44330 AMOUNT: \$500.00

PURPOSE: Annual support for Maintenance of Historic District 12 School House

DESIGNATION/NEW ACCOUNT# Designation: Oakdale Lake Elmo Historical Society

☐

**OTHER**

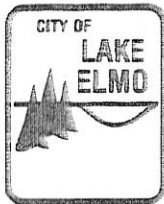
FROM ACCOUNT # \_\_\_\_\_ AMOUNT: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

City  
Approval:

Honorable Dean Johnston, Mayor  
(on Behalf of City Council)

Dean Zuleger, Administrator  
(Attest)



## MAYOR & COUNCIL COMMUNICATION

DATE: 5-1-2012  
**REGULAR**  
**ITEM #: 9**  
**MOTION / \$\$ Fiscal Impact**

**AGENDA ITEM:** Replacement of Lake Elmo Fire Department Turnout Gear

**SUBMITTED BY:** Greg Mahmquist, City Fire Chief

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** To approve the expenditure of \$42,388 for the purchase of 21 sets of firefighter personal protective equipment (turnout gear) from Municipal Emergency Services, Inc.

<p><b><u>FISCAL IMPACT:</u></b> \$ 42,388 from 2011 Budget Surplus (approx. \$310,000 pre-audit adjustments)</p>
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**BACKGROUND INFORMATION:** OSHA's Fire Brigade Standards, (29 CFR 1910.156) require that all firefighters be adequately supplied with personal protective equipment (PPE) when responding to a fire. Similarly, the National Fire Protection Association recommends that fire department's replace all PPE Turnout Gear within a 5-7 Year period to insure safety, especially heat & flame retardant properties. Currently, the Lake Elmo Fire Department has exceeded the normative life expectancy in its turnout gear with 80% of the assigned sets (jacket - pants) exceeding the ten year mark.

**STAFF REPORT:** Per the 2012 Budget, and at the request of the City Administrator, Chief Mahmquist assigned (2) Lake Elmo Fire Captains to examine the current efficacy of firefighter PPE turnout gear and develop a specifications / request for proposal to begin the process of the replacement of PPE turnout gear. Captain Mike Cornell and Captain Noah Mahmquist completed a study of our current PPE inventory, researched PPE utility options and conducted a comparative analysis of the two major suppliers (Janesvillie-Lion & Globe). The Captain's work also included a demo / Q & A with the current firefighter staff (see attached). Their recommendations were audited by Chief Mahmquist for compliance and it was determined that PPE turnout gear from Globe was the preferred equipment for our Fire Department. The Globe PPE is supplied through Municipal Emergency Services, Inc. of Nebraska. Through the Lake Elmo Fire Department affiliation with the International Association of Fire Chiefs and the Fire Rescue GPO, a 42% discount is applied to the purchase.

In the 2012 Lake Elmo Budget, it was anticipated that 50% of the Firefighter PPE turnout gear would be replaced (\$19,000) with the remainder of the purchase made in 2013. Due to discounts and a need for PPE uniformity for training purposes, rapid intervention recognition, and personal safety, it is fiscally prudent and operationally logical to purchase all 21 sets of PPE turnout gear in 2012. **A demonstration / exhibit of the equipment will be made at the Council Meeting.**

**RECOMMENDATION:** Based on the need to be compliant with OSHA's Fire Brigade Standards, (29 CFR 1910.156) and NFPA governing standards, it is recommended that the City Council approve the replacement of 21 sets of Lake Elmo Fire Department Turnout Gear by taking the following action:

**\*\*Move to purchase 21 sets of Firefighter PPE Turnout Gear at a cost of \$42,388 from Municipal Emergency Services, Inc. of Fremont, Nebraska as specified by the Lake Elmo Fire Department and availing the City of Lake Elmo of a 42% discount through its professional fire department affiliations. The funds are to be allocated from 2011 Budget Surplus Funds.**

**SUGGESTED ORDER OF BUSINESS (IF REMOVED FROM CONSENT AGENDA:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....Fire Chief/Captains
- 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 29, 2012

City Administrator Dean Zuleger,

This is regarding the scheduled 2012 CIP replacement purchase of our Turnout Gear. Over the course of the last year, FD staff (Equipment Capt. Noah Malmquist, Capt. Mike Cornell and several Firefighters) have been researching new turnout gear. I have attached their findings and recommendations.

Having observed the very lengthy and thorough process they have gone through, I fully support their recommendations and thank them for the time invested. You will see in the CIP that we were approved to purchase ½ of the gear in 2012 and the other ½ in 2013. This was a result of the budget process. If at all possible I recommend that we purchase all 21 sets of turnout gear at once, as was our original intent for Firefighter safety and uniformity. The majority of gear currently in service is beyond the NFPA recommended replacement timeframe and waiting one more year decreases the protective effectiveness of the gear and increases the potential for Firefighter injuries.

We are recommending approval to purchase 21 sets of Globe turnout Gear, from MES, per our specifications, at a total cost of \$42,388.08, tax exempt. As members of the International Association of Fire Chiefs, Great Lakes Division and the Fire Rescue GPO as well as additional discounts from MES we receive a 42% discount.

In April of 2011, I, Captain Mike Cornell and Captain Noah Malmquist were given direction to start the process of looking at new firefighter turnout gear as we are beyond our scheduled 10 year replacement. Our priorities in researching the new gear were firefighter safety, proper fit and cost. We were both very willing to take on this project as we understand the importance of providing safe, quality turnout gear for our Firefighters. During the process Noah and I had fellow firefighters join our meetings as we looked at two vendors/brands, Janesville-Lion (the brand we are currently using) which is through Fire Equipment Specialties and Globe which is through MES Fire. Noah and I felt that the gear the department is using now was adequate and meeting our needs. But we also felt we should look at what has changed since our last gear purchase, which was over 6 years ago, when we bought new gear for 3 firefighters, with the balance of our gear being over 10 years old. We also took this time to understand and get educated on our current gear and the different functions of all the components that make up firefighter turnout gear.

Both vendors were very good to work with. They understood the needs of our department and steered us toward the gear that was the most appropriate to meet those needs. Both vendors showed us all kinds of configurations that can be made to suite our department needs. With this the vendors showed us what gear would be comparable to what we are in now. Noah and I agreed that the level of protection we are currently in was working well and keeping us safe. This includes the inner liner system and the fabric that makes the outer shell of the coat and pant. Janesville-Lion has phased out our current style of gear which is the cut of the coat and pant. So this was a good opportunity to go over all variables that puts a set of turnout gear together. With this we found that new turnout gear is designed to allow greater flexibility in movement compared with our current gear. This is accomplished by adding fabric to areas like the armpits, back and knee area to allow less rise on coat or pant and limit the exposure potential to hazards.

We also found some differences between the brands. Janesville-Lion dyes their fabric as one whole piece which allows for a more rapid fading and aging look to their gear. When they add the extra fabric to the areas of movement, they don't use the same sheet of fabric to pick from; they go out and just grab an extra piece from the pile thus creating a potential indifference in fabric. This also creates extra seams and potential tear points that may compromise our safety. Another difference is Janesville-Lion's use of perforated reflective on all turn out gear. This is to allow air flow through the fabric which creates points for moisture to evaporate from the gear and their way of meeting the NFPA standard for compression burn testing. One drawback to perforated reflective is that the perforation holes are potential tear points and compromise the integrity of the reflective stripping over time and safety.

Globe dyes the individual threading to allow less fading as the gear ages. They cut all pieces of fabric for the coat and pants from the same roll of fabric thus limiting any indifference in fabrics. This method of putting turnout gear together is to reduce the extra seams and compromising points thus increasing our safety. Their reflective is not perforated because their gear evaporates moisture just as well as gear with perforated reflective. Globe use of non perforated reflective on their turnout gear which also meets the NFPA requirement for compression burns and eliminates potential tear points.

Upon conclusion of our research, we presented our findings to the officers of the department. Noah and I brought turnout gear in and went over each set and answered any questions that were asked. Noah and I did not include our recommendation yet because we wanted to make sure the officers reached their own conclusion. At the end of our meeting and with all questions being answered it was the decision that Globe was the brand that all officers preferred, including Noah and myself.

MES Fire offers a GPO(Group Purchasing Order) for Globe turnout gear, GPO is put together by other departments that have gone through the 3 bid process. The GPO eliminates the bidding process when purchasing gear and other accessories. This gives us the opportunity to use discounts and bring the cost of purchase down by 42%. The total cost for 21 sets of turnout gear with the 42% discount would be \$42,388.08.

Captain Mike Cornell

MES - MIDAM  
1751 Business Park Drive  
Fremont, NE 68025

Telephone.....: 402-727-5785  
Fax.....: 402-727-5789



**Ship To:**  
LAKE ELMO FIRE DEPARTMENT  
3800 LAVERNE AVE. N.  
LAKE ELMO, MN 55042

Contact:  
Phone:

**Bill To:**  
LAKE ELMO FIRE DEPARTMENT  
3800 LAVERNE AVE. N.  
LAKE ELMO, MN 55042

## Quotation

Number.....: QT\_00127604-5  
Date.....: 3/27/2012  
Page.....: 1 of 1  
Sales order.....:  
Requisition.....:  
Your ref.....:  
Our ref.....: swhite  
Quotation deadline.....: 12/8/2011  
Payment.....: Net 30  
Sales Rep.....: swhite  
Terms of delivery.....: Supplier Pays Freight

Item number	Description	Size	Color	Quantity	Unit	Unit price	Amount
31177-E	Globe G-Xtreme Coat			21.00	EA	1,215.00	25,515.00
41177-E	Globe G-Xtreme Pant			21.00	EA	803.48	16,873.08

This Quotation is subject to any applicable sales tax and shipping & handling charges that may apply.

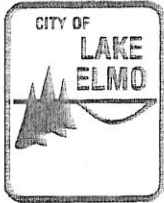
### Notes:

Quote for Lake Elmo Fire Dept. Globe GXTREME Coat, Gemini PBI Matrix Black Outer Shell, Caldura SL2 Thermal Liner, Stedair 3000 Moisture Barrier, Reflexite High Vis Trim, Lettering "LAKE ELMO" Position "C", "FIRE" Position "E", "LAST NAME" Hanging Letter Patch in Reflexite L/Y, Std Zipper In Velcro Out Closure, Std 2x8x8 Semi Expansion Pockets w/Kevlar Handwarmer, Flashlight Snap & Strap Holder, 13PC Radio Pocket w/Antenna Notch, Self Material Mic Tab On Closure Mid Chest Level, "D" Ring Below and Behind Side Pockets, Nomex Hand and Wrist Guard, Embroidered American Flag on Right Shoulder, Dragonhide Reinforcements on Cuffs.

Globe Globe GXTREME Pant, Gemini PBI Matrix Black Outer Shell, Caldura SL2 Thermal Liner, Stedair 3000 Moisture Barrier, Reflexite 3" Triple Trim Down Leg and Around Cuff, Std Zipper In Velcro Out Closure w/Belt, Std 2x10x10 Full Bellow Pockets, Std H-Back Rip-Cord Suspenders, Dragonhide Reinforcements on Cuffs and Knees and Scilizone Padded Knees.

Sales balance	Total discount	S&H	Sales tax	Total
42,388.08	0.00	0.00	3,020.15	45,408.23 USD

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.  
Custom orders are not returnable



## MAYOR & COUNCIL COMMUNICATION

DATE: 5-1-2012  
**REGULAR**  
**ITEM #: 10**  
**MOTION / \$\$ Fiscal Impact**

**AGENDA ITEM:** Council Discussion of Economic Development Authority (EDA)

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Dean Zuleger, City Administrator

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**SUMMARY AND ACTION REQUESTED:** Preliminary discussion of Lake Elmo's interest in forming an Economic Development Authority as established by Minnesota State Statutes (MN State Statutes 469.090-469.1082)

<p><b><u>FISCAL IMPACT:</u></b> Possible Bonding Obligations &amp; Financial Incentives through EDA Creation</p>
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**BACKGROUND INFORMATION:** At the April 20-21, 2012 Council-Staff Retreat one of the strategic goals identified as a priority was the establishment of an Economic Development Authority as means of identifying growth strategies in the area of land acquisition, incentive financing, and redevelopment. Minnesota State Statutes Chapter 469 defines authority and powers granted to an EDA and purposes thereof. Specifically, MN SS 469.101 defines twenty-three subdivisions or powers granted to a statutorily established EDA (see attached). For purposes of discussion, the powers and scope of an EDA need to be properly vetted to determine if it is fiscally prudent or necessary to create an EDA. The Council last visited this issue in June of 2009 (see attached) – this information is being provided under the old adage “that you can’t know where you are going if you don’t know where you have been”.

**STAFF REPORT:** In a review of the statutes relating to economic development / re-development, the creation of an EDA allows the most flexibility to effectively respond to the variability of growth the Lake Elmo may be likely to experience, however under 469.101 (1) there is a provision that notes that District boundaries must be contiguous. This seems to indicate that the City of Lake Elmo may need to declare the entire jurisdictional boundary of the City as the EDA district. In addition, there are a variety of codified “development” districts under Chapter 469 that the City may avail itself of that may be more appropriate for specific growth. For instance, there are TIF Districts (469.174) that can be customized by length of service / type, Targeted Community Revitalization Programs (469.201), Area Development

programs (\$69.109) and other general programs granted by the State of Minnesota and administered by DEED.

**RECOMMENDATION:** For the purpose of Council, staff recommends a review and discussion of the attached "Powers" subdivision of ss 469.101 as a jumping off point for determining the form and function in the establishment of wither a formal or ad hoc economic development advisory board to aid the City in its ongoing "sustainable growth" planning. AT the Council meeting staff will give a quick overview of the various options available beyond the EDA for consideration. Staff also suggests that Council review the following attachments in the sequential order presented for context.

**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

ITEM: Request to Develop Recommendations on City Activities for Economic Development Activities

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Kelli Matzek, City Planner  
Craig Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:**

The City Council has asked the Planning Commission to develop recommendations regarding the types of activity the City might begin to undertake in terms of economic development. Specifically, the Council adopted a motion as follows:

- 1) Motion to direct the Planning Commission to identify what activities the City should undertake in terms of economic development and to identify what commercial uses and standards for sustainable commercial development should be permitted in the City.

In order to help the Commission provide a response back to the Council, Staff will be suggesting some of the issues that the City will may need to address in the future related to economic development, but will first provide a brief overview of why economic development could be relevant to Lake Elmo.

**BACKGROUND:**

The term economic development is used to describe many different activities within a city; however, it is most commonly associated with an entity whose mission is the attraction and retention of good jobs within a community. Beyond this basic function, economic development can also be used to describe efforts to improve the business climate in a community, work to enhance the appearance of commercial areas, the undertaking of redevelopment activities, the promotion and marketing of an area or region, and other activities that support business activity. There are many different models that cities and other governmental agencies have used to formalize economic development activities within a community, which often includes the establishment of an economic development authority. From an organizational perspective, an economic development board can be staffed by a separate entity or combined with other functions, and is most commonly associated with a planning or community development department.

The City Council, as part of a recent discussion on economic development, has asked for feedback from the Planning Commission regarding the activities that the City should be undertaking with regards to economic development. In reviewing the City's long range planning efforts, there are several planning documents would be appropriate to reference when discussing economic development, including:

- 1) *The Comprehensive Plan and future land use map.* The City's long range plan for the area south of 10<sup>th</sup> Street devotes a large area near the intersection of Manning Avenue and Interstate 94 for future use as a business park with an employment density of 40 employees per acre. The Plan also makes reference to the Memo of Understanding between the City and the Metropolitan Council in which the City has agreed to provide sewer service for 14,000 employees within the community (1,400 total employment REC units). The bulk of these employment REC's would be located within the new business park.



- 2) *The Village Area Master Plan.* One of the guiding principles in the Village Master Plan was the preservation of the existing downtown and the mix of residential and commercial uses that current exist. The Plan also calls for new mixed-use development and other public/semi public development with the intention of creating a central core around which residential uses would be located. There are many existing businesses within the Village that provide services and jobs for the residents of Lake Elmo.
- 3) *Planned Developments at Eagle Point, Prairie Ridge, and other existing commercial areas.* In addition to Eagle Point Business Park, there are several other existing commercial areas within the City that are zoned for commercial, office parks, or limited commercial development. Within these areas there is either an existing base of office, retail, and other commercial development or there are existing buildings and parcels that have yet been occupied by a business entity. Future uses within these developments will need to conform to the standards of the City's land use regulations.
- 4) *Agriculture and agricultural sales.* As an element of Lake Elmo's rural character, there are many existing farms and retail agriculture operations that contribute to the overall character of the City. These uses provide services and products (a to a lesser extent jobs) to the residents of Lake Elmo.
- 5) *Non-conforming business uses.* There are several business in the community that are non-conforming with regards to the City's zoning regulations and future land use planning. Many of these sites are slated for redevelopment into a different use at some point in the future.

Many communities have developed a specific section in their comprehensive plans that focus on economic development. For instance, the City of Stillwater has prepared a plan that contains the City's goals and objectives for economic development, describes the economic background of the community (information on employees, the workforce, income and other variables), and a summary of the development tools available to promote the City's objectives. One of the ultimate goals behind the creation of an economic development entity in a community is to help maintain the quality of life in a place while maintaining a diverse and vibrant economy.

#### **RECOMMENDED DISCUSSION TOPICS:**

Based partially on the above discussions concerning Lake Elmo's long range plans, the Planning Commission should consider the issues that will need to be addressed in the future that likely fall under the definition of economic development. The intent of the list below is to help the Commission begin thinking about the issues that will need to be considered by the City as it works towards implementation of its Comprehensive Plan. Some of the issues that Staff has identified include the following (please note that these issues are being phrased in a way that provides a response to the Council's initial request for the types of activities the City might begin to undertake):

- 1) Creating an economic development plan as a component of the Comprehensive Plan.
- 2) Determining the types of business that will be appropriate for Lake Elmo and that are most compatible with the City's objectives of maintaining its rural character.
- 3) Identifying where commercial activity should take place within the parameters of the future land use plan and where this activity would be most beneficial to the residents of the community.
- 4) Establishing the role that retail will play in the City's business areas, and how to help promote the retention and/or creation of retail activity that will serve the needs of residents.
- 5) Figuring out how to provide services to businesses in the most efficient manner possible.



- 6) Addressing whether or not the City should be actively promoting the community and attracting businesses into the community.
- 7) Maintaining the character of the Village Area, including the mix of residential and commercial uses that presently exist.
- 8) Meeting the needs of the residents that live and employees that work in the City of Lake Elmo, i.e. providing services to support these people.
- 9) Conducting market studies to help determine what types of business activities could be supported by the community.
- 10) Helping the City Council develop an action plan to accomplish the objectives for employment by 2030 as stated in the Comprehensive Plan.
- 11) Promoting the preservation of a rural/agricultural economy and the City's connections to its rural heritage.
- 12) Assisting with efforts to encourage alternative modes of transportation to ensure residents and businesses are not unduly burdened by long commutes and traffic problems.
- 13) Acting as an agent for the acquisition and development of property for public purposes, including the planned community center within the Village area.
- 14) Providing financing options for the City and private entities to accomplish the goals and objectives that have been established for commercial areas.
- 15) Helping the City develop areas with "high density" jobs with an employment base of 40 employees per area in the planned business park at the intersection of Manning Avenue and Interstate 94.
- 16) Working within a revised organizational chart that incorporates the broader function of community development into the City's structure.
- 17) Developing a master plan for the I-94 business park.

The second part of the Council's request of the Planning Commission is to consider what commercial uses and standards for sustainable commercial development should be permitted in the City. Some suggested standards are listed below for discussion by the Commission:

- 1) Projects should follow sustainable development practices:
  - a. Buildings should be designed for long-term use.
  - b. New structures should minimize their environmental footprint.
- 2) New buildings should embrace LEED standards.
- 3) Natural materials should be given preference to alternative designs.
- 4) Buildings should reflect Lake Elmo's rural character.
- 5) Access management should be used to minimize traffic impacts.
- 6) Businesses should be promoted that achieve a high level of employment density.

- 7) Commercial activities should be compatible with surrounding land uses.
- 8) Mixed-use development should be promoted in the Village area.
- 9) Commercial uses and buildings that cater to automobile traffic alone in the Village area should be discouraged.
- 10) Form-based zoning is preferable to standard ordinances that only specify minimum requirements.
- 11) Existing architecture and design should be considered within new development.

The intent of the two lists above is to help the Planning Commission begin to formulate a response to the Council's request and to provide some direction for additional discussion at the meeting. It is expected that there will be ongoing discussions on this topic, and that this matter will likely come back to the Planning Commission before any comments from the Commission are passed on to the City Council.

#### **ADDITIONAL INFORMATION:**

- The draft version of Stillwater's draft economic development plan is attached for review by the Planning Commission. There are obvious differences between Stillwater and Lake Elmo, therefore this plan is intended only to give the Commission a better idea of what other communities have been doing with regards to economic development.

#### **RECOMMENDATION:**

Staff is recommending that the Planning Commission review the information that has been provided to the Commission and to begin working towards a response to the City Council's request.

#### **ATTACHMENTS:**

1. City of Stillwater Economic Development Plan (draft version)

#### **ORDER OF BUSINESS:**

- Introduction and Presentation by Staff.....Kyle Klatt, Planning Director
- Questions from the Commission.....Chair & Commission Members
- Planning Commission Discussion.....Chair Facilitates
- Action by the Planning Commission .....Chair & Commission Members

**ECONOMIC DEVELOPMENT ACTIVITIES AND STANDARDS  
PLANNING COMMISSION REVIEW – 7/13/09**

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**RECOMMENDED DISCUSSION TOPICS:**

Based partially on discussions concerning Lake Elmo's long range plans, the Planning Commission has considered the issues that will need to be addressed in the future that likely fall under the definition of economic development. The intent of the list below is to help the City Council begin thinking about the issues that will need to be considered as the City works towards implementation of its Comprehensive Plan. Some of the issues that have been identified by the Planning Commission include the following (please note that these issues are being phrased in a way that provides a response to the Council's initial request for the types of activities the City might begin to undertake):

- 1) Creating an economic development plan as a component of the Comprehensive Plan.
- 2) **Establishing a business advisory board that would be responsible for promoting business relations, retention, expansion, recruitment, and other activities commonly associated with economic development.**
- 3) Determining the types of business that will be appropriate for Lake Elmo and that are most compatible with the City's objectives of maintaining its rural character.
- 4) Identifying where commercial activity should take place within the parameters of the future land use plan and where this activity would be most beneficial to the residents of the community.
- 5) Establishing the role that retail will play in the City's business areas, and how to help promote the retention and/or creation of retail activity that will serve the needs of residents.
- 6) Figuring out how to provide services to businesses in the most efficient manner possible.
- 7) Addressing whether or not the City should be actively promoting the community and attracting businesses and residents into the community.
- 8) Maintaining the character of the Village Area, including the mix of residential and commercial uses that presently exist.
- 9) Meeting the needs of the residents that live and employees that work in the City of Lake Elmo, i.e. providing services to support these people.
- 10) Conducting market studies to help determine what types of business activities could be supported by the community.
- 11) Helping the City Council develop an action plan to accomplish the objectives for employment by 2030 as stated in the Comprehensive Plan.
- 12) Promoting the preservation of a rural/agricultural economy and the City's connections to its rural heritage.
- 13) Assisting with efforts to encourage alternative modes of transportation to ensure residents and businesses are not unduly burdened by long commutes and traffic problems.

- 14) Acting as an agent for the acquisition and development of property for public purposes, including the planned community center within the Village area.
- 15) Providing financing options for the City and private entities to accomplish the goals and objectives that have been established for commercial areas.
- 16) Helping the City develop areas with "high density" jobs with an employment base of 40 employees per acre in the planned business park at the intersection of Manning Avenue and Interstate 94.
- 17) Working within a revised organizational chart that incorporates the broader function of community development into the City's structure.
- 18) Developing a master plan for the I-94 business park.
- 19) **Preserving the existing tax base and employment in the community by retaining existing businesses and/or attracting new businesses to replace those that have left.**
- 20) **Putting the City in a position to take advantage of opportunities for park and ride and other mass transit improvements that could benefit Lake Elmo.**
- 21) **Promoting legislation that will provide tax advantages to businesses locating in Lake Elmo and that will help minimize the loss of business to surrounding states.**
- 22) **Developing support for a community focal point and supporting Lake Elmo as a destination for residents and businesses.**
- 23) **Advertising Lake Elmo's assets to promote the businesses that the community would like to attract.**
- 24) **Determining appropriate measures to help ensure that the City is being inclusive rather than exclusive.**
- 25) **Helping to develop a vision for the community and those activities necessary to distinguish Lake Elmo from other places.**
- 26) **Identifying industries and development activity that could set Lake Elmo apart from other communities, i.e. the promotion of green development and buildings.**
- 27) **Establishing what role the arts or other amenities might play in strengthening the employment base and opportunities in the community.**
- 28) **Analyzing the results of the 2010 Census to help determine how the community has changed and what needs to be done to meet the current residents' and business' needs.**
- 29) **Studying the potential impacts associated with the intensification of agricultural uses and how to manage and promote appropriate uses.**
- 30) **Defining what "sustainable development" means to the community and developing standards for sustainable businesses.**
- 31) **Considering the role water-oriented development and recreation activities can play in Lake Elmo's future.**

**32) Discussing issues that are affecting current businesses in the community and acting as a resource to encourage cooperation among these businesses.**

The second part of the Council's request of the Planning Commission is to consider what commercial uses and standards for sustainable commercial development should be permitted in the City. Some suggested standards are listed below:

- 1) Projects should follow sustainable development practices:
  - a. Buildings should be designed for long-term use.
  - b. New structures should minimize their environmental footprint.
- 2) New buildings should embrace LEED standards.
- 3) Natural materials should be given preference to alternative designs.
- 4) Buildings should reflect Lake Elmo's rural character.
- 5) Access management should be used to minimize traffic impacts.
- 6) Businesses should be promoted that achieve a high level of employment density.
- 7) Commercial activities should be compatible with surrounding land uses.
- 8) Mixed-use development should be promoted in the Village area.
- 9) Commercial uses and buildings that cater to automobile traffic alone in the Village area should be discouraged.
- 10) Form-based zoning is preferable to standard ordinances that only specify minimum requirements.
- 11) Existing architecture and design should be considered within new development.

## 2011 Minnesota Statutes

### 469.101 POWERS.

Subdivision 1. **Establishment.** An economic development authority may create and define the boundaries of economic development districts at any place or places within the city, except that the district boundaries must be contiguous, and may use the powers granted in sections 469.090 to 469.108 to carry out its purposes. First the authority must hold a public hearing on the matter. At least ten days before the hearing, the authority shall publish notice of the hearing in a daily newspaper of general circulation in the city. Also, the authority shall find that an economic development district is proper and desirable to establish and develop within the city.

Subd. 2. **Acquire property.** The economic development authority may acquire by lease, purchase, gift, devise, or condemnation proceedings the needed right, title, and interest in property to create economic development districts. It shall pay for the property out of money it receives under sections 469.090 to 469.108. It may hold and dispose of the property subject to the limits and conditions in sections 469.090 to 469.108. The title to property acquired by condemnation or purchase must be in fee simple, absolute. The authority may accept an interest in property acquired in another way subject to any condition of the grantor or donor. The condition must be consistent with the proper use of the property under sections 469.090 to 469.108. Property acquired, owned, leased, controlled, used, or occupied by the authority for any of the purposes of this section is for public governmental and municipal purposes and is exempt from taxation by the state or by its political subdivisions, except to the extent that the property is subject to the sales and use tax under chapter 297A. The exemption applies only while the authority holds property for its own purpose. The exemption is subject to the provisions of section 272.02, subdivision 39. When the property is sold it becomes subject to taxation.

Subd. 3. **Options.** The economic development authority may sign options to purchase, sell, or lease property.

Subd. 4. **Eminent domain.** The economic development authority may exercise the power of eminent domain under chapter 117, or under its city's charter to acquire property it is authorized to acquire by condemnation. The authority may acquire in this way property acquired by its owner by eminent domain or property already devoted to a public use only if its city's council approves. The authority may take possession of property to be condemned after it files a petition in condemnation proceedings describing the property. The authority may abandon the condemnation before taking possession.

Subd. 5. **Contracts.** The economic development authority may make contracts for the purpose of economic development within the powers given it in sections 469.090 to 469.108. The authority may contract or arrange with the federal government, or any of its departments, with persons, public corporations, the state, or any of its political subdivisions, commissions, or agencies, for separate or joint action, on any matter related to using the authority's powers or performing its duties. The authority may contract to purchase and sell real and personal property. An obligation or expense must not be incurred unless existing appropriations together with the reasonably expected revenue of the authority from other sources are sufficient to discharge the obligation or pay the expense when due. The state and its municipal subdivisions are not liable on the obligations.



Subd. 5a. **Construction contracts.** For all contracts for construction, alteration, repair, or maintenance work, the authority may award contracts to the vendor offering the best value, and "best value" shall be defined and applied as set forth in sections 16C.02, subdivision 4a, and 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c). Alternatively, the authority may award all contracts for construction, alteration, repair, or maintenance work to the lowest responsible bidder, reserving the right to reject any or all bids.

Subd. 6. **Limited partner.** The economic development authority may be a limited partner in a partnership whose purpose is consistent with the authority's purpose.

Subd. 7. **Rights; easements.** The economic development authority may acquire rights or an easement for a term of years or perpetually for development of an economic development district.

Subd. 8. **Supplies; materials.** The economic development authority may buy the supplies and materials it needs to carry out this section.

Subd. 9. **Receive public property.** The economic development authority may accept land, money, or other assistance, whether by gift, loan or otherwise, in any form from the federal or state government, or an agency of either, or a local subdivision of state government to carry out sections 469.090 to 469.108 and to acquire and develop an economic development district and its facilities under this section.

Subd. 10. **Development district authority.** The economic development authority may sell or lease land held by it for economic development in economic development districts. The authority may acquire, sell, or lease single or multiple tracts of land regardless of size, to be developed as a part of the economic development of the district under sections 469.090 to 469.108.

Subd. 11. **Foreign trade zone.** The economic development authority may apply to the board defined in United States Code, title 19, section 81a, for the right to use the powers provided in United States Code, title 19, sections 81a to 81u. If the right is granted, the authority may use the powers. One authority may apply with another authority.

Subd. 12. **Relation to other redevelopment powers.** The economic development authority may exercise powers and duties of a redevelopment agency under sections 469.152 to 469.165, for a purpose in sections 469.001 to 469.047 or 469.090 to 469.108. The authority may also use the powers and duties in sections 469.001 to 469.047 and 469.090 to 469.108 for a purpose in sections 469.152 to 469.165.

Subd. 13. **Public facilities.** The authority may operate and maintain a public parking facility or other public facility to promote development in an economic development district.

Subd. 14. **Government agent.** An economic development authority may cooperate with or act as agent for the federal or the state government, or a state public body, or an agency or instrumentality of a government or a public body to carry out sections 469.090 to 469.108 or any other related federal, state, or local law in the area of economic development district improvement.

Subd. 15. **Studies, analysis, research.** An authority may study and analyze economic development needs in the city, and ways to meet the needs. An authority may study the desirable patterns for land use for economic development and community growth and other factors affecting local economic development in the city and make the result of the studies available to the public



and to industry in general. An authority may engage in research and disseminate information on economic development within the city.

Subd. 16. **Public relations.** To further an authorized purpose, an authority may (1) join an official, industrial, commercial, or trade association, or another organization concerned with the purpose, (2) have a reception of officials who may contribute to advancing the city and its economic development, and (3) carry out other public relations activities to promote the city and its economic development. Activities under this subdivision have a public purpose.

Subd. 17. **Accept public land.** An authority may accept conveyances of land from all other public agencies, commissions, or other units of government, if the land can be properly used by the authority in an economic development district, to carry out the purposes of sections 469.090 to 469.108.

Subd. 18. **Economic development.** An authority may carry out the law on economic development districts to develop and improve the lands in an economic development district to make it suitable and available for economic development uses and purposes. An authority may fill, grade, and protect the property and do anything necessary and expedient, after acquiring the property, to make it suitable and attractive as a tract for economic development. An authority may lease some or all of its lands or property and may set up local improvement districts in all or part of an economic development district.

Subd. 19. **Loans in anticipation of bonds.** After authorizing bonds under sections 469.102 and 469.103, an authority may borrow to provide money immediately required for the bond purpose. The loans must not exceed the amount of the bonds. The authority shall by resolution decide the terms of the loans. The loans must be evidenced by negotiable notes due in not more than 12 months from the date of the loan payable to the order of the lender or to bearer, to be repaid with interest from the proceeds of the bonds when the bonds are issued and delivered to the bond purchasers. The loan must not be obtained from any commissioner of the authority or from any corporation, association, or other institution of which an authority commissioner is a stockholder or officer.

Subd. 20. **Use of proceeds.** The proceeds of obligations issued by an authority under section 469.103 and temporary loans obtained under subdivision 19 may be used to make or purchase loans for economic development facilities that the authority believes will require financing. To make or purchase the loans, the authority may enter into loan and related agreements, both before and after issuing the obligations, with persons, firms, public or private corporations, federal or state agencies, and governmental units under terms and conditions the authority considers appropriate. A governmental unit in the state may apply, contract for, and receive the loans. Chapter 475 does not apply to the loans.

Subd. 21. [Repealed, 2000 c 490 art 11 s 44]

Subd. 22. **Secondary market.** An authority may sell, at private or public sale, at the price or prices determined by the authority, any note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan made for the purpose of economic development, job creation, redevelopment, or community revitalization by a public agency to a business, for-profit or nonprofit organization, or an individual.

Subd. 23. **Supplying small business capital.** Notwithstanding any contrary law, the authority may participate with public or private corporations or other entities, whose purpose is to provide seed or venture capital to small businesses that have facilities located or to be located in the district. For that purpose the authority may use not more than ten percent of available annual net income or \$1,000,000 annually, whichever is less, to invest in equities or acquire equity-type investments. These investments can be made directly in eligible corporations or entities or acquired through participation in a public or private seed or venture capital fund. The participation by the authority may not exceed in any year 25 percent of the total amount of funds provided for venture or seed capital purposes by all of the participants. The corporation, entity, or fund shall report in writing each six months to the commissioners of the authority all investments and other action taken by it since the last report. Funds contributed to the corporation or entity must be invested pro rata with each contributor of capital taking proportional risks on each investment. As used in this subdivision, the term "small business" has the meaning given it in section 645.445, subdivision 2.

**History:** 1987 c 291 s 102; 1988 c 580 s 5; 1991 c 295 s 2; 1992 c 363 art 1 s 13; 2000 c 418 art 2 s 7; 2006 c 214 s 20; 2007 c 148 art 3 s 30; 2010 c 389 art 7 s 5





## MAYOR & COUNCIL COMMUNICATION

DATE: 5/1/12

**REGULAR**

ITEM #: 11

**MOTION**

**AGENDA ITEM:** Authorization to Purchase Landscape Material for MnDOT Landscape Partnership Program Planting

**SUBMITTED BY:** Nick M. Johnson, Interim City Planner

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:** The City Council is asked to authorize staff to purchase landscape material for the MnDOT Landscape Partnership Program planting project. At the time this report was written, four companies had submitted pricing. Of the four received, Staff is recommending Abrahamson Nursery be used for this project as they submitted all the necessary pricing and was the only company to provide pricing for a two year warrantee.

The recommended motion to act on this is as follows:

***“Move to direct staff to purchase material from Abrahamson Nursery with a two year warrantee for the MnDOT Landscaping Projects this spring.”***

**BACKGROUND INFORMATION:** The MnDOT 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 proposed project is located along HWY-5 in the Village Area from just West of Laverne Ave. N. to the East of 39<sup>th</sup> St. N. The plantings are scheduled to be completed on Saturday, June 2<sup>nd</sup> from 9:00am to 1:00pm through the help of resident volunteers.

**STAFF REPORT:** According to contract 01029, the agreement entered with MnDOT, landscaping materials purchased by the City up to the amount of \$18,200 shall be reimbursed. In order to obtain quotes for the materials, pricing was requested from five companies - four of which responded prior to the writing of this report. Vendors were requested to provide pricing for material meeting MnDOT specifications, to specify pricing with and without a warrantee if offered, and to identify if a delivery fee is applicable as well. The following summarizes the information received:

*Abrahamson Nursery* - \$17,016.00 with a 2 year warrantee.

*Bachman Wholesale* - \$15,101.55 without a warrantee.

*Bailey Nurseries* - \$10,493.22 without a warrantee; delivery cost not included; and limited availability of some trees in 20Ct. size.

*Buell Landscape Center* - \$13,458.69 with one year warrantee on trees; not including \$75/load delivery fee; not including mulch or compost; and missing 15 crabapple trees and 2 maple trees.

Abrahamson Nursery was the only submission received that provided a dollar amount for each of the items requested without a change of container size or omitting something from the requested list of materials. The total amount priced by Abrahamson Nursery is \$17,016.00 with a two year warrantee on all the landscape material.

Staff is recommending accepting the proposal by Abrahamson nursery with the warranty. Abrahamson nursery had a competitive and complete price provided and it was the only complete submission based on the materials and sizes identified in the project. If the warranty is also secured, the pricing still falls well below the \$18,200 cost limit identified in the grant agreement for this project.

A warranty was acquired through this grant on the material used in the 2011 planting project. This was found to be useful as some trees have died and will be replaced by Abrahamson Nursery this spring/summer.

**RECOMMENDATION:** Based upon the above background information and staff report, it is recommended that the City Council authorize staff to purchase material from Abrahamson Nursery by undertaking the following action

***“Move to direct staff to purchase material from Abrahamson Nursery with a two year warrantee for the MnDOT Landscaping Projects this spring.”***

Alternatively, the City Council may choose a different company should a warrantee be considered unnecessary. If this option is chosen, staff will need to confirm with MnDOT that the alterations made by the other companies still meet the required MnDOT specifications.

**ATTACHMENTS:** None

**SUGGESTED ORDER OF BUSINESS:**

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

