



FILE

*Our Mission is to Provide Quality Public Services  
in a Fiscally Responsible Manner While  
Preserving the City's Open Space Character*

## **NOTICE OF MEETING**

**City of Lake Elmo  
3800 Laverne Avenue North  
City Council Meeting  
Tuesday, June 5, 2012 at 7:00 p.m.**

### **AGENDA**

- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL**
- D. **APPROVAL OF AGENDA**
- E. **ORDER OF BUSINESS/GROUND RULES**
- F. **ACCEPT MINUTES**
  - 1. Accept May 15, 2012, City Council minutes
  - 2. Accept May 29, 2012, Special City Council minutes
- G. **PUBLIC COMMENTS/INQUIRIES**
- H. **PRESENTATIONS**
  - A. Employee Recognition
- I. **SUMMARY REPORTS AND ANNOUNCEMENTS**
  - Mayor and Council
  - Administrator
  - City Attorney
  - City Engineer
  - Planning Director
  - Finance Director

J. **CONSENT AGENDA**

*Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.*

3. Approve Payment of Disbursements and Payroll
4. Resolution 2012-23 Approve Removal of Assessments from 2012 File with Washington County
5. Approve Administrative Position Descriptions
6. Resolution 2012-26 Adopting Purchasing Policy
7. Well No. 2 Chlorination System Addition – Accept Improvements and Approve Final Contractor Payments
8. Resolution 2012-24 2012 Street and Water Quality Improvements – Approve Plans and Specifications and Order Advertisements for Bids
9. Resolution 2012-25 2012 Seal Coat Project – Accept Bids and Award Contract
10. Proclamation Recognizing Gloria Knoblauch

K. **REGULAR AGENDA**

11. Ordinance 2012-58 City Code Amendment Pertaining to Watercraft and Water Surface Regulations and Prohibited Structures and Uses
12. Ordinance 2012-59 Illicit Discharge and Connection and Resolution 2012-22 Approving Summary Publication
13. Municipal Separate Storm Sewer System (MS4) Permit – Annual Public Meeting and Accept the 2011 MS4 Annual Report
14. Cedar Pet Clinic Parking Authorization
15. Discussion Item Only: Lake Elmo/Washington County Sheriff's Department – Coverage Contract Proposal

L. Adjourn



**LAKE ELMO CITY COUNCIL MINUTES**  
**MAY 15, 2012 DRAFT**

**City of Lake Elmo**  
**City Council Minutes**  
**May 15, 2012**

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

**PRESENT:** Mayor Johnston, Council Members Emmons, Smith, and Pearson, Council Member Park joined the meeting during the staff and council reports section.

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

**APPROVAL OF AGENDA:**

*MOTION: Council Member Pearson moved to approve the May 15, 2012 City Council Agenda as presented. Council Member Emmons seconded the motion. **The motion passed 4-0.***

**ACCEPTED MINUTES:**

The May 1, 2012 City Council Minutes were accepted as presented by consensus of the City Council.

**PUBLIC COMMENTS/INQUIRIES:**

There were no public comments.

**REPORTS:**

Council Member Smith reported she attended along with City Administrator Zuleger a very positive meeting with Damon Farber regarding the proposed landscape plan for the Village area. She thanked all of the teams that had worked so hard to bring the project along to this point and stated it was exciting to see the plan realized to this degree.

Council Member Pearson reported he had attended the quarterly investor's meeting with Greater MSP and expressed his appreciation for the organization.

Mayor Johnston reported he attended a meeting with the Washington County Transportation staff with regard to the Lake Elmo park and ride sites, attended a Village work group meeting, attended the quarterly investors meeting with Administrator Zuleger and Council Member Pearson with Greater MSP regarding bringing jobs to Lake Elmo, and met with staff and a Lake Elmo resident concerning energy conservation. Mayor Johnston expressed sadness on behalf of the city council, commissions and staff on the passing of Gloria Knoblauch. **Mayor Johnston asked the city to consider a 'Gloria Knoblauch Day' in honoring the woman who gave much time and energy to the City of Lake Elmo.** He attended the Gateway Corridor meeting and stated that Lake Elmo's request for consideration for the park and ride location was favorable, he attended along with Council Member Smith the annual Lake Elmo Fire Department recognition, met with Two Rivers housing which supports housing for people with disabilities, attended the Regional Council of Mayors meeting where one speaker touted the best way to bring jobs to a community is by focusing on higher education and attended the Washington County Memorial Day Ceremony honoring 150 fallen law enforcement officers who were tragically killed in the line of duty in the past year.

## LAKE ELMO CITY COUNCIL MINUTES

**MAY 15, 2012 DRAFT**

City Administrator Zuleger reported on specific progress points on the accountability schedule provided to the city council by staff, displayed the new 'we missed you' postcards and explained the cards will be used by city staff in the field as we aim to improve our taxpayer service, he reported work on the new website is nearing completion, and added much energy and development continues for the Village project and explained plans in the development stages for a visual project depicting the Village that will be forthcoming, and expounded that work continues on process improvement and lean government which is set to include training planned for next week with the Public Works department on street patching and snow plowing processes.

City Clerk Thone reported customer service/taxpayer service training will be held the following Wednesday, May 23, 2012 for city staff and city council members. She expressed the value and benefits of the training. Council Member Smith thanked Thone for her initiative in opening up the reception area of City Hall to foster a more inviting lobby for city hall patrons.

City Attorney Snyder reported their review of the watercraft ordinance was complete, a scheduling order in the detachment proceeding was received, and at the direction of council samples of personnel policies were forwarded to staff for use and review as they work on revising the city's personnel policy internally.

Planning Director Klatt reported work on the Village project included discussions this week on transfer development rights, he attended a meeting by MnDOT on corridor investment strategies, the Planning Commission reviewed an illicit discharge ordinance drafted by city engineers and the full report will be forthcoming, and reminded all who would like to volunteer to attend the MnDOT partnership planting on Saturday, June 2, 2012 to please meet at 9 a.m. at the Lake Elmo Bank parking lot.

Finance Director Bendel reported all went well with the audit last week and they expect to have the draft management letter by next week, the workers compensation audit this week went well and they are awaiting a final true-up bill for 2011 workers compensation.

### **CONSENT AGENDA:**

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

- 2) Approve Payment of Disbursements and Payroll in the amount of \$115,370.67
- 3) Approve a Temporary Liquor License – Team Ortho Foundation/Go Commando Adventure Race
- 4) Approve a Special Event Permit - Team Ortho Foundation/Go Commando Adventure Race
- 5) City Hall Facilities Improvement
- 6) Affirm Hiring of Nicholas Johnson as City Planner
- 7) Authorization to Participate in the Minnesota GreenStep Cities Program

### **REGULAR AGENDA:**

#### **ITEM 8: PARKS COMMISSION APPOINTMENT**

The City Council conducted an interview with Shane Weis for second alternate on the Parks Commission. Council Member Emmons cited Weis's positive energy as a good fit for the Parks Commission.

*MOTION: Council Member Smith moved to approve Shane Weis as Second Alternate on the Parks Commission. Council Member Emmons seconded the motion. **The motion passed 5-0.***

#### **ITEM 9: OAKDALE GUN CLUB CONDITIONAL USE PERMIT AMENDMENT**

**LAKE ELMO CITY COUNCIL MINUTES**  
**MAY 15, 2012 DRAFT**

Planning Director Klatt explained the Oakdale Gun Club would like to amend its conditional use permit to include adding cement side walls and overhead baffling on several existing gun ranges on the facility. He explained the portions of the gun club property that would be affected by the changes, stated this would not be an extension of the property, gave an overview of the history of the property and stated this amendment was within state statutes and the planning commission felt this amendment would improve safety and noise concerns. The Planning Commission recommended approval of the CUP with six conditions of approval. Condition number six was added by the Planning Commission and included the planting of conifer trees in the general vicinity of the entrance to the site. The Planning Commission held a public hearing with only one comment regarding whether the structures would be seen from the street/other properties.

Mayor Johnston and Council Member Smith raised concerns regarding condition number six. City Administrator Zuleger explained the Gun Club's request appears to meet the mitigation clause. Council Member Emmons inquired whether the walls would have an impact on sound abatement. Oakdale Gun Club President Stan Durda approached the council and asked the council to eliminate condition number six for two reasons 1) The ranges are out of view from the street 2) In efforts to reduce the sound signature of OGC, which is currently well under state standards, a review revealed trees do not stop or impact sound and may even amplify sound. Oakdale Gun Club Construction Manager Rusty Williams presented a photographic study of the Gun Club property to show the irrelevance and therefore cost ineffectiveness of adding trees for additional screening. He reviewed all conditions of the amendment agreement. Council Member Emmons inquired whether staff had the chance to review the property/photographs with reference to condition number six. City Administrator Zuleger stated he had viewed the property and recommended removing condition number six of the agreement. Council Member Smith commended the preparation of the representatives of the Oakdale Gun Club and expressed her support.

*MOTION: Council Member Park moved to approve a Resolution Approving a Request to Amend the Conditional Use Permit for Oakdale Gun Club to Allow the Construction of Cementitious Sidewalls and Overhead Baffling on Several of the Existing Gun Ranges Within the Facility Striking Condition Six from the Resolution. Council Member Pearson seconded the motion. **The motion passed 5-0.***

**ITEM 10: CHRIST LUTHERAN CHURCH SEPTIC SYSTEM VARIANCE FOR HOLDING TANKS**

Planning Director Klatt explained Christ Lutheran Church had submitted a variance to install three holding tanks with a capacity of 1500 gallons each for more than the twelve months allowed by county code which the city adopted as reference. It was determined that the existing system is not compliant. The Planning Commission held a public hearing and recommends approval of the variance with one condition; that the church enter into an agreement with the City to connect to public sewer within six months of its availability. He explained staff originally recommended two conditions be included into the agreement which included; the church waiving their right to appeal the assessment for the extension of the municipal sanitary sewer and to submit copies of septic pumping records. Mayor Johnston noted the holding tanks would be advantageous to the current system from an environmental standpoint. City Attorney Snyder noted the staff recommendation for the church to waive the right to appeal their assessment may not be properly suited to the variance application and questioned whether the city could even require this condition. **Council Member Emmons asked City Attorney Snyder to revise the language to capture the condition that when improvements do come the assessment will be provided for in a short form assessment agreement between the Church and the City.**

*MOTION: Council Member Emmons moved to approve a Resolution Approving a Variance to Allow the Use of Holding Tanks for Longer than 12 Months for Christ Lutheran Church at 11194 36<sup>th</sup> Street North with one condition recommended by the Planning Commission and the additional two conditions recommended by staff;*

1) Agreement with the city waiving a right to the assessment for the extension of municipal sanitary sewer 2) Submission of septic tank pumping records - added to the agreement with the understanding the first condition language will be revised by the City Attorney and will include the condition of a short form assessment agreement between the City and the Church. Council Member Smith seconded the motion. **The motion passed 5-0.**

**ITEM 11: ADOPTION OF LAKE ELMO MISSION STATEMENT, VISION STATEMENT AND STATEMENT OF VALUES PER APRIL 2012 COUNCIL/STAFF RETREAT**

City Administrator Zuleger presented the results from the April staff and council retreat on the work the group did regarding the city's mission statement, vision statement and statement of values. He explained first on the agenda was to determine the best mission statement coming out of the session and expressed the mission statement basically states 'what we are, what we do, what we strive to accomplish' and presented the two alternatives from the session:

- 1) Our mission is to provide quality public services in a fiscally responsible manner while preserving the city's open space character.
- 2) Our mission is to provide quality public services to our residents and businesses while preserving the character of Lake Elmo.

He stated Consultant and Facilitator Don Salverda's recommendation was mission statement number one as he felt it captured universally what the City aimed to accomplish. Council Member Smith and Mayor Johnston concurred with the recommendation.

*MOTION: Council Member Smith moved to Approve Lake Elmo's Mission Statement (1) 'Our mission is to provide quality public services in a fiscally responsible manner while preserving the city's open space character.'* Mayor Johnston seconded the motion. **The motion passed 5-0.**

City Administrator Zuleger explained second on the agenda was to determine the best vision statement coming out of the session and expressed the vision statement is 'what we aspire to be' and presented the two alternatives from the session:

- 1) The City of Lake Elmo commits to building on its heritage, while enhancing a high quality of life for all its citizens. We pledge to work in partnership with our residents and businesses to foster community pride, to develop a vibrant, diversified economy, to plan for the future, and to preserve and enhance our open space environment.
- 2) The City will be recognized among municipalities across the state for a strong sense of community, embracing and expertly planning and executing a vibrant and unique future growth while maintaining our open space character.

He stated Consultant and Facilitator Don Salverda's recommendation was mission statement number two as he felt it was the more succinct of the two options. Council Member Park and Mayor Johnston concurred with the recommendation on option two. Council Members Smith, Pearson and Emmons supported option number one. Further discussion resulted in the following motion with one small revision adding 'natural and' to the vision statement.

*MOTION: Council Member Smith moved to Approve Lake Elmo's Vision Statement (1) 'The City of Lake Elmo commits to building on its heritage, while enhancing a high quality of life for all its citizens. We pledge to work*



## LAKE ELMO CITY COUNCIL MINUTES

MAY 15, 2012 DRAFT

*in partnership with our residents and businesses to foster community pride, to develop a vibrant, diversified economy, to plan for the future, and to preserve and enhance our "natural and" open space environment.'*  
Council Member Pearson seconded the motion. **The motion passed 5-0.**

City Administrator Zuleger explained third on the agenda was to determine the values statement coming out of the session and expressed the values statement is 'what we believe' and should be comprised of council and staff's fundamental values and what we aim for on a day-to-day basis. He presented the seven values resulting from the session and added an additional statement (number eight) of value to consider:

- 1) Excellence and Quality in the Delivery of Services  
We believe that service to the public is our reason for being and strive to deliver quality services in a highly professional, cost effective manner.
- 2) Fiscal Responsibility  
We believe that fiscal responsibility and the prudent stewardship of public funds are essential for citizen confidence in government.
- 3) Ethics and Integrity  
We believe that ethics and integrity are the foundation blocks of public trust and confidence and that all meaningful relationships are built on these values.
- 4) Visionary Leadership and Planning  
We believe that the very essence of leadership is to be visionary and plan for the future.
- 5) Open and Honest Communication  
We believe that open and honest communication is essential for an informed and involved citizenry and fosters a positive working environment for employees.
- 6) Respect for the Individual  
We believe that citizens we serve are to be treated with courtesy and respect and deserve the best services the city can provide.
- 7) Professionalism  
We believe that continuous improvement is the mark of professionalism and we are committed to applying this principle to the services we offer and the development of our employees.
- 8) Thoughtful Community Building  
We believe in the development of our community through thoughtful, careful planning that is communicated in a positive manner that builds up rather than tears down the process.

Discussion was had by the city council regarding the value statements. Recommendations were made by City Administrator Zuleger to move numbers three and four to number one and two for the final draft.

**MOTION:** Council Member Smith moved to Approve Lake Elmo's Proposed Values Statement as amended; moving statement number three and four to one and two, adding value statement number eight and amending the language on statement numbers two, four and eight as stated below. Council Member Park seconded the motion. **The motion passed 5-0.**

- 1) Ethics and Integrity  
We believe that ethics and integrity are the foundation blocks of public trust and confidence and that all meaningful relationships are built on these values.
- 2) Visionary Leadership and Planning  
We believe that the very essence of leadership is to be visionary and *innovative while planning* for the future.
- 3) Excellence and Quality in the Delivery of Services  
We believe that service to the public is our reason for being and strive to deliver quality services in a highly professional, cost effective manner.
- 4) Fiscal Responsibility

We believe that fiscal responsibility and the prudent stewardship of public funds, *both short term and long term*, are essential for citizen confidence in government.

5) Open and Honest Communication

We believe that open and honest communication is essential for an informed and involved citizenry and fosters a positive working environment for employees.

6) Respect for the Individual

We believe that citizens we serve are to be treated with courtesy and respect and deserve the best services the city can provide.

7) Professionalism

We believe that continuous improvement is the mark of professionalism and we are committed to applying this principle to the services we offer and the development of our employees.

8) Thoughtful Community Building

We believe in the development of our community through thoughtful, careful planning that is communicated in a positive manner that *enhances* the process.

## ITEM 12: SURFACE WATER UTILITY FEE APPEAL PROCESS/CREDIT POLICY

City Administrator Zuleger explained the need has been discussed to create a formal appeal process and equitable credit policy for the city's surface water utility fee schedule. He stated with input from the finance director, and after careful review of the surface water utility account, staff has crafted an ordinance based on the March 2012 direction of the council amending Section 53.04 of the Lake Elmo City Code pertaining to surface water management fee adjustment credit. He explained in detail the ordinance amendment, the unattended balances needing a formal review process, and specifically addressed the rain garden maintenance and specifications of the credit appeal process and the benefits. Council Members expressed their appreciation for City Administrator Zuleger addressing these concerns, his commitment and time spent with the residents and his work in bringing to fruition the ordinance amendment and new policy.

*MOTION: Council Member Pearson moved to Approve an Ordinance Amending Section 53.04 of the Lake Elmo City Code Pertaining to Surface Water Management Fee Adjustment Credit. Council Member Smith seconded the motion. The motion passed 5-0.*

## ITEM 13: DISCUSSION OF LIBRARY FINANCING

City Administrator Zuleger explained that last year when the city council made the decision to create a local library, staff was tasked with securing a building for the facility and securing the financing options for the purchase/lease. On May 9, 2012 the Library Board approved to pay back the funds in acquiring the building located at 3537 Lake Elmo Avenue North for use by the library within a two-year time period, by December of 2013. City Administrator Zuleger stated staff is recommending the council ratify the Lake Elmo Library Board motion to repay the City for facility bond funds used to purchase 3537 Lake Elmo Avenue North over a two year period by December 2013 to ensure the library has a place to conduct its business. The City will receive additional simple interest in the principal funds calculated by the LIBOR rate on the date of the purchase. Concerns were raised by Council Member Smith about whether the city would put something in place in the way of consequences or a penalty to ensure the city is paid back by the Library Board. Council Member Pearson stated the city has options to keep the board accountable to the agreement. City Attorney Snyder stated the council sets the library budget and has ultimate authority over the library's budget. Mayor Johnston cited this fact in his support of the motion.

*MOTION: Council Member Pearson moved to Ratify the Lake Elmo Library Board motion to repay (using the allocated library levy) the City of Lake Elmo for facility bond funds used to purchase 3537 Lake Elmo Avenue North over a two year period by December 2013. The City of Lake Elmo will receive additional simple interest*

## LAKE ELMO CITY COUNCIL MINUTES

**MAY 15, 2012 DRAFT**

*on the principal funds calculated by the LIBOR rate on the date of purchase. Mayor Johnston seconded the motion. **The motion passed 4-1. Council Member Smith: Nay***

The meeting adjourned at 9:06 p.m. to Closed Session per MN State Statute 13D.05 to discuss the potential purchase of real estate located at 3537 Lake Elmo Avenue.

Present at the closed session were Mayor Johnston, Council Members Emmons, Smith, Pearson and Park, City Attorney Snyder, Finance Director Bendel, City Clerk Thone and City Administrator Zuleger.

The closed session adjourned and the open session resumed at 9:28 p.m.

Mayor Johnston reported the direction from city council was for City Administrator Zuleger to continue to work with the realtor on the purchase of 3537 Lake Elmo Avenue and provided specifics on terms and purchase price.

The meeting adjourned at 9:30 p.m.

Respectfully submitted by Sandie Thone, City Clerk





**LAKE ELMO CITY COUNCIL MINUTES  
MAY 29, 2012 DRAFT**

**City of Lake Elmo  
City Council Minutes  
May 29, 2012**

Mayor Johnston called the meeting to order at 6:30 p.m.

**PRESENT:** Mayor Johnston, Council Members Emmons, Smith, and Pearson.

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

**APPROVAL OF AGENDA:**

*MOTION: Council Member Pearson moved to approve the May 29, 2012 City Council Agenda as presented. Council Member Emmons seconded the motion. **The motion passed 4-0.***

**REGULAR AGENDA:**

**ITEM 1: LAKE ELMO AVENUE NORTH/OLD VILLAGE DEMONSTRATION LIGHTING AND LANDSCAPE PROJECT**

City Administrator Zuleger explained the City has been requested to participate in a public-private service club lighting and landscape demonstration project. The total cost of the project would be \$26,800. The project was developed in an effort to improve the look of the Village area with decorative lighting and flower baskets along a pilot section on the west side of Lake Elmo Avenue beginning at Lake Elmo Inn and extending north for 400 feet. The Lake Elmo Rotary has made the beautification of the Village a service project priority and has specified funds for the project. In addition, a four-way partnership between the City of Lake Elmo, Lake Elmo Rotary Club, 3M and Xcel Energy is being developed to create the themed demonstration, which would be indicative of larger projects to come in the future.

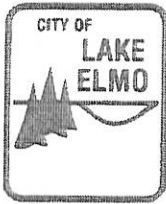
Jim Leonard of Fury Dodge Chrysler Lake Elmo and John Schiltz of Lake Elmo Inn and Event Center have pledged their support and their interest in the project in the way of reinvestment and restoration of Main Street. The monetary investments would include \$13,800 from the City of Lake Elmo, \$10,000 from the Rotary Club, and \$3,000 from Xcel Energy. Other investments include in-kind lighting design services from Xcel Energy, LED lighting products donated from 3M, private property donated from Lake Elmo Inn and maintenance of the flower baskets by Fury Motors. Staff is recommending city council approve the city's portion of \$13,800 expenditure for the Lighting and Landscape Demonstration project.

*MOTION: Council Member Pearson moved to approve the expenditure of \$13,800 (\$13,000 for lighting and construction costs/\$500 for educational signage) to be matched by \$13,000 of funds from Lake Elmo Rotary and Xcel Energy for the construction of the Lighting/Landscape Demonstration Project on 400 feet of Lake Elmo Avenue North. Council Member Emmons seconded the motion. **The motion passed 4-0.***

The meeting adjourned at 6:48 p.m.

Respectfully submitted by Sandie Thone, City Clerk





## MAYOR & COUNCIL COMMUNICATION

DATE: 6/05/2012  
CONSENT  
ITEM #: 3  
MOTION *as part of Consent Agenda*

**AGENDA ITEM:** Approve Disbursements in the Amount of \$353,288.27

**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 \$353,288.27. 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	\$ 8,129.20	Payroll Taxes to IRS & MN Revenue 5/17/2012
ACH	\$ 4,334.29	Payroll Retirement to PERA 5/17/12
DD3954 – DD 3990	\$ 25,762.51	Payroll Dated 5/17/12 (Direct Deposit)
38419-38421	\$ 790.43	Payroll Dated 5/17/2012 (Payroll Paper Checks)
ACH	\$ 7,905.38	Payroll Taxes to IRS & MN Revenue 5/31/12
ACH	\$ 4,599.14	Payroll Retirement to PERA 5/31/12
DD3991 – DD4006	\$ 21,902.29	Payroll Dated 5/31/12 (Direct Deposit)
38422 - 38425	\$ 934.04	Payroll Dated 5/31/12 Payroll Paper checks
38426 – 38486	\$ 173,600.99	Accounts Payable Dated 6/5/12
1438 – 1454	\$ 1,020.00	Accounts Payable Dated 6/5/12 (Library Checks)
ACH	\$ 104,310.00	Bond Payments (3) 5/30/12
	\$	
<b>TOTAL</b>	<b>\$ 353,288.27</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 \$353,288.27.

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 June 5, 2012, Disbursements as  
Presented *[and modified]* herein.”**

**ATTACHMENTS:**

1. Accounts Payable Dated 6/5/2012

**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: 05/31/2012 - 11:52 AM

Batch: 008-05-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Aramark, Inc.										
629-7493753	05/10/2012	22.91	0.00	06/05/2012	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
629-7493753	Total:	22.91								
629-7495572	05/14/2012	136.66	0.00	06/05/2012	Monthly Rug Service, Station #2		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7495572	Total:	136.66								
629-7495574	05/14/2012	135.12	0.00	06/05/2012	Monthly Rug Service, Station #1		-			No 0000
101-420-2220-44010	Repairs/Maint Bldg									
629-7495574	Total:	135.12								
629-7498608	05/31/2012	22.91	0.00	06/05/2012	Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
629-7498608	Total:	22.91								
629-7500481	05/21/2012	31.62	0.00	06/05/2012	Monthly Rug Service - Annex		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7500481	Total:	31.62								
629-7505283	05/28/2012	232.74	0.00	06/05/2012	Linen City Hall		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7505283	Total:	232.74								
629-7995573	05/14/2012	187.36	0.00	06/05/2012	Linen City Hall		-			No 0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
629-7995573	Total:	187.36								
ARAM Total:		769.32								
BERKLEY INSURANCE TRUST LEAGUE OF MN CITIE										
40340 & 403410	05/16/2012	33,966.75	0.00	06/05/2012	Insurance - Admin		-			No 0000
101-410-1320-43610	Insurance									
40340 & 403410	05/16/2012	6,256.90	0.00	06/05/2012	Insurance - Fire & Vehicles		-			No 0000
101-420-2220-43630	Vehicle Insurance									
40340 & 403410	05/16/2012	255.00	0.00	06/05/2012	Insurance - Building Dept Vehicle		-			No 0000
101-420-2400-43630	Insurance									
40340 & 403410	05/16/2012	20,276.35	0.00	06/05/2012	Insurance - Building & Equipment		-			No 0000
101-430-3100-43630	Insurance									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
40340 & 403410	05/16/2012	3,364.00	0.00	06/05/2012	Insurance - Parks & Equipment		-			No 0000
101-450-5200-43630	Insurance									
40340 & 403410	05/16/2012	6,161.00	0.00	06/05/2012	Insurance - Water Dept		-			No 0000
601-494-9400-43610	Insurance									
40340 & 403410	05/16/2012	1,371.00	0.00	06/05/2012	Insurance - Sanitary Sewer		-			No 0000
602-495-9450-43610	Insurance									
40340 & 403410	Total:	71,651.00								
BERKLEY	Total:	71,651.00								
BOUTHMI Bouthilet Michael										
05/25/2012	05/25/2012	230.78	0.00	06/05/2012	Reimb Lodging for Water Related Confer		-			No 0000
601-494-9400-44370	Conferences & Training									
05/25/2012	Total:	230.78								
BOUTHMI	Total:	230.78								
BRYAN Bryan Rock Products, Inc.										
38863	05/01/2012	97.61	0.00	06/05/2012	Center Island Landscape Rock		-			No 0000
101-430-3120-42240	Street Maintenance Materials									
38863	Total:	97.61								
BRYAN	Total:	97.61								
CENCOLLE Century College										
460867	05/16/2012	890.00	0.00	06/05/2012	FOA, M. Cornell, Steinman		-			No 0000
101-420-2220-44370	Conferences & Training									
460867	Total:	890.00								
CENCOLLE	Total:	890.00								
COLEMER Colemer Jamie										
05/29/12	05/29/2012	37.60	0.00	06/05/2012	Reimburse Uniforms		-			No 0000
101-430-3100-44170	Uniforms									
05/29/12	Total:	37.60								
COLEMER	Total:	37.60								
CTYOAKDA City of Oakdale										
10000460-01	04/30/2012	2,784.02	0.00	06/05/2012	Water Service I-94		-			No 0000
601-494-9400-43820	Water Utility									
10000460-01	Total:	2,784.02								
201205213181	05/21/2012	309.69	0.00	06/05/2012	Brake Repairs to CV2		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
201205213181	Total:	309.69								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CTYOAKDA Total:		3,093.71								
CUMMINGS Cummings Mary Jo										
5/17/12	05/17/2012	1,800.00	0.00	06/05/2012	Library Consulting - 5/8/12-5/17/12		-		No	0000
206-450-5300-43150	Contract Services	1,800.00								
5/17/12 Total:		1,800.00								
CUMMINGS Total:		1,800.00								
DELAPP DeLapp Steve										
5/16/12	05/16/2012	38.02	0.00	06/05/2012	Reimburse - Library Book Tape		-		No	0000
206-450-5300-42000	Office Supplies	38.02								
5/16/12 Total:		38.02								
DELAPP Total:		38.02								
DELTA Delta Dental Of Minnesota										
4855357	05/15/2012	1,140.50	0.00	06/05/2012	May 2012 Dental Coverage		-		No	0000
101-000-0000-21706	Medical Insurance	1,140.50								
4855357 Total:		1,140.50								
DELTA Total:		1,140.50								
DONALDSA Donald Salverda & Associates										
G-1205	05/01/2012	3,022.16	0.00	06/05/2012	Team Building Retreat		-		No	0000
101-410-1320-44370	Conferences & Training	3,022.16								
G-1205 Total:		3,022.16								
DONALDSA Total:		3,022.16								
E.G.RUD E.G. Rud & Sons, Inc.										
06/10/12	06/10/2012	293.50	0.00	06/05/2012	Well #4, Site Acquisition - Land Survey		-		No	0000
601-494-9400-43150	Contract Services	293.50								
06/10/12 Total:		293.50								
E.G.RUD Total:		293.50								
FANTASTI Fantastic Floors										
020228	05/16/2012	7,662.67	0.00	06/05/2012	Building Improvements Carpet & Tile		-		No	0000
404-480-8000-45200	Buildings & Structures	7,662.67								
020228 Total:		7,662.67								
FANTASTI Total:		7,662.67								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
FDSOA FD Safety Off. Association										
18546	05/21/2012	85.00	0.00	06/05/2012	Annual Membership		-		No	0000
101-420-2220-44330	Dues & Subscriptions	85.00								
	18546 Total:	85.00								
	FDSOA Total:									
FERGUSON Ferguson Waterworks, Inc.										
S01347239.007	05/16/2012	1,035.96	0.00	06/05/2012	Repairs to Neptune Readers		-		No	0000
601-494-9400-42300	Water Meters & Supplies									
	S01347239.007 Total:	1,035.96								
	FERGUSON Total:	1,035.96								
FIORILLO Fiorillo Megan										
05/14/12	05/31/2012	55.00	0.00	06/05/2012	Planning Commission 5/14/12		-		No	0000
101-410-1450-43620	Cable Operations									
	05/14/12 Total:	55.00								
05/15/12	05/31/2012	55.00	0.00	06/05/2012	City Council Meeting 5/15/12		-		No	0000
101-410-1450-43620	Cable Operations									
	05/15/12 Total:	55.00								
05/29/12	05/31/2012	55.00	0.00	06/05/2012	Workshop and Special CC 5/29/12		-		No	0000
101-410-1450-43620	Cable Operations									
	05/29/12 Total:	55.00								
	FIORILLO Total:	165.00								
FOCUS Focus Engineering, Inc.										
206 & 206	05/31/2012	3,592.74	0.00	06/05/2012	General Engineering		-		No	0000
101-410-1930-43030	Engineering Services									
206 & 206	05/31/2012	431.50	0.00	06/05/2012	General Engineering		-		No	0000
101-410-1910-43030	Engineering Services									
	206 & 206 Total:	4,024.24								
208	05/31/2012	831.00	0.00	06/05/2012	General Engineering - VRA		-		No	0000
101-420-2400-43030	Engineering									
208	05/31/2012	857.00	0.00	06/05/2012	General Engineering - VRA		-		No	0000
101-410-1910-43030	Engineering Services									
208	05/31/2012	724.00	0.00	06/05/2012	General Engineering - VRA		-		No	0000
404-480-8000-43030	Engineering Services									
208	05/31/2012	874.50	0.00	06/05/2012	General Engineering - VRA		-		No	0000
101-430-3100-43030	Engineering Services									
208	05/31/2012	149.00	0.00	06/05/2012	General Engineering - VRA		-		No	0000
601-494-9400-43030	Engineering Services									
208	05/31/2012	1,445.47	0.00	06/05/2012	General Engineering - VRA		-		No	0000
602-495-9450-43030	Engineering Services									



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
208	05/31/2012	2,419.94	0.00	06/05/2012	General Engineering - VRA		-			
603-496-9500-43030	Engineering Services									0000
208 Total:		7,300.91								
209	05/31/2012	905.00	0.00	06/05/2012	Transportation & Traffic System		-			0000
409-480-8000-43030	Engineering Services									
209	05/31/2012	413.83	0.00	06/05/2012	Street Maintenance		-			0000
409-480-8000-43030	Engineering Services									
209	05/31/2012	736.50	0.00	06/05/2012	Municipal Aid		-			0000
409-480-8000-43030	Engineering Services									
209	05/31/2012	1,421.50	0.00	06/05/2012	2012 Seal Coat Project		-			0000
409-480-8000-43030	Engineering Services									
209	05/31/2012	29.50	0.00	06/05/2012	Trunk Hwy 36 Corridor Planning		-			0000
409-480-8000-43030	Engineering Services									
209	05/31/2012	112.50	0.00	06/05/2012	Wash Cty Dem Trail Reclamation Project		-			0000
409-480-8000-43030	Engineering Services									
209	05/31/2012	421.50	0.00	06/05/2012	MNDot Hilton Trail Interchange		-			0000
409-480-8000-43030	Engineering Services									
209 Total:		4,040.33								
210	05/31/2012	1,628.76	0.00	06/05/2012	Development - Whistling Valley III		-			0000
409-480-8000-43030	Engineering Services									
210 Total:		1,628.76								
211	05/31/2012	90.00	0.00	06/05/2012	Development - Sanctuary		-			0000
409-480-8000-43030	Engineering Services									
211 Total:		90.00								
212	05/31/2012	112.50	0.00	06/05/2012	2011 Street Improvement Feasibility		-			0000
418-480-8000-43030	Engineering Services									
212 Total:		112.50								
213	05/31/2012	692.64	0.00	06/05/2012	Lake Elmo Area Village Eng Support		-			0000
413-480-8000-43030	Engineering Services									
213 Total:		692.64								
214	05/31/2012	3,225.50	0.00	06/05/2012	10th Street Infrastructure Planning		-			0000
420-480-8000-43030	Engineering Services									
214 Total:		3,225.50								
215	05/31/2012	2,344.22	0.00	06/05/2012	Supply Well & Pumphouse 4		-			0000
601-494-9400-43030	Engineering Services									
215 Total:		2,344.22								
216	05/31/2012	177.00	0.00	06/05/2012	3M Litigation		-			0000
601-494-9400-43030	Engineering Services									
216 Total:		177.00								
217	05/31/2012	90.00	0.00	06/05/2012	Lake Elmo Water System Chlorination		-			0000
601-494-9400-43030	Engineering Services									
217 Total:		90.00								
218	05/31/2012	5,507.43	0.00	06/05/2012	Demontreville/Highlands Area Feasibility		-			0000
419-480-8000-43030	Engineering Services									
218 Total:		5,507.43								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
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FXL FXL, Inc.		29,233.53								
May 2012										
101-410-1320-43100	05/31/2012	2,000.00	0.00	06/05/2012	Assessing Services	Assessing Services - May 2012	-			No 0000
May 2012 Total:		2,000.00								
FXL Total:		2,000.00								
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GORMANS GORMANS RESTAURANT										
101-420-2220-44300	05/31/2012	114.90	0.00	06/05/2012	Meal for Maht. Standby Crew		-			No 0000
Miscellaneous		114.90								
05/12/2012 Total:		114.90								
GORMANS Total:		114.90								
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HAGBERGS Hagbergs Country Market										
101-410-1320-44300	04/25/2012	10.65	0.00	06/05/2012	Board of Review	4/25/12	-			No 0000
Miscellaneous		10.65								
04/25/12 Total:		10.65								
HAGBERGS Total:		10.65								
<hr/>										
Hewlett Hewlett Packard										
51193737	05/08/2012	939.70	0.00	06/05/2012	General Use Laptop		-			No 0000
410-480-8000-45700	Office Equipment & Furnishings	939.70								
51193737 Total:		939.70								
Hewlett Total:		939.70								
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HOLIDAYC Holiday Credit Office										
101-420-2220-42120	05/31/2012	538.60	0.00	06/05/2012	Fuel		-			No 0000
Fuel, Oil and Fluids		538.60								
05/15/2012 Total:		538.60								
HOLIDAYC Total:		538.60								
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INTERSTA Interstate All Battery Ctr										
101-420-2220-44040	05/16/2012	22.47	0.00	06/05/2012	Replace Battery for flashlight		-			No 0000
Repairs/Maint Eqpt		22.47								
46545 Total:		22.47								
INTERSTA Total:		22.47								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
JANETSHA Janet Shaddix & Associates 05/09/12 05/31/2012 101-410-1320-43040 Legal Services 05/09/12 Total: JANETSHA Total:		3,294.50 3,294.50 3,294.50	0.00	06/05/2012	Transcription Services for LE Petition		-		No	0000
JOHNSON& Johnson & Turner Attorneys April 12 05/31/2012 101-410-1320-43040 Legal Services April 12 05/31/2012 601-494-9400-43040 Legal Services April 12 05/31/2012 101-420-2150-43045 Attorney Criminal April 12 05/31/2012 601-494-9400-43040 Legal Services April 12 Total: JOHNSON& Total:		1,866.00 1,872.00 4,427.00 450.00 8,615.00 8,615.00	0.00	06/05/2012	Legal Services - Civil Legal Services - Well #4 Legal Services - Prosecution Legal Services - 3M		-		No	0000
LINNER Linner Electric Company, Inc. 22284 05/11/2012 601-494-9400-42400 Small Tools & Minor Equipment 22284 Total: LINNER Total:		224.00 224.00 224.00	0.00	06/05/2012	Chlorine fan/light lock installed		-		No	0000
LISALYNN Lisa Lynn Consulting 05/23/12 05/23/2012 101-410-1110-44370 Conferences & Training 05/23/12 Total: LISALYNN Total:		450.00 450.00 450.00	0.00	06/05/2012	Customer/Taxpayer Service Training		-		No	0000
LOFF Loffler Companies, Inc. 1383986 04/02/2012 101-410-1940-44040 Repairs/Maint Contractual Eqpt 1383986 Total: LOFF Total:		339.83 339.83 339.83	0.00	06/05/2012	Copy Machines Overage & Base May 2012		-		No	0000
MENARDSO Menards - Oakdale 91503 05/09/2012 404-480-8000-45300 Improvements Other Than Bldgs 91503 05/09/2012 101-450-5200-44030 Repairs/Maint Imp Not Bldgs		10.54 35.22	0.00	06/05/2012	Volley ball Paint - Lions Park Ties for Soccer Nets		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
93309	05/14/2012	45.76								
404-480-8000-45300	Improvements Other Than Bldgs	13.74	0.00	06/05/2012	Volley Ball Post Caps - Lions Park		-	No		0000
94333	05/17/2012	13.74								
101-410-1320-44300	Miscellaneous	122.69	0.00	06/05/2012	Paint Supplies		-	No		0000
96647	05/23/2012	122.69								
101-450-5200-44040	Repairs/Maint Eqpt	22.98	0.00	06/05/2012	Fence Post and Picnic Table Boards		-	No		0000
96647	05/23/2012	102.09	0.00	06/05/2012	Mats		-	No		0000
101-450-5200-44010	Repairs/Maint Bldg	125.07								
96647	Total:	307.26								
MENARDSO Total:										
MES Municipal Emergency Services										
00315273-SNV	05/16/2012	71.17	0.00	06/05/2012	Hose Strap		-	No		0000
101-420-2220-42400	Small Tools & Equipment	71.17								
00315273-SNV	Total:	71.17								
MES Total:										
MFRA McCombs Frank Roos Assoc Inc.										
70480	05/01/2012	3,462.33	0.00	06/05/2012	Planning Services - April 2012		-	No		0000
101-410-1910-43150	Contract Services	3,462.33								
70480	Total:	3,462.33								
MFRA Total:										
MNDOSH MN Department of Health										
05/03/2012	05/31/2012	23.00	0.00	06/05/2012	Water System Operator Certification		-	No		0000
601-494-9400-44370	Conferences & Training	23.00								
05/03/2012	Total:	1,508.00	0.00	06/05/2012	2nd Qtr water connection service		-	No		0000
2nd Qtr	05/29/2012	1,508.00			Supply					
601-494-9400-44300	Miscellaneous	1,531.00								
2nd Qtr	Total:	1,531.00								
MNDOSH Total:										
MTI MTI Distributing Inc.										
844214-00	05/18/2012	346.54	0.00	06/05/2012	Mower Blades and Belt		-	No		0000
101-450-5200-42210	Equipment Parts	346.54								
844214-00	Total:	346.54								
MTI Total:										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
NATREPRO National Reprographics, LLC										
77352	05/07/2012	130.26	0.00	06/05/2012	Comprehensive Trail Guide Plan Books		-			No 0000
204-450-5200-42000	Office Supplies	130.26								
	77352 Total:	130.26								
	NATREPRO Total:									
NCPERS 566200-NCPERS MINNESOTA										
5662512	05/23/2012	80.00	0.00	06/05/2012	May 2012 Deductions		-			No 0000
101-000-0000-21708	Other Benefits	80.00								
	5662512 Total:	80.00								
	NCPERS Total:	80.00								
NEXTEL Nextel Communications										
761950227-108	05/18/2012	85.26	0.00	06/05/2012	Cell Phone Service - Administration		-			No 0000
101-410-1940-43210	Telephone									
761950227-108	05/18/2012	79.68	0.00	06/05/2012	Cell Phone Service - Fire Department		-			No 0000
101-420-2220-43210	Telephone									
761950227-108	05/18/2012	17.77	0.00	06/05/2012	Cell Phone Service - Building Dept		-			No 0000
101-420-2400-43210	Telephone									
761950227-108	05/18/2012	35.22	0.00	06/05/2012	Cell Phone Service - Public Works		-			No 0000
101-430-3100-43210	Telephone									
761950227-108	05/18/2012	88.60	0.00	06/05/2012	Cell Phone Service - Parks Department		-			No 0000
101-450-5200-43210	Telephone									
	761950227-108 Total:	306.53								
	NEXTEL Total:	306.53								
NORTHTOO HSBC Business Solutions										
0561039894, 95	05/01/2012	13.92	0.00	06/05/2012	Trailer Hitch for Sign		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
0561039894, 95	05/01/2012	88.89	0.00	06/05/2012	Jump Starter for vehicles, washer fluid		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
	0561039894, 95 Total:	102.81								
	NORTHTOO Total:	102.81								
OAKDRC Oakdale Rental Center										
10082019	05/10/2012	196.65	0.00	06/05/2012	Concrete for Volley ball Posts - Lions		-			No 0000
404-480-8000-45300	Improvements Other Than Bldgs									
	10082019 Total:	196.65								
	OAKDRC Total:	196.65								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PETTYCI Petty Cash										
1/11/12	05/31/2012	5.50	0.00	06/05/2012	Food for conference		-	No		0000
101-410-1320-44370	Conferences & Training									
	1/11/12 Total:	5.50								
11/09/2010	05/31/2012	5.00	0.00	06/05/2012	Food for conference		-	No		0000
101-410-1320-44370	Conferences & Training									
	11/09/2010 Total:	5.00								
12/11/11	05/31/2012	24.00	0.00	06/05/2012	Wreath for Door		-	No		0000
101-410-1320-44300	Miscellaneous									
	12/11/11 Total:	24.00								
12/14/11	05/31/2012	72.58	0.00	06/05/2012	Lunch for interviews		-	No		0000
101-410-1320-44300	Miscellaneous									
	12/14/11 Total:	72.58								
12/14/2010	05/31/2012	27.00	0.00	06/05/2012	Meeting- Engineer, Attorney, City Admin		-	No		0000
101-410-1320-44370	Conferences & Training									
	12/14/2010 Total:	27.00								
12/15/10	05/31/2012	75.00	0.00	06/05/2012	Gift Cert - Fall Festival		-	No		0000
204-450-5200-44300	Miscellaneous									
	12/15/10 Total:	75.00								
12/9/11	05/31/2012	32.99	0.00	06/05/2012	Cake for Retirement Party		-	No		0000
101-410-1320-44300	Miscellaneous									
	12/9/11 Total:	32.99								
3/5/12	05/31/2012	17.14	0.00	06/05/2012	Pizza for board of appeals		-	No		0000
101-410-1320-44300	Miscellaneous									
	3/5/12 Total:	17.14								
5/24/12	05/31/2012	8.04	0.00	06/05/2012	To Reconcile Petty Cash		-	No		0000
101-410-1320-44300	Miscellaneous									
	5/24/12 Total:	8.04								
	PETTYCI Total:	267.25								
PROSTAFF PROSTAFF										
102-857430	05/27/2012	620.00	0.00	06/05/2012	Temp Help W/E 5/6/12		-	No		0000
101-410-1320-43150	Contract Services									
	102-857430 Total:	620.00								
102-858745	05/27/2012	620.00	0.00	06/05/2012	Temp Help W/E 5/13/12		-	No		0000
101-410-1320-43150	Contract Services									
	102-858745 Total:	620.00								
102-858837	05/24/2012	620.00	0.00	06/05/2012	Temp Help W/E 5/20/12		-	No		0000
101-410-1320-43150	Contract Services									
	102-858837 Total:	620.00								
	PROSTAFF Total:	1,860.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
RACHELCO Rachel Contracting										
05/25/2012	05/31/2012	5.00	0.00	06/05/2012	Refund WA Cty Landfill Project		-		No	0000
101-420-2400-43060	Surcharge Payments									
05/25/2012	05/31/2012	3,900.00	0.00	06/05/2012	Refund WA Cty Landfill Project		-		No	0000
601-000-0000-37150	Water Connections - Municipal									
05/25/2012	05/31/2012	160.00	0.00	06/05/2012	Refund WA Cty Landfill Project		-		No	0000
101-000-0000-32230	Plumbing Permits									
05/25/2012	05/31/2012	1,005.00	0.00	06/05/2012	Refund WA Cty Landfill Project		-		No	0000
601-000-0000-37170	Meter Sales									
	05/25/2012 Total:	5,070.00								
	RACHELCO Total:	5,070.00								
RELIANC Reliance Standard Life										
6/1/12	06/01/2012	341.25	0.00	06/05/2012	Life Insurance		-		No	0000
101-000-0000-21706	Medical Insurance									
6/1/12	06/01/2012	48.75	0.00	06/05/2012	AD & D Insurance		-		No	0000
101-000-0000-21708	Other Benefits									
6/1/12	06/01/2012	444.45	0.00	06/05/2012	LTD Insurance		-		No	0000
101-000-0000-21708	Other Benefits									
6/1/12	06/01/2012	640.97	0.00	06/05/2012	STD Insurance		-		No	0000
101-000-0000-21708	Other Benefits									
	6/1/12 Total:	1,475.42								
	RELIANC Total:	1,475.42								
RIVERPRT River Valley Printing										
13068	05/17/2012	94.27	0.00	06/05/2012	Envelopes		-		No	0000
101-420-2220-42000	Office Supplies									
	13068 Total:	94.27								
	RIVERPRT Total:	94.27								
ROGERS Rogers Printing Services, Corp										
18662	05/23/2012	118.10	0.00	06/05/2012	Printed Service Cards		-		No	0000
101-410-1320-42030	Printed Forms									
	18662 Total:	118.10								
	ROGERS Total:	118.10								
S&T S&T Office Products, Inc.										
01PE5915	05/14/2012	43.22	0.00	06/05/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PE5915 Total:	43.22								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
S&T Total:		43.22								
SACHSJIM James Sachs										
05/29/2012	05/31/2012	159.99	0.00	06/05/2012	Reimburse Uniforms		-	No		0000
101-430-3100-44170	Uniforms	159.99								
05/29/2012 Total:		159.99								
SACHSJIM Total:		159.99								
SAMSClub Sam's Club										
05/14/2012	05/14/2012	56.76	0.00	06/05/2012	Rehab Supplies		-	No		0000
101-420-2220-44300	Miscellaneous	58.96	0.00	06/05/2012	Station Supplies		-	No		0000
05/14/2012	05/14/2012	15.92	0.00	06/05/2012	City Hall Supplies		-	No		0000
101-420-2220-44010	Repairs/Maint Bldg	131.64								
05/14/2012	05/14/2012	131.64								
101-410-1320-42000	Office Supplies	131.64								
05/14/2012 Total:		131.64								
SAMSClub Total:		131.64								
SCHWAAB Schwaab, Inc.										
C22715	05/03/2012	38.67	0.00	06/05/2012	Notary Stamp		-	No		0000
101-410-1320-42000	Office Supplies	38.67								
C22715 Total:		38.67								
SCHWAAB Total:		38.67								
SENSUS SENSUS USA										
ZA13001926	05/10/2012	1,524.60	0.00	06/05/2012	System Support - Auto Read Software		-	No		0000
601-494-9400-42300	Water Meters & Supplies	1,524.60								
ZA13001926 Total:		1,524.60								
SENSUS Total:		1,524.60								
SSSPEC S & S Specialists Inc										
59504	05/09/2012	480.94	0.00	06/05/2012	Climb & Fall hazardous trees by 32nd		-	No		0000
101-430-3120-43150	Contract Services	480.94								
59504 Total:		480.94								
SSSPEC Total:		480.94								
STANTEC Stantec Consulting Services										
588663	05/14/2012	11,849.36	0.00	06/05/2012	2012 Street & Water Quality Improvements		-	No		0000
419-480-8000-43030	Engineering Services	11,849.36								
588663 Total:		11,849.36								



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
STANTEC Total:		11,849.36								
STILLMED Stillwater Medical Group										
2544	05/08/2012	554.70	0.00	06/05/2012	Physicals & Vaccinations		-		No	0000
101-420-2220-43050	Physicals	554.70								
2544 Total:		554.70								
STILLMED Total:		554.70								
TASCH T.A. Schifsky & Sons Inc										
53048	05/09/2012	143.37	0.00	06/05/2012	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	143.37								
53048 Total:		143.37								
53093	05/14/2012	254.88	0.00	06/05/2012	Asphalt		-		No	0000
101-430-3120-42240	Street Maintenance Materials	254.88								
53093 Total:		254.88								
TASCH Total:		398.25								
TDS TDS METROCOM - LLC										
651-779-8882	06/02/2012	160.05	0.00	06/05/2012	Analog Lines - Fire		-		No	0000
101-420-2220-43210	Telephone	158.49							No	0000
651-779-8882	06/02/2012	106.65	0.00	06/05/2012	Analog Lines - Public Works		-		No	0000
101-430-3100-43210	Telephone	42.87							No	0000
651-779-8882	06/02/2012	468.06	0.00	06/05/2012	Analog Lines - Lift Station Alarms		-		No	0000
602-495-9450-43210	Telephone	468.06							No	0000
651-779-8882	06/02/2012	468.06	0.00	06/05/2012	Analog Lines - Well House #2		-		No	0000
601-494-9400-43210	Telephone	468.06								
651-779-8882 Total:		468.06								
TDS Total:		468.06								
THONESAN Thone Sandie										
05/29/12	05/31/2012	16.91	0.00	06/05/2012	City Hall Supplies		-		No	0000
101-410-1320-42000	Office Supplies	1,640.00							No	0000
05/29/12	05/31/2012	28.75	0.00	06/05/2012	Tuition Reimb - Strategic Planning		-		No	0000
101-410-1320-44370	Conferences & Training	180.92							No	0000
05/29/12	05/31/2012	1,866.58	0.00	06/05/2012	City Hall Supplies		-		No	0000
101-410-1320-42000	Office Supplies	1,866.58							No	0000
05/29/12	05/31/2012	1,866.58	0.00	06/05/2012	Reimb Mileage - Conferences & Workshop		-		No	0000
101-410-1320-43310	Mileage	1,866.58								
05/29/12 Total:		1,866.58								
THONESAN Total:		1,866.58								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TKDA TKDA, Inc.										
2012000973	05/10/2012	67.86	0.00	06/05/2012	General Engineering - Records		-			0000
101-410-1910-43030	Engineering Services	67.86							No	
2012000973 Total:		67.86								
TKDA Total:		67.86								
UNITEDVO United Volley ball Supply, LLC										
42622	04/17/2012	521.89	0.00	06/05/2012	Volleyball Set & Net		-			0000
404-480-8000-45300	Improvements Other Than Bldgs	521.89							No	
42622 Total:		521.89								
UNITEDVO Total:		521.89								
VALLEYTR Valley Trophy Inc.										
42823	05/31/2012	135.20	0.00	06/05/2012	Service Recognition Items		-			0000
101-420-2220-44300	Miscellaneous	135.20							No	
42823 Total:		135.20								
VALLEYTR Total:		135.20								
WINNICK Winnick Supply										
232806	05/11/2012	293.62	0.00	06/05/2012	Volleyball Posts - Lions Park		-			0000
404-480-8000-45300	Improvements Other Than Bldgs	293.62							No	
232806 Total:		293.62								
WINNICK Total:		293.62								
ZULEGER Zuleger Dean										
5/15/2012	05/15/2012	28.31	0.00	06/05/2012	Reimburse Mileage		-			0000
101-410-1320-43310	Mileage	28.31							No	
5/15/2012	05/15/2012	90.00	0.00	06/05/2012	Reimburse Lunch Meeting		-			0000
101-410-1320-44300	Miscellaneous	90.00							No	
5/15/2012 Total:		118.31								
ZULEGER Total:		118.31								
Report Total:		171,868.49								

# Accounts Payable To Be Paid Proof List

User: joan z

Printed: 05/30/2012 - 11:17 AM

Batch: 006-05-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LEOIL Lake Elmo Oil, Inc. 11990	04/30/2012	1,732.50	0.00	05/30/2012	Fuel		-			00
101-430-3120-42120	Fuel, Oil and Fluids									
	11990 Total:	1,732.50								
	LEOIL Total:	1,732.50								
	Report Total:	1,732.50								





## MAYOR AND COUNCIL COMMUNICATION

DATE: June 5, 2012

**CONSENT**

ITEM #: 4

**MOTION** Consent Agenda

**AGENDA ITEM:** Approve Removal of Assessments from 2012 File with Washington County

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

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Sandie Thone, City Clerk

**SUMMARY AND ACTION REQUESTED:** As part of the Consent Agenda, City Council is respectfully requested to consider approval to remove the parcels on the attached summary from the 2012 assessment roll with Washington County. Both assessment payments have been paid directly to the City of Lake Elmo and are paid in full.

**BACKGROUND INFORMATION:** Residents have the option to either pay the City directly or to pay the County through their tax roll for street assessments. Both of these accounts have been paid directly to the City. Since these payments were made after the street assessments were reported to the County, an abatement form needs to be filed with the County in order to update their file and remove these parcels from the on-going tax roll.

**STAFF REPORT:** One resident approached the City to pay us directly to avoid the interest and assessment fees. The other was a case where the parcel was sold and the fees were collected as part of the closing process on the house.

**RECOMMENDATION:** Based on the fact that the assessments have been paid in full, it is recommended that the City Council approve Resolution 2012-23 so that an abatement of the assessment can be filed with Washington County.

**ATTACHMENTS:**

1. Summary of parcels to be removed from 2012 Assessment file
2. Abatement forms to be filed with Washington County
3. Resolution 2012-23

City of Lake Elmo

Parcels to be removed from 2012 Assessment File

Updates as of 6.5.2012

<u>Address</u>	<u>PID</u>	<u>Type</u>	<u>Amount</u>	<u>Year Assessed</u>
11909 21st Street	24.029.21.44.0012	Street	1,980.00	2009
8951 Highway 5	16.029.21.41.0028	Street	288.72	2007
			<u>2,268.72</u>	

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

(M.S.) 375.192

Worksheet #:

Assessment Year: 2009

Payable Year: 2012

**APPLICANT**

Owner's Name (please print or type) <b>Douglas &amp; Kristi Killian</b>			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address <b>11909 21<sup>st</sup> Street N</b>			Property Address (if different from mailing address)		
City <b>Lake Elmo</b>	State <b>MN</b>	Zip <b>55042</b>	City	State	Zip

**DESCRIPTION OF PROPERTY**

Property ID Number <b>24.029.21.44.0012</b>	MP Number		
Legal Description of Property <b>Eden Park 2<sup>nd</sup> ADD Lot 5 Block 1 Subdivision Cd 37181</b>	City or Township <b>Lake Elmo</b>	School District # <b>834</b>	TAG

**ASSESSOR'S ESTIMATED MARKET VALUE**

**Original:**

Land EMV	Improvement EMV	Total	Classification
----------	-----------------	-------	----------------

**Revised:**

Land EMV	Improvement EMV	Total	Classification
----------	-----------------	-------	----------------

**Applicant's Statement of Facts:**

**Applicant's Request:**

Please abate the 2009 Street Repairs assessment in the amount of \$1980.00. This was paid by the taxpayer in May 2012.

**Applicant's Signature:**

*Carly Bender*

**Date:** 5/31/12

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

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

**Note: Must include Fire report for Local Option Disaster Credit**

**OFFICE USE ONLY**

Market Value							Tax and Other Credits	Other Special Asmts	Total Payable
	Class	Land	Improvement	Total	Tax Capacity				
Original						LNTC			
Line 1						TIF			
Line 2						FD			
Line 3						STATE			
Line 4						RMV			
Line 5						PWR LN CR			
Total						AG CR			
						HMST CR			
						TOTAL			

Market Value							Tax and Other Credits	Other Special Asmts	Total Payable
	Class	Land	Improvement	Total	Tax Capacity				
Proposed						LNTC			
Line 1						TIF			
Line 2						FD			
Line 3						STATE			
Line 4						RMV			
Line 5						PWR LN CR			
Total						AG CR			
						HMST CR			
						TOTAL			

<b>TOTAL REDUCTION:</b>									
-------------------------	--	--	--	--	--	--	--	--	--

**REPORT OF INVESTIGATION**

☐ Tax is paid as of: \_\_\_\_\_ Local Tax Rate: \_\_\_\_\_

☐ Tax NOT paid as of: \_\_\_\_\_ RMV Rate: \_\_\_\_\_

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Investigator's Signature \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATE OF APPROVAL – COUNTY ASSESSOR**

*Note: (under \$10,000) For this abatement to be approved, the Assessor and Director of Property Records and Taxpayer Services must both favorably recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Assessor's Signature _____	Date _____
--------------------------------------	------------------------------------	----------------------------	------------

<b>DIRECTOR'S RECOMMENDATION</b>			
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Director's Signature _____	Date _____

**COUNTY BOARD OF COMMISSIONER'S – COUNTY AUDITOR**

*Note: For abatements resulting in a change of \$10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records and Taxpayer Services, and the County Board of Commissioners must all favorably recommend its adoption.*

Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Auditor's Signature _____	Date _____
--------------------------------------	------------------------------------	---------------------------	------------

I certify that at a meeting held (month, day) \_\_\_\_\_ (year) \_\_\_\_\_ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, showing the names of taxpayers, other concerned persons and the amounts involved.



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

(M.S.) 375.192

Worksheet #:

Assessment Year: 2007

Payable Year: 2012

**APPLICANT**

Owner's Name (please print or type) <b>Swedehill Porperities LLC</b>			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address <b>4840 Pheasant Ct S</b>			Property Address (if different from mailing address) <b>8951 Highway 5</b>		
City <b>Afton</b>	State <b>MN</b>	Zip <b>55001</b>	City <b>Lake Elmo</b>	State <b>MN</b>	Zip <b>55042</b>

**DESCRIPTION OF PROPERTY**

Property ID Number <b>16.029.21.41.0028</b>	MP Number		
Legal Description of Property <b>CIC 249 Units 3A, 3B, 4A, 4B, 7A, &amp;B, 8A, 8B Lot 7-A Subdivision Cd</b>	City or Township <b>Lake Elmo</b>	School District # <b>834</b>	TAG

**ASSESSOR'S ESTIMATED MARKET VALUE**

**Original:**

Land EMV	Improvement EMV	Total	Classification
----------	-----------------	-------	----------------

**Revised:**

Land EMV	Improvement EMV	Total	Classification
----------	-----------------	-------	----------------

**Applicant's Statement of Facts:**


**Applicant's Request:**

Please abate the 2007 water interconnection project assessment in the amount of \$288.72. This was paid by the taxpayer in April 2012.

**Applicant's Signature:**

*Cathy Bender*

**Date:**

*5/31/12*

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

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

**Note: Must include Fire report for Local Option Disaster Credit**

**OFFICE USE ONLY**

Market Value							Tax and Other Credits	Other Special Asmts	Total Payable
	Class	Land	Improvement	Total	Tax Capacity				
Original						LNTC			
Line 1						TIF			
Line 2						FD			
Line 3						STATE			
Line 4						RMV			
Line 5						PWR LN CR			
Total						AG CR			
						HMST CR			
						TOTAL			

Market Value							Tax and Other Credits	Other Special Asmts	Total Payable
	Class	Land	Improvement	Total	Tax Capacity				
Proposed						LNTC			
Line 1						TIF			
Line 2						FD			
Line 3						STATE			
Line 4						RMV			
Line 5						PWR LN CR			
Total						AG CR			
						HMST CR			
						TOTAL			

**TOTAL REDUCTION:**

**REPORT OF INVESTIGATION**

☐ Tax is paid as of: \_\_\_\_\_ Local Tax Rate: \_\_\_\_\_

☐ Tax NOT paid as of: \_\_\_\_\_ RMV Rate: \_\_\_\_\_

After examining the applicant's claims, I have carefully investigated this application and find the facts to be as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Investigator's Signature \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATE OF APPROVAL – COUNTY ASSESSOR**

*Note: (under \$10,000) For this abatement to be approved, the Assessor and Director of Property Records and Taxpayer Services must both favorably recommend its adoption.*

**ASSESSOR'S RECOMMENDATION** (County Assessor or City Assessor)

**CRITERIA:**

Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Assessor's Signature _____	Date _____
--------------------------------------	------------------------------------	----------------------------	------------

<b>DIRECTOR'S RECOMMENDATION</b>			
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Director's Signature _____	Date _____

**COUNTY BOARD OF COMMISSIONER'S – COUNTY AUDITOR**

*Note: For abatements resulting in a change of \$10,000 and above including tax, penalty and interest. For this abatement to be approved, the Assessor, Director of Property Records and Taxpayer Services, and the County Board of Commissioners must all favorably recommend its adoption.*

Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Auditor's Signature _____	Date _____
--------------------------------------	------------------------------------	---------------------------	------------

I certify that at a meeting held (month, day) \_\_\_\_\_ (year) \_\_\_\_\_ the County Board of Commissioners took the above action on this abatement. This action was duly adopted and entered upon the minutes of its proceedings as a public record, showing the names of taxpayers, other concerned persons and the amounts involved.

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

**RESOLUTION 2012-23**

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

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

APPROVED by the Lake Elmo City Council on this fifth day of June, 2012.

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

ATTEST:

\_\_\_\_\_  
Dean Zuleger  
City Administrator



MAYOR AND COUNCIL COMMUNICATION

DATE: 06/05/2012

**CONSENT**

ITEM #: 5

**MOTION** Consent Agenda

**AGENDA ITEM:** Administrative Position Descriptions

**SUBMITTED BY:** Sandie Thone, City Clerk

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

**REVIEWED BY:** Dean A. Zuleger, City Administrator  
Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** As part of the Consent Agenda City Council is respectfully requested to consider approval of two administrative position descriptions for supporting administrative, finance and planning functions for the city. The funds for the positions have been allocated in the 2012 budget.

**BACKGROUND INFORMATION:** Please find position descriptions for both the Administrative Assistant position and the Deputy Clerk position attached. The position descriptions have been created based on current and future organizational needs/goals, mindful succession planning, feedback from finance, planning and the city administrator with regard to relevant areas for improvement and past/present office efficiency studies of administrative personnel. The positions include responsibilities stemming from organizational initiatives planned for improving our processes and service delivery levels.

**FISCAL IMPACT:** The funds to support the administrative support position have been allocated in the 2012 budget under finance contract fees. These two 1.0 FTE positions will do the work of what is currently performed by the 1.0 FTE Program Assistant position, the 1.0 FTE temporary Office Clerk position and the .5 FTE Finance Consultant position.

**STAFF REPORT:** Staff conducted an informal study comparing staff levels and positions of metro area cities of similar size and organizational structure and found the staffing levels of the city to be light in comparison. In addition, the majority of comparable cities had limited plans in place for future growth. The initiatives identified for current staff to improve processes and increase service delivery levels require the commitment to additional staffing and resources to support the future growth. We aim to be proactive in actively readying the city and its current processes to enhance existing levels of service and prepare for increased activities and demands

for the near future. The initiatives include, but are not limited to creating a record management system which will allow us to convert paper files to electronic files easily accessible to the public, cleaning up the current state of the internal file system to increase efficiency, reviewing, creating and updating office, permitting, licensing, and finance procedures and processes, reviewing ordinances for relevance and content and updating accordingly. The two positions will include support for administrative, finance, and planning department functions. Current staffing levels for the city for these functions include one permanent 1.0 FTE position, one full time temporary position and one part-time financial consultant. Therefore the financial impact comparatively will be reduced.

**RECOMMENDATION:** Based upon the above background information and staff report, staff recommends that the City Council approve the position descriptions of Administrative Assistant and Deputy Clerk at the respective pay ranges of \$30,056 to \$35,107 and \$39,083 to \$51,126 and approve staff to begin recruitment for the deputy clerk position.



## **Position Description**

### **Deputy Clerk**

**Position Title:** Deputy Clerk

**Date:** June 5, 2012

**Department:** Administration

**Reports To:** City Clerk

**FLSA Status:** Non-exempt

#### **Primary Objective of Position**

To perform various types of skills including support city clerk's office and programs they administer including complying with all legal requirements of the city and supporting the administering of the elections process, support administrative and accounting functions and other duties as assigned.

#### **Essential Functions of the Position**

##### **Customer Service**

- Back-up for fielding incoming phone calls
- Back-up for greeting and assisting visitors at front counter
- Expertly and professionally handles extraordinary telephone, counter or written questions, complaints, utility bill issues, special assessments, customer service issues
- Provides administrative assistance to public and staff
- Assists city clerk in liquor licensing procedures

##### **Administrative/City Clerk Support**

- Compiles and prepares city council packets
- Prepares city council meeting minutes for review by city clerk and city council
- Keeps a record system of ordinances, resolutions and official city documents
- Assists with elections and serves as city election judge
- Actively manages the retention, filing, destruction and electronic records project of city records, including scanning and imaging



- Complies with data practices requests identifying which records may be disclosed in accordance with state law
- Assists with city code review and continual improvement process
- Assists with administrative process review and continual improvement
- Works closely with the city clerk and the local cable commission in maintaining and enhancing the city's communication efforts
- Handles extraordinary telephone, counter or written questions, complaints, utility bill issues, special assessments, customer service issues, etc.
- Provides back-up for city clerk when necessary

### **Accounting Support**

- Prepare account reconciliations
- Track utility billing inquiries on the daily call log and invoice mailing
- Prepare bank deposits and make deposits
- Track and respond to assessment searches/final meter readings for property closings
- Petty cash reconciliation and auditing

### **Miscellaneous**

- All other duties as assigned

### **Performance Criteria**

- Demonstrates a working knowledge in the public elections process
- Demonstrates a working knowledge of records management and MN data practices
- Demonstrates a working knowledge of management of the city's legal documents
- Demonstrates a working knowledge of finance and budgeting methods, reporting and practices
- Demonstrates a working knowledge of advanced office practices, procedures, equipment and Microsoft office suite applications
- Commitment to exceptional customer service and positive attitude
- Demonstrates a team player approach and high level professionalism in assisting all staff
- Efficiently and effectively creates and produces quality work
- Demonstrates initiative in process improvement opportunities
- Strong attention to detail in reporting, accounting and official city record keeping
- Ability to perform successfully with minimal supervision

- Ability to maintain effective and positive working relationships with associates and the public

### **Minimum Qualifications**

- Bachelor's degree in business, accounting, public administration, urban and regional studies or a related field and five years of increasingly responsible experience in an administrative office setting and/or local government. An equivalent combination of education and work experience may be considered for this position.

### **Desirable Qualifications**

- Knowledge of principles and practices of local government
- Knowledge of records management and MN data practices
- Knowledge and experience in the public elections process
- Experience in the fundamentals of finance and budgeting
- Commitment to process improvement
- Initiative to look for continual improvement opportunities
- Ability to exercise independent judgment and discretion in decision-making
- Ability to effectively problem solve using analytical and strategic thinking
- Advanced computer software experience and proficiency especially in Word, Xcel, Outlook and various financial software packages

### **Supervision Responsibilities**

N/A

### **Physical Requirements**

Positions in this class typically require: sitting, feeling, manual dexterity, grasping, talking, and hearing, typing, and seeing. The individual may encounter unexpected and prolonged workdays and stress and pressures from dealing with emotional issues and conflicts. There is sustained exposure to computer keyboards and video screens. This position is light duty and may require the exertion of up to 20 pounds of force on occasion or a negligible amount of force frequently to lift, carry, push, pull or otherwise move objects.



## **Position Description**

### **Administrative Assistant**

**Position Title:** Administrative Assistant

**Date:** June 5, 2012

**Department:** Administration

**Reports To:** City Clerk

**FLSA Status:** Non-exempt

#### **Primary Objective of Position**

To perform various types of skills including front office customer service duties, support administration department, city clerk's office, support planning director, support accounting functions and other duties as assigned.

#### **Essential Functions of the Position**

##### **Customer Service**

- Fields all incoming phone calls
- Greets and assists all visitors at front counter
- Provides general assistance to public and staff
- Receives, sorts and distributes incoming mail, deliveries and faxes
- Processes outgoing mail and is responsible for auditing postage
- Schedules park registrations, conference rooms, council chambers
- Issues and tracks pet licensing program
- Assists building department with issuing approved permits

##### **Administrative Support**

- Compiles and prepares city council packets
- Assists with administrative mailings and publications
- Assists with elections and serves as city election judge
- Prepares city council chambers for meetings
- Assists with records management and data practices requests
- Orders office supplies and maintains inventory

##### **Planning Support**

- Compiles and prepares planning commission packets
- Assists with planning department mailings and publications

- Prepares planning commission minutes for approval by the planning director

### **Accounting Support**

- Data entry and distribution of checks
- Assist with utility billing inquiries and mailings
- Prepare bank deposits and make deposits
- Data entry of journal entries
- Assist with assessment searches
- Petty cash reconciliation and auditing

### **Miscellaneous**

- All other duties as assigned

### **Performance Criteria**

- Demonstrates a working knowledge of standard office practices, procedures, equipment and Microsoft office suite applications
- Commitment to exceptional customer service and positive attitude
- Demonstrates a team player approach in assisting all staff
- Efficiently and effectively creates and produces quality work
- Demonstrates initiative in process improvement opportunities
- Strong attention to detail in reporting, accounting and official city record keeping
- Ability to perform successfully with minimal supervision
- Ability to maintain effective and positive working relationships with associates and the public

### **Minimum Qualifications**

- Higher education preferred in business, accounting, public administration, urban and regional studies or a related field and three years of increasingly responsible experience in an administrative office setting and/or local government. An equivalent combination of education and work experience may be considered for this position.

### **Desirable Qualifications**

- Knowledge of principles and practices of local government
- Knowledge of fundamentals of finance and accounting
- Ability to exercise independent judgment and discretion in decision-making

- Ability to effectively problem solve using analytical and strategic thinking
- Advanced computer software experience and proficiency especially in Word, Xcel, Outlook and various financial software packages

**Supervision Responsibilities**

N/A

**Physical Requirements**

Positions in this class typically require: sitting, feeling, manual dexterity, grasping, talking, and hearing, typing, and seeing. The individual may encounter unexpected and prolonged workdays and stress and pressures from dealing with emotional issues and conflicts. There is sustained exposure to computer keyboards and video screens. This position is light duty and may require the exertion of up to 20 pounds of force on occasion or a negligible amount of force frequently to lift, carry, push, pull or otherwise move objects.



## MAYOR AND COUNCIL COMMUNICATION

DATE: 06/05/2012

**CONSENT**

ITEM #: 6

**MOTION** Consent Agenda

**AGENDA ITEM:** Approval of Resolution 2012-26 Adopting Purchasing Policy

**SUBMITTED BY:** Sandie Thone, City Clerk

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

**REVIEWED BY:** Dean A. Zuleger, City Administrator  
Cathy Bendel, Finance Director

**SUMMARY AND ACTION REQUESTED:** As part of the Consent Agenda the City Council is respectfully requested to approve Resolution 2012-26 Adopting Purchasing Policy for the City of Lake Elmo.

***"Move to Approve Resolution 2012-26 Adopting City of Lake Elmo Purchase Policy"***

**BACKGROUND INFORMATION:** Attached please find the proposed updated City of Lake Elmo Purchasing Policy and Resolution 2012-26 adopting the updated Purchasing Policy. The policy was specifically created to be used as a tool with which to continually improve our fiscal responsibility as a local government entity. It is the purpose of this purchasing policy and purchasing procedures to provide a uniform and systematic method in the procurement of goods and services required by the city in order to secure the best balance of quantity, quality and price. These policies and procedures will define the responsibilities and the authorities of the purchasing requirements and limitations imposed by local, state and federal law.

The Purchasing Policy ensures that employees involved at every step of the purchasing process take full responsibility for understanding the city's policies and procedures regarding purchasing and vendor relations. Purchasing decisions are business decisions made on behalf of the city and therefore should be made with the utmost consideration for what is in the best interest of the city. The city should purchase and use materials, products and services that are economically responsible and reduce resource consumption and waste within federal, state and local laws. Beyond the conventional purchasing decision-making process, this policy identifies the need to include economic, environmental and social factors. These are all components that may be included to determine what the best value is for the city. Purchases should reflect the general impact on the environment and economic factors: best value, leveraging our buying power, staff time/labor and technological advances.

Please find attached the 2012 City of Lake Elmo Purchasing Policy for your review and approval. All other aspects of the policy have been reviewed and are deemed best practices for the city's procurement activities. As a government entity it is our goal to strive to utilize cooperative purchasing at every opportunity and is

mandated through this policy to be considered on every purchase exceeding \$25,000. The policy reflects our efforts to increasingly become more environmentally conscience, economically responsible and socially respectful in our procurement activities.

**RECOMMENDATION:**

Staff is requesting City Council approve Resolution 2012-26 Adopting Purchasing Policy.

***“Move to Approve Resolution 2012-26 Adopting Purchasing Policy”***

**ATTACHMENTS:**

1. City of Lake Elmo Purchasing Policy dated June 5, 2012
2. Resolution 2012-26 Adopting Purchasing Policy



# **CITY OF LAKE ELMO PURCHASING POLICY**

## **1.1 PURPOSE**

It is the purpose of this purchasing policy and purchasing procedures to provide a uniform and systematic method in the procurement of goods and services required by the city in order to secure the best balance of quantity, quality and price. These policies and procedures will define the responsibilities and the authorities of the purchasing requirements and limitations imposed by local, state and federal law.

## **1.2 POLICY**

Considerable authority has been delegated to departments and employees to make purchasing decisions. This requires that employees involved at every step of the purchasing process take full responsibility for understanding the city's policies and procedures regarding purchasing and vendor relations. Purchasing decisions are business decisions made on behalf of the city and therefore should be made with the utmost consideration for what is in the best interest of the city. The city should purchase and use materials, products and services that are economically responsible and reduce resource consumption and waste within federal, state and local laws. Beyond the conventional purchasing decision-making process, this policy identifies the need to include economic, environmental and social factors. These are all components that may be included to determine what the best value is for the city. Purchases should reflect the general impact on the environment and economic factors: best value, leveraging our buying power, staff time/labor and technological advances.

## **1.3 POLICY SCOPE**

This policy applies to all purchasing activities within the city. This policy and the procedures associated with it apply to all city departments, employees and authorized users and encompass all purchases using city funds providing for the limitations, exceptions and exemptions described herein.

## **1.4 AUTHORITY FOR PURCHASING**

Purchasing authority is granted to the employee or authorized user and is subject to all city purchasing policies and procedures and must be made in accordance with all federal, state and local laws. For the purpose of this policy the individual delegated to make purchases on behalf of the city will be referred to as the 'purchasing agent.' The purchasing agent has the authority to make most purchases pursuant to the requirements and limitations of the policy and take advantage of savings through bulk purchasing, systematic procedures, and effective expenditure controls. The purchasing agent is responsible for ensuring that city purchasing is in compliance with all



procurement laws, rules, policies and procedures.

Purchasing authority is granted to the individual and the delegation may be rescinded at any time. Failure to comply with these policies and procedures could result in discipline up to and including termination.

## **1.5 PRELIMINARY CONSIDERATIONS**

### **1.5.1 New Versus Used**

Prior to making a purchase of new products determine if a used, recycled, repaired, refurbished or remanufactured product would fulfill the needs of the city.

### **1.5.2 Cooperative Venture**

If the item or service to be purchased is new determine whether the item or service is currently available through the process of cooperative purchasing. For purchases estimated to exceed \$25,000, the purchasing agent on the behalf of the city *must* consider the availability, price, and quality of supplies, materials, or equipment available through the state cooperative venture before buying through another source. See *Section: 1.6 Cooperative Purchasing*

## **1.6 COOPERATIVE PURCHASING**

### **1.6.1 Cooperative Purchases**

In efforts for the city to increase savings the purchasing agent is encouraged to make purchases jointly with one or more government units through cooperative purchasing. The city and its purchasing agents are encouraged to be involved in the joint-powers agreement to profit from these programs.

### **1.6.2 State Cooperative Purchasing Venture**

The city and its purchasing agents are not only encouraged but mandated in some instances to consider purchasing a variety of equipment, supplies and services through the state contracts. For all purchases not exceeding \$25,000, in addition to following all procurement laws, rules, policies and procedures, the purchasing agent is encouraged to consider the availability, price, and quality of supplies, materials, services or equipment available through the state CPV (Cooperative Purchasing Venture) before buying through another source. For purchases estimated to exceed \$25,000, the purchasing agent *must* consider the availability, price, and quality of supplies, materials, or equipment available through the state cooperative venture before buying through another source. For purchases in excess of \$25,000 the findings must be documented on the purchase requisition.

### **1.6.3 Cooperative Purchasing Agreement versus Competitive Bidding**

Competitive quotes and bidding requirements may be waived where the other government entity has performed the ground work except in the event that the contract is estimated to cost in excess of \$50,000 in which case the city will follow the

guidelines set forth in the uniform municipal contracting law (competitive bidding law) and utilize the competitive bidding process for certain contracts. *See section: 1.8 Competitive Bidding Requirements*

## **1.7 PURCHASING REQUIREMENTS**

### **1.7.1 General Purchasing Requirements**

Whether or not competitive bids are necessary, all normal purchasing (except purchasing with other price agreements or purchasing that comes out of petty cash funds) will adhere to the following requirements: Purchasing requirements allow council to audit all bills for materials, supplies, and services.

### **1.7.2 Obtaining Quotes**

A previous quote may be used if the purchase requisition meets the following criteria: The total dollar value does not exceed the purchase agent's delegated authority, the re-order is within six months of the original purchase requisition order date, the city need is for the exact same items and quantities, shipping costs remain the same, terms and conditions remain the same as the original purchase requisition and the prices remain the same, or lower, than the original purchase requisition. The purchasing agent may contact the vendor to request pricing, terms and conditions. If agreed upon, the purchasing agent may issue a purchase requisition without obtaining additional quotes. This *reordering option* may occur once in relation to an original order. The original requisition number should be referenced on the reorder.

### **1.7.3 Emergencies**

Under Minnesota's Emergency Management Act, the city is given authority to enter into contracts without following normally required procedures. The governing body may waive compliance with the time-consuming procedures that concern: the performance of public work, contracting, incurring obligations, employing temporary workers, renting equipment, purchasing supplies and materials, limitations on tax levies and the appropriation and expenditure of public funds (uniform municipal contracting law).

### **1.7.4 Preparing a Purchase Requisition**

The department or person needing the item should prepare a purchase requisition form. The form should include a description of the product, quantity, applicable specifications, and any similar information. The form should include the verification of funds. The form should include the quotes specified in the format designated by the purchasing requirement outlined below.

### **1.7.5 Verification of Funds**

After submission of the purchase requisition for approval, the delegated department representative is responsible for verifying whether the budget has authorized the purchase and if sufficient funds are available.

#### **1.7.6 Cancelling the Purchase Requisition**

The delegated department representative should cancel the purchase requisition if the budget does not allow the purchase or if funds are not available.

#### **1.7.7 Final Approval Process**

After completing these steps proceed to acquire the requested item or service. The council and/or city administrator must approve unless the person has the proper authority to make the purchase on behalf of the city council pursuant to city and state laws and policies.

#### **1.7.8 PURCHASING AT OR BELOW \$2,500.00**

A minimum of one price quote is required and can be obtained via telephone, facsimile, in writing, e-mail, and website or at the transaction in a retail store. Purchasing agent or end user must obtain a price prior to issuing an order. All purchases at or below \$2,500.00 will include verification that the budget has authorized the purchase and/or sufficient funds are available. All purchases at or below \$2,500.00 will include a purchase requisition signed by the department representative authorizing the purchase. In the event the purchase was not authorized in the budget and/or the funds are not available the department representative will cancel the purchase requisition. Otherwise the purchase requisition will include the quotes, the verification of funds and documentation of consideration for any of the following that apply: cooperative purchasing, used versus new, made in the USA, economic, environmental and social factors.

#### **1.7.9 PURCHASING BETWEEN \$2,500.01 AND \$5,000.00**

A minimum of two price quotes are required and can be obtained via telephone, facsimile, e-mail, website or in writing. Purchasing agent must obtain a firm price prior to submitting for approval. The responses must be documented on the purchase requisition. Purchases between \$2,500.01 and \$5,000.00 will include verification that the budget has authorized the purchase and/or sufficient funds are available. All purchases between \$2,500.01 and \$5,000.00 will include a purchase requisition signed by the department representative authorizing the purchase. In the event the purchase was not authorized in the budget and/or the funds are not available the department representative will cancel the purchase requisition. Otherwise, the purchase requisition will include the quotes, the verification of funds and documentation of consideration for any of the following that apply: cooperative purchasing, used versus new, made in the USA, economic, environmental and social factors. The department representative will submit the signed purchase requisition, the quotations, the verification of funds and the considerations to the city administrator for signature and approval.

#### **1.7.10 PURCHASING BETWEEN \$5,000.01 AND \$25,000.00**

If the contract is expected to be \$25,000.00 or less, the council has discretion to make the contract by obtaining quotes or it may simply buy or sell the item on the open market. If the council chooses to obtain quotes, it must obtain at least two quotes and keep them on file for at least one year. A minimum of two price quotes are required and should be obtained in writing.

The purchasing agent must obtain a firm price prior to submitting for approval. The responses must be documented on the purchase requisition. Purchases between \$5,000.01 and \$25,000.00 will include verification that the budget has authorized the purchase and/or sufficient funds are available. All purchases between \$5,000.01 and \$25,000.00 will include a purchase requisition signed by the department representative authorizing the purchase.

In the event the purchase was not authorized in the budget and/or the funds are not available the department representative will cancel the purchase requisition. Otherwise, the purchase requisition will include the quotes, the verification of funds and documentation of consideration for any of the following; cooperative purchasing, used versus new, made in the USA, economic, environmental and social factors. The department representative will submit the signed purchase requisition, the quotations, the verification of funds and the considerations to the city administrator. The city administrator will submit the purchase recommendation to the city council. Upon approval of the city council, the city administrator will sign the purchase requisition.

#### **1.7.11 PURCHASING BETWEEN \$25,000.01 AND \$50,000.00**

If the contract cost is expected to exceed \$25,000.00 but not to exceed \$50,000.00, the city can choose to use either the competitive bidding process or make the contract by direct negotiation. If direct negotiation is used, the city must get at least two quotations and keep them on file for at least one year. For purchases estimated to exceed \$25,000.00 the city is mandated by law to consider the availability, price, and quality of supplies, materials, or equipment available through the state cooperative purchasing venture before buying through another source. A minimum of two price quotes are required if the state cooperative purchasing venture cannot be utilized. The price quotations should be obtained in writing. The purchasing agent must obtain a firm price prior to submitting for approval. The responses must be included and be documented on the purchase requisition. Purchases between \$25,000.01 and \$50,000.00 will include verification that the budget has authorized the purchase and/or sufficient funds are available. All purchases between \$25,000.01 and \$50,000.00 will include a purchase requisition signed by the department representative authorizing the purchase. In the event the purchase was not authorized in the budget and/or the funds are not available the department representative will cancel the purchase requisition. Otherwise, the purchase requisition will include the quotes, the verification of funds and documentation of consideration for any of the following; cooperative purchasing, used versus new, economic, environmental and social factors. The department representative will submit the signed purchase requisition, the quotations, the verification of funds and the considerations to the city administrator. The city administrator will submit the purchase recommendation to the city council. Upon approval of the city council, the city administrator will sign the purchase requisition.

#### **1.7.12 PURCHASING EXCEEDING \$50,000.00**

The city will use the competitive bidding process in compliance with the uniform municipal contracting law for certain contracts estimated to cost over \$50,000.00.



The competitive bidding law applies to: contracts for sale, purchase, or rental of supplies, materials, or equipment, contracts for the construction, alteration, repair, or maintenance of real or personal property.

The city administrator along with the department representative(s) will be responsible for preparing the necessary specifications. The city administrator will present them to the city council for review and approval. The council should seek competitive bids. Council will set a date and time for bid results to be opened and a date for council consideration. The results will be tabulated, presented to council with a recommendation for bid award. Upon award by the council the city administrator will sign the purchase requisition.

## **1.8 COMPETITIVE BIDDING REQUIREMENTS**

The uniform municipal contracting law (competitive bidding law) guidelines will be followed and the competitive bidding process utilized for certain contracts estimated to cost over \$50,000.00. The competitive bidding law applies to: contracts for the sale, purchase, or rental of supplies, materials, or equipment, contracts for the construction, alteration, repair, or maintenance of real or personal property. The city administrator along with the department representative(s) will be responsible for preparing the necessary specifications. The city administrator will present them to the council for review and approval. The council should seek competitive bids. Council will set a date and time for bid results to be opened and a date for council consideration. The results will be tabulated, presented to council with a recommendation for bid award. Upon award by the council the city administrator will sign the purchase requisition. *Please refer to Competitive Bidding Procedures.*

## **1.9 EXCEPTIONS**

In the absence of a statutory requirement, it is not necessary for the city to advertise for bids. The city may choose to advertise for bids, however, even if the law does not require them to do so. The city is not required by statute to follow the competitive bidding process for the following contracts.

1. Professional services: The city is not required to follow the competitive bidding process when contracting for professional services, such as those of doctors, engineers, lawyers, architects, and accountants as well as other services requiring technical, scientific or professional training.
2. Insurance contracts: The city is not required to follow the competitive bidding process for insurance contracts. The city must, however, seek requests for proposals for group insurance for 25 or more employees.
3. Electronic reverse-auction procedure: The city is not required to follow the competitive bidding process for the electronic purchase of supplies, materials, or equipment. Electronic reverse auctions differ from a traditional auction in that vendors bid against each other to offer the lowest selling price for a particular contract in an open and interactive electronic environment.

The city is prohibited from using a reverse-auction procedure to contract for professional or technical services.

4. Purchases from other government agencies: The city does not need to comply with competitive bidding requirements when purchasing property or equipment from the national government, the state, or any political subdivision of the state. The council may, by resolution, authorize any of its officers or employees to enter a bid for the city at any sale of equipment, supplies, materials, or other property. The council may authorize an officer or employee to make a down payment or a payment in full, if necessary, in connection with the bidding.

5. Real estate: The city is not required to follow the competitive bidding process for the purchase, lease, or sale of real estate.

## **1.10 PRICE AGREEMENTS**

The city may use price agreements to acquire items frequently purchased in small quantities. For example, gasoline, office supplies and auto parts price agreements. A price agreement is a contract between the city and a merchant. Under the agreement, the merchant agrees to supply all the city's requirements for the specified commodities during the period of the agreement. The price may be fixed or variable, such as a set discount off of the market price. The city usually estimates its probable needs even though it is not obligated to purchase any definite quantity. Price agreements expedite delivery, reduce paper work, and generally result in lower prices. The city may then make purchases as the need arises. Depending on the commodity and the frequency of purchases, the council may or may not require separate requisition forms. Although the purchasing requirements may be circumvented the approvals and verification of funds are still a requirement for price agreements.

## **1.11 USE OF CREDIT CARDS**

City council may authorize the use of a credit card by any city officer or employee otherwise authorized to make a purchase on behalf of the city. A purchase by credit card must comply with all statutes, rules, and city policies applicable to city purchases. If a city employee makes or directs a purchase by credit card that is not approved by the council, the employee is personally liable for the amount of the purchase and may be subject to discipline.

## **1.12 CONFLICT OF INTEREST**

### **1.12.1 Conflict of Interest - Employee**

No employee will participate directly or indirectly in a procurement when the employee knows that the employee or any member of the employee's immediate family has a financial interest to the procurement; when a business or organization in which the employee; or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or when any other person, business or organization with

whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from any further participation in the transaction involved.

#### **1.12.2 Conflict of Interest - City Official**

No city official, elected or appointed, will participate directly or indirectly in any contract that the council makes. City officials elected or appointed, may not have a personal financial interest in a contract or procurement. This prohibition applies whether the official actually votes on a contract or not. There are limited exceptions to this prohibition. City council should seek advice from the city attorney before entering into any contract in which a council member or any other city official will have a financial interest. A public officer who violates the conflict of interest law is guilty of a gross misdemeanor and can be fined up to \$3,000 and imprisoned up to one year. In addition, the other members of the council who knowingly authorized the unlawful contract may also be subject to criminal penalties. Furthermore, contracts that violate these statutes are generally void.

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

**RESOLUTION 2012-26**

**A RESOLUTION ADOPTING PURCHASING POLICY**

WHEREAS, purchase of goods, services and commodities by municipalities is controlled by State Statute; and

WHEREAS, practical application of statutes require some degree of clarification; and

WHEREAS, it is not only desirable but imperative that the City of Lake Elmo have a clear, written policy on procurement activities to ensure the city is abiding by all state, local and federal requirements in addition to utilizing cooperative purchasing opportunities whenever possible; and

WHEREAS, the City of Lake Elmo is committed to fiscal responsibility this policy will provide for a uniform and systematic method in order to ensure the best balance of quantity, quality and price for the city's expenditures.

NOW, THEREFORE, BE IT RESOLVED, that the attached Purchasing Policy dated June fifth 2012 is hereby adopted.

Adopted by the City Council of the City of Lake Elmo on this fifth day of June 2012.

CITY OF LAKE ELMO

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

ATTEST:

\_\_\_\_\_  
Dean 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 5th day of June 2012, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Sandie Thone  
City Clerk

(Seal)







## MAYOR AND COUNCIL COMMUNICATION

DATE: June 5, 2012

**CONSENT**

ITEM #: 7

**MOTION**

**AGENDA ITEM:** Well No. 2 Chlorination System Addition – Accept Improvements and Approve Final Contractor Payments

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

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

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

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider accepting the improvements and approving final contractor payments for the Well No. 2 Chlorination System Addition. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

**BACKGROUND INFORMATION:** In 2011, the Well No. 2 water supply system returned periodic positive tests indicating a presence of coliform bacteria in the water supply. In each case, Lake Elmo Public Works worked diligently with the Minnesota Department of Health to correct the problem. As a long-term response to this issue, the City Council approved a project on October 4, 2011, to voluntarily chlorinate the water supply at Well No. 2.

Wellhouse No. 2 was initially designed and constructed with the anticipation that chlorination addition would someday be required. Therefore, the existing facility had a chlorine-ready room and required only the purchase and installation of the chemical feed equipment. To meet recent safety standards implemented by OSHA, additional safety equipment was necessary for a compliant project. Specifically, the work included furnishing and installing chlorination feed equipment, combination emergency shower and eye wash unit, water tempering equipment and electric hot water heater, and all piping, plumbing, electrical work and controls for a complete functioning system.

On September 1, 2011 the City received contractor bids to furnish and install the equipment as specified by the Plans and Specifications prepared by TKDA. Three bids were received for the work in the amounts of \$43,334, \$53,560, \$54,700. At the October 4, 2011, Council Meeting, the Council rejected the bids and authorized Staff to purchase and coordinate the work directly with the various required suppliers and specialty contractors to complete the project. Staff provided the Council with a project budget of \$30,000, not including engineering costs.

**STAFF REPORT:** The work for the Well No. 2 Chlorination System Addition has been fully completed. This work included a Chlorination System with booster pump, electrical, plumbing, controls, and safety equipment to meet State OSHA requirements and the requirements of the Minnesota Department of Health (MDH). The attached Work Plan provides a comparison of the estimated equipment and installation budget, the final contracted costs, and the final actual costs (final invoice amounts) for each major work item and Contractor/Supplier. The final total construction cost was \$18,811.46, not including engineering costs. Engineering costs included \$3,200 for TKDA (initial design) and \$12,400 for FOCUS Engineering (redesign, MDH Permit work, and construction coordination).

The Chlorination System has been fully completed by Alden Pool & Municipal Supply Co. The warranty period began on May 17, 2012, and will extend to May 17, 2013. Final payment in the amount of \$9,019.46 (see attachment no. 2) has been requested by Alden Pool & Municipal Supply Co., based upon the work completed. This amount included a \$1,265.71 deduct from the original quote due to the replacement of the automatic flow control valve with a remote meter for the chlorine feed system. The materials and installation have been reviewed and approved by City Staff.

The necessary improvements to the SCADA system have been fully completed by TPC, Inc. The warranty period began on May 17, 2012, and will extend to May 17, 2013. Final payment in the amount of \$2,700.00 (see attachment no. 3) has been requested by TPC, Inc., based upon the work completed. The materials and installation have been reviewed and approved by City Staff.

The emergency shower and eyewash unit with tepid water supply was fully completed by Woodbury Mechanical, Inc. on January 27, 2012, therefore has a warranty period that began on January 27, 2012, and will extend to January 27, 2013. Final payment to Woodbury Mechanical, Inc. was processed on January 27, 2012, in the amount of \$4,055.00.

All the required electrical work was fully completed by Linner Electric Co., Inc. on March 26, 2012, therefore has a warranty period that began on March 26, 2012, and will extend to March 26, 2013. The final payment to Linner Electric Co., Inc. was processed on March 26, 2012, which was their final invoice in the total amount of \$3,037.00.

**RECOMMENDATION:** Based upon the above staff report, it is recommended that the City Council consider, as part of the *Consent Agenda*, accepting the improvements and approving final contractor payments for the Well No. 2 Chlorination System Addition. The recommended motion for this action is as follows:

***“Move to accept the improvements and approve final contractor payments for the Well No. 2 Chlorination System Addition.”***

**ATTACHMENTS:**

1. Final Construction Cost Work Plan
2. Alden Pool & Supply Co. Invoice No. 1200075
3. TPC, Inc. Invoice #3980

WELL NO. 2 CHLORINATION SYSTEM ADDITON  
 WORK PLAN [ACTUAL VS. PLANNED COSTS]

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

DATE: May 25, 2012

	Authorized Budget	Initial Contract	Final Invoice
<b>CHLORINE CONTRACTOR (ALDEN POOL &amp; MUNICIPAL SUPPLY)</b>			
CHLORINATION FEED EQUIPMENT	\$6,360	\$6,404.17	\$6,395.17
<ul style="list-style-type: none"> <li>Vacuum Operated Gas Feed System w/Automatic Switchover               <ul style="list-style-type: none"> <li>Vacuum Regulator</li> <li>Automatic Switchover Module</li> <li>Automatic Gas Control Valve</li> <li>Ejector</li> <li>Tubing and Fittings</li> </ul> </li> <li>Dual Electronic Cylinder Chlorine Scale</li> <li>Booster Pump, piping &amp; fittings</li> </ul>			
CHLORINE GAS DETECTOR	\$1,631	\$ 1,631.00	\$1,640.00
AUTOMATIC FLOW PROPORTIONAL CONTROL VALVE (REPLACED W / 10 PPD REMOTE METER)	\$2,250	\$ 2,250.00	\$425.00
<b>ALDEN POOL TOTAL:</b>	<b>\$10,241</b>	<b>\$10,285.17</b>	<b>\$9,019.46</b>
<b>ELECTRICAL (LINNER ELECTRIC)</b>			
<ul style="list-style-type: none"> <li>Wiring of Booster Pumps</li> <li>115V Plug-in for Gas Detector</li> <li>115V Plug-in for Flow Proportional Control Valve</li> <li>SUBTOTAL:</li> <li>Additional Wiring and Control for SCADA</li> <li>Additional Work (Power to Fan / Replace Starter)</li> </ul>		\$2,590.00	\$2590.00
			\$118.00
			\$329.00
<b>LINNER ELECTRIC TOTAL:</b>	<b>\$2,000</b>	<b>\$2,590.00</b>	<b>\$3,037.00</b>
<b>SCADA / TELEMETRY (TPC, INC.)</b>			
<ul style="list-style-type: none"> <li>Signal wire to Booster Pump</li> <li>Signal wire to Gas Detector</li> <li>Signal wire to Flow Proportional Control Valve</li> </ul>			
<b>TPC, INC. TOTAL:</b>	<b>\$3,000</b>	<b>\$2,700.00</b>	<b>\$2,700.00</b>
<b>EMERGENCY PLUMBING FIXTURES</b>			
<ul style="list-style-type: none"> <li>Combination emergency shower and eyewash unit</li> <li>Water Tempering Equipment</li> <li>Electric Hot Water Heater</li> <li>Piping and Fittings (core and seal walls)</li> <li>Water Supply to Existing Eyewash (Fluoride Room)</li> <li>Install floor drain (Chlorine Room)</li> <li>Taps on Main Discharge Line</li> </ul>			
<b>WOODBURY MECHANICAL, INC. TOTAL:</b>	<b>\$8,990</b>	<b>\$4,055.00</b>	<b>\$4,055.00</b>
<b>MISCELLANEOUS ITEMS</b>	<b>\$2,000</b>		
<b>PLANNED CONTINGENCY</b>	<b>\$2,500</b>		
<b>TOTAL CONSTRUCTION COSTS:</b>	<b>\$28,800</b>	<b>\$19,630.17</b>	<b>\$18,811.46</b>

# Alden Pool & Municipal Supply Co. CPO Trainers

Mid-America Backflow Preventer Co.  
65910-267th St Alden MN 56009-4211  
1-800-253-7235 Fax 1-507-863-2367  
johnszymanski99@hotmail.com

## Invoice

DATE	INVOICE NO
5/19/2012	1200078

BILL TO

City Hall  
3800 Laverne Ave N  
Lake Elmo, Minnesota 55042

SHIP TO

City of Lake Elmo

RECEIVED

MAY 21 2012

CITY OF LAKE ELMO

P O NO

TERMS

DESCRIPTION	QTY	RATE	AMOUNT
CHLORINE FLOW PRO VALVE PLUGS INTO WALL 115V OUTLET PAGED TO FLOW 4-20 MHz SIGNAL FROM SCADA OR FLOW METER REMOVED FROM ORDER AS PER MIKE	0	2,250.00	0.00T
10 PPD REMOTE METER	1	425.00	425.00T
Subtotal			2,065.00
Subtotal			8,460.17
Sales Tax MN		6.875%	559.29
		Total	\$9 019.46
		Balance Due	

# Alden Pool & Municipal Supply Co. CPO Trainers

Mid-America Backflow Preventer Co.  
65910-267th St Alden, MN 56009-4211  
1-800-253-7235 Fax 1-507-863-2367  
johnszymanski99@hotmail.com

## Invoice

DATE	INVOICE NO
5/19/2012	1200075

### BILL TO

City Hall  
3800 Laverne Ave N  
Lake Elmo, Minnesota 55042

### SHIP TO

City of Lake Elmo

### P.O. NO.

### TERMS

DESCRIPTION	QTY	RATE	AMOUNT
Gas Chlorine Switch over System 2-VR. 1-SO, 1-RM and 1-EJ	1	2,600.00	2,600.00T
2350 Dual Cylinder Scale Electronic remote indicator	1	1,957.67	1,957.67T
CR1-6 1 PH-3/4 HP 120 V Pump Close coupled Motor complete with 1" cast iron flanges	1	1,200.00	1,200.00T
Non inventory parts Valves and piping		312.50	312.50T
2 BALLVALVES AND MAINPROBE PIPING AND ELBOWS			
Installation APMS	5	65.00	325.00
INSTALLED LESS TAPS AND WIREING REQUIRED FROM CUSTOMER			6,395.17
2 TAPS IN MAIN 1" ON SIDE OF PIPE (3/4" could work) BY OTHERS			
WIRING OF BOOSTER PUMP By OTHERS to start and stop with minium well flow OF 100-200GPM BY OTHERS			
CHLORINE GAS DETECTOR	1	1,640.00	6,395.17
PLUGS IN TO WALL WITH LOCAL ALARM plug in 115 hot all the time			1,640.00T
		Total	
		Balance Due	

Telemetry & Process Controls, Inc.

7250 HUDSON BLVD SUITE 160  
OAKDALE, MN 55128

RECEIVED

MAR 28 2012

CITY OF LAKE ELMO

# Invoice

Date	Invoice #
3/27/2012	3980

Bill To

CITY OF LAKE ELMO  
3800 LAVERNE AVE N  
LAKE ELMO, MN 55042

Ship To

P.O. Number	Terms	F.O.B.	Job #
	Net 30		2121003

Quantity	Description	U/M	Price Each	Amount
1	REVISE REMOTE PROGRAM AT WELL #2 AND HMI AT MASTER FOR ADDITION OF CL2 INJECTION BOOSTER PUMP		2,700.00	2,700.00
			<b>Total</b>	\$2,700.00



## MAYOR AND COUNCIL COMMUNICATION

DATE: June 5, 2012

**CONSENT**

ITEM #: 8

**RESOLUTION**

**AGENDA ITEM:** 2012 Street & Water Quality Improvements – Approve Plans & Specifications and Order Advertisement for Bids

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

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

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

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving the Plans and Specifications and order the advertisement for bids for the 2012 Street and Water Quality Improvements.

**BACKGROUND INFORMATION:** On March 6, 2012, following a Public Improvement Hearing, the City Council authorized the preparation of Plans and Specifications for the 2012 Street and Water Quality Improvements to improve the streets in the DeMontreville Highlands Area. At the April 3, 2012 Council meeting, the Council approved the design support services contract with Stantec Consulting Services, Inc., to prepare and provide plans and specifications, distribution and bidding services, limited construction administration support and construction staking for the project. Then on May 1, 2012, at the request of the Park Commission, the Council increased the scope of the project to include improvements to the parking lot in DeMontreville Park and the parking bump out at the entrance to the DeMontreville Wildlife Area.

**STAFF REPORT:** The Plans and Specifications have been completed for the 2012 Street and Water Quality Improvements including the streets in the DeMontreville Highlands Area, the parking lot in DeMontreville Park and the parking bump out near the entrance to the Wildlife Area. The proposed improvements remain consistent with what was presented in the DeMontreville Highlands Area Street Improvements Feasibility Report and as directed by the Council following the March 6, 2012 Public Improvement Hearing. The City Engineer will



present a brief summary of the final Plans together with an updated estimate of project cost. The detailed Plans and Specifications are available for review at City Hall. The City Engineer is requesting approval to advertise the project for competitive bids, with a bid date set for July 10, 2012. The tabulated Bids will be presented to Council for award on July 17, 2012.

**WATER QUALITY IMPROVEMENTS:** The Washington Conservation District (WCD) is coordinating efforts to finalize the location and number of rain gardens to be installed in the DeMontreville Highlands project area. At this time, the WCD anticipates the installation of 16 rain gardens, one to be constructed in DeMontreville Park. Property owners are required to execute a rain garden maintenance agreement before the City and WCD will commit to a rain garden installation. Nineteen rain garden locations were identified during the feasibility report and this number was used for application purposes for the VBWD Community Grant. The rain garden project will be partially funded through the VBWD Community Grant in an amount of \$27,822, or roughly 50%.

The Plans and Specifications for the 2012 Street and Water Quality Improvements includes the construction of the curb cut for each rain garden location. Grading, seeding/sodding, mulching, and planting will be completed under a separate contract led by the WCD.

Additional water quality improvements will include the installation of a sump catch basin at DeMontreville Trail Circle and DeMontreville Trail to capture and contain sediment and debris prior to ultimate discharge of the storm water to Lake DeMontreville.

**RECOMMENDATION:** Based upon the above staff report, the City Council is respectfully requested to consider approving Resolution No. 2012-24, approving Plans and Specifications and ordering the advertisement for bids for the 2012 Street and Water Quality Improvements. The recommended motion for this action is as follows:

***“Move to approve Resolution No. 2012-24, Approving the Plans and Specifications for the 2012 Street and Water Quality Improvements and Ordering the Advertisement for Bids.”***

**ATTACHMENTS:**

1. Resolution No. 2012-24
2. Project Schedule

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

**RESOLUTION 2012-24**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS FOR THE  
2012 STREET AND WATER QUALITY IMPROVEMENTS**

WHEREAS, pursuant to resolutions passed by the Council, FOCUS Engineering, Inc. was directed to prepare plans and specifications for the 2012 Street and Water Quality Improvements in accordance with the DeMontreville Highlands Area Street Improvements Feasibility Report approved February 8, 2012;

AND WHEREAS, the Council approved the design support services contract for these improvements with Stantec Consulting Services, Inc. on April 3, 2012, for the preparation of plans and specifications, plan printing, distribution and bidding services, limited construction administration support, and construction staking;

AND WHEREAS, on May 1, 2012, the Council increased the project scope to include parking lot improvements in DeMontreville Park and to the parking bump out at the entrance to the DeMontreville Wildlife Area;

AND WHEREAS, Stantec Consulting Services, Inc. has completed the plans and specifications for these improvements and FOCUS Engineering, Inc. has presented them to the City Council for approval on June 5, 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 & 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 5th day of June 2012, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Sandie Thone  
City Clerk

(Seal)

## PROJECT SCHEDULE

Date: May 23, 2012

**FOCUS** ENGINEERING, inc.

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

---

**2012 STREET & WATER QUALITY IMPROVEMENTS  
CITY OF LAKE ELMO  
FOCUS PROJECT NO. 2012.123**

April 3, 2012	Council approves professional engineering support services contract to Stantec Consulting Services, Inc. in the estimated not to exceed amount of \$33,375.
April 5, 2012	Project kickoff meeting.
June 5, 2012	Presentation of P&S. Council approves P&S and Orders Ad for Bids.
June 6, 2012	Placement of Ad for Bids <ul style="list-style-type: none"><li>• Quest CDN. Publication on June 6</li><li>• Finance and Commerce. Publication on June 11 &amp; June 18</li><li>• Oakdale-Lake Elmo Review. Publication on June 13 &amp; June 20</li></ul>
July 10, 2012	Receive Contractor bids / review and prepare preliminary assessment roll.
July 17, 2012	City Council accepts bids and awards Contract.
July 19, 2012	Process and send out Contract Documents.
August 2, 2012	Receipt of Contractor's Bonds/Legal Review and Issue Notice to Proceed.
August 7, 2012	Conduct Pre-Construction Meeting.
August 9, 2012	Contractor begins work.
October 15, 2012	Substantial Completion (Includes Paving & End of 30-Day Restoration Period)
November 1, 2012	Final Completion (Punch List Items)





## MAYOR AND COUNCIL COMMUNICATION

DATE: June 5, 2012

**CONSENT**

ITEM #: 9

**RESOLUTION**

**AGENDA ITEM:** 2012 Seal Coat Project – Accept Bids and Award Contract

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

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

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

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to accept bids and award a contract 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:** At the March 20, 2012, City Council Meeting, Council authorized the preparation of Plans and Specifications for the 2012 Seal Coat Project. As part of this same meeting, the City Council also approved the Agreement for Joint Services with West Lakeland Township to complete the 2012 seal coat work as a joint project. The City Council then approved the Plans and Specifications on May 1, 2012, and authorized staff to advertise the Project for bids. The Project was advertised on QuestCDN.com, Finance and Commerce, and in the Oakdale-Lake Elmo Review.

The Agreement for Joint Services addresses the terms and conditions upon which the City of Lake Elmo prepares and administrates a contract for seal coating services for streets within both the City and the Township. Each jurisdiction then pays its portion of the contractor costs and shares in the engineering design and construction administration costs. Each jurisdiction contracts directly for the provision of construction observation services for the work performed on their streets. West Lakeland Township is receiving bids for 43,000 SY of seal coat work, or 40% of the combined project. The City of Lake Elmo is receiving bids for 64,000 SY of seal coat work, or 60% of the combined project.

**STAFF REPORT:** Bids were received, publicly opened, and read aloud on May 31, 2012. FOCUS Engineering, Inc. has prepared and attached the Bid Form summary spreadsheet and a Letter of Recommendation for the Award of the Contract. The 2 bids for seal coating came in just over the Engineer's estimate of \$1.20 per square yard. Allied Blacktop Co., provided the low bid of \$1.205 per square yard, resulting in a construction cost that was \$514.51 over the

Engineer's Estimate. The Engineer is recommending that the Council award the contract to the lowest responsible bidder, Allied Blacktop Co., as outlined in the attached letter.

**RECOMMENDATION:** Based upon the above staff report, it is recommended that the City Council approve, as part of the *Consent Agenda*, Resolution No. 2012-25, accepting the bids and awarding a Contract to Allied Blacktop Co., for the 2012 Seal Coat Project, in the amount of \$128,814.51. The recommended motion for this action is as follows:

***“Move to approve Resolution No. 2012-25, Accepting the Bids and Awarding a Contract to Allied Blacktop Co., for the 2012 Seal Coat Project, in the amount of \$128,814.51.”***

**ATTACHMENTS:**

1. Resolution No. 2012-25
2. Engineer's Letter of Recommendation

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

**RESOLUTION 2012-25**

**A RESOLUTION ACCEPTING THE BIDS AND AWARDING THE  
CONTRACT FOR THE 2012 SEAL COAT PROJECT**

WHEREAS, pursuant to an advertisement for bids for the 2012 Seal Coat Project, bids were received, opened, and tabulated according to law, and bids were received complying with the advertisement; and

WHEREAS, bids were tabulated, checked and summarized to verify that all requirements of the submittals were met; and

WHEREAS, the City Engineer reviewed the bids and has provided a letter recommending the award of the contract to the lowest responsible bidder, Allied Blacktop Co., in the amount of \$128,814.51;

NOW, THEREFORE, BE IT RESOLVED,

1. That the Mayor and City Clerk are hereby authorized and directed to enter into a Contract in the accordance with the above ordered Project, in the amount of the Contractor's lowest responsible bid, and according to the plans and specifications thereof approved by the City Council.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

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

CITY OF LAKE ELMO

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

ATTEST:

\_\_\_\_\_  
Sandie Thone  
City Clerk



## **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 5th day of June 2012, as shown by the minutes of said meeting in my possession.

---

Sandie Thone  
City Clerk

(Seal)

# FOCUS ENGINEERING, inc.

June 5, 2012

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

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

2012 Seal Coat Project  
City of Lake Elmo, Minnesota  
FOCUS Project No. 2012.118

Dear Mayor and City Council:

Bids for the 2012 Seal Coat Project were received on May 31, 2011, at 2:00 PM with the following results:

<u>Contractor</u>	<u>Bid</u>
Allied Blacktop Company	\$128,814.51
Pearson Bros., Inc.	\$129,349.00
Engineer's Estimate	\$128,300.00

A complete Tabulation of Bids is enclosed for your information.

We recommend that you award the Contract to the lowest responsible bidder, Allied Blacktop Co., for their bid of \$128,814.51.

Please contact me with any questions you may have.

Sincerely,

  
Ryan W. Stempski, P.E.  
Project Engineer

Enclosure

cc: Jack Griffin, City Engineer  
Dean Zuleger, City Administrator  
Mike Bouthilet, Public Works  
Cathy Bendel, Finance Director

# TABULATION OF BIDS

2012 SEAL COAT PROJECT  
CITY OF LAKE ELMO & WEST LAKE LAND TWP, MINNESOTA  
FOCUS PROJECT NO. 2012.118

BIDS OPENED: MAY 31, 2012, AT 2:00 PM

## FOCUS ENGINEERING, inc.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		Allied Blacktop Co.		Pearson Bros., Inc.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
CITY OF LAKE ELMO									
1	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	63,925	SY	\$ 1.20	\$ 76,710.00	\$ 1.205	\$ 77,029.63	\$ 1.21	\$ 77,349.25
CITY OF WEST LAKE LAND									
2	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	42,975	SY	\$ 1.20	\$ 51,570.00	\$ 1.205	\$ 51,784.88	\$ 1.21	\$ 51,999.75
TOTAL					\$ 128,280.00		\$ 128,814.51		\$ 129,349.00

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

**PROCLAMATION**

**A PROCLAMATION RECOGNIZING GLORIA KNOBLAUCH**

WHEREAS, Gloria Knoblauch, was a conscientious observer of, and activist for, affairs of the City of Lake Elmo; and

WHEREAS, Gloria Knoblauch, served the City as a member of the Community Improvement Commission, Friends of the Lake Elmo Library, Lake Elmo Regional Art Center, Oakdale Lake Elmo Historical Society, and served as a Lake Elmo Election Judge; and

WHEREAS, Gloria Knoblauch demonstrated her commitment for the residents of Lake Elmo as an unofficial watchdog of the City; and

WHEREAS, Gloria Knoblauch, was generous with her time and support for various organizations, was a champion for the mentally challenged, and volunteered for numerous civic causes; and

NOW, THEREFORE, BE IT RESOLVED,

That the City of Lake Elmo, on behalf of the Citizens of Lake Elmo, proclaims Tuesday, July 12, 2012, Gloria Knoblauch Day, honoring her dedication and years of service, with gratitude and appreciation.

ADOPTED by the Lake Elmo City Council on this fifth day of June 2012.

---

Dean A. Johnston, Mayor

ATTEST:

---

Sandie Thone, City Clerk



MAYOR AND COUNCIL COMMUNICATION

DATE: 06/05/2012

**REGULAR**

ITEM #: 11

**MOTION**

**AGENDA ITEM:** City Code Amendment Pertaining to Watercraft and Water Surface Regulations and Prohibited Structures and Uses

**SUBMITTED BY:** Sandie Thone, City Clerk

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

**REVIEWED BY:** David Snyder, City Attorney  
Carole Luczak, Program Support Assistant  
Col Jim Konrad, Director of Enforcement Division MN DNR

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to approve Ordinance 2012-58 Amending Lake Elmo City Code sections 97.21 Watercraft and Water Surface Regulations and 97.23 (A) Prohibited Structures and Uses.

***“Move to Approve Ordinance 2012-58 Amending Lake Elmo City Code Sections 97.21 Watercraft and Water Surface Regulations and 97.23 (A) Prohibited Structures and Uses”***

**BACKGROUND INFORMATION:**

Over the course of 2011 city council and staff worked to better define and fit City Code requirements sections 97.21 and 97.23 pertaining to Water Watercraft and Water Surface Regulations and Prohibited Structures and Uses. Per Minnesota Department of Natural Resources all changes regarding these requirements should be reviewed before recommending approval to the city council. In July of 2011 an ordinance amendment (08-050; attached) was adopted and MN DNR approved the amendment effective only through October of last year (2011).

Staff subsequently began a thorough review and update of these sections of the City Code to reflect the direction of council. The changes proposed have been reviewed and approved by both the DNR and City Attorney Dave Snyder. The substantive changes include:

- 1) Section 97.21A: re-defines lakes as being entirely within the city limits.
- 2) Section 97.21B-1: Hours of Operations includes the exception to the hours for Lake Jane only from sunset to noon to sunset to 9:00 a.m.
- 3) Section 97.21B-2: High Water Conditions includes the relevant state statute, includes the high water mark but not the actual reading or lakes defined and the consecutive days changed from five to three as recommended by the DNR.
- 4) Section 97.21B3: Other Conditions deleted in its entirety.
- 5) Section 97.21C: Operating Regulations includes the MN Boat and Water Safety Rules
- 6) Section 97.21G: Public Launching Areas includes the exception to the rule in 97.21F.
- 7) Section 97.21H: Non- Motorized Carry-On Access section included in its entirety.
- 8) Section 97.21I 1 and 2: Safe Operating Distance was amended to read 150 feet, not 100 feet from the shoreline and includes language regarding the launching and landing of a personal watercraft.
- 9) Section 97.21J: Non-Motorized Watercraft includes state statute and defines right of way and passing and overtaking.
- 10) Section 97.21K: Permanent Slow/No-Wake Areas includes specified buoys and calls out applicable state rules and eliminates special water ski show permit language to accommodate relevant procedures at the recommendation of the DNR who handles enforcement.
- 11) Section 97.23L: Prohibited Structures and Uses were added in its entirety to address the relevant and current procedures and rules regarding lake activities and tournaments, etc.

#### **RECOMMENDATION:**

Staff is requesting City Council to Approve Ordinance 2012-58 Amending Lake Elmo City Code sections 97.21 Watercraft and Water Surface Regulations and 97.23 (A) Prohibited Structures and Uses.

***“Move to Approve Ordinance 2012-58 Amending Lake Elmo City Code Sections 97.21 Watercraft and Water Surface Regulations and 97.23 (A) Prohibited Structures and Uses”***

#### **ATTACHMENTS:**

1. Ordinance with legislative striking highlighting the changes to city code sections 97.21 and 97.23 pertaining to Watercraft and Water Surface Regulations and Prohibited Structures and Uses
2. Proposed Ordinance 2012-58: An Ordinance Amending 97.21 Watercraft and Water Surface Regulations and 97.23 (A) Prohibited Structures and Uses
3. Ordinance 08-050 Allowing the City Council to Extend the “No Wake” Requirements under the Water Surface Use Ordinance adopted July 19, 2011 and correspondence from the MN Department of Natural Resources dated August 1, 2011 approving ordinance amendment 08-050 valid only through **October 31, 2011.**



CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  
ORDINANCE NO. 08 — 2012-58

AN ORDINANCE TO AMENDING 97.21 WATERCRAFT AND WATER SURFACE  
REGULATIONS AND 97.23 (A) PROHIBITED STRUCTURES AND USES

§ 97.21 WATERCRAFT AND WATER SURFACE USE REGULATIONS.

The following regulations shall apply to the use of watercraft on lakes ~~totally~~ entirely within the city limits, to the use of a lake entirely within the city limits, and to the use of ice surfaces on lakes ~~entirely~~ totally within the city limits.

(A) *Dumping.* No person shall dump or throw garbage, paper, bottles, cans, refuse, or debris into any lake or on the shore of any lake or in any public area around any lake in the city.

(B) *Hours of operation.*

(1) *Normal conditions.* No person shall operate any motorboat at a speed greater ~~either~~ than a slow, no-wake speed as defined by MN Statute 86B.005 between sunset and noon the following day with the exception of: except on Lake Jane, where the slow no-wake speed is in effect between sunset and 9:00 a.m. on the following day. The term "slow no-wake" as used in this ordinance is defined in Minn. Statutes 86B.005.

(2) *High water conditions.* No person shall operate any motorboat at greater ~~a speed either~~ than a slow, no-wake speed as defined by MN Statute 86B.005 when whenever the lake level exceeds the high water mark. of Lakes Olson and Demontreville exceeds the ordinary high water mark, is above 929.7 feet above mean sea level (MSL). This restriction will remain in effect until the water level drops below the high water mark 929.7 feet, and remains there for threefive (35) consecutive days.

(3) *Other conditions.* ~~Alternative or modified no-wake time periods may be established by the City Council by resolution as part of a special event or other condition. No person shall operate any motor boat in a manner which creates a wake when no-wake signs are posted.~~

(C) *Operating Operation regulations.* No person shall operate any watercraft in violation of the provisions of this code, or in violation of the provisions of Minnesota Statutes, Chapter 86B - or Minnesota Boat and Water Safety Rules (6110.0100-6110.2300) - and/or the regulations of the Department of Natural Resources - which statutes and regulations

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rules are hereby adopted and incorporated herein. In the event of a conflict between the various city and state regulations, the more restrictive regulation shall apply.

(D) *Buoys.* No person shall place a buoy on a lake unless the buoy is specifically authorized by the City Council and the Washington County Sheriff.

(E) *Operation.* All motorboats, operating in excess of a slow, no-wake speed shall operate in a counter clockwise direction. Personal watercraft engaging in constant turning activity shall confine that activity to the center of the lake.

(F) *Non-public lake access.* No person, except riparian owners, shall launch a watercraft or gain access to or egress from a lake other than at a designated public access point except in the case of any emergency or except with the written permission of the riparian lot owner. A person who has written permission to launch a watercraft from a riparian lot shall park their vehicle(s) and trailer(s) on the lot of the riparian owner. Riparian lot owners who grant permission to use their property as a launch site shall otherwise comply with all of the land use regulations of the city.

(G) *Public launching areas.* ~~Except as noted in (F) and (G),~~ No person shall launch a watercraft or gain access to or egress from a lake except from a public right-of-way or other public park area in those locations specifically designated and posted for the purpose.

(H) *Non-motorized carry-on access.* A person may access any public waters through public land with a hand-carried non-motorized watercraft in accordance with MN Statutes 86B.201, Subd.3.

~~(I)-(H)~~ *Safe operating distance.*

(1) No person shall operate or permit the operation of a motorboat, in excess of slow, no-wake speed, within ~~100~~ 150 feet of a shoreline.

~~(2) No person shall operate or permit the operation of a motorboat in excess of a slow, no-wake speed when towing a person on water skis or other devices within 100 feet of a shoreline.~~

~~(2) (3)~~ *Launching or landing a personal watercraft or towing a person on skis or other devices must be done by using the most direct route to or from open water.*

~~(J)-(I)~~ *Non-motorized watercraft.* Non-motorized watercraft always have the right of way over motorized watercraft. A non-motorized watercraft has the right-of-way over motor-powered watercraft except when it is the overtaking watercraft. Motor-powered watercraft should always keep clear and pass astern on non-motorized watercraft (MN Rule 6110.1200, Sub. par 1, D)

(1997 Code, § 1380.03)

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~~(K).~~<sup>(I)</sup> Permanent "slow - no wake" areas. The channels and narrows between Lake Olson and Lake DeMontreville are hereby designated as permanent "slow - no wake" areas and appropriate signs shall be posted or buoys meeting the specifications found in MN Rules 6110.1500 shall be posted.

~~(K) Special water ski show permit.~~ A special permit may be issued by the City Administrator or the administrator designee for waiving water ski shows. A permit shall specify the dates and times of use, and the regulation that will apply to the water ski show. Applicant for special permits shall provide evidence of insurance coverage and consent from the Washington County Sheriff's Department. Applicant shall also make arrangements with the Lake Elmo Fire Department to provide an emergency vehicle during the water ski show.

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#### **§ 97.23 PROHIBITED STRUCTURES AND USES.**

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~~(L) Lake Activities.~~ Motorboat races, tournaments, ski jumps, slalom courses, or other competition or exhibition events are allowed only as specifically authorized by State Statutes and Rules, the Washington County Sheriff, and the City Council. Notice shall be provided to the City Council.

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Penalty - See 10.99

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**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  
ORDINANCE 2012-58**

**AN ORDINANCE AMENDING 97.21 WATERCRAFT AND WATER SURFACE  
REGULATIONS AND 97.23 (A) PROHIBITED STRUCTURES AND USES**

**§ 97.21 WATERCRAFT AND WATER SURFACE USE REGULATIONS.**

The following regulations shall apply to the use of watercraft on lakes entirely within the city limits, to the use of a lake entirely within the city limits, and to the use of ice surfaces on lakes entirely within the city limits.

(A) *Dumping.* No person shall dump or throw garbage, paper, bottles, cans, refuse, or debris into any lake or on the shore of any lake or in any public area around any lake in the city.

(B) *Hours of operation.*

(1) *Normal conditions.* No person shall operate any motorboat at a speed greater than a slow, no-wake speed as defined by MN Statute 86B.005 between sunset and noon the following day with the exception of Lake Jane, where the slow no-wake speed is in effect between sunset and 9:00 a.m. on the following day.

(2) *High water conditions.* No person shall operate any motorboat at greater than a slow, no-wake speed as defined by MN Statute 86B.005 whenever the lake level exceeds the high water mark. This restriction will remain in effect until the water level drops below the high water mark, and remains there for three (3) consecutive days.

(C) *Operating regulations.* No person shall operate any watercraft in violation of the provisions of this code, or in violation of the provisions of Minnesota Statutes, Chapter 86B or Minnesota Boat and Water Safety Rules (6110.0100-6110.2300) which statutes and rules are hereby adopted and incorporated herein. In the event of a conflict between the various city and state regulations, the more restrictive regulation shall apply.

(D) *Buoys.* No person shall place a buoy on a lake unless the buoy is specifically authorized by the City Council and the Washington County Sheriff.

(E) *Operation.* All motorboats, operating in excess of a slow, no-wake speed shall operate in a counter clockwise direction. Personal watercraft engaging in constant turning activity shall confine that activity to the center of the lake.

(F) *Non-public lake access.* No person, except riparian owners, shall launch a watercraft or gain access to or egress from a lake other than at a designated public access point

except in the case of any emergency or except with the written permission of the riparian lot owner. A person who has written permission to launch a watercraft from a riparian lot shall park their vehicle(s) and trailer(s) on the lot of the riparian owner. Riparian lot owners who grant permission to use their property as a launch site shall otherwise comply with all of the land use regulations of the city.

(G) *Public launching areas.* Except as noted in (F) no person shall launch a watercraft or gain access to or egress from a lake except from a public right-of-way or other public park area in those locations specifically designated and posted for the purpose.

(H) *Non-motorized carry-on access.* A person may access any public waters through public land with a hand-carried non-motorized watercraft in accordance with MN Statutes 86B.201, Subd.3.

(I) *Safe operating distance.*

(1) No person shall operate or permit the operation of a motorboat, in excess of slow, no-wake speed, within 150 feet of a shoreline.

(2) Launching or landing a personal watercraft or towing a person on skis or other devices must be done by using the most direct route to or from open water.

(J) *Non-motorized watercraft.* A non-motorized watercraft has the right-of-way over motor-powered watercraft except when it is the overtaking watercraft. Motor-powered watercraft should always keep clear and pass astern on non-motorized watercraft (MN Rule 6110.1200, Sub. 1, D)(1997 Code, § 1380.03)

(K) *Permanent "slow - no wake" areas.* The channels and narrows between Lake Olson and Lake Demontreville are hereby designated as permanent "slow - no wake" areas and appropriate signs or buoys meeting the specifications found in MN Rules 6110.1500 shall be posted.

## § 97.23 PROHIBITED STRUCTURES AND USES.

(L) *Lake Activities.* Motorboat races, tournaments, ski jumps, slalom courses, or other competition or exhibition events are allowed only as specifically authorized by State Statutes and Rules, the Washington County Sheriff, and the City Council. Notice shall be provided to the City Council.

Penalty – See 10.99

**Section 2: Effective Date:** This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, Subdivision 4.

**ADOPTION DATE:** Adopted by Lake Elmo City Council on the fifth day of June 2012.

CITY OF LAKE ELMO

\_\_\_\_\_  
Dean A. Johnston  
Mayor

Attest:

\_\_\_\_\_  
Dean Zuleger  
City Administrator

This Ordinance 2012-58 was published on the \_\_\_\_ day of \_\_\_\_\_ 2012.

**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 fifth day of June 2012, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Sandie Thone  
City Clerk

(Seal)

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-050

AN ORDINANCE TO ALLOW THE CITY COUNCIL TO EXTEND THE "NO  
WAKE" REQUIREMENTS UNDER THE WATER SURFACE USE  
ORDINANCE

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 97.21 subdivision (B) is hereby amended to read as follows:

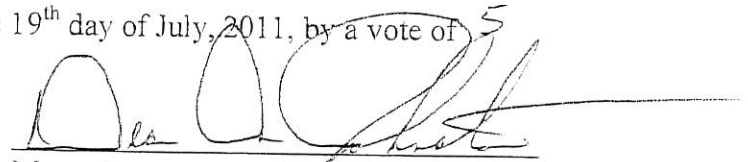
(B) *Hours of operation.*

- (1) Normal Conditions - No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day.
- (2) High Water Conditions - No person shall operate any motorboat at a speed other than a slow, no-wake speed when a lake level exceeds the ordinary high water mark.
- (3) Other Conditions - Alternative or modified no-wake time periods may be established by the City Council by Resolution as part of a special event or other condition. No person shall operate any motor boat in a manner which creates a wake when no-wake signs are posted.

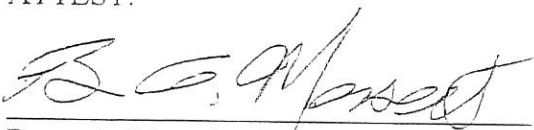
**Section 2. Adoption Date**

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

This Ordinance No. 08-050 was adopted on this 19<sup>th</sup> day of July, 2011, by a vote of 5 Ayes and 0 Nays.

  
Mayor Dean Johnston

ATTEST:

  
Bruce A. Messelt, City Administrator

This Ordinance No. 08-50 was published on the 27<sup>th</sup> day of July, 2011



# Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-4046



August 1, 2011

AUG -5 2011

Mr. Bruce A. Messelt  
City Administrator  
City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, Minnesota 55042

Mr. Messelt:

Department of Natural Resources (DNR) staff has now completed review of the materials received from your office on July 28th, requesting approval of a temporary amendment, regarding high water levels, to the Lake Elmo water surface use ordinance.

The action by the City Council Ordinance 08-050 on, July 19, 2011 amends Section 5. (B.) (2) of the existing county ordinance regarding "High Water Conditions" This amends the Lake Elmo City Code to allow for imposition of a slow no-wake ordinance when the water levels exceed the Ordinary High Water (OHW) mark on Lakes Elmo, Jane, DeMontreville and Olson.

After review, this action appears to be measured and reasonable, and therefore I am approving the amendment to the Ordinance, specifically 08-050(B) (2), as noted in the previous paragraph. This approval, however, is valid only through October 31, 2011. The City will have the responsibility monitoring lake levels, informing the public of the restrictions and enforcing the ordinance.

The City also needs to work with our boat and water safety coordinator, Kim Elverum, on review and approval of a permanent ordinance that would comply with the surface use statutes and rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Konrad".

Col Jim Konrad, Director  
Enforcement Division

c: Capt. Greg Salo – DNR Region 3 Enf. Manger  
Lt. Jason Peterson – DNR District 14 Enf. Supervisor  
Sgt Jerry Cusick – Washington Co. Sheriff's Office  
WSUM File





## MAYOR AND COUNCIL COMMUNICATION

DATE: June 5, 2012

**REGULAR**

ITEM #: 12

**MOTION - TWO**

**AGENDA ITEM:** Approve Ordinance 2012-59 and Approve Resolution 2012-22  
Authorizing Publication of Illicit Discharge and Connection Ordinance  
2012-59

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

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

**REVIEWED BY:** Jack Griffin, City Engineer  
Kyle Klatt, Planning Director

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to consider approving Ordinance 2012-59 and approving Resolution 2012-22 Authorizing Publication of Illicit Discharge and Connection Ordinance 2012-59. A motion is necessary for both the passage of the ordinance and the approval of the resolution to publish a summary of Ordinance 2012-22.

**BACKGROUND INFORMATION:** In compliance with the Clean Water Act, the Minnesota Pollution Control Agency (MPCA) has issued a permit to the City of Lake Elmo establishing the conditions for discharging storm water to the waters of the state under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. The City of Lake Elmo was issued a Municipal Separate Storm Sewer System (MS4) Permit on July 15, 2008. The permit requires that an illicit discharge and connection ordinance be implemented for the City of Lake Elmo. Therefore, to ensure compliance to the MS4 Permit, we recommend the attached ordinance (attachment no. 2) be incorporated to the City's Code of Ordinances.

**STAFF REPORT:** The adoption of this Illicit Discharge and Connection Ordinance fulfills a requirement of the City's MS4 Permit through the MPCA. The purpose of this ordinance is:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4;

- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

The Ordinance includes sections to address applicability, definitions, responsibilities, discharge prohibitions, watercourse protection, industrial or construction activity discharges, best management practices, notification of spills and enforcement requirements.

The Planning Commission approved this Ordinance with minor revisions at its May 14, 2012 Meeting.

**RECOMMENDATION:** Based upon the above staff report, it is recommended that the City Council consider approving Ordinance 2012-59 and approving Resolution 2012-22 Authorizing Publication of Illicit Discharge and Connection Ordinance 2012-59. A motion is necessary for both the passage of the ordinance and the approval of the resolution to publish a summary of Ordinance 2012-59. The recommended motion for this action is as follows:

***“Move to Approve Ordinance 2012-59 Pertaining to Illicit Discharge and Connection.”***

***“Move to Approve Resolution 2012-22 Authorizing the Publication of Illicit Discharge and Connection Ordinance 2012-59.”***

**ATTACHMENTS:**

1. Resolution 2012-22
2. Ordinance 2012-59

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

**RESOLUTION 2012-22**

**A RESOLUTION AUTHORIZING PUBLICATION  
OF ORDINANCE 2012-59 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 2012-59, an ordinance adopting regulations to govern illicit discharge and connection in the City of Lake Elmo; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance 2012-59 to be published in the official newspaper in lieu of the entire ordinance:

**Public Notice**

The City Council of the City of Lake Elmo has adopted Ordinance 2012-59

In compliance with the Clean Water Act, the Minnesota Pollution Control Agency (MPCA) has issued a permit to the City of Lake Elmo establishing the conditions for discharging storm water to the waters of the state under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. One of the conditions of this permit requires that an illicit discharge and connection ordinance be implemented by the City of Lake Elmo. To ensure compliance to the NPDES/SDS Permit the City has adopted Ordinance 2012-59 in compliance with this requirement.

The purpose of the ordinance is:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4;
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

The ordinance formalizes the applicability, responsibilities, discharge prohibitions, watercourse protection, industrial or construction activity discharges, best management practices, and notification of spills and enforcement that have been implemented by the City.

The updates to the Lake Elmo Code of Ordinances will meet the illicit discharge and connection ordinance requirement of the NPDES/SDS Permit. The content has been drafted to be consistent

and enforceable by City Code.

The full text of Ordinance 2012-59 is available for inspection at Lake Elmo City Hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Clerk keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be posted in a public place within the City.

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 5th day of June 2012, as shown by the minutes of said meeting in my possession.

\_\_\_\_\_  
Sandie Thone  
City Clerk

(Seal)

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

**ORDINANCE 2012-59**

**AN ORDINANCE ADOPTING REGULATIONS TO GOVERN ILLICIT DISCHARGE  
AND CONNECTION IN THE CITY OF LAKE ELMO**

**Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby amended to *add* the following definitions:**

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
STORM WATER DISCHARGE PERMIT. Means a permit issued by EPA (or by a State under

authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

STORM DRAINAGE SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER MANAGEMENT PLAN. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Section 2.** The City Council of the City of Lake Elmo hereby ordains that Section 11.01 (Definitions) is hereby changed to *amend or eliminate* the following definitions as shown:

~~N.P.D.E.S. PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT). The system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, §§ 402 and 405, as they may be amended from time to time.~~

~~WASTE WATER (SEWER SYSTEMS). The spent water of a community; from the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.~~



**Section 3. The City Council of the City of Lake Elmo hereby ordains that Sections 150.300 thru 150.314 of the Lake Elmo City Code are to read as follows:**

Sections:

- 150.300 Purpose
- 150.301 Applicability
- 150.302 Definitions
- 150.303 Responsibility for Administration
- 150.304 Compatibility with Other Regulations
- 150.305 Ultimate Responsibility
- 150.306 Discharge Prohibitions
- 150.307 Watercourse Protection
- 150.308 Industrial or Construction Activity Discharges
- 150.309 Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices
- 150.310 Notification of Spills
- 150.311 Right of Entry
- 150.312 Enforcement
- 150.313 Severability
- 150.314 Authority

**ILLICIT DISCHARGE AND CONNECTION**

**150.300 PURPOSE**

(A) The general purpose of this ordinance is to provide for the health, safety, and general welfare of the public through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the MS4 permit issued to the City of Lake Elmo by the Minnesota Pollution control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objections of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4;
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**150.301 APPLICABILITY**

- (A) This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by Section 150.306 (A) (1) a – d) of this Ordinance.

### **150.302 DEFINITIONS**

- (A) For the purposes of this ordinance, all terms, phrases, words, and their derivatives shall have the meanings as stated in Chapter 11 of the City Code.

### **150.303 RESPONSIBILITY FOR ADMINISTRATION**

- (A) The City of Lake Elmo shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Lake Elmo may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City.

### **150.304 COMPATIBILITY WITH OTHER REGULATIONS**

- (A) This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **150.305 ULTIMATE RESPONSIBILITY**

- (A) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensue that there will be no contamination, pollution, or unauthorized discharge of pollutants.

### **150.306 DISCHARGE PROHIBITIONS**

- (A) Prohibition of Illegal Discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
  - a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, street wash water, dechlorinated swimming pool water, and any other water source not containing a pollutant.
    - (i) For swimming pool discharges, water shall sit seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharge.

- (ii) Discharge of swimming pools, crawl spaces, sump pumps, footing drains and other sources that may be determined to contain sediment or other forms or pollutants may NOT be discharged directly to a gutter or storm sewer. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals and infiltration of water consistent with the storm water requirements of the City of Lake Elmo.
  - b) Discharges or flow from firefighting, and other discharges specified in writing by the City of Lake Elmo as being necessary to protect public health and safety.
  - c) Discharges associated with dye testing, however this activity requires a written notification to the City of Lake Elmo prior to the time of the test.
  - d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (B) Prohibition of Illicit Connections.
- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
  - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
  - (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Lake Elmo.
  - (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Lake Elmo requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Lake Elmo.
- (C) Additional Discharge Prohibitions: Any owner or occupant of property within the City of Lake Elmo shall comply with the following requirements:
- (1) Subsurface sewage treatment systems shall be maintained to prevent failure.

- (2) Recreational vehicle sewage shall be disposed of to a proper sanitary waste facility.
- (3) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to the sanitary sewer.
- (4) All motor vehicle parking lots and private streets shall be swept, at a minimum, once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
- (5) Fuel, chemical residue, household hazardous waste or other types of potentially harmful material shall be disposed of properly.
- (6) Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
- (7) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

#### **150.307 WATERCOURSE PROTECTION**

- (A) Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### **150.308 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

- (A) Submission of Notice of Intent (NOI) to the City of Lake Elmo.
  - (1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit is required in a form acceptable to the City of Lake Elmo prior to the allowing of discharges to the MS4.
    - a) Industrial activity includes activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).
    - b) Construction activity includes activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
  - (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the NOI to the City of Lake Elmo at the same time the operator submits the original NOI to the EPA as applicable.

- (3) The copy of the NOI must be delivered to the City of Lake Elmo either in person or by mailing it to:  
Notice of Intent to Discharge Storm Water  
City of Lake Elmo  
3800 Laverne Avenue S  
Lake Elmo, MN 55042
- (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the NOI to do so to the City of Lake Elmo.

#### **150.309 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

- (A) The City of Lake Elmo will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this ordinance. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

#### **150.310 NOTIFICATION OF SPILLS**

- (A) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Lake Elmo in person or by phone no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Failure to provide notification of a release as provided above is a violation of this ordinance.



### **150.311 RIGHT OF ENTRY**

- (A) The City of Lake Elmo shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance, including the right to set up, or require facilities owner to set up devices necessary to conduct monitoring and/or sampling of the facilities storm water discharge.

### **150.312 ENFORCEMENT**

- (A) Enforcement
  - (1) The City of Lake Elmo shall be responsible for enforcing this ordinance.
- (B) Penalties
  - (1) Any person, firm or corporation failing to comply with or violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense. All land use and building permits shall be suspended until the applicant has corrected any and all violations.
- (C) Emergency Cease and Desist Orders
  - (1) When the City of Lake Elmo finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Lake Elmo may issue an order to the violator directing it immediately to cease and desist all such violations.
- (D) Suspension Due to the Detection of Illicit Discharge
  - (1) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.
- (E) Violations Deemed a Public Nuisance
  - (1) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

### **150.313 SEVERABILITY**

- (A) The provisions of this ordinance are severable. If any provision of this ordinance or the application of any provision of this ordinance to any circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application.

### **150.314 AUTHORITY**

- (A) This article shall become effective upon its passage and publication in accordance with the law.

### **Section 4. Adoption Date**

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

This Ordinance No. 2012-59 was adopted on this fifth day of June 2012, by a vote of \_\_ Ayes and \_\_ Nays.

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Mayor Dean Johnston

ATTEST:

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Dean A. Zuleger  
City Administrator

This Ordinance No. 2012-59 was published on the \_\_\_\_ day of \_\_\_\_\_, 2012.







## MAYOR AND COUNCIL COMMUNICATION

DATE: June 5, 2012

**REGULAR**

ITEM #: 13

**MOTION**

**AGENDA ITEM:** Municipal Separate Storm Sewer System (MS4) Permit – Annual Public Meeting and Accept the 2011 MS4 Annual Report

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

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

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

**SUMMARY AND ACTION REQUESTED:** The City Council is respectfully requested to conduct the Annual Public Meeting required by the MS4 Permit and receive public input and comments. After receiving staff presentation and public comments, it is respectfully requested that the Council accept the 2011 MS4 Annual Report and authorize staff to submit this report to the MPCA by June 30, 2012.

**BACKGROUND INFORMATION:** The MS4 General Permit is mandated by the federal regulations under the Clean Water Act and administered by the Minnesota Pollution Control Agency. A municipal storm sewer system (MS4) is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) owned by a municipality. The MS4 program gives owners or operators of MS4's approval to discharge storm water to lakes, rivers and wetlands in Minnesota. The MS4 General Permit focuses on reducing the pollution that enters these public systems and discharges to wetlands, streams and lakes ("waters of the state"). By federal rule, storm water systems in urban areas are labeled Mandatory MS4s. The City of Lake Elmo is a Mandatory MS4 City.

As a MS4 City, Lake Elmo is required to obtain and comply with a National Pollutant Discharge and Elimination System (NPDES) storm water permit. To meet these requirements the City has prepared and is implementing a five year Storm Water Pollution Prevention Program (SWPPP) which specifies and outlines a series of best management practices intended to satisfy the permit requirements for each of six minimum control measures. The six minimum control measures are:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination

4. Construction Site Storm Water Controls
5. Post-Construction Storm Water Management for development and redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

In addition to these minimum measures, the City of Lake Elmo must address any impaired waters as identified by the USEPA list and review whether changes may be warranted in the City's Storm Water Pollution Prevention Program (SWPPP).

**STAFF REPORT:** As part of the on-going permit requirements as a mandatory MS4 City, Staff has prepared the 2011 MS4 Annual Report and will present a summary report to the City Council and general public. The City must hold an Annual Public Meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the MS4 Permit requirements. Notice of this meeting was posted at City Hall and published in the Oakdale-Lake Elmo Review on May 23, 2012 (see attachment no. 1). Public input received will be considered for updating the City's Storm Water Pollution Prevention Program (SWPPP) and the meeting minutes will be incorporated into the City's final report. The 2011 MS4 Annual Report must be submitted to the MPCA by June 30, 2012. A copy of the City's Storm Water Pollution Prevention Program (SWPPP) is available on the City website.

The Annual Public Meeting is scheduled to be held as part of the regular City Council meeting at City Hall. The agenda for this meeting will include:

- A Presentation about implementation of the City's Storm Water Pollution Prevention Program in 2011,
- Affording interested persons an opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- Consideration of public input in making adjustments to the 2012 implementation plan for the Storm Water Pollution Prevention Program.

Significant changes to the MS4 permit program requirements are anticipated in 2012. Staff actively monitors and tracks permit program changes and legislation related to storm water management. It is anticipated that there will be additional program requirements as mandated by the USEPA, the MPCA, and the Minnesota State Legislature.

**MS4 GENERAL PERMIT UPDATE:** The City's MS4 General Permit was issued on June 1, 2006 and was set to expire on May 31, 2011. In December 2010, the City submitted its reapplication and associated fee (due 180 days prior to expiration) to remain in compliance with Federal/State Rules until the new Permit requirements are finalized.

The MS4 Permit Program operates under a five year renewable cycle and is intended by Federal Rules to be a continuous improvement program with the first 5-year Permit focusing on "*program development*". The last MS4 General Permit by the MPCA was issued in June 2006

and was set to expire on May 31, 2011. However, the USEPA/MPCA has not yet fully established the next 5-year program requirements. It is the MPCA's intent to have the final requirements in place by September or October 2012. The focus of these new requirements is stated to be "*measuring implementation*". Once in place, it will be an expectation that all 235 Minnesota MS4's (including Lake Elmo) prepare a new 5-year Storm Water Pollution Prevention Program (SWPPP). This will likely be a significant work effort for the City. We anticipate an all new Permit format developed by the USEPA along with several new requirements and a new implementation focus.

In addition to the new MS4 Permit, the Minnesota State Legislature has also become involved in storm water management. In 2009, legislation was passed to require the MPCA to develop a detailed inventory of all storm water ponds in Minnesota. This requirement will be passed on to local MS4 governments in the new Permit. These laws were enacted as a result of the coal tar-based sealants often found in storm water pond sediments. The schedule for the pond inventory requirements will be based on the issuance date of the next MS4 General Permit, expected in September or October, 2012.

Finally, staff continues to monitor progress and potential impacts to Lake Elmo from seven (7) different TMDL studies; the Lake St. Croix TMDL, Brown's Creek TMDL part 1, Brown's Creek TMDL part 2, Lake Pepin TMDL, Mississippi River TMDL, Sunfish Lake TMDL, and Unnamed Creek (Armstrong to Wilmes) TMDL. Once these studies are finalized, the City will be required to revise its SWPPP to address waste load allocations established by each study for the City of Lake Elmo.

**2011 MS4 REPORT HIGHLIGHTS:** The City's annual implementation of its Storm Water Pollution Prevention Program (SWPPP) addresses all permit requirements through six minimum control measures as outlined below.

*MCM 1 and 2: Public Education & Outreach, Public Involvement & Participation:* The City continues to be a member of the East Metro Water Resource Education Program (EMWREP), which continues to be a high value, low cost solution to address many of the educational and public outreach requirements of the City's permit program. More specifically, the EMWREP partnership covers the majority of Minimum Control Measures 1 and 2 (Public Education, Outreach, Involvement, and Participation). A copy of the EMWREP Annual Report has been included as attachment No. 2 in this report. Lake Elmo Staff has also created educational materials for the public on storm water best management practices (available at City Hall, in City Newsletters, or on the City's website).

*MCM 3: Illicit Discharge Detection and Elimination:* City Staff has completed an Illicit Discharge and Connection Ordinance. Approval was received from the Lake Elmo Planning Commission on May 14, 2012. The City Council will consider adoption of this ordinance at the June 5, 2012 City Council Meeting.

As part of the MS4 Outfall Inspections, Public Works staff inspected potential contamination sites within the City (mining sites, sites with large stockpiles, etc.). A complete list of potential contamination sites to be inspected annually is being developed by Public Works.

*MCM 4: Construction Site Storm Water Controls:* Enforcement of building and construction site erosion control continues to be a high priority to bring builders/contractors into compliance through check lists and enforcement guidelines. This past year, there were 9 violations cited to builders for non-compliance to the City's Erosion and Sediment Control Ordinance.

*MCM 5: Post-Construction Storm Water Management for development and redevelopment:* Planning and engineering staff continue to develop and implement storm water BMP design standards to address storm water quality improvements for projects, redevelopment and development activities throughout the City.

As part of this initiative, new rain gardens are constructed each year along with the City's street improvement program. Twelve (12) rain gardens were constructed in 2011 with approximately 16 rain gardens being planned in 2012. As part of the project design, staff looks for opportunities to address storm water quality issues in sensitive high priority areas.

Additional storm water management initiatives are implemented as the opportunities arise. For example, two rain gardens were identified and designed along Kindred Court to assist in correcting an existing drainage issue, and as staff reviews Building Permits, applications are consistently reviewed for adherence to maximum allowed impervious surface areas. In OP Districts, engineered rain gardens and pervious pavements are installed by applicants requesting an additional 5% of impervious surface.

*MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations:* The Public Works Department completed inspection of a minimum of 20% of the MS4 Outfalls again this spring. They completed inspections in the southwest quadrant of the City. Inspections and follow-up maintenance prioritization lists were developed and are available upon request at the Public Works Building. Public Works also keeps a list of all the storm water maintenance activities completed throughout the year (structure repair, street sweeping, ditch cleanout, BMP maintenance, and drainage issues, etc.). A storm water system Capital Improvement Program is being developed by Public Works from the inspections and maintenance program, allowing Public Works to better identify annual budget requirements going forward.

**RECOMMENDATION:** Based upon the above staff report, the City Council is respectfully requested to consider accepting the MS4 Annual Report for 2011, and authorizing staff to submit this report to the MPCA by June 30, 2012. The recommended motion for this action is as follows:

***“Move to accept the Municipal Separate Storm Sewer System (MS4) Annual Report for 2011, and authorize staff to submit this report to the MPCA by June 30, 2012.”***

**ATTACHMENTS:**

1. Notice of MS4 Annual Public Meeting
2. 2011 MS4 Annual Report
3. EMWREP Annual Report

**CITY OF LAKE ELMO**  
**NOTICE OF ANNUAL PUBLIC MEETING**  
**ON THE CITY STORM WATER POLLUTION PREVENTION PROGRAM**

Notice is hereby given that the City Council of Lake Elmo will meet at City Hall at 7:00 p.m. on Tuesday, June 5, 2012, to conduct a public meeting to encourage public discussion and participation regarding its storm water quality and Storm Water Pollution Prevention Program.

A 1987 Amendment to the Federal Clean Water Act required implementation of a two-phase comprehensive national program to reduce pollution from storm water runoff. A National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency (MPCA) is required as part of this program. The permit identifies a number of measures that must be met or implemented by each community. The six minimum measures are:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Controls
- Post-Construction Storm Water Management for development and redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

The City's Storm Water Pollution Prevention Program (SWPPP) specifies best management practices intended to satisfy the permit requirements for each of the minimum measures. As part of this program, the City is required to hold an annual meeting to encourage public discussion and participation regarding its storm water quality and steps it is taking to address the six minimum control measures. A copy of the SWPPP is available on the City website or by contacting the City Engineer. An annual report will be submitted to the MPCA in June 2012. The minutes of the annual public meeting will be incorporated into the City's annual report.

The meeting will be held as part of the regular city council meeting at City Hall. The agenda for this meeting will include:

- 1) A Presentation about implementation of the City's Surface Water Pollution Prevention Program in 2011,
- 2) Affording interested persons the opportunity to make oral statements concerning the Storm Water Pollution Prevention Program,
- 3) Consideration of relevant written materials that interested persons submit concerning the Storm Water Pollution Prevention Program; and,
- 4) Consideration of public input in making adjustments to the 2012 implementation plan for the Storm Water Pollution Prevention Program.

**DATED:** May 5, 2012

**BY ORDER OF THE LAKE ELMO CITY CLERK**  
**Sandie Thone, City Clerk**

*(Published in the Oakdale-Lake Elmo Review on May 23, 2012)*





**Minnesota Pollution  
Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

# MS4 Annual Report for 2011

## Municipal Separate Storm Sewer Systems (MS4s)

Reporting period January 1, 2011 to December 31, 2011

Due June 30, 2012

*Doc Type: Permitting Annual Report*

**Instructions:** By completing this mandatory MS4 Annual Report form, you are providing the Minnesota Pollution Control Agency (MPCA) with a summary of your status of compliance with permit conditions, including an assessment of the appropriateness of your identified best management practices (BMPs) and progress towards achieving your identified measurable goals for each of the minimum control measures as required by the MS4 Permit. If a permittee determines that program status or compliance with the permit can not be adequately reflected within the structure of this form additional explanation and/or information may be referenced in an attachment. This form has significant limitations and provides only a snap shot of MS4 compliance with the conditions in the permit. After reviewing the information, MPCA staff may need to contact the permittee to clarify or seek additional information.

**Submittal:** This MS4 Annual Report must be submitted electronically to the MPCA using the submit button at the end of the form, from the person that is duly authorized to certify this form. All questions with an asterisk (\*) are required fields (these fields also have a red border), and must be completed before the form will send. A confirmation e-mail will be sent in response to electronic submissions.

If you have further questions, please contact one of these MPCA staff members (toll-free 800-657-3864):

- Joyce Cieluch 218-846-8126
- Scott Fox 651-757-2368
- Amy Garcia 651-757-2377

### General Contact Information (\*Required fields)

\*Name of MS4: City of Lake Elmo \*Contact name: Ryan Stempski  
\*Mailing address: 3800 Laverne Avenue N  
\*City: Lake Elmo \*State: MN \*Zip code: 55042  
\*Phone (including area code): 651.233.5410 \*E-mail: ryan.stempski@focusengineering.com

### Minimum Control Measure 1: Public Education and Outreach [V.G.1] (\*Required fields)

- A. The permit requires each permittee to implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and steps that the public can take to reduce pollutants in stormwater runoff. [Part V.G.1.a]

**Note:** Please indicate which of the following distribution methods you used. Indicate the number distributed in the spaces provided (enter "0" if the method was not used or "NA" if the data does not exist):

Media type	Number of media	Number of times published	Circulation/ Audience
<i>Example: Brochures:</i>	<i>3 different brochures</i>	<i>published 5 times</i>	<i>about 10,000</i>
Brochures:	4 different brochures	always available at City Hall	about 7,000
Newsletter:	Lake Elmo Newsletter	published 14 articles	about 7,000
Posters:	0		
Newspaper articles:	Lillie Review	published 52 articles	N/A
Utility bill inserts:	0		
Radio ads:	0		
Television ads:	0		
Cable Access Channel:	0		
Other:			
Other:			
Other:			

- B. \*Do you use a website as a tool to distribute stormwater educational materials? ☒ Yes ☐ No  
What is the URL: www.mnwcd.org/emwrep, www.lakeelmo.org
- C. If you answered yes in question B. above, do you track hits to the website? ☒ Yes ☐ No  
How many hits were to the stormwater webpage: City website = 29 average hits page / month
- D. \*Did you hold stormwater related events, presentations to schools or other such activities? ☒ Yes ☐ No  
If yes, please describe:  
St. Croix Valley Garden Tour - July 16 & 17, Annual Rain Garden Neighborhood Meeting
- E. \*Have specific messages been developed and distributed during this reporting year for Minimum Control Measure (MCM):  
MCM 1: ☒ Yes ☐ No      MCM 4: ☒ Yes ☐ No  
MCM 2: ☒ Yes ☐ No      MCM 5: ☒ Yes ☐ No  
MCM 3: ☒ Yes ☐ No      MCM 6: ☒ Yes ☐ No
- F. \*Have you developed partnerships with other MS4s, watershed districts, local or state governments, educational institutions, etc., to assist you in fulfilling the requirements for MCM 1? ☒ Yes ☐ No
- G. List those entities with which you have partnered to meet the requirements of this MCM and describe the nature of the agreement(s): *(Attach a separate sheet if necessary.)*  
East Metro Water Resource Education Program - Contract to provide education and public outreach  
Washington Conservation District - Assist in rain garden distribution materials
- H. \*Have you developed methods to assess the effectiveness of your public education/outreach program? ☒ Yes ☐ No  
If yes, please describe:  
Number of property owners enrolled in the Annual Rain Garden Program  
Number of hits on the storm water pages of the City website  
Amount of brochures at City Hall taken by residents

## Minimum Control Measure 2: Public Participation/Involvement [V.G.2] (\*Required fields)

- A. \*Did you hold a public meeting to present accomplishments and to discuss your Stormwater Pollution Prevention Program (SWPPP)? [Part V.G.1.e] ☒ Yes ☐ No  
If no, explain:
- B. What was the date of the public meeting (mm/dd/yyyy): 06/07/2011
- C. How many citizens attended specifically for stormwater (excluding board/council members and staff/hired consultants)? 0
- D. Was the public meeting a stand-alone meeting for stormwater or was it combined with some other function (City Council meeting, other public event, etc.)? ☐ Stand-alone ☒ Combined
- E. \*Each permittee must solicit and consider input from the public prior to submittal of the annual report. Did you receive written and/or oral input on your SWPPP? [Part V.G.2.b.1-3] ☐ Yes ☒ No
- F. \*Have you revised your SWPPP in response to written or oral comments received from the public since the last annual reporting cycle? [Part V.G.2.c] ☐ Yes ☒ No  
If yes, describe: *(Attach a separate sheet if necessary.)*

### Minimum Control Measure 3: Illicit Discharge Detection and Elimination [V.G.3] (\*Required fields)

The permit requires permittees to develop, implement, and enforce a program to detect and eliminate illicit discharges as defined in 40 CFR 122.26(b)(2). You must also select and implement a program of appropriate BMPs and measurable goals for this minimum control measure.

- A. \*Did you update your storm sewer system map? ☐ Yes ☒ No  
If yes, please explain which components (ponds, pipes, outfalls, waterbodies, etc.) were updated/added:

**Note:** The storm sewer system map was to be completed by June 30, 2008. [Part V.G.3.a]

- B. \*Have you modified the format in which the map is available? ☐ Yes ☒ No

- C. If yes, indicate the new format:

☐ Hardcopy only ☐ GIS system ☐ CAD ☐ Other system: \_\_\_\_\_

- D. \*Have you established an ordinance or other regulatory mechanism to prohibit illicit discharges and/or non-stormwater discharges from entering the MS4? ☒ Yes ☐ No

**Note:** The permit required the ordinance or other regulatory mechanism to be established by June 30, 2010 [Part V.G.3.b].

- E. If yes, indicate which mechanism you have established: ☒ Ordinance ☐ Regulatory

- F. If you answered yes in question D above, provide the date the ordinance or other regulatory mechanism was adopted (mm/dd/yyyy): 6/5/2012

- G. \*Did you inspect for illicit discharges during the reporting year? ☒ Yes ☐ No

- H. If you answered yes in question G above, did you identify any illicit discharges? ☐ Yes ☒ No

- I. If you answered yes in question H above, how many illicit discharges were detected during the reporting period: \_\_\_\_\_

- J. If you answered yes in question I above, did the illicit discharge result in an enforcement action? ☐ Yes ☐ No

If yes, what type of enforcement action(s) was taken (check all that apply):

☐ Verbal warning ☐ Notice of violation ☐ Fines ☐ Criminal action

☐ Civil penalties ☐ Other (describe): \_\_\_\_\_

### Minimum Control Measure 4: Construction Site Stormwater Runoff [V.G.4] (\*Required fields)

The permit requires that each permittee **develop, implement, and enforce a program** to reduce pollutants in any stormwater runoff to your small MS4 from construction activities within your jurisdiction that result in a land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres. [Part V.G.4.]

- A. The permit requires an erosion and sediment control ordinance or regulatory mechanism that must include sanctions to ensure compliance and contains enforcement mechanisms [Part V.G.4.a]. Indicate which of the following enforcement mechanisms are contained in your ordinance or regulatory mechanism and the number of actions taken for each mechanism used during the reporting period (enter "0" if the method was not used or "NA" if the data does not exist). **Check all that apply.**

Enforcement mechanism	Number of actions
<input checked="" type="checkbox"/> Verbal warnings	# 9
<input checked="" type="checkbox"/> Notice of violation	# 9
<input type="checkbox"/> Administrative orders	#
<input checked="" type="checkbox"/> Stop-work orders	# 0
<input type="checkbox"/> Fines	#
<input checked="" type="checkbox"/> Forfeit of security of bond money	# 0
<input checked="" type="checkbox"/> Withholding of certificate of occupancy	# 0
<input checked="" type="checkbox"/> Criminal actions	# 0
<input checked="" type="checkbox"/> Civil penalties	# 0
<input type="checkbox"/> Other:	#



- B. \*Have you developed written procedures for site inspections? ☒ Yes ☐ No
- C. \*Have you developed written procedures for site enforcement? ☒ Yes ☐ No
- D. \*Identify the number of active construction sites greater than an acre in your jurisdiction during the reporting period year: 2
- E. \*On average, how frequently are construction sites inspected (e.g., weekly, monthly, etc.)? Weekly
- F. \*How many inspectors, at any time, did you have available to verify erosion and sediment control compliance at construction sites during the reporting period: 1

### Minimum Control Measure 5: Post-construction Stormwater Management in New Development and Redevelopment [V.G.5] (\*Required fields)

The permit requires each permittee to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects within your jurisdiction that disturb an area greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or reduce water quality impacts. You must also select and implement a program of appropriate BMPs and measurable goals for this minimum control measure.

**Note:** The MS4 permit requirements associated with this minimum control measure were required to be fully developed and implemented by June 30, 2008.

- A. \*Have you established design standards for stormwater treatment BMPs installed as a result of post-construction requirements? ☒ Yes ☐ No
- B. \*Have you developed procedures for site plan review which incorporate consideration of water quality impacts? ☒ Yes ☐ No
- C. \*How many projects have you reviewed during the reporting period to ensure adequate long-term operation and maintenance of permanent stormwater treatment BMPs installed as a result of post-construction requirements? [Part V.G.5.b. and Part V.G.5.c.] 3
- D. \*Do plan reviewers use a checklist when reviewing plans? ☒ Yes ☐ No
- E. \*How are you funding the long-term operation and maintenance of your stormwater management system? (Check all that apply)
- ☐ Grants ☒ Stormwater utility fee ☐ Taxes ☐ Other: \_\_\_\_\_

### Minimum Control Measure 6: Pollution Prevention/Good Housekeeping for Municipal Operations [V.G.6] (\*Required fields)

The permit requires each MS4 to develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Your program must include employee training to prevent and reduce stormwater pollution from activities, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

- A. \*Indicate the total number of structural pollution control devices (for example-grit chambers, sumps, floatable skimmers, etc.) within your MS4, the total number that were inspected during the reporting period, and calculate the percent inspected. Enter "0" if your MS4 does not contain structural pollution control devices or none were inspected. Enter "NA" if the data does not exist:

	*Total number	*Number inspected	*Percentage
*Structural pollution control devices:	4	4	100

- B. \*Did you repair, replace, or maintain any structural pollution control devices? ☐ Yes ☒ No
- C. \*For each BMP below, indicate the total number within your MS4, how many of each BMP type were inspected and the percent inspected during the reporting period. Enter "0" if your MS4 does not contain BMPs or none were inspected. Enter "NA" if the data does not exist:

Structure/Facility type	*Total number	*Number inspected	*Percentage
*Outfalls to receiving waters:	126	26	21%
*Sediment basins/ponds:	69	14	20%
<b>*Total</b>	<b>195</b>	<b>40</b>	<b>21</b>

- D. Of the BMPs inspected in C. above, did you include any privately owned BMPs in that number? ☐ Yes ☒ No
- E. If yes in D. above, how many: \_\_\_\_\_

## Section 7: Impaired Waters Review (\*Required fields)

The permit requires any MS4 that discharges to a Water of the State, which appears on the current U. S. Environmental Protection Agency (EPA) approved list of impaired waters under Section 303(d) of the Clean Water Act, review whether changes to the SWPPP may be warranted to reduce the impact of your discharge [Part IV.D].

- A. \*Does your MS4 discharge to any waters listed as impaired on the state 303 (d) list? ☒ Yes ☐ No
- B. \*Have you modified your SWPPP in response to an approved Total Maximum Daily Load (TMDL)? ☐ Yes ☒ No

If yes, indicate for which TMDL: \_\_\_\_\_

## Section 8: Additional SWPPP Issues (\*Required fields)

- A. \*Did you make a change to any BMPs or measurable goals in your SWPPP since your last report? [Part V.H.] ☐ Yes ☒ No
- B. If yes, briefly list the BMPs or any measurable goals using their unique SWPPP identification numbers that were modified in your SWPPP, and why they were modified: *(Attach a separate sheet if necessary.)*

- C. \*Did you rely on any other entities (MS4s, consultants, or contractors) to implement any portion of your SWPPP? ☒ Yes ☐ No

If yes, please identify them and list activities they assisted with:

East Metro Water Resource Education Program (EMWREP) - Assisted w / education, meetings, newsletters, newspaper articles, and targeted mailings for MCM 1 & 2.

Washington Conservation District - Assisted w / Rain Garden BMPs

## Owner or Operator Certification (\*Required fields)

The person with overall administrative responsibility for SWPPP implementation and Permit compliance must certify this MS4 Annual Report. This person must be duly authorized and should be either a principal executive (i.e., Director of Public Works, City Administrator) or ranking elected official (i.e., Mayor, Township Supervisor).

- ☒ \*Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete (Minn. R. 7001.0070). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (Minn. R. 7001.0540).

\*Name of certifying official: Dean A. Zuleger

\*Title: Lake Elmo City Administrator

\*Date: \_\_\_\_\_  
(mm/dd/yyyy)

**Submit**



## 2011 Annual Report

**Background:** The East Metro Water Resource Education Program (EMWREP) is a partnership that was formed in 2006 to develop and implement a comprehensive water resource education and outreach program for the east metro area of St. Paul, MN. Current members of EMWREP include Brown's Creek, Carnelian-Marine-St Croix, Comfort-Lake Forest Lake, Rice Creek, Ramsey-Washington Metro, South Washington, and Valley Branch Watershed Districts, Middle St. Croix Watershed Management Organization, the cities of Cottage Grove, Dellwood, Forest Lake, Lake Elmo, Stillwater, and Willernie, West Lakeland Township, Washington County and the Washington Conservation District. The EMWREP region covers all of Washington County as well as the portions of Valley Branch and Comfort Lake - Forest Lake Watershed Districts that stretch into Anoka, Chisago and Ramsey Counties. A map and list of EMWREP partners can be found at [www.mnwcd.org/cleanwater](http://www.mnwcd.org/cleanwater).

**Purpose:** The purpose of the EMWREP partnership is to educate the public and various other target audiences within the EMWREP region about the impacts of non-point source pollution on local lakes, rivers, streams, wetlands and groundwater resources and engage people in projects that will help to protect and improve water quality in the region.

**Partnership Structure:** EMWREP is guided by a steering committee comprised of representatives from each of the 17 partner organizations. The committee generally meets twice a year to provide recommendations on the program budget and activities. The EMWREP educator sends a quarterly e-newsletter to all partners' staff, council members and board members, and communicates one-on-one with individual partners on projects throughout the year. The EMWREP education plan is revised every two to three years to accommodate changing priorities and new target audiences. In addition, the EMWREP educator prepares an annual report on program activities and provides outreach data and statistics for partners' MS4 Permit reports. All EMWREP reports, plans, print materials and news articles are available on-line at [www.mnwcd.org/emwrep](http://www.mnwcd.org/emwrep).

## **Summary of 2011 EMWREP Education Programs:**

A map of EMWREP priority areas for 2011 is included at the end of this report.

**General Education Campaign:** EMWREP engages in a number of activities aimed at increasing awareness of water resource issues, promoting a conservation ethic among local residents, and catalyzing behavior change. Many of these activities are accomplished in partnership with existing government, non-profit, and community based groups, as well through local media outlets. The general education campaign is also used to promote targeted outreach efforts and partner BMP programs.

Outreach activities in 2011 included community events, student programs, mailings, newspaper columns, press releases, city newsletter articles, websites and social media. EMWREP also took part in the WaterShed Partners Clean Water Minnesota media campaign and launched the “Save the Fish” marketing campaign.

**Blue Thumb Program:** The Blue Thumb – Planting for Clean Water® program ([www.BlueThumb.org](http://www.BlueThumb.org)) is a dynamic coalition of more than 85 partner organizations working together to raise awareness about stormwater pollution and encourage homeowners to plant native gardens, raingardens and shoreline projects to protect surface and groundwater resources.

EMWREP uses Blue Thumb to promote partner BMP programs. This outreach is a critical component of an adaptive ecosystem management approach that connects outreach with project implementation and water monitoring. During 2011, EMWREP hosted Blue Thumb workshops in North St. Paul, Scandia, Stillwater and Woodbury, in addition to giving presentations in many other communities in the area, and participated in several local events, including the Family Means St. Croix Valley Garden Tour and the Phipps Artful Raingardens Project. Additionally, Blue Thumb partners had prominent exhibit space in the Eco Experience at the Minnesota State Fair. Outreach this year has resulted in 128 new projects being initiated within the eight EMWREP partner watersheds.

**Go Wild!:** Go Wild ([www.mnwcd.org/gowild](http://www.mnwcd.org/gowild)) is a new program, still under development, to engage rural property owners. The goal is to leverage public interest in birds and wildlife to engage people in planting and habitat improvement projects in targeted areas that will also reduce erosion and non-point source water pollution.

A key component of this program is collaborative outreach with local non-profits and sportsmen groups such as Ducks Unlimited, Pheasants Forever and Audubon Minnesota. EMWREP hopes to support the outreach conducted by these groups, to help connect landowners with additional resources available through EMWREP partners, and to encourage projects that protect water as well as improving wildlife habitat.

In 2011, EMWREP completed preliminary audience research, hosted a bird habitat workshop in central Washington County, and participated in the Hugo Feed Mill Open House and MN Outdoor Youth Expo coordinated by the Wild Wings Hunt Club in Hugo. We also used city newsletters and websites to begin promoting services for rural landowners.

**Blue Biz:** The Blue Biz program consists of a website ([www.cleanwaterMN.org/businesses](http://www.cleanwaterMN.org/businesses)) and outreach materials that partners can use to engage commercial property owners in BMP projects. The EMWREP educator also works with partners to target specific property owners as needed.

In 2011, two commercial entities identified in South Washington Watershed District's Hwy 61 subwatershed assessment - Target and the school district's service center – initiated infiltration projects. Plans are underway to work with two businesses in Stillwater in 2012 as well.

**Stormwater U:** Stormwater U is a technical training series for municipal staff and contractors, including engineers, planners, inspectors and public works. Stormwater U workshops are hosted in collaboration with University of Minnesota Extension and the Minnesota Erosion Control Certification Program.

This year, EMWREP collaborated on a Turf Management workshop and three raingarden design and installation courses for contractors during the spring, as well as two erosion control seminars during the summer. Presentations were also given at Woodbury and Washington County Public Works trainings.

**NEMO:** The Northland NEMO program (Non-point Education for Municipal Officials - [www.northlandnemo.org](http://www.northlandnemo.org)) provides local elected officials and decision makers with resources and information to make informed decisions about land use and water quality in their communities. Northland NEMO is hosted by the University of Minnesota Extension and EMWREP is one of more than a dozen partner organizations. Program offerings include several basic presentations, as well as the interactive Watershed Game.

During the spring of 2011, EMWREP conducted a focus group session with local communities as part of the St. Croix Basin Minimal Impact Design Standards (MIDS) grant project and gave presentations to the West Lakeland Planning Commission and the Cottage Grove Environmental Planning Commission. EMWREP also helped to organize the third annual Workshop on the St. Croix River, which was attended by nearly 100 local decision makers.

**MS4 Toolkit:** EMWREP developed the MS4 Toolkit ([www.cleanwatermn.org/MS4toolkit](http://www.cleanwatermn.org/MS4toolkit)) with a grant from the Minnesota Pollution Control Agency. The toolkit includes educational materials that partners can use to meet the six minimum control measures in the MS4 permit, such as brochures, posters, slide shows, training videos and more. In addition to the on-line materials, training videos for parks and public works staff and pop-up banners for community events are available partners to borrow. EMWREP continues to provide basic website maintenance for the MS4 toolkit and to occasionally add new materials to the kit as they are developed.

**MS4 STORMWATER POLLUTION PREVENTION PROGRAM**  
**Correlating Minimum Control Measures with EMWREP Programs and Audiences**

**1. Public Education and Outreach**

- General Education Campaign (general public)
- Blue Thumb (homeowners)
- Go Wild! (rural landowners)
- Blue Biz (commercial property owners)

**2. Public Participation**

- General Education Campaign
- Blue Thumb
- Go Wild!
- Blue Biz

**3. Illicit Discharge Detection and Elimination**

- General Education Campaign
- MS4 Toolkit (multiple audiences)

**4. Construction Site Storm Water Runoff Control**

- Stormwater U (municipal staff and contractors)
- MS4 Toolkit

**5. Post Construction Storm Water Management**

- Stormwater U
- NEMO (local elected officials and decision makers)
- Blue Biz
- MS4 Toolkit

**6. Pollution Prevention and Good Housekeeping in Municipal Operations**

- Stormwater U
- MS4 Toolkit



## **2011 Program Activities and Highlights**

**Public Education:** General public education and outreach activities in 2011 included community events, student programs, mailings, newspaper columns, press releases, city newsletter articles, websites and social media. EMWREP also took part in the WaterShed Partners Clean Water Minnesota media campaign and launched the “Save the Fish” marketing campaign.

Save the Fish: This summer, EMWREP worked with the St. Croix River Association and Lift Bridge Brewery to create the “Save the Fish” campaign. JJ Taylor Companies



distributed 100,000 drink coasters to bars and restaurants in the St. Croix Valley between June and July. Coasters directed people to the newly created [www.stcroix360.com](http://www.stcroix360.com) to sign up for an e-newsletter, be entered to win prizes, and learn about protecting water quality.

Community events: EMWREP reached more than 5000 people at local community events including:

- Power’s Lake Trees workshops, March 1-2 (65)
- Washington County Fair, Aug. 3-7 (5000)
- Cottage Grove Public Works Open House, Sept. 15 (500)
- Newport Community Buckthorn Pull, Oct. 29 (40)



Friends pose as native flowers at the 2011 Washington County Fair.

Student Programs: EMWREP participated in several water education programs during 2011 for K-12 students:

- Da Vinci Festival, Stillwater ISD - Jan. 8 (2500 K-12 students and parents)
- MN Youth Outdoor Expo, Hugo, May 21-22 (50 K-12 students and parents)
- OH Anderson Field Day, Mahtomedi – May 13 (100 3<sup>rd</sup>-5<sup>th</sup> grade students)
- Children’s Water Festival, St. Paul – September 28 (175 5<sup>th</sup> grade students)



Project WET Teacher Training: EMWREP sponsored a teacher training at Valley Creek ELC in June. Twenty-five teachers from South Washington School District attended.

Left: April Rust, MDNR, instructs a group of teachers on watershed science for their classrooms.

Storm Drain Stenciling: On July 18, EMWREP worked with Minnesota Conservation Corps to stencil storm drains in downtown Stillwater.

Targeted Mailings: Postcards and/or letters were sent to 2540 residences during the year to advertise workshops and opportunities, including:

- 2000 homeowners in RWMWD near Battle Creek Lake and Tamarack Swamp
- 300 homeowners in VBWD near Silver Lake
- 180 homeowners in MSCWMO near Lily Lake
- 60 landowners in southern Washington County identified by the Top50P! project

Newspaper articles: The EMWREP educator writes weekly articles (52 per year) for several local papers. These articles can be found on-line at the East Metro Water blog <http://eastmetrowater.arcavoices.com>. In addition, the articles were printed in the following papers:



- Valley Life - 49,000 readers in Stillwater, Bayport, Oak Park Heights, Stillwater Township, Afton, Lakeland, Marine, Hugo, Lake Elmo, Houlton, Somerset and New Richmond.
- Lillie Reviews - 34,392 readers in Oakdale, Lake Elmo, North St. Paul, Maplewood, White Bear Lake, White Bear Township, Gem Lake, Western Mahtomedi, and Landfall. (Articles are occasionally printed in Lillie owned papers outside the EMWREP area as well, reaching another 83,608 readers.)
- South Washington County Bulletin - 8616 readers in Cottage Grove, St. Paul Park, Newport and Grey Cloud.
- Oakdale Patch - on-line newspaper with 6700 monthly readers, 312 facebook followers and 270 Twitter followers
- Stillwater Patch - on-line newspaper with 6434 monthly readers, 613 facebook followers and 302 Twitter followers
- Woodbury Patch - on-line newspaper with 8243 monthly readers, 813 facebook followers and 393 Twitter followers

Press releases: Several other papers print press releases and news articles from EMWREP one to five times per year, including:

- Hugo Citizen - 10,000 readers
- Forest Lake Times - 13,029 readers
- Scandia Messenger - 1075 readers
- Woodbury Bulletin - 7811 readers
- Pioneer Press - 185,736 weekday readers



City newsletter articles: Information about water resources and EMWREP partner activities reached more than 175,000 people through community newsletters in 2011:

- Afton (pop. 2800)
  - March – Go Wild! Program; WCD Tree Sale; Septics and flooding info; Bird Workshop
  - April – Rain barrel sale; Buckthorn grants
  - June – Artful Raingardens; St. Croix River Paddle
  - July – St. Croix Garden Tour; St. Croix Paddle; Artful Raingardens; Save the Fish
  - Sept. – Native plant sales
  - Oct. – Fall leaf raking
- Bayport (pop. 3200)
  - March – Green Streets grant project
- Baytown (pop. 1970) - “Baytown Neighbors” goes to 140 households)
  - May – Well water testing
- Cottage Grove (pop. 34,000)
  - April – Blue Star Award
  - July – Car washing
  - Aug. – Phosphorus in the Mississippi River
- Lake Elmo (pop. 7647)
  - April – WCD tree and rain barrel sale; septic systems
  - Sept. – Blue Star Award; Stormwater pollution prevention
- Lake St. Croix Beach (pop. 1051)
  - March – Go Wild!
  - April – Axdahl’s Raingarden workshop; pesticide use
  - July – Lawn care
- Lakeland (pop. 1830)
  - March – Go Wild!
  - May – Phosphorus and St. Croix
  - July – Summer calendar of water events
  - Aug – Save the Fish
  - Sept – Fall native plant sales
- Mahtomedi (pop. 8000)
  - April – June – Axdahl’s Raingarden Workshop
  - July – Sept – Stormwater pollution
  - Oct – Dec – Rake for Lakes Sake
- Newport (pop. 3715)
  - Spring – Stormwater pollution prevention
- Oak Parks Heights (pop. 4724)
  - Second quarter – Axdahl’s Raingarden Workshop
  - Third quarter – Calendar of summer water events; Groundwater protection
- Oakdale (pop. 27,300)
  - Sept – Nov. – Fall yard care

- Stillwater (pop. 18,000)
  - Spring – Axdahl’s raingarden workshop
- West Lakeland (pop. 3547)
  - March – Go Wild!; Blue thumb spring events
- Woodbury (pop. 57,345)
  - Feb – Blue Thumb workshop
  - Aug – Native plant sale
  - Oct. – Fall yard care



**Websites and Social Media:** EMWREP uses several websites to provide information and resources for the public and also uses social media, such as facebook, twitter and the East Metro Water blog to reach people in the community:

- Between Jan. 1 and Nov. 1, 2011, the Washington Conservation District website ([www.mnwcd.org](http://www.mnwcd.org)) received 10,118 visits from 4,832 visitors. EMWREP programs and partners are featured on several pages within the website, including [www.mnwcd.org/cleanwater](http://www.mnwcd.org/cleanwater), [www.mnwcd.org/emwrep](http://www.mnwcd.org/emwrep), [www.mnwcd.org/gowild](http://www.mnwcd.org/gowild) and [www.mnwcd.org/water\\_blue\\_thumb](http://www.mnwcd.org/water_blue_thumb). WCD has 74 followers on facebook.
- The Blue Thumb website ([www.BlueThumb.org](http://www.BlueThumb.org)) received 24,873 visits from 17,926 visitors. Blue Thumb has 526 friends on facebook.
- The Clean Water Minnesota website ([www.cleanwatermn.org](http://www.cleanwatermn.org)) received 3661 visits from 2880 visitors.
- The East Metro Water Blog ([www.eastmetrowater.areavoices.com](http://www.eastmetrowater.areavoices.com)) averages 92 readers per week.

**Clean Water Minnesota Media Campaign:** EMWREP is one of 65 partners in the WaterShed Partners, an innovative, dynamic coalition of public, private and non-profit organizations in the Twin Cities metro area that work collaboratively to teach residents how to care for area waters. WaterShed Partners coordinate the Clean Water Minnesota Media Campaign, maintain the [www.cleanwatermn.org](http://www.cleanwatermn.org) website and MS4 Toolkit, and have prominent exhibit space in the DNR Building at the Minnesota State Fair.



MINNESOTA WATER  
LET'S KEEP IT CLEAN

2011 Media Campaign activities included Public Service Announcements on television (Cable & Channel 45), at sporting events (MN Twins Radio & St. Paul Saints TV), and on Minnesota Public Radio. During 2011 WaterShed Partners also began developing the new Minnesota Clean Water Challenge, which will help communities to engage their citizens in stormwater pollution prevention efforts such as building raingardens, sweeping up grass clippings, redirecting downspouts and using less fertilizer. The Clean Water Challenge will also provide a way for communities to track and measure the impact of their outreach. Media activities in 2011 generated more than 6 million impressions.



**Blue Thumb:** During 2011, EMWREP hosted Blue Thumb workshops in North St. Paul, Scandia, Stillwater and Woodbury, in addition to giving presentations in many other communities in the area. EMWREP also participated in several local events, including the Family Mean St. Croix Valley Garden Tour and the Phipps Artful Raingardens Project. Additionally, Blue Thumb partners had prominent exhibit space in the Eco Experience at the Minnesota State Fair. Outreach this year has resulted in 128 new projects being initiated.

Workshops, meetings and presentations: In 2011, 375 people attended EMWREP sponsored Blue Thumb workshops, open houses and presentations.

- Presentation (West Lakeland Columbine Garden Club), Feb 17 (15 people)
- Workshop (Silver Lake, North St. Paul), Feb. 28 (13)
- Lily Lake Open House (Stillwater), March 7 (40)
- Workshop (Oakdale & Woodbury), March 8 (43)
- Workshop (Scandia), April 12 (34)
- Presentation (FIS in Woodbury), April 19 (15)
- Env. Sustainability Workshop (Woodbury), April 22 (50)
- Presentation (White Bear Lake Unitarian in Mahtomedi), May 18 (25)
- Presentation (Izaak Walton League in Mahtomedi), May 19 (15)
- Workshop (Axdahl's in Stillwater), May 21 (25)
- Presentation (Heritage Glen HOA in Woodbury), Oct. 18 (50)
- Presentation (Lion's Club in Stillwater), Nov. 1 (50)



Axdahl's Garden Center worked with BCWD to build two raingardens and then hosted a Blue Thumb workshop.

Community Events: EMWREP reached around 300,000 people at local community events and Blue Thumb partner events.

- Master Gardener Spring Fling, March 12 (300)
- Lakes Area Expo (Forest Lake), April 30 (50)
- Master Gardener Plant Sale (Lake Elmo), June 5
- St. Croix Valley Garden Tour (Stillwater and Lake Elmo), July 16-17 (850)
- Artful Raingardens Project, June – July
- Minnesota State Fair, Aug. 25-Sept. 5 (295,000)



Visitors at the State Fair were amazed by the lengths of native plant roots.



The Artful Raingardens Exhibit kicked off with a performance by Heart of the Beast Puppet theater.



The Grabowski home in Lake Elmo (VBWD) was featured on the St. Croix Valley Garden Tour.



The Zemczuk home in Stillwater (BCWD) was also featured on the tour.

**Go Wild!:** During 2011, EMWREP completed preliminary audience research to help develop outreach efforts for rural landowners, hosted a bird habitat workshop in central Washington County, participated in the MN Outdoor Youth Expo and the Hugo Feed Mill Open House and used city newsletters and websites to begin promoting services for rural landowners.

Bird Habitat Workshop: EMWREP collaborated with “Bird Chick” Sharon Stiteler on a workshop at Gander Mountain in Woodbury on March 29. The workshop was geared towards rural landowners with 5-10 acres looking to improve bird habitat.



Sharon Stiteler “Bird Chick” is a well-known author and blogger.

MN Outdoor Youth Expo: Wild Wings Hunt Club in Hugo sponsored the MN Outdoor Youth Expo on May 21-22. EMWREP led a bird habitat scavenger hunt and wildflower hike for the event and used the opportunity to meet representatives from local sportsmen groups.

Hugo Feed Mill Open House: We provided information for horse owners and others at this event on March 7.

Promotions: During 2011, EMWREP began promoting services for rural owners, focusing on projects that improve wildlife habitat and are also good for water quality. Information was posted on the county’s WashNET site from January 28 – February 3. Articles were also published in several city newsletters, and a new page was created on the Conservation District website – [www.mnwcd.org/gowild](http://www.mnwcd.org/gowild).

Next Steps: We plan to organize two workshops for woodland landowners in 2012, as well as a landscaping workshop for people with 3-5 acres and two events for horse owners and boarders.

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**Blue Biz:** In 2011, two commercial entities identified in South Washington Watershed District’s Hwy 61 subwatershed assessment - Target and the school district service center – initiated projects. Two businesses in Stillwater are interested in projects as well.

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**Stormwater U:** This year, EMWREP collaborated on a Turf Management workshop and four rain garden design and installation courses for contractors during the spring, as well as two erosion control seminars during the summer. Presentations were also given at Woodbury and Washington County Public Works trainings.

Turf Management Workshop: This course, offered on February 8, was held in Maplewood in conjunction with the Ramsey – Washington Metro Watershed District. The workshop was geared toward private turf management contractors and covered topics such as mowing, watering, fertilizers and weed control.

- 65 participants attended from companies in the east metro

Raingarden Design and Installation: EMWREP collaborated with Blue Thumb program partners on a series of raingarden workshops for city staff and contractors.

- Workshop 1 – The first workshops focused on design considerations and maintenance of raingardens.
  - 30 Blue Thumb partners attended on Feb 11.
  - 45 independent contractors attended on Feb. 15.
- Workshop 2 – The second workshops were held at the Hedberg indoor training center in Plymouth, allowing participants to practice installing techniques using real equipment and tools.
  - Two sessions were held with around 20 participants at each.



The first set of workshops focused on design principals.



The second workshop allowed hands-on experience.

Erosion Control Field Seminars: On August 9, EMWREP collaborated with the Minnesota Erosion Control Association to hold two outdoor field seminars for city staff and contractors. The sessions began at Cottage Grove Ravine, where participants learned about a project underway to build a new road, bridge and city hall. Part two of the seminar took place at a McDonalds in Woodbury that was under reconstruction. Discussion at this location focused on the constraints of working in a small site. 37 people attended.



City staff and contractors visited an active construction site in Cottage Grove.

Presentations: Woodbury and Washington County requested presentations for their Public Works trainings.

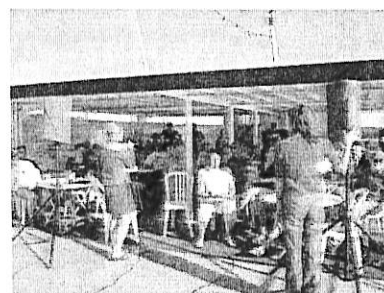
- Woodbury – April 14 – We focused on preventing stormwater pollution during common activities and viewed the Lawn Care video created for the MS4 Toolkit.
- Washington County – Sept. 14 – We talked about Blue Thumb – Planting for Clean Water and encouraged county employees to help promote the program to the public and use it themselves.

**NEMO:** During the spring of 2011, EMWREP conducted a focus group session with local communities as part of the St. Croix Basin Minimal Impact Design Standards (MIDS) grant project and gave presentations to the West Lakeland Planning Commission and the Cottage Grove Environmental Planning Commission. EMWREP also helped to organize the third annual Workshop on the St. Croix River, which was attended by nearly 100 local decision makers.

MIDS Focus Group: A focus group session was held on April 27 with representatives from eight local communities in Washington County. The goal of the session was to learn what support the cities need to implement the St. Croix TMDL plan and to identify training needs as well. Some of the findings included:

- Local cities are already taking many steps to reduce phosphorus.
- Public education plays an important role in helping cities to reduce phosphorus.
- Communities in Washington County are very different and face very different challenges in reducing phosphorus.
- Agriculture is a big part of the problem that cities don't have control over.
- Cities need to lead by example.
- Funding is a major barrier to meeting the TMDL goal. Other barriers included:
  - Lack of public support
  - Lack of support from public works staff.
  - Stormwater regulations only apply to MS4 communities.
  - Staffing
  - Lack of participation from agricultural producers in the area.
- With more funding, cities would:
  - Do more public education.
  - Build demonstration and CIP (capitol improvement projects)
  - Establish stronger ordinances and enforcement
- Cities have support from their public officials to implement stormwater management activities but not funding.
- Most cities have amended their ordinances to meet new watershed requirements.
- Cities desire support from the WCD and watersheds to:
  - Work with agricultural producers in the area.
  - Meet MS4 permit requirements.
  - Conduct special workshops or presentations at regularly scheduled council meetings.
  - Provide materials and support for public education.

Workshop on the St. Croix River: 85 local officials and 25 staff attended the third annual workshop on the water held on June 29. During the workshop, participants learned about aquatic and terrestrial invasive species, Lakeland's new vegetation management ordinance, techniques for public education, funding opportunities and the MIDS pilot project. People who attended reported that they learned a lot and value these regional workshops.



Amy Carolan and Jenny Shillcox discussed Lakeland's new ordinance.



Presentations: West Lakeland and Cottage Grove requested presentations for their planning commission and environmental planning commission in the spring. Both talks focused on activities underway in the region to protect and restore water resources, as well as action that the communities can take leadership on.

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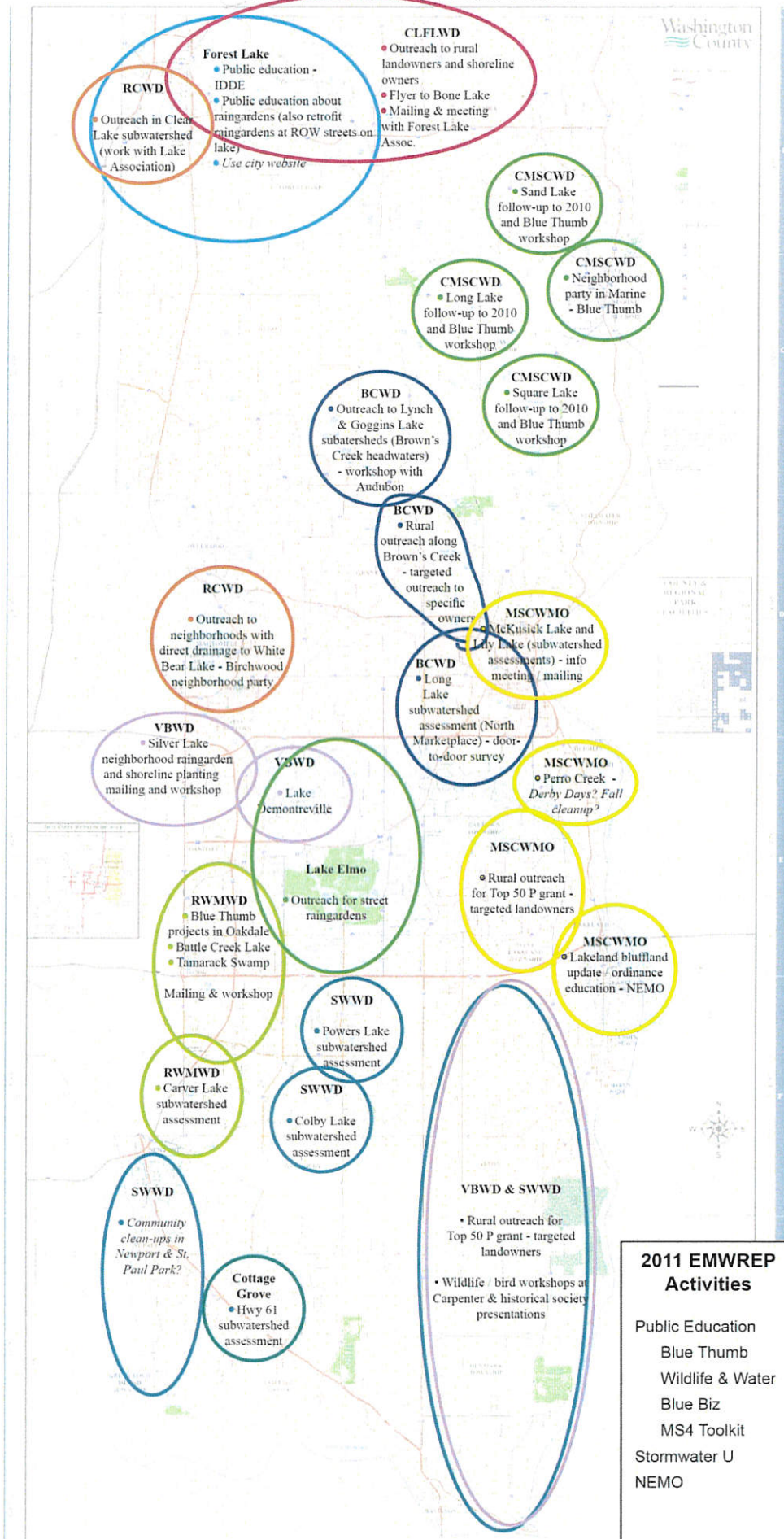
**MS4 Toolkit:** In 2011, EMWREP continued to use materials from the MS4 Education Toolkit for education and outreach to a variety of audiences about non-point source water pollution.





# WVREP Outreach Priorities for 2011

Washington County





MAYOR AND COUNCIL COMMUNICATION

DATE: 6/5/2012

**REGULAR**

ITEM #: 14

**MOTION**

**AGENDA ITEM:** Cedar Pet Clinic Parking Authorization

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



**THROUGH:** Sandie Thone, City Clerk

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

**SUMMARY AND ACTION REQUESTED:**

The Cedar Pet Clinic, 11051 Stillwater Blvd. N., is requesting to expand their parking lot, utilizing an allowance for 6 additional parking stalls set forth in the "proof of parking" item of their conditional use permit. This allowance is found in condition #7 of Resolution 2006-084, authorizing the conditional use permit.

**BACKGROUND INFORMATION:**

At the time of the approval of the Cedar Pet Clinic on August 15<sup>th</sup>, 2006, a condition to provide 6 "proof of parking" stalls was attached to the conditional use permit. These stalls were intended to provide additional parking in the instance of increased traffic and business growth. The Cedar Pat Clinic has noted in the attached letter that their business has since grown, causing more congestions in the parking lot and a need for additional parking stalls. They wish to utilize the 6 "proof of parking" stalls to expand their parking lot.

**STAFF REPORT:**

The Cedar Pet Clinic has submitted a site plan detailing their plans to expand the parking lot at their facility. This plan shows the addition of 2 compact parking stalls, as well as 4 full size parking stalls. The sizes of these parking stalls comply with the applicable provisions of the City Code. These additional parking stalls will be installed on the Western and Southwestern portion of the existing parking lot.

It is important to note the current design of the parking lot is not the same as the original site plan that was approved as part of the original conditional use permit. The original site plan is attached and details the original design of the parking. However, the new design does not

increase the amount of impervious surface beyond the original design, and Staff feels that the design does not conflict with the original intent of Resolution 2006-084.

**RECOMMENDATION:**

Staff is recommending the approval of the request to expand the Cedar Pet Clinic parking lot, utilizing the 6 "proof of parking" stalls as determined by Resolution 2006-084. Given the fact that the new design does not add additional impervious surface to the site, Staff feels comfortable that the new design is consistent with the intent of the conditions attached to the conditional use permit.

**ATTACHMENTS:**

1. Resolution 2008-084
2. Letter requesting the expansion of the parking lot at Cedar Pet Clinic.
3. Cedar Pet Clinic site plan
4. Cedar Pet Clinic construction proposal
5. Original Cedar Pet Clinic site plan (8-18-06)

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-084

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT/SITE PLAN  
AT 11051 STILLWATER BOULEVARD NORTH  
TO LOCATE A VETERINARY CLINIC

WHEREAS, Dr. John Baillie and Gary Harty have requested a Conditional Use Permit at 11051 Stillwater Boulevard North to locate a Veterinary Clinic in the General Business Zone.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on August 14, 2006, and reviewed and recommended approval of the Conditional Use Permit/Site Plan for a Veterinary Clinic based on the following findings:

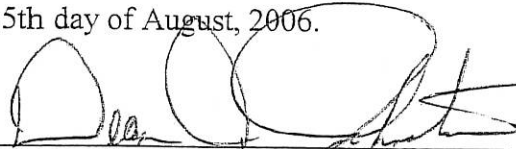
1. A Conditional Use Permit for a veterinary clinic in the General Business Zone is allowable per Section 300.07, Subdivision 4H1e of the Zoning Ordinance.
2. The required general Findings for a Conditional Use Permit specified by Section 300.06, Subdivision 4 of the Zoning Ordinance can be made in the affirmative, subject to several conditions related to the operations of the veterinary clinic.
3. The Section 520 Site Plan for parking and drive modifications to the site generally complies with applicable provisions of the City Code.

NOW, THEREFORE, BE IT RESOLVED, by the Lake Elmo City Council hereby approves a Conditional Use Permit/Site Plan at 11051 Stillwater Boulevard North to locate a veterinary clinic, based on the Findings and subject to the following conditions:


1. Barking dog complaints shall be reviewed by the City Council and may be the basis for revocation of this CUP if such conduct creates a nuisance to adjoining property – as determined by the City Council.
2. Site modifications shall be consistent with the Section 520 Site Plan staff dated August 9, 2006 as may be modified by the conditions of the Site Plan approval resolution.
3. The septic system for the subject property shall be in compliance with City regulations and shall be determined to be in compliance by the Building Official prior to occupancy responsive to this CUP.
4. There shall be no outside kennels or animal runs.

5. All disposals of animal parts and waste shall be in compliance with applicable State, County, and City laws.
6. Specific veterinary practices permitted by this CUP shall be limited to veterinary medicine, surgery, dentistry, and related service for small domestic and non-domestic household pets.
7. The Site Plan shall be modified to convert at least six proposed off-street parking space to "Proof of Parking to be constructed only if directed by the City. All existing parking area located within the Highway 5 right-of-way shall be removed, including any impervious surfacing related to such parking.
8. Compliance with any recommendations of the City Engineer and City Attorney.
9. Upon occupancy of this site as a veterinary clinic the Conditional Use Permit for a veterinary clinic issued to John N. Baillie at 3417 Lake Elmo Avenue (Resolution 97-54) shall expire and become null and void.

ADOPTED by the City Council this 15th day of August, 2006.

  
\_\_\_\_\_  
Dean A. Johnson Mayor

ATTEST:

  
\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Baillie/Harty

# CEDAR PET CLINIC LAKE ELMO



11051 Stillwater Boulevard (Hwy 5)  
Lake Elmo, MN 55042  
Ph. 651-770-3250

5/29/2012

City of Lake Elmo Council  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Council:

We are writing to ask you to let us take advantage of the clause in Resolution No. 2006-084 which would allow us to expand our parking lot.

Our business has grown, and the expansion will add 6 needed spots.

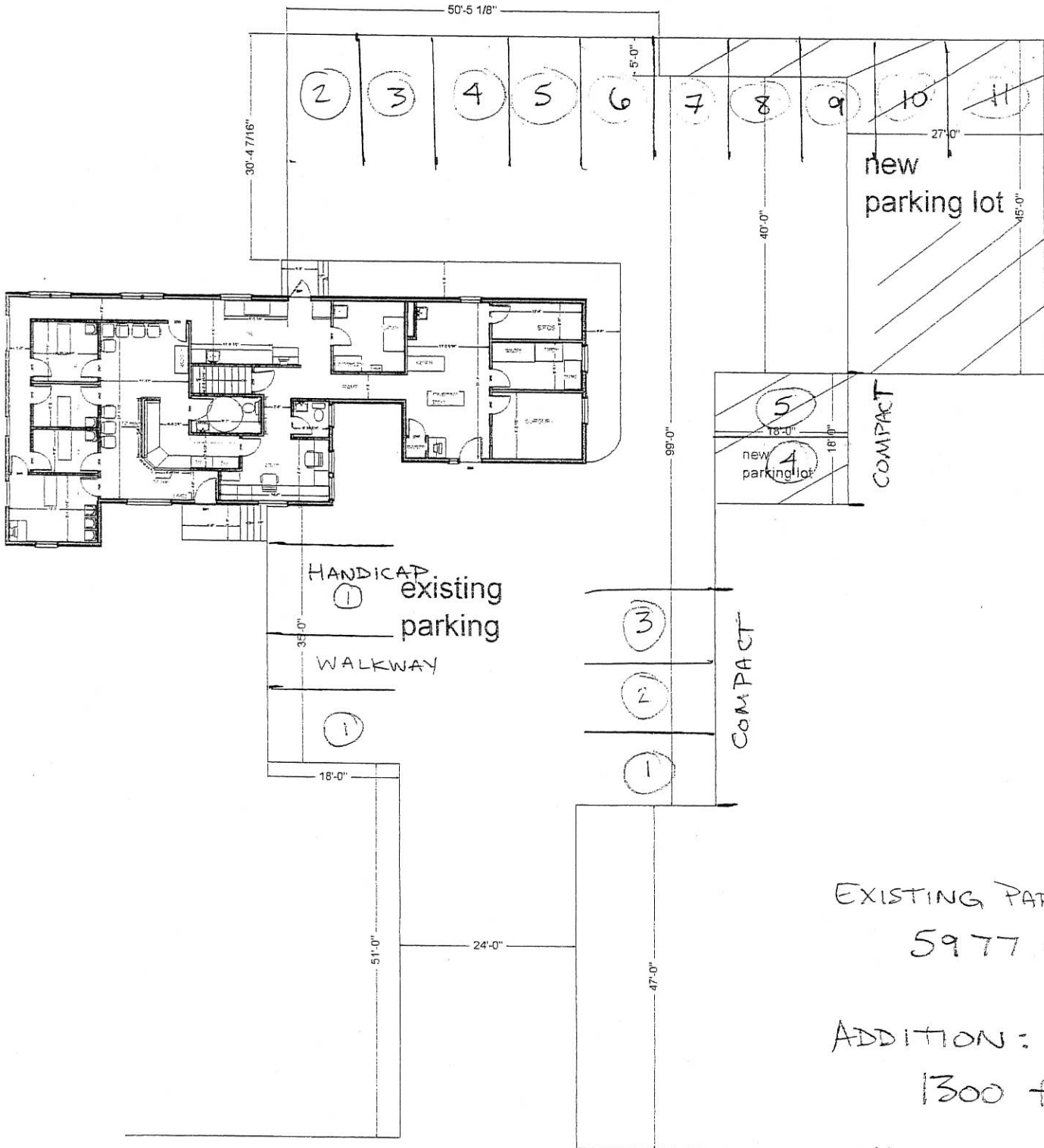
Thank you so much for your help.

Sincerely,

John W. Baillie  
651-770-3250



Extraordinary Care for Your Extraordinary Pet  
[www.cedarpetclinic.com](http://www.cedarpetclinic.com)



EXISTING PARKING LOT:  
5977 #2

ADDITION:  
1300 #2

HANDICAP:

①

COMPACT:

⑤

STANDARD:

⑪



# Proposal

mfa.2um@comcast.net



Dr Baillie

7280 Dickman Trail  
Inver Grove Heights • Minnesota 55076  
Ph. (651) 450-1237 • Fx. (651) 450-9057

Mila Falbaum

6126003738-adj

PROPOSAL SUBMITTED TO Cedar Pet Clinic	PHONE (651) 770-3250	DATE 5/14/2012
STREET 11051 Stillwater BLVD	JOB NAME	
CITY, STATE AND ZIP CODE Lake Elmo MN 55042	JOB LOCATION	
	JOB PHONE 1999	

- Additions to the existing lot

Seal Coat the existing lot

- Remove existing grass and dirt

Prep lot as needed

- Saw cut the edge of the old lot

Apply commercial grade asphalt emulsion seal coat

- Excavate up to 6 1/2" deep

Total = \$ 650.00

- Add class 5 as needed to ensure 4" of base

- Surface with 2 1/2" of asphalt pavement

\*\*\* 2 1/2" after compaction

Crack filling

- Use MNDOT 2342A materials

Clean cracks free of dirt and debris  
fill with hot pour filler

Total = \$ 4,940.00

Total = \$ 200.00

- Patch at entrance to lot 6X24

Strip lot

- Saw cut around existing patch

Restrip existing lot and new

- Remove existing asphalt

Total = \$ 250.00

- Add class 5 as needed

- Surface with 2 1/2" of asphalt pavement

Total = \$ 500.00

Cost of the permit will be added to the total

If needed

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of: \$ 6,540.00  
Payment due upon completion of job or receipt of statement. A charge of 1 1/2 % per month will be made on all past due balances.  
This charge applies to all accounts 30 days past due.

## CONTRACTORS PRE LIEN NOTICE TO OWNER

"(A) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.

(B) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE."

Authorized  
Signature

Note: This proposal may be withdrawn by us if not accepted

within 60 days.

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

Date of Acceptance \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

HWY  
5

REMOVE  
EXC. ASPHALT

REMOVE  
EXC. ASPHALT

R.O.W.

3

3

4

4

ASPHALT  
TO  
REMAIN  
2

2

H1

15

14

15'

HOUSE

5

6

7

8

13

9

10

11

12

1-11 NOW

11-15 P.O.P.  
(FUTURE)

SPACES (B)

8/18/06