

*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, October 2, 2012 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 September 11, 2012 City Council Minutes
 - 2) Accept September 18, 2012 City Council Minutes
- G. PUBLIC COMMENTS/INQUIRIES**
- H. PRESENTATIONS**
 - a) Utility Infrastructure Financial Plan – Tammy Omdahl
 - b) Quality Star Recognition – Jaycees
 - c) Quality Star Recognition – Rock Point Church
- I. 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 2012-49 Designating Data Practice Officials and Approving City's Data Practices Policy
- 5) Resolution 2012-50 Approving Tax Forfeited Parcels for Public Auction
- 6) 2012 Seal Coat Project – Pay Request No. 1 (Final)
- 7) I94 Corridor East Gravity Sewer – Approve Engineering Services to Prepare Revised Easement Exhibit
- 8) Resolution 2012-51 Approving Delinquent Storm Water Assessments
- 9) Resolution 2012-48 Approving Joint Powers Agreement for Building Services Pool
- 10) Demontreville Park Purchase of Benches and Foul Line Fence

J. **REGULAR AGENDA**

- 11) Keats Avenue North MSA Street and Trunk Watermain Improvement Public Hearing and Resolution 2012-42 Ordering Improvements and Preparation of Plans and Specifications
- 12) Approve Ordinance 2012-63 Amending City Code Section 150.250 Pertaining to Shoreland Standards

K. **NEW BUSINESS**

Discussion Only Item: Sale of Interim Library/Art Center Building

L. **SUMMARY REPORTS AND ANNOUNCEMENTS**

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

M. Adjourn to ***Closed Session*** per MN State Statute 13D.05 Subd. 3(b) Attorney-Client Privilege regarding the Detachment Appeal

N. ***CLOSED SESSION: DETACHMENT APPEAL***

O. Adjourn

**LAKE ELMO CITY COUNCIL MINUTES
SEPTEMBER 11, 2012**

**CITY OF LAKE ELMO
CITY COUNCIL SPECIAL MEETING MINUTES
SEPTEMBER 11, 2012**

Mayor Johnston called the meeting to order at 7:00 P.M.

PRESENT: Mayor Johnston, Council Members Emmons, and Pearson [Council Member Smith arrived at 7:31 P.M.]

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

ITEM B: City Administrator Zuleger provided an administrative overview of the proposed 2013 Budget. A small discussion was had to remind everyone of the possible need to add or include additional funds for traffic issues. Several other points were highlighted, including the elimination of the use of the internal service funds for backfilling shortfalls, the inclusion of contingency funds, and the proposed paying down of debt to maintain a high bond rating. Mr. Zuleger noted that the staff attempted to provide a true operating cost budget. The proposed budget increases the Levy \$50,342.

ITEM C: GENERAL OPERATING ACCOUNT REVIEW

Finance Director Bendel informed the Council the City anticipates about \$3,000,000 in gross revenue which is a little less than in the past due to a reduction in grant money and other anticipated revenue reductions. There is an anticipation of increased permit revenue coming in.

The 2012 budget was \$2,900,000. The city came in at \$2,950,000. The overage was primarily due to the transfers coming in higher because of paying down the \$200,000 in debt. The 2013 figures are increased by about \$100,000 mostly due to staff additions.

Council Member Pearson and the mayor asked for clarification on the increase in the Fire Department budget. Finance Director Bendel explained that those funds had historically been in the CIP fund and are now in the operating budget. City Administrator Zuleger explained the policy change for the Council.

ITEM D: ENTERPRISE/UTILITY ACCOUNT REVIEW

Finance Director Bendel noted that the funds are cash-flowing, which is vital for future planning. At the end of 2011 the enterprise fund had \$839,000. The staff is projecting \$971,000 in the 2013 budget available for future infrastructure development.

City Administrator Zuleger also explained that this year the staff did not allocate a significant portion of surface water revenue to fund the Finance Department. The realigned expenditures correct past misallocations.

Council Member Emmons sought clarification regarding the status and funding of the Water Fund. Mr. Zuleger clarified that the Water Fund is cash-flowing for the day-to-day operations, but the looming debt service needs to be addressed.

LAKE ELMO CITY COUNCIL MINUTES SEPTEMBER 11, 2012

ITEM E: SPECIAL ACCOUNTS REVIEW

Finance Director Bendel explained that this section is actually the Internal Service funds. The recommendation is to expend the funds currently available, but to not transfer any additional funds into that account.

The "Radio Replacement Fund" currently has about \$72,000. All proposed expenditures will be brought to the Council separately. One item that is needed is a new large format printer for the Planning Department.

The "IT Fund" currently sits at about \$24,000. One expected expenditure will be required upgrading of staff computers.

The "Furniture, Fixtures, & Equipment Fund" were mostly expended performing the renovations to city hall.

A discussion was had with council members, and City Administrator Zuleger explained all large expenditures not laid out in the budget will be brought to the Council for approval instead of using the Internal Service Funds. The difference in the CIP Fund process was distinguished from the standard expenditure submission to the council.

[Council Member smith arrived at 7:31 P.M.]

ITEM F: 2013-2015 CIP REVIEW

Finance Director Bendel and City Administrator Zuleger explained this was a preliminary draft pro forma. Some work items are still outstanding regarding the pro forma. It was noted that it does not include any revenue from 3M litigation. Finance Director Bendel noted that the CIP will not impact the 2013 Budget Levy. It will impact the 2014 Levy and forward.

In response to Council Member Emmons inquiry about the CIP numbers being placeholders until more specific information is brought back to Council, City Administrator Zuleger advised that the Levy motion should include language regarding the pending issues. Mr. Zuleger also pointed out that the council needs to re-hear and re-vote on the Keats Avenue Trunk Water Main. If it did not pass, it would affect the Inwood Avenue Trunk Water Main and booster station and require a redesign, which would have an impact on the figures. Also, there is additional sewer work that needs more investigation in the Legion Avenue/Lake Elmo Avenue area that may affect the calculations. Lastly, it was reiterated that the need for additional fire apparatus will have an impact as well.

Mayor Johnston raised the issue of traffic safety enforcement. City Administrator Zuleger explained the estimated cost of \$70,000-80,000, but noted that further information is still needed, including the enforcement report of the pilot program and discussion with Washington County Sheriff's Office.

Council Member Smith expressed her wish to refrain from traffic enforcement discussions at this time.

**LAKE ELMO CITY COUNCIL MINUTES
SEPTEMBER 11, 2012**

A discussion was had between council and staff regarding once the levy is set, it can be reduced, but it cannot be increased. The need for additional staff was discussed. All members agreed that more information regarding the traffic issue is needed before a final decision on funding a solution can be made.

ITEM G: PUBLIC COMMENTS/INQUIRIES:

No public comments.

ITEM H: ADOPTION OF PROPOSED LEVY

MOTION: COUNCIL MEMBER SMITH MOVED TO ADOPT THE RECOMMENDED BUDGET LEVY OF \$3,163,359 REFLECTING AN INCREASE \$50,342. MOTION SECONDED BY COUNCIL MEMBER PEARSON.

*MAYOR JOHNSTON MOVED TO AMEND THE MOTION BY ADDING AN ADDITIONAL \$70,000 PLACEHOLDER FOR TRAFFIC ENFORCEMENT OR ANY OTHER NEED WITH THE OPTION TO REMOVE IT. MOTION SECONDED BY COUNCIL MEMBER PEARSON. **MOTION CARRIED 4-0.***

*AMENDED MOTION: ADOPT THE AMENDED BUDGET LEVY OF \$3,233,359, REFLECTING AN INCREASE \$120,342. **MOTION CARRIED 4-0.***

ITEM I: DESIGNATION OF DATE AND TIME OF PUBLIC HEARING

The staff recommends the date and time of December 4, 2012, during the regular City Council meeting at 7:00 P.M. for the 2013 budget public hearing.

MOTION: COUNCIL MEMBER SMITH MOVED TO DESIGNATE THE DATE AND TIME OF THE 2013 BUDGET PUBLIC HEARING AS DECEMBER 4, 2012 AT 7:00 P.M. MOTION SECONDED BY MAYOR JOHNSTON. **MOTION CARRIED 4-0.**

Council members held a very brief discussion regarding the future of the Arts Center. It was agreed upon that that item would be placed on an agenda in the near future.

ADJOURN: The meeting adjourned at 8:15 P.M.

LAKE ELMO CITY COUNCIL

Dean A. Johnston, Mayor

Sandie Thone, City Clerk

**LAKE ELMO CITY COUNCIL MINUTES
SEPTEMBER 18, 2012**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
SEPTEMBER 18, 2012**

Mayor Johnston called the meeting to order at 7:00 P.M.

PRESENT: Mayor Johnston, Council Members, Smith, Pearson [Council Member Emmons arrived at 7:03 P.M.; Council Member Park arrived at 7:15 P.M.]

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

APPROVAL OF AGENDA

*MOTION: Council Member Pearson moved to approve the September 18, 2012 City Council Agenda as presented. Council Member Smith seconded the motion. **Motion passed 3-0.***

Council Member Emmons arrived at 7:03 P.M.

ACCEPTED MINUTES

ITEM 1: THE SEPTEMBER 4, 2012 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED (PAGES 3, 6 AND 6) BY CONSENSUS OF THE CITY COUNCIL.

PUBLIC COMMENTS/INQUIRIES:

Charlie Stockwell, representing the Minnesota Boat Club, announced that his organization along with the Minneapolis Rowing Club and several other Twin Cities rowing clubs will be submitting a proposal for a rowing competition on Lake Elmo to be held on August 3 and 4, 2013. The group is seeking support of residents living on the lake; if they receive unanimous support they will bring forth a formal request for approval for the event. Past similar events were held in 1976 and 2009. The group is working with the Lake Elmo Park Reserve, Washington County, and the local Lake Elmo business community.

PRESENTATIONS:

No presentations.

CONSENT AGENDA

2. Accept Financial Report dated August 31, 2012
3. Accept Building Permit Report dated August 31, 2012
4. Approve Payment of Disbursements and Payroll of \$254,454.60
5. 2012 Crack Seal Project - Receive Contractor Quotes and Award Contract
6. 2012 Street and Water Quality Improvements - Pay Request No. 1
7. Approve Resolution 2012-44 to Set Hearing for 2013 Budget and Levy Discussion

*MOTION: Council Member Smith moved to approve the Consent Agenda as presented. Council Member Emmons seconded the motion. **MOTION PASSED 4-0.***

**LAKE ELMO CITY COUNCIL MINUTES
SEPTEMBER 18, 2012**

REGULAR AGENDA

ITEM 8: 2011 STREET AND WATER QUALITY IMPROVEMENTS – FINAL ASSESSMENT HEARING

City Engineer Jack Griffin presented information on the 2011 Street and Water Quality Improvements. The three project areas were Tartan Meadows, David Nelson Estates, and the 50th Street and Kimbro Avenue area. He provided an overview of the costs of the projects stating the final project costs came in at \$604,000 with savings due to favorable construction bids. The final proposed assessments for included properties are as follows: Tartan Meadows: \$2,700. David Nelson Estates: \$3,200; 50th Street/Kimbrow Avenue: \$5,400. The city's share of the cost dropped from \$578,000 to \$453,000. All figures are lower than expected. Mr. Griffin also provided an overview of the financing terms..

OPEN PUBLIC HEARING AT 7:11 P.M.

No public comments.

CLOSE PUBLIC HEARING AT 7:12 P.M.

Council member Smith commented on how pleased she was about the savings and expressed her appreciation for the work of staff.

MOTION: Council Member Pearson moved to approve RESOLUTION 2012-45 ADOPTING THE FINAL ASSESSMENT ROLL FOR THE 2011 STREET AND WATER QUALITY IMPROVEMENTS. Council Member Smith seconded the motion. MOTION PASSED 4-0.

ITEM 9: ORDINANCE 2012-62 ZONING AMENDMENT CODIFICATION; APPROVE RESOLUTION 2012-46 AUTHORIZATION OF SUMMARY PUBLICATION OF ORDINANCE 2012-62

Planning Director Kyle Klatt explained this amendment is the same as presented at the August 21, 2012 meeting. The purpose for bringing the item back to council is to approve the ordinance codification and summary publication.

MOTION: Council Member Pearson moved to adopt ORDINANCE 2012-62 APPROVING ZONING TEXT AMENDMENT AND RESOLUTION 2012-46 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 2012-62. Council Member Emmons seconded the motion. MOTION PASSED 5-0.

Council Member Park arrived at 7:15 P.M.

ITEM 10: APPROVE PROPOSED GENERAL LEVY AND PROPOSED 2013 BUDGET; RESOLUTION 2012-47

The Council was asked to reconfirm the council action taken on September 11, 2012 by resolution.

MOTION: Council Member Smith moved to approve RESOLUTION 2012-47. Council Member Park seconded the motion. MOTION PASSED 5-0.

LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 18, 2012

ITEM 11: (Taken up later in meeting to accommodate additional public comments)

ITEM 12: LEGION AVENUE SEWER SURVEY RESULTS

City Administrator Zuleger explained the survey process and results (nine YES responses, six NO responses) and provided the current status of the project. Many of the respondents inquired about the cost. He expressed that the costs will be estimated by staff and should be completed in October. Staff is planning on extending the survey south to include additional properties on Lake Elmo Avenue.

Council Member Emmons inquired about specific sections (specifically south of 30th Street) of the area and whether they would or should be included in the survey. He expressed his interest to keep the area in consideration going forward.

Mayor Johnston inquired whether the survey is necessary for the properties across the street if state law required connection regardless. City Attorney Snyder explained that the Council has discretion in conducting a survey. He explained the options of neighborhood meetings, workshops, and surveys and the respective pros and cons of each. Ultimately, terms of hook-up and timing are up to the City's discretion. City Administrator Zuleger recommended continuing with the survey for consistency and data integrity.

Council Member Park inquired how the south side of the area would hook up to the sewer line. City Engineer Griffin stated if the sewer is made available a service stub would be available and property outside of the area would not receive a stub so the value of the survey is to determine the interest and to determine if the MUSA needs amending. The specific design of the project has not been done yet, so specifics such as pipe location are undetermined. Council Member Smith reminded the Council that staff was previously directed to consider this area.

Justin Bloyer, 8881 Jane Road North, approached the council and asked whether these units would count towards the rec units, to which Mayor Johnston replied in the affirmative.

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Pearson reported meeting with the City of Oakdale to discussed truck sharing. He asked for the Council's support of the program, and all members confirmed their support. Mr. Pearson also reported the library board had a meeting and was discussing hiring a fulltime librarian. He asked whether there would be council support for this action. Council Member Emmons inquired how this would fit in the previous plans. Mr. Pearson responded that the Board would best be able to answer that question, but previous plans included paying off the existing debt. City Attorney Snyder asked that council put this on as an agenda item for a future meeting. Mr. Pearson just asked that council be aware of the discussion. Mayor Johnston asked that the library board present the item at a later meeting. City Administrator Zuleger added that he met with Judy Gibson of the library board, and they are working on 2013 objectives and goals, which includes staffing needs.

LAKE ELMO CITY COUNCIL MINUTES SEPTEMBER 18, 2012

Council Member Smith reported she would like to see a list of expenditures for the library to date. She thanked all volunteers at Lake Elmo Days and stated the event was very successful and expressed her appreciation for the sporting events and especially thanked staff who helped make the event such a great success.

Council Member Emmons also thanked the many volunteers at Lake Elmo Days.

Council Member Park expressed her excitement for all of the new staff: Deputy Clerk Adam Bell, Taxpayer Services and Communications Coordinator Alyssa MacLeod and Building Official Rick Chase.

Mayor Johnston reported participating in a meeting at Cimarron with residents and Washington County. That meeting also included a discussion about a book exchange with the library. The Mayor also reported working at Lake Elmo Days for the Rotary, touring with the Metropolitan Parks and Open Space Commission at Lake Elmo Park Reserve, attending a Metropolitan Council meeting and appointed chair of the Parks and Open Space Commission. He also gave a brief update on the gateway corridor stating the transportation was mainly proposed in Woodbury.

City Administrator Zuleger reported he and Finance Director met with Northland Securities. Staff will be submitting a Utilities Pro Forma that does not include any legal settlement in order to provide a baseline. Along with Public Works Director Bouthilet, he met with the Parks Commission. The Commission has developed a plan of work for 2013. Mr. Zuleger reported the new weekly newsletter called "Fresh" will begin being published soon. He reported that he had a discussion with the Oakdale City Administrator about providing water service to the Keats Avenue/Eagle Point area of Lake Elmo as well as public works and safety collaboration. Mr. Zuleger provided a recap of the 9/12 staff retreat. Staff is addressing train whistle issues that have emerged.

City Attorney Snyder reported the detachment hearing had been sustained by the Washington County District Court, and an appeal may be necessary. He proposed a closed/executive meeting on the ongoing litigation.

City Engineer Griffin had no additional report other than his written report previously provided to council.

Planning Director Klatt reported scheduling a town hall meeting regarding the Village Land Use Plan. Staff has also been working with the Minnesota Land Trust to identify options for open space preservation. A Village work group meeting is also scheduled before the town hall meeting.

Finance Director Bendel reported she has primarily been wrapping up budget items. October will entail storm water assessments, street assessments in November, and regular water assessments in December. She also notified the Council that she will be attending a Government Finance Officers Association conference.

City Administrator Zuleger noted that Planning Director Klatt will be attending the upcoming American Planning Association conference. Mr. Zuleger also will be attending and lecturing at a lean government conference in Steven's Point, WI.

LAKE ELMO CITY COUNCIL MINUTES
SEPTEMBER 18, 2012

[Council called a five minute recess at 7:48 P.M. Council returned from recess at 7:56 P.M.]

ITEM 11: LAKE ELMO TRAFFIC ENFORCEMENT UPDATE (Item moved to accommodate additional public wishing to comment)

City Administrator Zuleger presented information on the current concerns of the city's traffic enforcement and highlighted the red zone traffic policing in the community in the past six months. He expressed the practice has produced data from 11 different sites in the city on speed, time of day, and number of vehicles. He stated staff has been working closely with MnDOT, Washington County and the Safe Route to School program regarding traffic concerns on Lake Elmo Avenue and Highway 5. He stated they have specifically requested traffic calming efforts in these areas and reported the speed trailer will be on Highway 5 beginning on September 19, 2012. Recommendations and requests include the following:

- 1) Speed limit reduction on Lake Elmo Avenue from 40mph to 30mph from 20th Street to Highway 5.
- 2) Zero tolerance for speeding (writing citations at the lowest possible speed over the limit).
- 3) Speed limit reduction on Highway 5 from Jamaca Avenue (the roundabout) to Klondike Avenue from 55mph to 45mph. In addition, a reduction to 30mph from Klondike Avenue to Manning Avenue is requested.
- 4) Perform Road Safety Audit on Highway 5.

Mayor Johnston inquired whether the Parks Commission had discussed a trail or sidewalk on either stretch of road, and City Administrator Zuleger replied in the affirmative and those discussions are beginning.

Council Member Smith recalled a project discussion involving Lake Elmo Avenue in the past and asked City Engineer Griffin if he recalled the property owners were opposed to the trail on Lake Elmo Avenue to which Mr. Griffin replied he did recall the discussion similarly.

Discussion was had regarding staff's work on the traffic enforcement overtime approved at the last council meeting but the additional officers have yet to begin the increased traffic enforcement for the approved 30 day period of extra patrol. Mayor Johnston explained that adding an officer fulltime would cost the city approximately \$120,000 annually and approximately \$40 per household in taxes annually to put it in to perspective for residents.

Council Member Park supported the speed limit reduction on Highway 5 and stated how difficult the traffic has become in this area. Mayor Johnston suggested a parked squad car as a traffic calming advice. City Administrator Zuleger reiterated how the zero-tolerance enforcement policy works. Mayor Johnston noted that the code-red enforcement has been mildly successful with non-residents, but fairly successful with residents.

PUBLIC COMMENTS:

LAKE ELMO CITY COUNCIL MINUTES SEPTEMBER 18, 2012

Tammy Saeger, 2813 Lake Elmo Avenue, expressed her concerns about the speeding on Lake Elmo Avenue and explained her dog was killed by a car on the road in front of their house. She also noted a woman was killed many years ago riding her bike on the road.

Teresa Schmidt, 3240 Lake Elmo Avenue, expressed her concerns over the speeding near downtown.

John Butenhoff, 2976 Lake Elmo Avenue, commended and supported what the city was doing to rectify the situation.

Paul Larson, 2041 Lake Elmo Avenue, expressed his concern that 30 mph from 20th Street was not far enough and recommended it begin at the bottom of the hill and maybe add a flasher – it is forty five in front of his house where his grandchildren cross to the lake.

Donald Durand, 2901 Lake Elmo Avenue, expressed his concern of the out of control speed of the vehicles on Lake Elmo Avenue and cited the 29 tickets over the past three weeks. He cited the volume of human traffic crossing, walking, jogging, biking along and to the lake and he personally has been almost hit several times. He stated there are 36 residents who need to cross road to access the lake He stated the worst times are in the morning and early evening work-drive times.

Stephen Johnson, 2915 Lake Elmo Avenue, expressed his thanks for the council addressing the resident's concerns regarding this issue and supported all of the previous public comments.

City Administrator Zuleger stated staff will work to implement the increased enforcement and expects a report from Washington County Sheriff's office after the 30-day increased enforcement and calming efforts. Staff is continuing to work with MnDOT and Washington County Transportation and will bring the issue back to council after that study is concluded. The Mayor expressed concern that the affected residents receive notice of the issue back on the agenda. Mr. Zuleger confirmed that notice will be provided through all the regular channels.

Council Member Park asked City Engineer Griffin if the City can independently implement the proposed traffic calming measures or if it would need to work with the county. Mr. Griffin confirmed that the county would need to be involved.

A brief discussion was had regarding the source of the traffic.

*MOTION: Council Member Park moved to adopt the four traffic management recommendations presented by staff. Mayor Johnston seconded the motion. **MOTION PASSED 5-0.***

ADJOURN: The meeting adjourned at 8:48 P.M.

LAKE ELMO CITY COUNCIL

Dean A. Johnston, Mayor

Sandie Thone, City Clerk



**City of Lake Elmo, MN
Financial Management Plan For
Water, Sanitary Sewer, and
Storm Sewer Utility Services**

DRAFT 2012 REPORT

As of October 2, 2012



NORTHLANDSTRATEGIES
Special Projects Group

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NORTHLAND SECURITIES

October 2, 2012

Dean Zuleger
City Administrator
Lake Elmo City Hall
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: Financial Management Plan for City Utility Funds

Dear Dean:

Northland Securities, Inc. was hired for financial planning services for utility system user charges and rates. Services include performing a utility rate analysis for the Water, Sanitary Sewer, and Storm Water Utility Systems of the City of Lake Elmo. The analysis and report includes a review of the past performance of the Systems, determines the adequacy of current revenues, and provides recommendation on future rates which reflect recent and projected cost experience in addition to anticipated capital project expenditures and estimated future debt service.

The report is presented to you as a draft pending further review by the City. We will incorporate feedback from the City in preparing the final report.

We appreciate the opportunity to work with the City of Lake Elmo.

Sincerely,



Tammy Omdal
Manager of Northland Strategies/Senior Vice President

45 South 7th Street, Suite 2000, Minneapolis, MN 55402
Main: (612) 851-5900 / Direct: (612) 851-4992 / Email: trfield@northlandsecurities.com
Member FINRA and SIPC

EXECUTIVE SUMMARY

The report is intended to serve as a guide for the financial management of the City's utility services, including water, sanitary sewer, and storm sewer. The report contains information on capital improvement plans to increase capacity of the utility systems, estimated future utility rates needed to support operations and capital improvement plans, and multi-year financial plans for each of the three utility funds that includes all projected sources and uses of funds and resulting estimated cash balances by year.

The financial plans included in the report are built around identified key assumptions, including cost drivers and projected utility rate increases. To the extent the assumptions in the report change in the months and years ahead, which they will, the City will need to adjust its financial plans accordingly.

Study Approach

This report was prepared by Northland Securities. The following steps were taken as part of the study process:

- City provided information on historical spending and revenues, volume of water sold by different tiers and customer, capital improvement plans, and prior years budget information.
- City provided information on projected growth from future residential and commercial development.
- Information provided by the City was organized, analyzed, and used to support the development of financial plans.

- Once the initial financial plans were developed then different scenarios were considered and analyzed to determine impact on utility rates.

- City staff offered input and feedback on the assumptions and desired outcomes.

It is also important to note aspects of financial performance not reviewed as part of this study:

- The validity of the assumptions and figures provided by the City on future growth was not reviewed.
- Analysis of the basis for the City's determination of current sewer and water availability charges was not reviewed.
- The financial impact to the City of potential changes to the existing customer tier structure for charging for water and sanitary sewer services was not reviewed as part of this study.

Conclusions from Study

The following conclusions were identified as a result of this study:

1. To meet projected service demands, the City is planning to expand its capacity to deliver water and sanitary sewer services. This is driven by the City's projections for future development; the addition of housing and commercial units. The City plans to pay for the improvements through a combination of projected available cash, issuance of debt, grants and other intergovernmental proceeds.
2. Higher utility service fees for existing customers will be needed if projected development does not occur at the rates estimated by the City (as shown

on page 34). The issuance of debt to finance the identified improvements for water and sanitary sewer will require increased revenue in the utility funds to cover annual debt service. The City anticipates an increase in revenue from a combination of fee increases and changes to how it charges new residential and commercial units for availability and connection to water and sanitary sewer services. If development occurs at a faster pace than projected by the City, it may allow for the City to adjust the increases shown for utility charges in the report.

3. Projections show the City will maintain sufficient cash in the utility funds to meet the City's goal of having cash in the utility funds equivalent to 50 percent of operating expenditures. The fees and charges included in the report, combined with the projected historical volume of water sold, plus the projected "new" revenue from new residential equivalent units (REU) will provide the cash needed to operate and cover debt service.

Recommendations

The following recommendations are offered based on the Conclusions from the Study.

1. The City should adopt a new charge for the cost of connecting to municipal sanitary sewer and increase the amount it presently charges for connection to municipal water. This charge should reflect the City's cost of infrastructure for providing service. This new and increased charge is included in the report and reflected in the revenue shown in the financial plans.
2. The City should consider implementing a uniform

availability charge. The report anticipates the City will collect an availability charge from property owners or developer(s) when water and sanitary sewer services become available through construction of new infrastructure. While the report recommends an availability charge, the process of collecting charges to pay for the infrastructure could also continue to be in the form of levying a special assessment against the benefiting property.

3. The City should plan to structure future debt in a conservative manner (delaying certain maturities) to provide the City with time for future development to occur and increase revenue. If development does not occur at the rates projected by the City it will require higher fees and charges to existing customers to pay for the infrastructure that will be financed and in place.
4. The City should adopt a formal fund balance policy. This policy will provide guidance for financial management and will inform future decisions on adjustments to utility fees and charges. The report is based on direction from City staff to plan for achieving a cash (fund) balance at 50 percent of anticipated annual operating expenditures.

Organization of Report

The report is organized into five sections:

5. Executive Summary provides information on the organization of the report, study approach, using the report, and conclusions and recommendations.
6. Background discusses the historical context (i.e., growth and development of the community) and financial status of the utilities.
7. Capital Improvement Plan provides information

management plan update.

on the City's identified plans for expanding the capacity of the water and sanitary sewer systems. This includes estimates on project costs and sources of funds to pay for the improvements. Information on debt service is also included.

8. Utility Rates provides both historical, current, and future projected utility rates that will be necessary to maintain a positive financial condition for the Water and Sanitary Sewer Funds. Information is provided in the Appendix of the report on what proposed rate increases will mean to customers of the utility systems with respect to quarterly bills.
9. Financial Plans are provided for the Water, Sanitary Sewer, and Storm Sewer Funds. The financial plans provide both historical, current, and future projected sources and uses of funds. Financial plans take into account capital improvement plans and rate structure.
10. Appendix provides charts of data from the financial plans and information on projected growth in residential and commercial customers.

Using the Report

This report is intended to be a practical guide for City staff and the City Council on the on-going management of the City's Water, Sanitary Sewer, and Storm Sewer Funds. Much of the information in this report has enduring value and will serve to continue to guide management decisions over a number of years. However, management of enterprise funds is a dynamic system. Customer base changes, statutes and rules change, cost of labor and materials and supplies will vary from assumptions from year-to-year. This report should be the foundation of an annual review and

BACKGROUND

The City of Lake Elmo is located on the eastern edge of the Twin Cities metropolitan area. The City's 2030 Comprehensive Plan forecasts and provides for approximately eight times the growth in households and population during the 2000-2030 planning period than was experienced during the 1980-2000 period.

The City reports an estimated 2010 population of 8,069 and 2,774 households (2010 Census). Population is estimated to increase to 18,403 by 2020 and households to 6,324 (2030 Comprehensive Plan). The land area for the City encompasses approximately 15,250 acres.

The City's 2030 Comprehensive Plan provides guidance on the City's plans for managing future demand for utility infrastructure.

Water Utility

Lake Elmo owns, operates and maintains a municipal water supply and distribution system. The City has a goal to serve existing population desiring public water supply while preparing the system to allow people to connect as development occurs or existing areas request service. This policy guides the City's capital improvement planning and the need to maintain a flexible and responsive water system. Capital planning includes projects to correct existing deficiencies and to expand the system.

The City uses an enterprise fund to account for its water operations. The unrestricted assets in the Water Fund totaled \$1,072,022 and a cash balance of \$752,658 at December 31, 2011. There were no significant transactions to report for the year ended December 31, 2011.

Sanitary Sewer Utility

Property owners in the City are served by individual sewer systems or in limited areas by municipal sewer. Capital plans will provide for an increase in the number of properties to be served by municipal sewer and connection to the Regional Sewer System. The Metropolitan Council Environmental Services (MCES) plans to extend regional sewer service to serve a greater area of the City.

The City uses an enterprise fund to account for its sewer operations. The unrestricted assets in the Sewer Fund totaled \$62,994 and a cash balance of \$27,062 at December 31, 2011. There were no significant transactions to report for the year ended December 31, 2011.

Storm Sewer Utility

The City operates a storm sewer utility. The system of conveyances is owned and operated by the City and designed for collecting or conveying storm water, and that is not used for collecting or conveying sewer. The City collects an annual fee from property owners that is used to pay for the cost of constructing and maintaining the system.

CAPITAL IMPROVEMENT PLAN AND DEBT SERVICE

The City has developed a multi-year capital project plan for its utilities. The Capital Improvement Plan (CIP) provides details on project costs by year and proposed funding sources. Identified funding sources include the planned issuance of debt.

The CIP provides important input for the financial plans included in the report. The financial plans are inclusive of all sources and uses of funds, both operating and non-operating, including capital spending plans.

At this time the City does not anticipate any capital improvements for the storm sewer utility in the next five years. A CIP summary is therefore not included in the report for storm sewer projects.

Capital Projects

The projects included in the CIP include projects to expand the capacity and correct deficiencies of the water and sanitary sewer systems. The City of Lake Elmo is a developing community with significant utility expansion needs.

Projects include expansion of the City's water supply capacity and distribution system. Sanitary sewer services will be expanded through the construction of connections to the Regional Sewer System.

As a developing community, the City's capital improvement plans focus on expansion and does not presently include capital spending for maintenance of existing systems. This will need future consideration

by the City as the community develops and infrastructure ages and requires major maintenance and/or replacement.

Source of Funding for Capital Projects

The source of funding for the planned capital projects includes either one of the following sources or a combination thereof: fund balance (cash); bond proceeds; levying of special assessments; grants, tax increment revenue collections, and intergovernmental revenue.

To the extent future development expectations exceed or fall short of the City's projections, the City may want to adjust the amount of water project costs to be paid for with bond proceeds versus cash.

Debt Service

The current CIP for water and sanitary sewer utilities anticipates the use of bonds to undertake needed improvements while keeping fees as low as possible.

The projections assume that the City will issue general obligation bonds and use utility revenues to pay all principal and interest. This approach provides the lowest cost of debt. These bonds will not count against the City's debt limit. Debt management is an important factor in the City's ongoing capital improvements planning.

The City has the authority to issue pure revenue bonds for these improvements. With general obligation bonds, the City pledges to levy property taxes to cover any shortfall in utility revenues. Revenue bonds are backed solely by utility revenues. The alternative use of revenue bonds without a general obligation pledge would have several financial implications for the City:

- Interest rates will be higher. The difference will

depend on the terms of the issue and the operation of the Utility.

- The City will be required to set fees that will create revenues that produce net income in excess of debt service. Any scenarios with ongoing annual deficits would not be viable.
- The bond issue would include a debt service reserve fund. A portion of the bond proceeds would be set aside to make payments in the event of revenue shortfalls.

As a result, higher fees will be required with the use of revenue bonds to finance planned improvements.

The finance plans and related fee schedules included in the report anticipate the issuance of general obligation (G.O.) revenue bonds to finance certain capital improvements. The estimates for debt service are based on bonds to be paid generally over 20 years. The estimated interest rates used to calculate annual debt service were conservatively estimated based on today's current rate environment (today's rates for a Aa2 rating plus 25 basis points for anticipated 2013 bonding and 50 basis points for later years). The actual interest rates will depend on final structure and market conditions at time of issuance.

Beginning on page 9, a summary of estimated annual debt service is provided for years 2012 to 2021 which is the planning horizon for the financial plans. On pages 10 and 11, detail on the annual estimated debt service for future water and sanitary sewer bond issuances is shown. The chart on page 12 provides a longer term view of projected annual debt service for years 2012 through 2035, or over the life of the City's existing bonds and the life of future estimated bond issuances included in the report.

Capital Improvement Plan and Debt Service

CITY OF LAKE ELMO WATER and SANITARY SEWER FUNDS

SUMMARY OF CAPITAL IMPROVEMENT PLAN (CIP)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
WATER FUND											
<i>Water Capital Projects</i>											
Water supply well No. 4 and pump/house /connection		1,500,000	-	-	-	-	-	-	-	-	1,500,000
Keats Ave 16" trunk watermain extension	-	-	-	-	-	-	-	-	-	-	-
Phase I: Western I94 Corridor (Inwood to Keats)	-	1,050,000	-	-	-	-	-	-	-	-	1,050,000
Segment 1: Water booster pump	-	610,000	-	-	-	-	-	-	-	-	610,000
Segment 2: Inwood Ave 16" trunk watermain extension	-	1,600,000	-	-	-	-	-	-	-	-	1,600,000
Segment 3: 10th St to EP Bus Park 16" trunk watermain ext	-	780,000	-	-	-	-	-	-	-	-	780,000
Alt Segment 3: Azur Prop 16" trunk watermain extension											
Alt Segment 5: 12" trunk watermain to non-contiguous East			400,000								400,000
Alt Segment 7: Ground storage tank				600,000							600,000
Phase II: Eastern I94 Corridor (Lake Elmo Ave. to Manning)					2,775,000						2,775,000
Segment 4: Lake Elmo Ave 12" trunk watermain extension											
Phase IIIB: Village Area (East to Village Parkway)				900,000							900,000
Replace/upgrade watermain as streets disturbed					400,000	600,000					1,000,000
Village Parkway/39th Street					3,175,000	600,000					3,775,000
Total	-	5,540,000	400,000	1,500,000	3,175,000	600,000	-	-	-	-	11,215,000

Funding Source for Water Capital Projects

Cash from Water Fund				1,500,000	925,000	250,000					2,675,000
Bond proceeds		3,540,000									3,540,000
Grants (Met Council)		1,000,000			2,000,000						3,000,000
Intergovernmental		1,000,000									1,000,000
Tax Increment /Developer Contribution			400,000		250,000	350,000					1,000,000
Total	-	5,540,000	400,000	1,500,000	3,175,000	600,000	-	-	-	-	11,215,000

Capital Improvement Plan and Debt Service

CITY OF LAKE ELMO

WATER and SANITARY SEWER FUNDS

SUMMARY OF CAPITAL IMPROVEMENT PLAN (CIP)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
<u>SANITARY SEWER FUND</u>											
<i>Sanitary Sewer Capital Projects</i>											
Segment A: New lift station at Hudson & Keats, Connecting FM	-	-	900,000	-	-	-	-	-	-	-	900,000
Segment 6: Hudson Blvd lift station replacement, connecting FM to WONE	-	-	-	-	-	-	300,000	-	-	-	300,000
Phase II: Easter 194 Corridor (Lake Elmo Ave. to Manning)	-	-	-	-	-	-	-	-	-	-	-
Option A: 27/30" trunk sewer extension from MCES connection	-	-	-	-	-	-	-	-	-	-	-
Option B: 18/27" trunk sewer extension from MCES connection	-	700,000	500,000	-	-	-	-	-	-	-	1,200,000
Option B: Future lift station west of Lake Elmo Ave.	-	-	200,000	-	-	-	-	-	-	-	200,000
Phase IIIb: Village Area (East to Village Parkway)	-	-	-	-	-	-	-	-	-	-	-
Village lift station and force main	-	3,800,000	-	-	-	-	-	-	-	-	3,800,000
Segment 1: Lake Elmo Ave & 30th St & 39th St	-	-	-	1,100,000	-	-	-	-	-	-	1,100,000
Segment 2: Village Parkway to THS	-	-	-	-	600,000	600,000	-	-	-	-	1,200,000
Total	-	4,500,000	1,600,000	1,100,000	600,000	600,000	300,000	-	-	-	8,700,000

Funding Source for Sanitary Sewer Capital Projects

Cash from Sewer Fund	-	-	-	-	-	-	300,000	-	-	-	300,000
Bond proceeds	-	3,500,000	1,200,000	1,100,000	-	-	-	-	-	-	5,800,000
Grants (Met Council)	-	1,000,000	-	-	-	-	-	-	-	-	1,000,000
Intergovernmental	-	-	-	-	180,000	180,000	-	-	-	-	360,000
Tax Increment/Developer Contribution (future TIF districts and development)	-	-	400,000	-	420,000	420,000	-	-	-	-	1,240,000
Total	-	4,500,000	1,600,000	1,100,000	600,000	600,000	300,000	-	-	-	8,700,000

Capital Improvement Plan and Debt Service

CITY OF LAKE ELMO WATER, SANITARY SEWER, AND STORM SEWER FUNDS SUMMARY OF DEBT SERVICE (YEARS 2012 TO 2021)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<u>WATER UTILITY FUND</u>										
<i>Annual Debt Service for Water Utility Projects</i>										
GO Water Rev Bond 2005A	175,025	300,025	320,650	315,250	-	-	-	-	-	-
GO Ref Bond 2009A (Refund 2002B)	54,680	53,680	52,480	51,280	49,880	53,680	52,128	55,575	53,850	51,925
GO Ref Bond 2012A (Refund 2005A)	-	-	-	-	281,043	272,143	293,343	284,043	279,843	270,643
EST GO Water Rev 2013 Bonds	-	95,455	125,455	125,275	125,065	124,810	124,495	164,120	163,070	161,880
EST GO Water Rev 2016 Bonds	-	-	-	-	-	-	-	-	-	-
Total	229,705	449,160	498,585	491,805	509,548	579,193	597,551	630,198	621,911	633,133

SANITARY SEWER UTILITY FUND

Annual Debt Service on Sanitary Sewer Projects

EST GO Sewer Rev 2013 Bonds	81,430	181,430	180,830	180,130	179,280	178,230	176,980	175,480	173,780
EST GO Sewer Rev 2014 Bonds	-	57,313	57,100	56,863	56,588	56,263	80,888	80,013	79,038
EST GO Sewer Rev 2015 Bonds	-	-	55,513	55,275	55,000	54,675	54,300	78,863	77,888
Total	-	81,430	238,743	292,268	290,868	289,168	312,168	334,355	330,705

STORM SEWER UTILITY FUND

No existing or anticipated outstanding debt

TOTAL ANNUAL COMBINED DEBT SERVICE	229,705	530,590	737,328	785,248	801,816	870,061	886,718	942,366	956,266	963,838
annual dollar change		300,885	206,738	47,920	16,568	68,245	16,658	55,648	13,900	7,573
annual % change		131.0%	39.0%	6.5%	2.1%	8.5%	1.9%	6.3%	1.5%	0.8%

Notes:

EST (estimated) amounts are shown for bonds with dates after 2012. Estimates are based on the capital improvement plan included in the report. Annual debt service figures are preliminary. Actual structure may vary depending on financial management decisions made by the City. Interest rates and terms will vary. Detail on estimated interest rates and terms are provided on pages 10 and 11.

Capital Improvement Plan and Debt Service

City of Lake Elmo, MN Estimated Future G.O. Water Revenue Bonds

Analysis of Possible Future Estimated Debt Service Based on Capital Improvement Plan (CIP) (Terms shown including maturities and rates are for preliminary planning purposes only)

2013 G.O. Water Revenue Bonds

Year	Est			
	Principal	Interest Rates	Total Debt Service	Outstanding Balance
Beg				\$3,630,000
2013 0	\$0	0.55%	\$97,208	\$3,630,000
2014 1	\$30,000	0.60%	\$97,208	\$3,600,000
2015 2	\$30,000	0.70%	\$97,028	\$3,570,000
2016 3	\$30,000	0.85%	\$96,818	\$3,540,000
2017 4	\$30,000	1.05%	\$96,563	\$3,510,000
2018 5	\$30,000	1.25%	\$96,248	\$3,480,000
2019 6	\$70,000	1.50%	\$95,873	\$3,410,000
2020 7	\$70,000	1.70%	\$94,823	\$3,340,000
2021 8	\$75,000	1.85%	\$93,633	\$3,265,000
2022 9	\$150,000	2.00%	\$92,245	\$3,115,000
2023 10	\$150,000	2.10%	\$89,245	\$2,965,000
2024 11	\$150,000	2.20%	\$86,095	\$2,815,000
2025 12	\$150,000	2.30%	\$82,795	\$2,665,000
2026 13	\$150,000	2.40%	\$79,345	\$2,515,000
2027 14	\$150,000	2.50%	\$75,745	\$2,365,000
2028 15	\$150,000	2.60%	\$71,995	\$2,215,000
2029 16	\$150,000	2.70%	\$68,095	\$2,065,000
2030 17	\$150,000	2.80%	\$64,045	\$1,915,000
2031 18	\$325,000	2.90%	\$59,845	\$1,590,000
2032 19	\$325,000	3.00%	\$50,420	\$1,265,000
2033 20	\$325,000	3.10%	\$40,670	\$940,000
2034 21	\$425,000	3.20%	\$30,595	\$515,000
2035 22	\$515,000	3.30%	\$16,995	\$0
Total	\$3,630,000		\$1,773,528	\$5,403,528

Application of Funds:

Construction	\$3,540,000
Other Costs/Rounding	\$90,000
Total	\$3,630,000

2016 G.O. Water Revenue Bonds

Year	Est			
	Principal	Interest Rates	Total Debt Service	Outstanding Balance
Beg				\$2,060,000
2013	\$0	0.80%	\$0	\$2,060,000
2014	\$0	0.85%	\$0	\$2,060,000
2015 0	\$0	0.95%	\$0	\$2,060,000
2016 1	\$0	1.10%	\$57,243	\$2,060,000
2017 2	\$75,000	1.30%	\$57,243	\$1,985,000
2018 3	\$75,000	1.50%	\$56,268	\$1,910,000
2019 4	\$75,000	1.75%	\$55,143	\$1,835,000
2020 5	\$75,000	1.95%	\$53,830	\$1,760,000
2021 6	\$75,000	2.10%	\$52,368	\$1,685,000
2022 7	\$75,000	2.25%	\$50,793	\$1,610,000
2023 8	\$75,000	2.35%	\$49,105	\$1,535,000
2024 9	\$75,000	2.45%	\$47,343	\$1,460,000
2025 10	\$75,000	2.55%	\$45,505	\$1,385,000
2026 11	\$125,000	2.65%	\$43,593	\$1,260,000
2027 12	\$125,000	2.75%	\$40,280	\$1,135,000
2028 13	\$125,000	2.85%	\$36,843	\$1,010,000
2029 14	\$75,000	2.95%	\$33,280	\$935,000
2030 15	\$75,000	3.05%	\$31,068	\$860,000
2031 16	\$175,000	3.15%	\$28,780	\$685,000
2032 17	\$175,000	3.25%	\$23,268	\$510,000
2033 18	\$175,000	3.35%	\$17,580	\$335,000
2034 19	\$175,000	3.45%	\$11,718	\$160,000
2035 20	\$160,000	3.55%	\$5,680	\$0
Total	\$2,060,000		\$796,925	\$2,856,925

Application of Funds:

Construction	\$2,000,000
Other Costs/Rounding	\$60,000
Total	\$2,060,000

Capital Improvement Plan and Debt Service

City of Lake Elmo, MN Estimated Future G.O. Sewer Revenue Bonds

Analysis of Possible Future Estimated Debt Service Based on Capital Improvement Plan (CIP)

(Terms shown including maturities and rates are for preliminary planning purposes only)

Projected Future 2013 G.O. Sewer Revenue Bonds

Year	Est			Total Debt	Outstanding	Balance
	Principal	Interest Rates	Interest	Service	Balance	
Beg						\$3,605,000
2013 0	\$0	0.55%	\$81,430	\$81,430		\$3,605,000
2014 1	\$100,000	0.60%	\$81,430	\$181,430		\$3,505,000
2015 2	\$100,000	0.70%	\$80,830	\$180,830		\$3,405,000
2016 3	\$100,000	0.85%	\$80,130	\$180,130		\$3,305,000
2017 4	\$100,000	1.05%	\$79,280	\$179,280		\$3,205,000
2018 5	\$100,000	1.25%	\$78,230	\$178,230		\$3,105,000
2019 6	\$100,000	1.50%	\$76,980	\$176,980		\$3,005,000
2020 7	\$100,000	1.70%	\$75,480	\$175,480		\$2,905,000
2021 8	\$100,000	1.85%	\$73,780	\$173,780		\$2,805,000
2022 9	\$200,000	2.00%	\$71,930	\$271,930		\$2,605,000
2023 10	\$200,000	2.10%	\$67,930	\$267,930		\$2,405,000
2024 11	\$225,000	2.20%	\$63,730	\$288,730		\$2,180,000
2025 12	\$225,000	2.30%	\$58,780	\$283,780		\$1,955,000
2026 13	\$225,000	2.40%	\$53,605	\$278,605		\$1,730,000
2027 14	\$225,000	2.50%	\$48,205	\$273,205		\$1,505,000
2028 15	\$225,000	2.60%	\$42,580	\$267,580		\$1,280,000
2029 16	\$295,000	2.70%	\$36,730	\$331,730		\$985,000
2030 17	\$295,000	2.80%	\$28,765	\$323,765		\$690,000
2031 18	\$295,000	2.90%	\$20,505	\$315,505		\$395,000
2032 19	\$295,000	3.00%	\$11,950	\$306,950		\$100,000
2033 20	\$100,000	3.10%	\$3,100	\$103,100		\$0
2034 21		3.20%	\$0	\$0		\$0
Total	\$3,605,000		\$1,215,380	\$4,820,380		

Application of Funds:

Construction	\$3,500,000
Other Costs/Rounding	\$105,000
Total	\$3,605,000

Projected Future 2014 G.O. Sewer Revenue Bonds

Year	Est			Total Debt	Outstanding	Balance
	Principal	Interest Rates	Interest	Service	Balance	
Beg						\$1,250,000
2013 0	\$0	0.80%				\$1,250,000
2014 1	\$25,000	0.85%	\$32,313	\$57,313		\$1,225,000
2015 2	\$25,000	0.95%	\$32,100	\$57,100		\$1,200,000
2016 3	\$25,000	1.10%	\$31,863	\$56,863		\$1,175,000
2017 4	\$25,000	1.30%	\$31,588	\$56,588		\$1,150,000
2018 5	\$25,000	1.50%	\$31,263	\$56,263		\$1,125,000
2019 6	\$50,000	1.75%	\$30,888	\$80,888		\$1,075,000
2020 7	\$50,000	1.95%	\$30,013	\$80,013		\$1,025,000
2021 8	\$50,000	2.10%	\$29,038	\$79,038		\$975,000
2022 9	\$50,000	2.25%	\$27,988	\$77,988		\$925,000
2023 10	\$50,000	2.35%	\$26,863	\$76,863		\$875,000
2024 11	\$75,000	2.45%	\$25,688	\$100,688		\$800,000
2025 12	\$75,000	2.55%	\$23,850	\$98,850		\$725,000
2026 13	\$75,000	2.65%	\$21,938	\$96,938		\$650,000
2027 14	\$75,000	2.75%	\$19,950	\$94,950		\$575,000
2028 15	\$75,000	2.85%	\$17,888	\$92,888		\$500,000
2029 16	\$100,000	2.95%	\$15,750	\$115,750		\$400,000
2030 17	\$100,000	3.05%	\$12,800	\$112,800		\$300,000
2031 18	\$100,000	3.15%	\$9,750	\$109,750		\$200,000
2032 19	\$100,000	3.25%	\$6,600	\$106,600		\$100,000
2033 20	\$100,000	3.35%	\$3,350	\$103,350		\$0
2034 21		3.45%	\$0	\$0		\$0
Total	\$1,250,000		\$461,475	\$1,711,475		

Application of Funds:

Construction	\$1,200,000
Other Costs/Rounding	\$50,000
Total	\$1,250,000

Projected Future 2015 G.O. Sewer Revenue Bonds

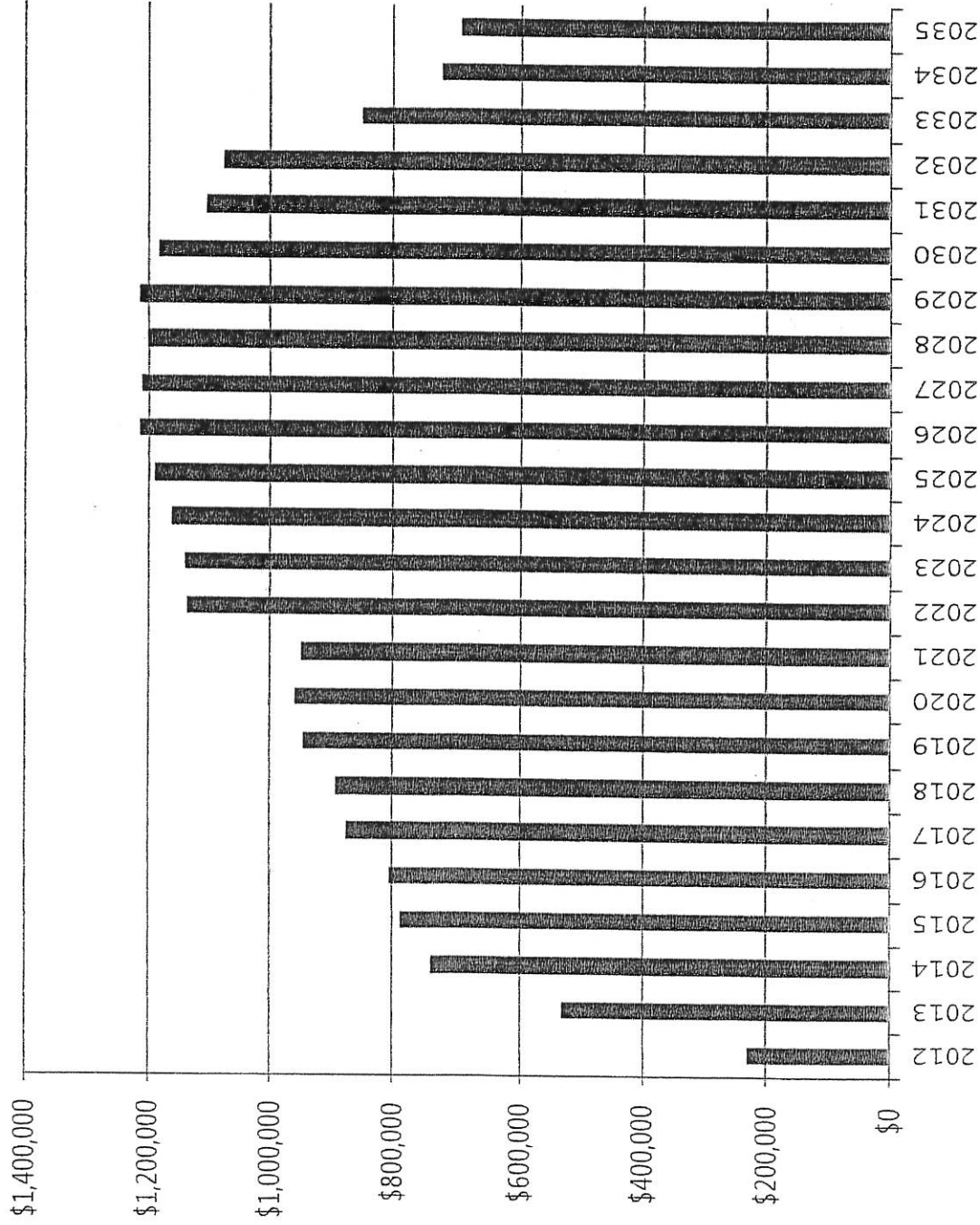
Year	Est			Total Debt	Outstanding	Balance
	Principal	Interest Rates	Interest	Service	Balance	
Beg						\$1,150,000
2013 0	\$0	0.80%				\$1,150,000
2014 1	\$0	0.85%				\$1,150,000
2015 2	\$25,000	0.95%	\$30,513	\$55,513		\$1,125,000
2016 3	\$25,000	1.10%	\$30,275	\$55,275		\$1,100,000
2017 4	\$25,000	1.30%	\$30,000	\$55,000		\$1,075,000
2018 5	\$25,000	1.50%	\$29,675	\$54,675		\$1,050,000
2019 6	\$25,000	1.75%	\$29,300	\$54,300		\$1,025,000
2020 7	\$50,000	1.95%	\$28,863	\$78,863		\$975,000
2021 8	\$50,000	2.10%	\$27,888	\$77,888		\$925,000
2022 9	\$50,000	2.25%	\$26,838	\$76,838		\$875,000
2023 10	\$50,000	2.35%	\$25,713	\$75,713		\$825,000
2024 11	\$50,000	2.45%	\$24,538	\$74,538		\$775,000
2025 12	\$75,000	2.55%	\$23,313	\$98,313		\$700,000
2026 13	\$75,000	2.65%	\$21,400	\$96,400		\$625,000
2027 14	\$75,000	2.75%	\$19,413	\$94,413		\$550,000
2028 15	\$75,000	2.85%	\$17,350	\$92,350		\$475,000
2029 16	\$75,000	2.95%	\$15,213	\$90,213		\$400,000
2030 17	\$80,000	3.05%	\$13,000	\$93,000		\$320,000
2031 18	\$80,000	3.15%	\$10,560	\$90,560		\$240,000
2032 19	\$80,000	3.25%	\$8,040	\$88,040		\$160,000
2033 20	\$80,000	3.35%	\$5,440	\$85,440		\$80,000
2034 21	\$80,000	3.45%	\$2,760	\$82,760		\$0
Total	\$1,150,000		\$420,088	\$1,570,088		

Application of Funds:

Construction	\$1,100,000
Other Costs/Rounding	\$50,000
Total	\$1,150,000

Capital Improvement Plan and Debt Service

City of Lake Elmo
Annual Estimated Debt Service Based on Future Bonding Plans in CIP and Estimated Structure and Future Rates



The annual estimated debt service amounts shown in this chart include general obligation water revenue bonds and general obligation sewer revenue bonds. The annual amounts include both existing debt service (on outstanding bonds) and future estimated debt service on bonds anticipated to be issued in future years and paid from utility revenues. Future bond issuance estimates are based on the City's capital improvement plan.

This chart includes debt supported by utility revenue only and does not include existing or future estimated debt that is paid from property tax levy.

UTILITY RATES

Key Factors

To project future utility rates necessary to maintain the financial stability of the City's utility operations requires development and analysis of the following key factors:

- Estimates for future annual operating expenditures, including personnel, materials and supplies, cost of electricity, and other operating expenses.
- Metropolitan Council Environmental Service (MCES) sewer fee charged to the City by the Metropolitan Council for regional collection and treatment of waste water. This is an operating expense that the City does not have direct control over.
- Annual capital expenditure to maintain and improve the existing systems.
- Annual debt service on bonds issued to finance capital improvements.
- Growth in customers using and paying for the systems. This growth will provide additional revenue to the systems but will also create additional demand for services.
- Available other revenue sources other than fees and charges to users of the water and sanitary sewer services.

Annual Operating Expenditures

Costs incurred in operating the water and sewer systems, which are used up in the period in which

acquired, are recorded as operating expenditures. Annual growth in operating expenditures, not including the MCES charge, has been modest. It is anticipated that growth in future years will be about 2 percent per year. Approximately a third of the operating expense (not including depreciation) is for personnel costs (labor) and the balance for materials, supplies, and other operating expense. Depreciation is shown under operating expenditures and is the process of allocating the costs of an asset over its useful life in a systematic and rational manner. Depreciation is projected to remain constant over the financial planning horizon for the study. Estimate for future depreciation was not part of the study.

Metropolitan Council Environmental Services

The MCES charge to cities for regional collection and treatment has been volatile in recent years. MCES has experienced revenue loss from the significant drop in regional development which has caused a corresponding decline in revenue collected by the Council for Sewer Availability Charges (a one time fee for new connections). For projection purposes, the study assumes that future charges paid to MCES for collection and treatment will increase by 2 percent annually. This is shown as an annual operating expense to the City's Sewer Fund which is paid from revenue collected from the City's utility customers in the form of fees and charges.

Annual Capital Expenditures

The City anticipates paying for future capital improvement project costs with a combination of revenue sources. The City anticipates future development will provide significant revenue support to the City for

paying for utility expansion through the collection of development fees (availability and connection charges). The City will reduce the amount of bonding to pay for capital improvements to the extent cash from collection of these charges is available in the utility funds to do so.

Paying for annual planned capital improvement projects with cash may be a sound strategy depending on the details of the project. It avoids incurring annual interest expense. However, this strategy requires advance planning and implementation of utility fees and charges that provide adequate cash flow.

For large (non-routine) capital expenditures or unanticipated capital expenditures, the use of bonding to fund capital minimizes annual rate increases that otherwise would be necessary. It also allows the City to charge future customers the cost of infrastructure with a longer useful life, versus putting the entire burden on today's customers. The City's CIP does anticipate bonding for certain project costs. The resulting annual debt service on the bonds is included in the financial plans.

Debt Service

Debt service in the Water and Sanitary Sewer Funds is paid from revenue collected from utility fees and availability and connection (development) charges. Presently the City has debt outstanding in the Water Fund but does not report debt outstanding in the Sanitary Sewer or Storm Water Funds. The CIP anticipates the City will issue debt in the next five years that will be supported by revenue in the Water and Sanitary Sewer Funds.

All current and future debt is accounted for in the fi-

ancial plans that are included in the report. The estimated debt service is based on generally 20 years bonds payable at estimated interest rates. Future estimated utility fees and charges reflect the cost of the estimated increase for debt service.

Growth in Customers

Growth in customers from future land development is a major factor in determining the projections for future utility rates. New development will bring an increase in revenue to the City's utility funds through the collection of availability and connection charges and fees collected for service. Availability charges and connection charges are one time charges collected at the time of development. Estimating the increase in future customers from growth in residential and commercial development is the most volatile factor in developing financial projections for the utility funds. The last page of the report, page 34, in the Appendix Section, includes information on the assumed growth in residential equivalent units ("REU") from future development. The projected annual growth in REU's was established by City staff and provided to Northland for the study and report.

Growth in customers will allow the City to spread existing fixed costs, including overhead, over more units and volume. Growth in customers will allow the City to minimize future increases in utility fees that otherwise will be necessary.

Available Other Revenues

There is limited other revenues that provide a source of funding for utility services. The majority of the cost to operate and maintain the system is paid from fees and charges collected from those using the system.

Other revenue includes interest income on cash balances, special assessments, grants, and rents.

Historical Utility Rates

Information on historical rates is provided on page 16. This includes a summary of prior years approved utility rates for years 2007 - 2011. Rates shown are billed quarterly, with the exception of the storm water fee which is billed to customers receiving this charge on an annual basis. The City charges a basic service fee for water only.

Comparison to Neighboring Cities

Information is provided that compares the City of Lake Elmo's utility fees (for year 2012) to the neighboring cities of Oakdale, Woodbury, and Stillwater. This can be found on page 32. Comparison of availability and connection charges between cities can be found on page 33. Generally, as a developing community the utility fees and charges for the City of Lake Elmo are higher than its neighboring cities.

Future Utility Rates

Information on future projected utility rates for years 2013 to 2021 is provided on page 17. Rates for year 2012 are also included for reference. The projected future rates reflect the rates necessary to maintain adequate cash (fund) balance in the utility funds. These rates (applied against the estimated volumes on page 18) were used to calculate the annual estimated operating revenue that is shown in the financial plans for each utility fund.

The tier structure the City uses for charging customers for water, based on volume of water sold, was not reviewed as part of this study and report.

Recommendation for Connection Charges

The City presently does not have a connection charge for sanitary sewer. A charge is included for future years, beginning at \$3,500 in year 2013 and inflated annually at 4.5 percent, a rate necessary to maintain sufficient revenue to pay for debt service on capital projects. This is reflected in the revenue shown in the financial plans for the Sanitary Sewer Fund.

In addition, the report and financial plans are based on the City increasing the amount it charges for connection to municipal water to a level needed to fund infrastructure expansion. The amount is shown at \$3,500 for year 2013, which is an increase from the \$140 presently charged. This amount is shown to increase annually by 4.5 percent.

Projected Volumes of Water Sold and Sanitary Sewer Billed

Annual estimated volume of water sold by tier and estimated sanitary sewer billed by year is included on page 18. The chart on page 19 provides a break-down of the increase in volume of water sold comparing the estimated amount sold by year to existing customers, which is based on 2011 volumes, to the estimated amount that is attributed to growth in the customer base from future projected development. Information on the projected increase in residential equivalent units by year is provided on page 34, the last page of the report.

Utility Rates

CITY OF LAKE ELMO FEE SCHEDULE FOR PRIOR YEARS

	2007	2008	2009	2010	2011
<u>WATER SERVICE</u>					
<u>Residential</u>					
Water Basic Service fee (per meter or per unit/qtr)	\$23.50	\$23.75	\$25.00	\$25.00	\$25.00
Water (per meter or per unit per 1,000 gallons):					
Tier 1: Water usage per first 15,000 gallons	\$1.80	\$2.05	\$2.15	\$2.10	\$2.14
Tier 2: Water usage + 15,000 gallons to 30,000 gallons	\$1.80	\$2.05	\$2.15	\$2.80	\$2.86
Tier 3: Water usage + 30,000 gallons to 50,000 gallons	\$1.80	\$2.05	\$2.15	\$3.70	\$3.77
Tier 4: Water usage + 50,000 gallons to 80,000 gallons	\$1.80	\$2.05	\$2.15	\$4.90	\$5.00
Tier 5: Water usage + 80,000 gallons	\$1.80	\$2.05	\$2.15	\$6.50	\$6.63
Sewer (per 1,000 gallons)	\$2.75	\$3.71	\$4.08	\$4.35	\$4.50
<u>Commercial and Industrial</u>					
Water Basic Service fee (per meter or per unit/qtr)	\$23.50	\$23.75	\$25.00	\$25.00	\$25.00
Water (per meter or per unit per 1,000 gallons):					
Tier 1: Water usage per first 10,000 gallons	\$2.75	\$3.00	\$3.10	\$3.05	\$3.11
Tier 2: Water usage + 10,000 gallons to 25,000 gallons	\$2.75	\$3.00	\$3.10	\$3.20	\$3.26
Tier 3: Water usage + 25,000 gallons	\$2.75	\$3.00	\$3.10	\$3.70	\$3.77
Tier 4: Water usage + 29,000 gallons to next Tier	\$2.75	\$3.00	\$3.10	\$4.90	\$5.00
Tier 5: Water usage + 36,000 gallons to next Tier	\$2.75	\$3.00	\$3.10	\$6.50	\$6.63
Sewer (per 1,000 gallons)	\$2.75	\$3.71	\$4.08	\$4.35	\$4.50
<u>SURFACE WATER</u>					
Residential (flat fee charged annually)	\$30.00	\$30.00	\$35.00	\$40.00	\$50.00
Non-Residential (flat fee charged annually based on equivalent res. unit)	\$30.00	\$30.00	\$35.00	\$40.00	\$50.00
<u>SEWER CONNECTION CHARGES</u>					
Single family, duplex, townhouse, mobile home (per unit)	\$0	\$0	\$0	\$0	\$0
Comm/Industrial, churches, schools, hospitals, nursing homes (per unit)	\$0	\$0	\$0	\$0	\$0
<u>WATER CONNECTION CHARGES</u>					
Meter	\$275	\$275	\$285	\$300	\$300
Single family, duplex, townhouse, mobile home (per unit)	\$140	\$175	\$130	\$140	\$140
Comm/Industrial, churches, schools, hospitals, nursing homes (per unit)	\$140	\$175	\$130	\$140	\$140
<u>TRUNK LINE AVAILABILITY CHARGES</u>					
Sewer availability charge per unit	\$3,500	\$3,500	\$3,500	\$3,300	\$3,500
MCES connection charge (per unit)	\$2,150	\$2,150	\$2,150	\$2,150	\$2,230
Water availability charge for new development per unit	\$3,675	\$3,675	\$3,675	\$3,900	\$3,900
Water availability charge for existing structures within Old Village	\$800	\$800	\$800	\$800	\$800

Utility Rates

CITY OF LAKE ELMO FEE SCHEDULE

	Annual % Incr	Beg Yr 2013	Future Estimates for Financial Plan									
			1	2	3	4	5	6	7	8	9	10
		2012 Budget	2013	2014	2015	2016	2017	2018	2019	2020	2021	
WATER SERVICE												
Residential												
Water Basic Service fee (per meter or per unit/qtr)												
Water (per meter or per unit per 1,000 gallons):												
Tier 1: Water usage per first 15,000 gallons	3.0%	\$25.00	\$25.75	\$26.52	\$27.32	\$28.14	\$28.98	\$29.85	\$30.75	\$31.67	\$32.62	
Tier 2: Water usage +15,000 gallons to 30,000 gallons	3.0%	\$2.14	\$2.20	\$2.27	\$2.34	\$2.41	\$2.48	\$2.56	\$2.63	\$2.71	\$2.79	
Tier 3: Water usage +30,000 gallons to 50,000 gallons	3.0%	\$2.86	\$2.95	\$3.03	\$3.13	\$3.22	\$3.32	\$3.41	\$3.52	\$3.62	\$3.73	
Tier 4: Water usage +50,000 gallons to 80,000 gallons	3.0%	\$3.77	\$3.88	\$4.00	\$4.12	\$4.24	\$4.37	\$4.50	\$4.64	\$4.78	\$4.92	
Tier 5: Water usage +80,000 gallons	3.0%	\$5.00	\$5.15	\$5.30	\$5.46	\$5.63	\$5.80	\$5.97	\$6.15	\$6.33	\$6.52	
Sewer (per 1,000 gallons)	3.0%	\$6.63	\$6.83	\$7.03	\$7.24	\$7.46	\$7.69	\$7.92	\$8.15	\$8.40	\$8.65	
	3.0%	\$4.50	\$4.64	\$4.77	\$4.92	\$5.06	\$5.22	\$5.37	\$5.53	\$5.70	\$5.87	
Commercial and Industrial												
Water Basic Service fee (per meter or per unit/qtr)												
Water (per meter or per unit per 1,000 gallons):												
Tier 1: Water usage per first 10,000 gallons	3.0%	\$25.00	\$25.75	\$26.52	\$27.32	\$28.14	\$28.98	\$29.85	\$30.75	\$31.67	\$32.62	
Tier 2: Water usage +10,000 gallons to 25,000 gallons	3.0%	\$3.11	\$3.20	\$3.30	\$3.40	\$3.50	\$3.61	\$3.71	\$3.82	\$3.94	\$4.06	
Tier 3: Water usage +25,000 gallons	3.0%	\$3.26	\$3.36	\$3.46	\$3.56	\$3.67	\$3.78	\$3.89	\$4.01	\$4.13	\$4.25	
Tier 4: Water usage +29,000 gallons to next Tier	3.0%	\$3.77	\$3.88	\$4.00	\$4.12	\$4.24	\$4.37	\$4.50	\$4.64	\$4.78	\$4.92	
Tier 5: Water usage +36,000 gallons to next Tier	3.0%	\$5.00	\$5.15	\$5.30	\$5.46	\$5.63	\$5.80	\$5.97	\$6.15	\$6.33	\$6.52	
Sewer (per 1,000 gallons)	3.0%	\$6.63	\$6.83	\$7.03	\$7.24	\$7.46	\$7.69	\$7.92	\$8.15	\$8.40	\$8.65	
	3.0%	\$4.50	\$4.64	\$4.77	\$4.92	\$5.06	\$5.22	\$5.37	\$5.53	\$5.70	\$5.87	
SURFACE WATER												
Residential (flat fee charged annually)	3.0%	\$50.00	\$51.50	\$53.05	\$54.64	\$56.28	\$57.96	\$59.70	\$61.49	\$63.34	\$65.24	
Non-Residential (flat fee charged annually)	3.0%	\$50.00	\$51.50	\$53.05	\$54.64	\$56.28	\$57.96	\$59.70	\$61.49	\$63.34	\$65.24	
SEWER CONNECTION CHARGES												
Single family, duplex, townhouse, mobile home (per unit)	4.5%	\$0	\$3,500	\$3,658	\$3,822	\$3,994	\$4,174	\$4,362	\$4,558	\$4,763	\$4,977	
Comm/Industrial, churches, schools, hospitals, nursing homes (per unit)	4.5%	\$0	\$3,500	\$3,658	\$3,822	\$3,994	\$4,174	\$4,362	\$4,558	\$4,763	\$4,977	
WATER CONNECTION CHARGES												
Meter												
Single family, duplex, townhouse, mobile home (per unit)	3.0%	\$300	\$309	\$318	\$328	\$338	\$348	\$358	\$369	\$380	\$391	
Comm/Industrial, churches, schools, hospitals, nursing homes (per unit)	4.5%	\$140	\$3,500	\$3,658	\$3,822	\$3,994	\$4,174	\$4,362	\$4,558	\$4,763	\$4,977	
	4.5%	\$140	\$3,500	\$3,658	\$3,822	\$3,994	\$4,174	\$4,362	\$4,558	\$4,763	\$4,977	
TRUNK LINE AVAILABILITY CHARGES												
Sewer availability charge per unit	4.5%	\$3,500	\$3,658	\$3,822	\$3,994	\$4,174	\$4,362	\$4,558	\$4,763	\$4,977	\$5,201	
MCES connection charge (per unit)	2.0%	\$2,230	\$2,275	\$2,320	\$2,366	\$2,414	\$2,462	\$2,511	\$2,562	\$2,613	\$2,665	
Water availability charge for new development per unit	4.5%	\$3,900	\$4,076	\$4,259	\$4,451	\$4,651	\$4,860	\$5,079	\$5,307	\$5,546	\$5,796	
Water availability charge for existing structures within Old Village	4.5%	\$800	\$836	\$874	\$913	\$954	\$997	\$1,042	\$1,089	\$1,138	\$1,189	

Utility Rates

CITY OF LAKE ELMO

CUSTOMER EQUIVALENT UNITS, VOLUME OF WATER AND SANITARY SEWER SERVICE BILLED

Future Estimates for Financial Plan											
	1	2	3	4	5	6	7	8	9	10	
	2011	2012 Budget	2013	2014	2015	2016	2017	2018	2019	2020	2021

Volume figures below are annual amounts and shown in 1,000 of Gallons

Residential

Water Basic Service fee (per meter or per unit/qtr)	874	874	889	904	934	959	984	999	1,014	1,024	1,034
Sewer Basic Service fee (per meter or per unit/qtr)	874	874	889	904	934	959	984	999	1,014	1,024	1,034
Water (per meter or per unit):											
Tier 1: Water usage per first 15,000 gallons	52,440	52,440	53,340	54,240	56,040	57,540	59,040	59,940	60,840	61,440	62,040
Tier 2: Water usage +15,000 gallons to 30,000 gallons	7,500	7,500	7,629	7,757	8,015	8,229	8,444	8,573	8,701	8,787	8,873
Tier 3: Water usage +30,000 gallons to 50,000 gallons	5,000	5,000	5,086	5,172	5,343	5,486	5,629	5,715	5,801	5,858	5,915
Tier 4: Water usage +50,000 gallons to 80,000 gallons	6,841	6,841	6,958	7,076	7,311	7,506	7,702	7,819	7,937	8,015	8,093
Tier 5: Water usage +80,000 gallons	15,500	15,500	15,766	16,032	16,564	17,007	17,451	17,717	17,983	18,160	18,338
Total Water Volume Sold	87,281	87,281	88,779	90,277	93,273	95,769	98,266	99,764	101,262	102,261	103,259
Sewer (per 1,000 gallons)	2,337	2,337	2,377	2,417	2,497	2,564	2,631	2,671	2,711	2,738	2,765

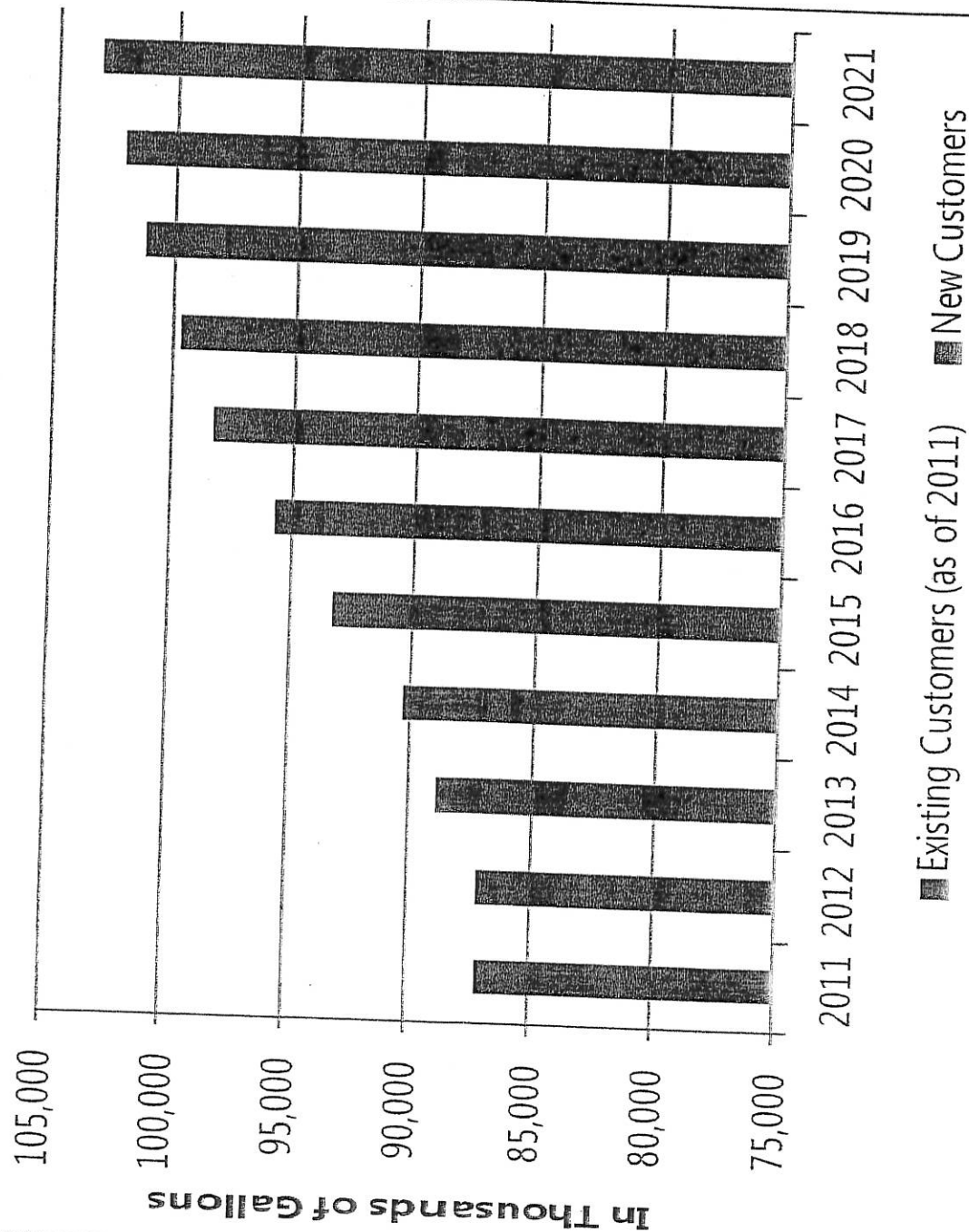
Commercial and Industrial

Water Basic Service fee (per meter or per unit/qtr)	109	109	109	109	110	111	111	112	112	113	113
Sewer Basic Service fee (per meter or per unit/qtr)	109	109	109	109	110	111	111	112	112	113	113
Water (per meter or per unit):											
Tier 1: Water usage per first 10,000 gallons	6,540	6,540	6,540	6,540	6,615	6,645	6,675	6,705	6,735	6,765	6,795
Tier 2: Water usage +10,000 gallons to 25,000 gallons	1,000	1,000	1,000	1,000	1,011	1,016	1,021	1,025	1,030	1,034	1,039
Tier 3: Water usage +25,000 gallons	1,000	1,000	1,000	1,000	1,011	1,016	1,021	1,025	1,030	1,034	1,039
Tier 4: Water usage +29,000 gallons to next Tier	3,000	3,000	3,000	3,000	3,034	3,048	3,062	3,076	3,089	3,103	3,117
Tier 5: Water usage +36,000 gallons to next Tier	19,416	19,416	19,416	19,416	19,639	19,728	19,817	19,906	19,995	20,084	20,173
Total Water Volume Sold	30,956	30,956	30,956	30,956	31,311	31,453	31,595	31,737	31,879	32,021	32,163
Sewer (per 1,000 gallons)	10,000	10,000	10,000	10,000	10,115	10,161	10,206	10,252	10,298	10,344	10,390

TOTAL ESTIMATED WATER BILLED (IN 1,000 OF GALLONS)

	118,237	118,237	119,735	121,233	124,584	127,222	129,861	131,501	133,141	134,282	135,422
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City of Lake Elmo Estimated Gallons of Water Sold



FINANCIAL PLANS

Based on historical financial performance, current utility rates and structure, and anticipated future capital projects, the following financial plans (pro forma) have been prepared for the utility funds.

Key Assumptions

The financial plans for each of the utility funds was developed based on several key assumptions which are as follows:

- Operating expenditures, including personnel costs and materials supplies and all other operating expense will increase by 2 percent per year.
- No change in existing tier structure for fees and charges.
- Depreciation is held constant in the financial plans. Future depreciation expense will increase with the addition of infrastructure assets but for the purposes of this report the amount was held constant.
- Current capital improvement plan will be implemented at estimated project costs and sources of funding. This includes an increase in future debt service for payment on bonds to be issued.

- Utility fees for use of the system (i.e., volume of water) are shown to increase at the rate of 3.0 percent per year for years 2013 to 2021. The percent increase is across all elements of the City's current rate structure, including the base and tier rates. Actual year to year activity (i.e., volume of water sold, operating expenditures, etc) and actual expenditure on capital projects will determine what

actual rates will need to be set at in order to maintain adequate cash in the utility funds.

- Connection and availability charges are shown to increase at the rate of 4.5 percent per year. Revenue from these charges will be needed to pay for the expansion of the system and the planned capital projects and related debt service.
- Water connection charge is increased from \$140 in 2012 to \$3,500 beginning in year 2013. The water connection charge is then adjusted annually at the rate of 4.5 percent.
- Sewer connection charge is implemented beginning in year 2013. The City presently does not charge for sewer connection. Initially shown to be set at \$3,500 then adjusted annually at the rate of 4.5 percent.
- Metropolitan Council Environmental Services (MCES) connection charge is shown to increase by an estimated 2 percent per year. The actual annual amounts will be set by MCES.
- The proposed future utility fees and charges are shown to increase at a level that is adequate to maintain a positive cash balance in the funds and to meet a policy of maintaining cash (fund) balance at 50 percent of operating expenditures.

Appendix

The Appendix to this Report includes information from the financial plans presented in chart format. The use of charts helps to illustrate trends. Also included in the Appendix Section is information on what example customers of the water and sewer services would pay based on assumptions in the report.

Financial Plans

		Projected												
		1	2	3	4	5	6	7	8	9	10			
		2010	2011	2012 Budget	2013	2014	2015	2016	2017	2018	2019	2020	2021	
Notes														
SOURCE OF FUNDS:														
Operating:														
Customer Billing Revenue		502,464	511,474	410,000	582,318	606,650	641,267	673,578	707,251	737,189	768,287	797,855	828,507	
Bulk water sales		-	6,667	-	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	
Special assessments		3,774	(327)	2,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	
Water meter sales		11,121	9,165	5,000	18,540	19,096	40,977	34,441	35,474	22,209	22,876	15,961	16,440	
Water Connections, Development Fees		78,000	74,100	48,000	454,530	474,984	1,034,079	881,780	921,460	585,308	611,647	432,987	452,471	
Investment earnings	1%	10,580	9,903	4,000	7,199	9,983	12,680	6,553	4,557	9,260	13,051	17,053	19,535	
Rents	1%	45,226	48,555	36,000	27,600	27,600	27,600	27,600	27,600	27,600	27,600	27,600	27,600	
Total Operating Sources		651,165	659,537	535,500	1,100,187	1,148,313	1,766,604	1,633,951	1,706,342	1,391,566	1,453,460	1,301,457	1,354,553	
Non-Operating:														
Bond Proceeds		23,928	56,226	-	3,540,000	-	-	2,000,000	-	-	-	-	-	
Grants					1,000,000	-	-	-	-	-	-	-	-	
Intergovernmental					1,000,000	-	-	-	-	-	-	-	-	
Trsf In from Other/11E/Developer					-	-	-	-	-	-	-	-	-	
Trsf In from Other/Due From Oth Funds		50,000	50,000	25,000	-	400,000	-	250,000	350,000	-	-	-	-	
Contribution of capital assets		187,401			-	-	-	-	-	-	-	-	-	
Total Non-Op Sources		261,329	106,226	25,000	5,540,000	400,000	-	2,250,000	350,000	-	-	-	-	
Total Source of Funds		912,494	765,763	560,500	6,640,187	1,548,313	1,766,604	3,883,951	2,056,342	1,391,566	1,453,460	1,301,457	1,354,553	
USE OF FUNDS:														
Operating:														
Personnel	2%	102,711	103,651	103,845	105,922	108,040	110,201	112,405	114,653	116,946	119,285	121,671	124,104	
NonPersonnel	2%	272,216	270,119	259,725	264,920	270,218	275,622	281,135	286,757	292,493	298,342	304,309	310,395	
Depreciation*	2%	324,818	324,192	340,000	340,000	340,000	340,000	340,000	340,000	340,000	340,000	340,000	340,000	
Total Operating Uses		699,745	697,962	703,570	710,841	718,258	725,823	733,540	741,411	749,439	757,628	765,980	774,500	
Non-Operating:														
Capital improvements/acquisition		33,320	12,831	-	5,540,000	400,000	1,500,000	3,175,000	600,000	-	-	-	-	
Surface Water Loan Payment		56,226			-	-	-	-	-	-	-	-	-	
GO Water Rev Bond 2005A		175,025	175,025	175,025	300,025	320,650	315,250	49,880	53,680	52,128	55,575	53,850	51,975	
GO Ref Bond 2009A (Refund 2002R)		241,427	241,427	241,427	241,427	241,427	241,427	241,427	241,427	241,427	241,427	241,427	241,427	
GO Ref Bond 2012A (Refund 2005A)		51,131	55,069	54,680	53,680	52,480	51,280	49,880	48,880	47,880	46,880	45,880	44,880	
Future Debt Service on Bonds		7,418	7,418	7,418	97,208	127,208	127,028	184,060	258,805	257,515	296,015	293,653	296,000	
Bond Discount Amortization*		2,402	11,818		6,277	6,277	6,277	6,277	6,277	6,277	6,277	6,277	6,277	
Other (Adjustments)														
Trsf out to Other/Due to Oth Funds														
Total Non-Operating		325,522	262,161	237,123	5,997,190	906,615	1,999,835	3,696,260	1,190,905	609,263	641,910	633,623	624,845	
Total Use of Funds		1,025,267	910,123	940,693	6,708,031	1,624,873	2,725,658	4,429,800	1,932,316	1,358,701	1,399,538	1,399,603	1,399,345	
NET DIFFERENCE SOURCES AND USES		(112,773)	(144,360)	(380,193)	(67,844)	(76,559)	(959,054)	(545,849)	124,026	32,865	53,923	(98,146)	(44,792)	
CASH BALANCE														
Available Cash Balance Purposes:														
Maintain 50% of operating expense as reserve		323,981	351,785	355,421	359,129	362,912	366,770	370,705	374,719	378,814	382,990	387,250	398,867	
Net available for capital		241,427	400,873	364,462	639,187	905,122	288,486	84,979	551,268	926,316	1,322,339	1,566,210	1,856,078	
ending Cash Balance		565,408	752,658	719,883	998,316	1,268,034	655,256	455,685	925,988	1,305,130	1,705,329	1,953,460	2,254,945	

Financial Plans

CITY OF LAKE ELMO SANITARY SEWER FINANCIAL PLAN

	Notes	2010	2011	2012 Budget	1	2	3	4	5	6	7	8	9	10		
					2010	2011	2012 Budget	2013	2014	2015	2016	2017	2018	2019	2020	2021
SOURCE OF FUNDS:																
Operating:																
Customer Billing Revenue		48,508	53,012	50,000	57,367	59,279	62,016	64,448	66,969	69,440	71,999	74,573	77,236			
Interest income	1%	631	417	100	(166)	2,929	4,675	11,183	16,332	21,927	21,423	23,937	24,570			
Special assessments	SEE AUDIT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sewer Connection Fees (Development) incl MCES	SEE SCHED	2,400	1,785	-	565,926	587,981	1,272,833	1,079,335	1,121,750	708,715	736,715	518,833	539,437			
Total Operating Sources		51,539	55,214	50,100	623,127	650,189	1,339,525	1,154,966	1,205,052	800,082	830,137	617,343	641,244			
Non-Operating:																
Bond Proceeds	SEE CIP	-	-	-	3,500,000	1,200,000	1,100,000	-	-	-	-	-	-	-	-	-
Grants	SEE CIP	-	-	-	1,000,000	-	-	-	-	-	-	-	-	-	-	-
Intergovernmental	SEE CIP	-	-	-	-	-	-	180,000	180,000	-	-	-	-	-	-	-
Trsf In from Other/TIF/Developer	SEE CIP	-	-	-	-	400,000	-	420,000	420,000	-	-	-	-	-	-	-
Total Non-Op Sources		-	-	-	4,500,000	1,600,000	1,100,000	600,000	600,000	-	-	-	-	-	-	-
Total Source of Funds		51,539	55,214	50,100	5,123,127	2,250,189	2,439,525	1,754,966	1,805,052	800,082	830,137	617,343	641,244			
USE OF FUNDS:																
Operating:																
Personnel	2%	22,996	22,837	23,403	23,871	24,348	24,835	25,332	25,839	26,356	26,883	27,420	27,969			
NonPersonnel (Incl. Pmt to Met Council)	2%	29,777	41,521	70,400	208,284	212,450	370,521	322,413	328,862	234,985	239,685	192,222	196,067			
Depreciation	2%	8,740	9,000	9,200	9,200	9,200	9,200	9,200	9,200	9,200	9,200	9,200	9,200			
Total Operating Uses		61,513	73,358	103,003	241,355	245,998	404,556	356,945	363,900	270,541	275,767	228,843	233,236			
Non-Operating:																
Capital	SEE CIP	-	-	-	4,500,000	1,600,000	1,100,000	600,000	600,000	300,000	-	-	-			
Existing Debt Service	SEE DEBT	-	-	-	-	-	-	-	-	-	-	-	-			
Future Debt Service on Bonds to be Issued	SEE DEBT	-	-	-	81,430	238,743	293,443	292,268	290,868	289,168	312,168	334,355	330,705			
Other (Adjustments)	REC TO AUDIT	17,015	(6,980)	-	-	-	-	-	-	-	-	-	-			
Trsf out to Other/Due to Oth Funds	NONE	-	-	-	-	-	-	-	-	-	-	-	-			
Total Non-Operating		17,015	(6,980)	-	4,581,430	1,838,743	1,393,443	892,268	890,868	589,168	312,168	334,355	330,705			
Total Use of Funds		78,528	66,378	103,003	4,822,785	2,084,741	1,797,999	1,249,213	1,254,768	859,708	587,935	563,198	563,941			
NET DIFFERENCE SOURCES AND USES																
		(26,989)	(11,164)	(52,903)	300,342	165,449	641,526	505,753	550,284	(59,626)	242,202	54,145	77,303			

CASH BALANCE

Available Cash Balance Purposes:

Estimate of 50% of operating expense for reserve

Net available for capital

Ending Cash Balance

Financial Plans

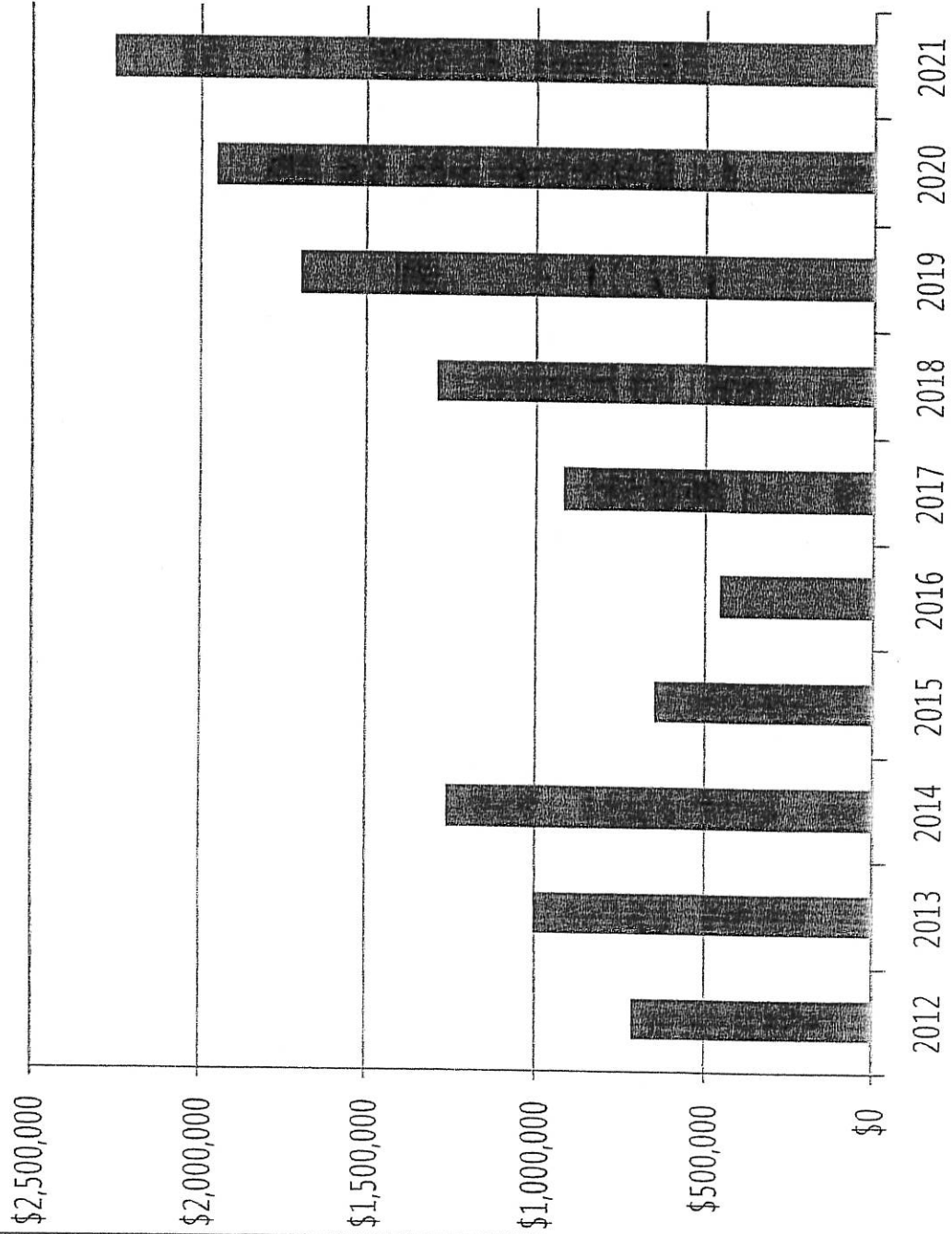
CITY OF LAKE ELMO STORM SEWER FINANCIAL PLAN

	Notes	2010	2011	2012 Budget	2013	2014	2015	2016	2017	2018	2019	2020	2021
SOURCE OF FUNDS:													
Operating:													
Customer Billing Revenue		185,245	235,252	150,000	285,472	294,036	302,857	311,943	321,301	330,940	340,869	351,095	361,628
Interest Income	1%	(83)	468	-	71	1,256	2,506	3,822	5,207	6,665	8,197	9,807	11,497
Other Miscellaneous		32,721	17,000	17,500	-	-	-	-	-	-	-	-	-
Total Operating Sources	SEE AUDIT	217,883	252,720	167,500	285,543	295,293	305,363	315,765	326,509	337,605	349,065	360,901	373,125
Non-Operating:													
Bond Proceeds	SEE CIP	-	-	-	-	-	-	-	-	-	-	-	-
Grants	SEE CIP	-	-	-	-	-	-	-	-	-	-	-	-
Trsf In from Other/IFF/Developer	SEE CIP	-	-	-	-	-	-	-	-	-	-	-	-
Total Non-Op Sources		-	-	-	-	-	-	-	-	-	-	-	-
Total Source of Funds		217,883	252,720	167,500	285,543	295,293	305,363	315,765	326,509	337,605	349,065	360,901	373,125
USE OF FUNDS:													
Operating:													
Personnel	2%	39,855	41,134	40,532	41,343	42,169	43,013	43,873	44,751	45,646	46,559	47,490	48,439
NonPersonnel	2%	96,341	95,062	123,200	125,664	128,177	130,741	133,356	136,023	138,743	141,518	144,348	147,235
Depreciation	2%	15,188	15,188	15,188	15,188	15,188	15,188	15,188	15,188	15,188	15,188	15,188	15,188
Increase in O&M from future improv	2%	-	-	-	-	-	-	-	-	-	-	-	-
Total Operating Uses		151,384	151,384	178,920	182,195	185,535	188,942	192,417	195,961	199,577	203,265	207,026	210,863
Non-Operating:													
Capital	SEE CIP	-	-	-	-	-	-	-	-	-	-	-	-
Existing Debt Service	NONE	-	-	-	-	-	-	-	-	-	-	-	-
Future Debt Service on Bonds to be Issued	SEE DEBT	-	-	-	-	-	-	-	-	-	-	-	-
Other (Adjustments)	REC TO AUDIT	81,687	113,197	-	-	-	-	-	-	-	-	-	-
Trsf out to Other/Due to Oth Funds	NONE	-	-	-	-	-	-	-	-	-	-	-	-
Total Non-Operating		81,687	113,197	-	-	-	-	-	-	-	-	-	-
Total Use of Funds		233,071	264,581	178,920	182,195	185,535	188,942	192,417	195,961	199,577	203,265	207,026	210,863
NET DIFFERENCE SOURCES AND USES													
		(15,188)	(11,861)	(11,420)	103,348	109,758	116,421	123,348	130,547	138,028	145,801	153,875	162,262
CASH BALANCE													
Available Cash Balance Purposes:													
Estimate of 50% of operating expense for reserve		75,692	89,460	91,097	92,767	94,471	96,208	97,981	99,788	101,632	103,513	105,431	108,594
Net available for capital	(75,692)	(86,133)	(84,002)	32,864	156,106	285,978	422,742	566,670	718,042	877,150	1,044,295	1,218,582	1,419,727
Ending Cash Balance		3,327	7,095	125,631	250,577	382,187	520,723	666,458	819,674	980,663	1,149,727	1,327,176	1,517,176

City of Lake Elmo

Water Fund

Projected Cash Balances at Year End

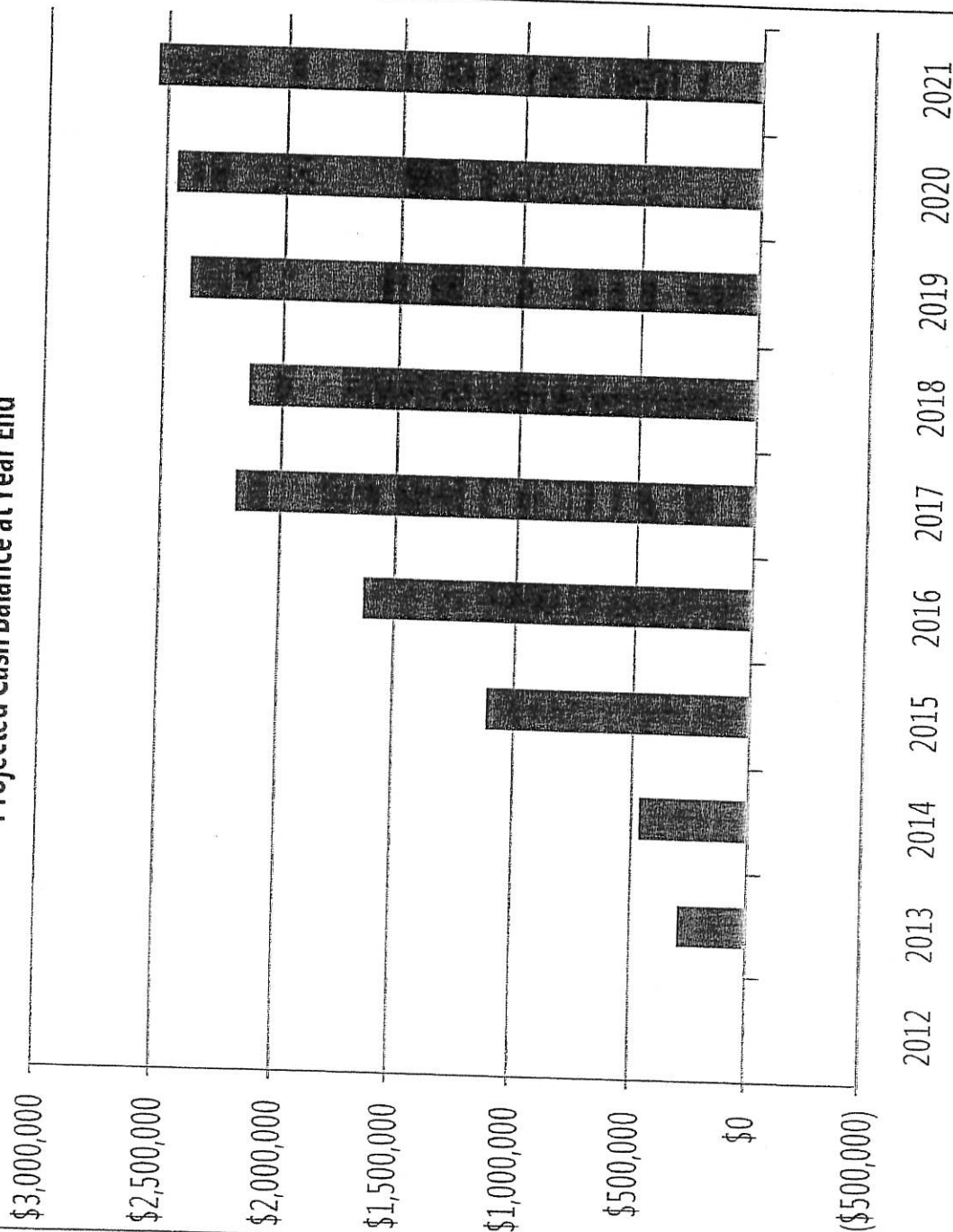


The decrease in cash balance in year 2015 and 2016 is due to the planned use of cash for capital improvement projects in year 2015 and 2016 in lieu of bonding. The City may determine to instead increase the planned issuance of bonds depending on the amount of cash available in the Fund in future years.

City of Lake Elmo

Sanitary Sewer Fund

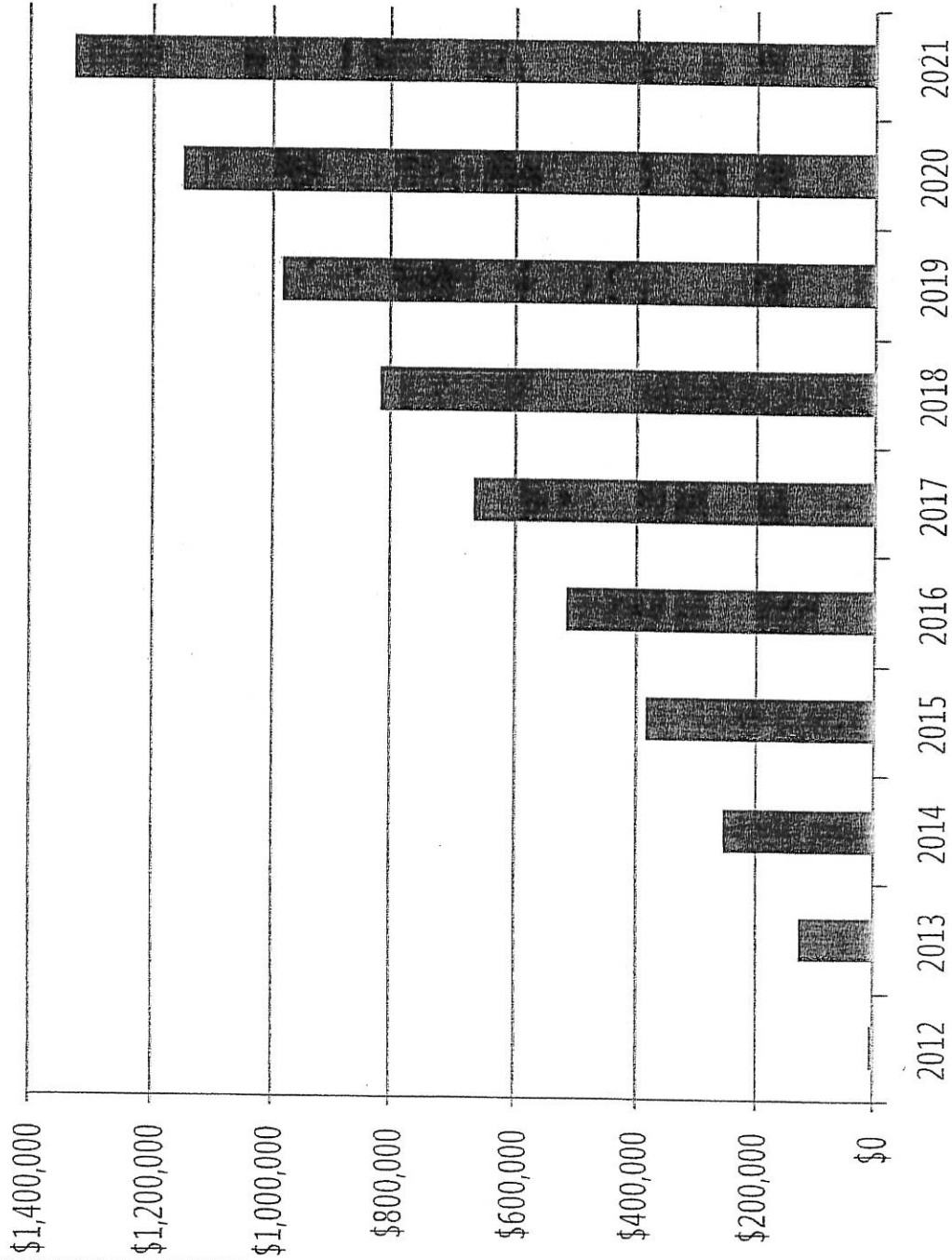
Projected Cash Balance at Year End



The City's CIP anticipates bonding to pay for capital improvement projects, with the exception of \$300,000 in year 2018. The City may determine in the future to reduce the issuance of bonds and instead use available cash to pay for capital improvements. This decision will depend on the amount of cash available which is a factor of the rate of development growth and the timing of collection of connection and availability charges.

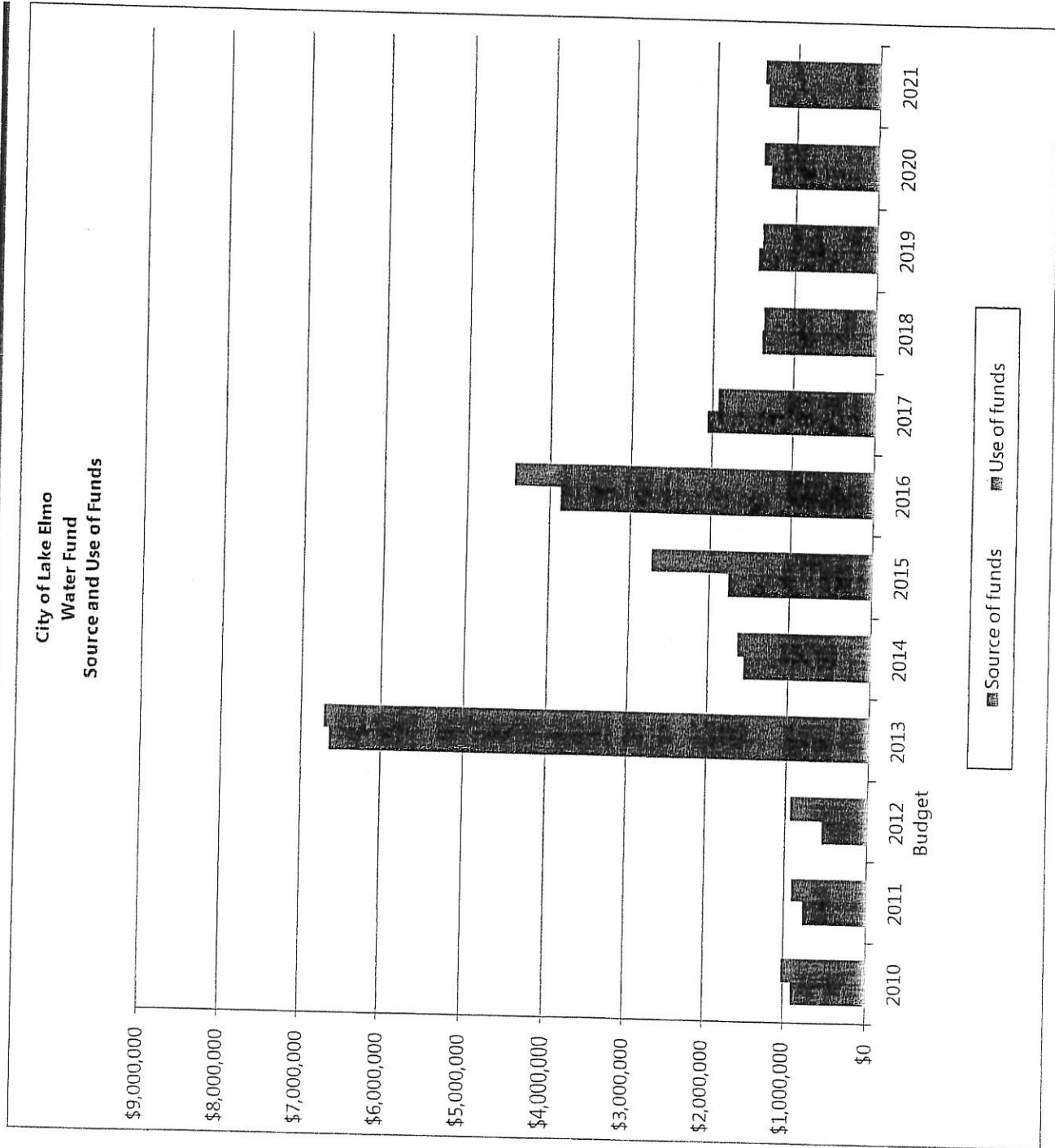
City of Lake Elmo
Storm Sewer Fund

Projected Cash Balances at Year End

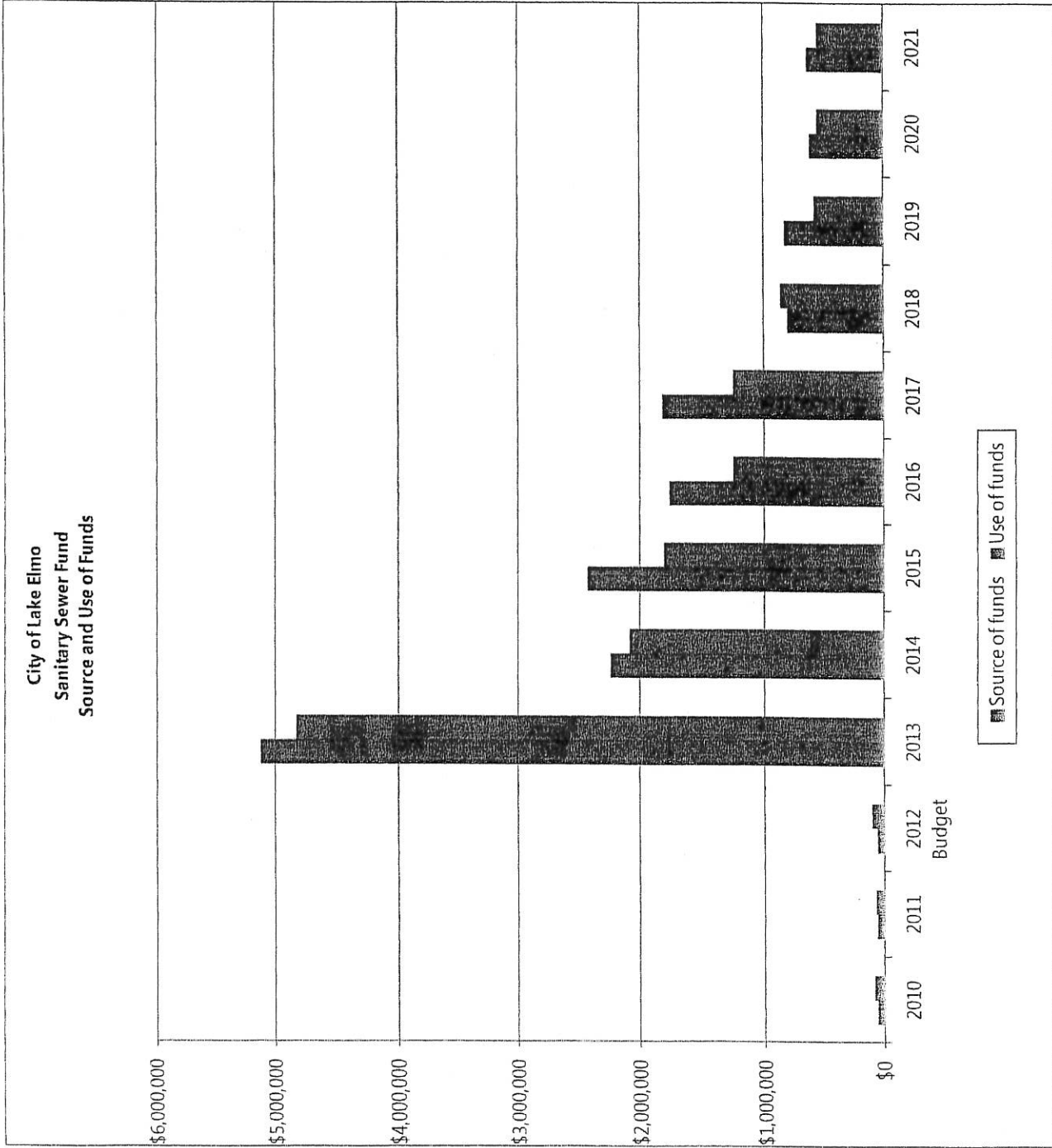


The steady increase in cash balance in the Storm Sewer Fund is due to the assumption that the annual charge for service will increase by 3 percent annually and growth in expenditures will increase by 2 percent annually. The Storm Sewer Fund has no outstanding debt or planned use of cash for capital improvements at this time. Possible addition of capital spending in the future will impact the projected cash balances. If there is no future introduction of plans for capital improvements, the City may determine that future rate increases may not be necessary at the level included in the report.

Appendix



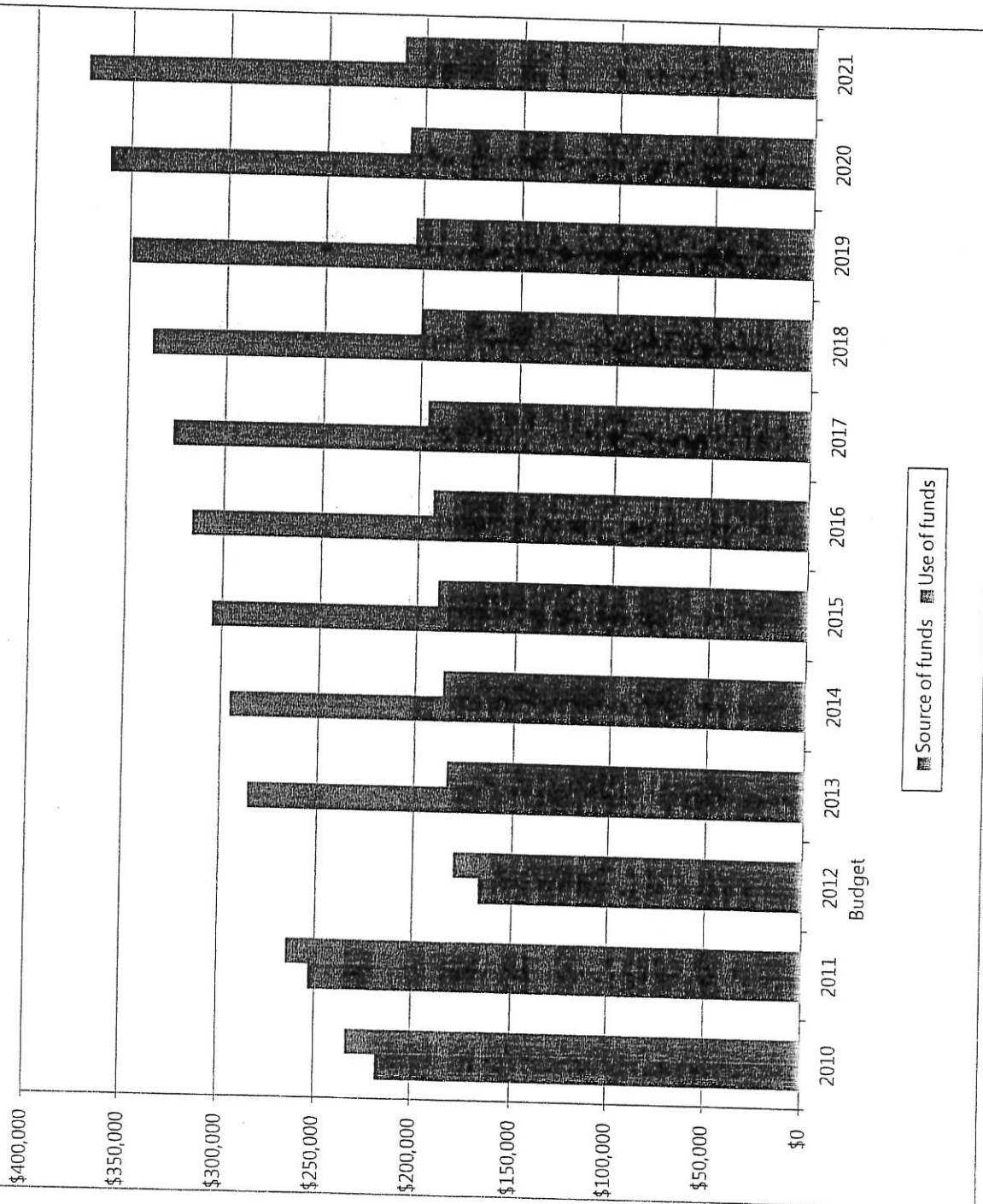
The annual projected source and use of funds varies due to the timing of capital improvement projects and planned use of cash. The other major factor is payment of debt service. For example, in year 2015 and 2016, the City plans to use \$1,500,000 and \$925,000 of cash for capital improvements, respectively by year.



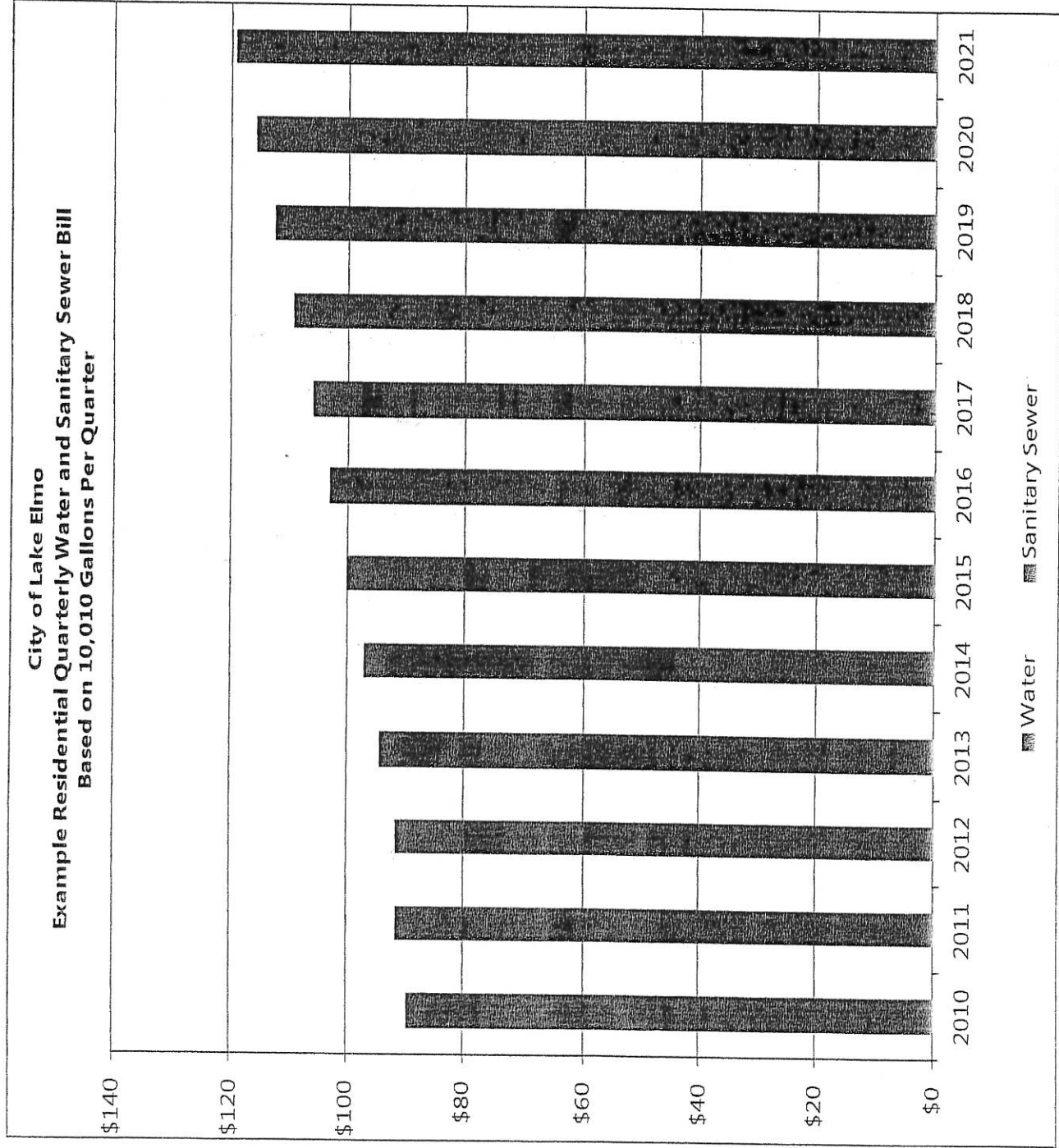
Projected source of funds exceeds use of funds, with the exception of year 2018. In year 2018, the City anticipates the use of \$300,000 of cash from the fund for capital improvements.

Appendix

City of Lake Elmo
Storm Sewer Fund
Source and Use of Funds



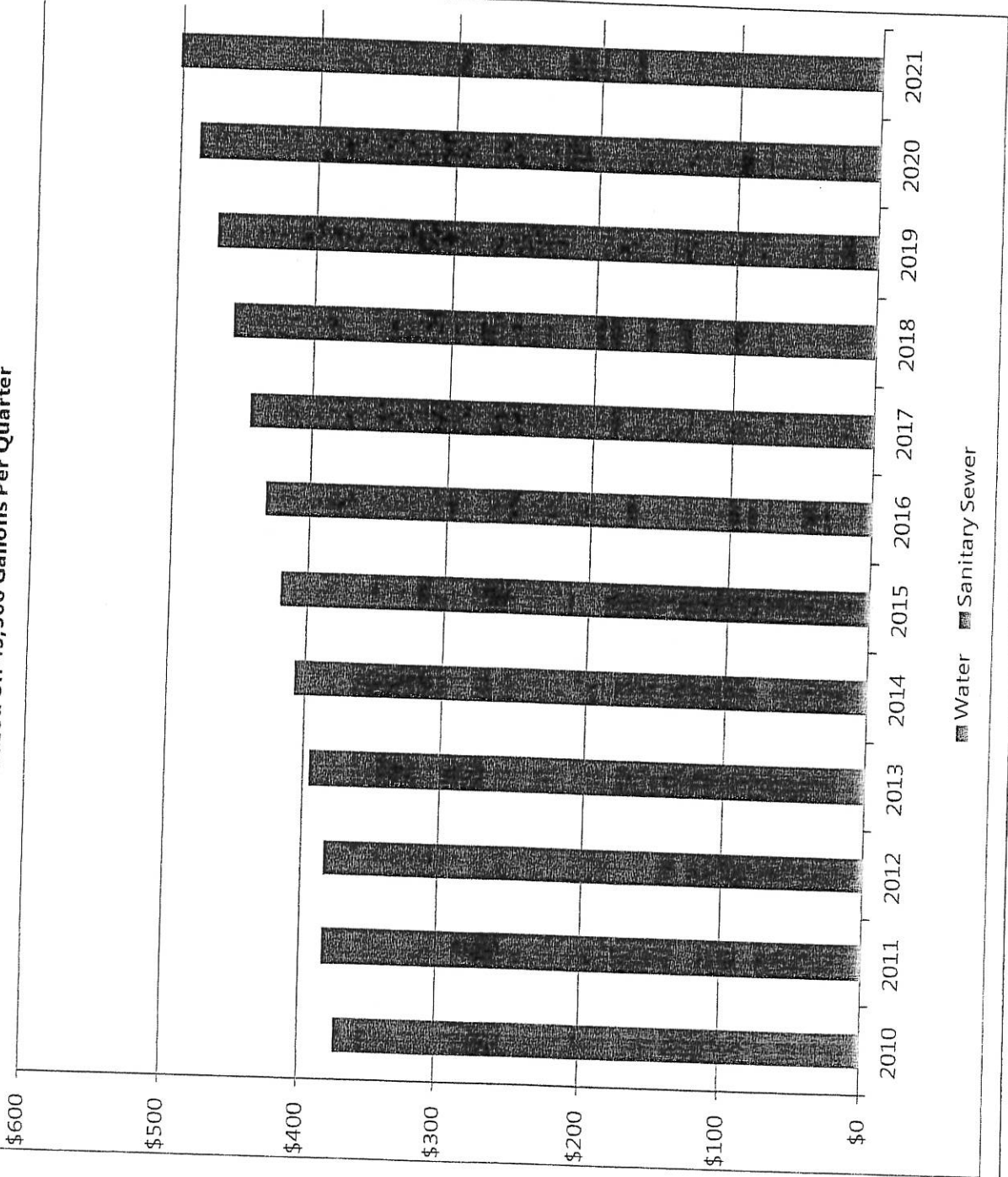
The source of funds is projected to exceed the use of funds each year due to the projected 3 percent increase in the fee charged and 2 percent increase in annual operating expenditures. The Storm Sewer Fund has no outstanding debt or planned use of cash for capital improvements at this time. Possible addition of capital spending in the future will impact the projected cash balances and the draw-down of fund balance. The City may determine to reduce the planned increase in the fee depending on actual expenditures.



The quarterly charge amounts shown in this chart are based on the fee schedule shown on page 17. The estimated volume of 10,000 is for household water usage. Property with a sprinkler system may have a higher average volume.

Appendix

City of Lake Elmo
Example Commercial Quarterly Water and Sanitary Sewer Bill
Based on 45,500 Gallons Per Quarter



The quarterly charge amounts shown in this chart are based on the fee schedule shown on page 17.

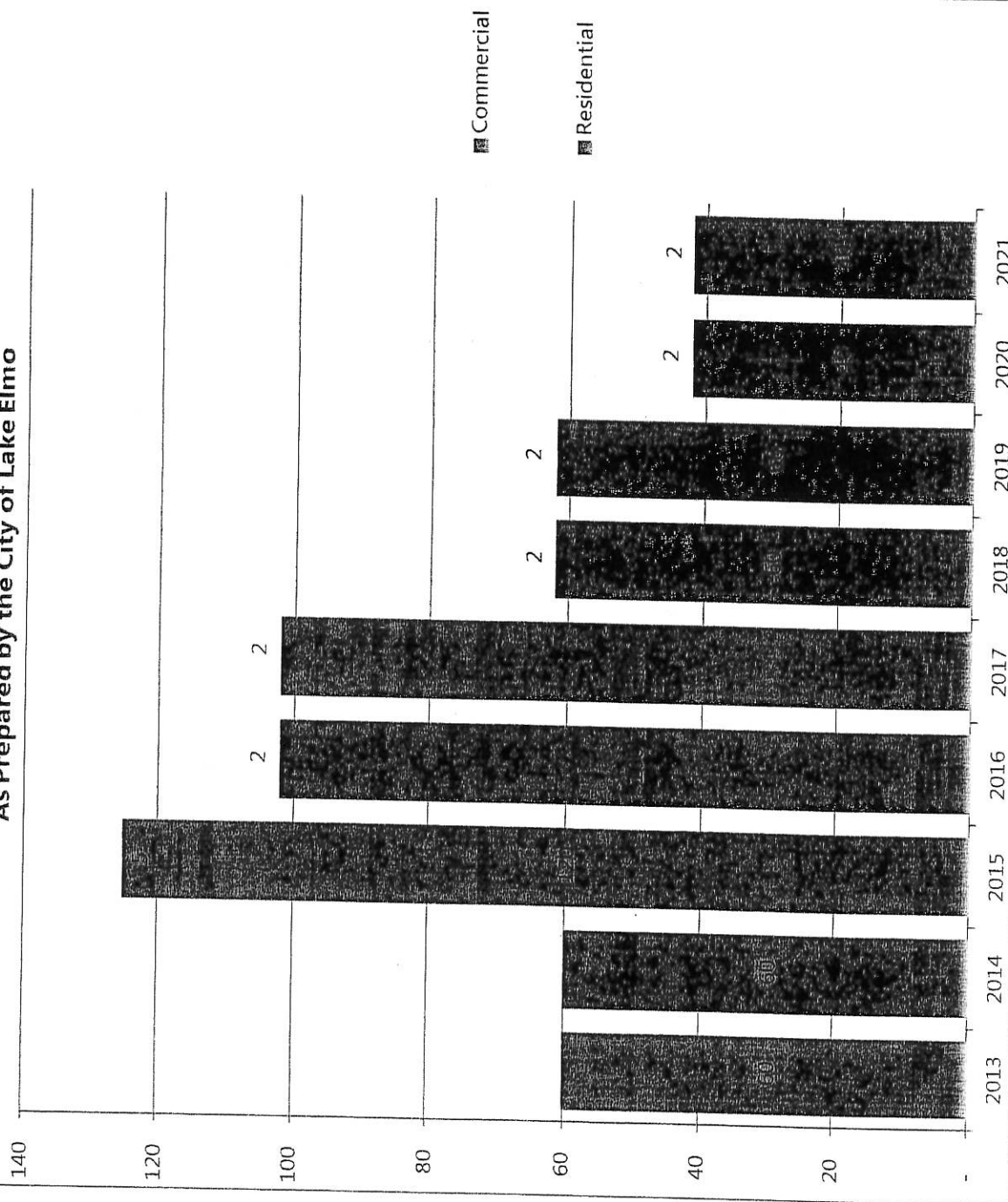
City of Lake Elmo
Comparison of 2012 Utility Rates to Other Communities
For Residential Single Family Units

	Lake Elmo	Oakdale	Woodbury	Stillwater ¹
WATER				
Water Basic Service fee (per meter or per unit/qtr)	\$25.00	\$7.50	\$10.40	
Water (per meter or per unit per 1,000 gallons):				
Tier 1: Water usage per first 15,000 gallons	\$2.14			
Alt Tier 1: Water usage per first 36,000 gallons		\$1.57	\$0.88	
Alt Tier 1: Water usage + 8,000 gallons to 30,000 gallons				
Tier 2: Water usage + 15,000 gallons to 30,000 gallons	\$2.86			
Alt Tier 2: Water usage + 36,000 gallons to 51,000 gallons		\$1.72	\$1.88	
Alt Tier 2: Water usage + 30,000 gallons to 60,000 gallons				
Tier 3: Water usage + 30,000 gallons to 50,000 gallons	\$3.77			
Alt Tier 3: Water usage + 51,000 gallons		\$1.86	\$2.88	
Alt Tier 3: Water usage + 60,000 gallons to 90,000 gallons				
Tier 4: Water usage + 50,000 gallons to 80,000 gallons	\$5.00		\$3.88	
Alt Tier 4: Water usage + 90,000 gallons to 150,000 gallons				
Tier 5: Water usage + 80,000 gallons	\$6.63		\$4.88	
Alt Tier 5: Water usage + 150,000 gallons				
SEWER				
Sewer Basic Service fee (per meter or per unit/qtr)	\$0.00	\$15.00	\$0.00	\$39.00
Sewer Base charge per 1,000 gallons	\$4.50	\$2.90	\$40.29	
Alt Sewer: minimum charge for first 8,000 gallons			\$2.47	
Alt Tier 1: Water usage + 8,000 gallons				
STORM SEWER				
Basic fee per unit	\$12.50	\$5.00	\$17.30	\$10.00
EXAMPLE CUSTOMER CONSUMING 10,010 GALLONS OF WATER PER QUARTER				
Water	\$46.42	\$23.22	\$12.17	
Sanitary Sewer	\$45.05	\$44.03	\$45.25	
Storm Sewer	\$12.50	\$20.00	\$17.30	
Total	\$103.97	\$87.24	\$74.72	

The comparative cities were chosen due to their adjacency to the City of Lake Elmo. The comparative cities are developed communities and their fees structures are generally lower than the City of Lake Elmo.

¹ Information for the City of Stillwater has been requested and will be included in the final report.

City of Lake Elmo
Projected New Residential Equivalent Units Added Per Year
As Prepared by the City of Lake Elmo



The estimates on future growth from development, shown in residential equivalent units, was prepared by City staff. This data was provided to Northland Securities as an input for the study and report. The data provides important information on future projected growth in "residential equivalent units" that are projected to pay into the utility funds in the future. Payment will include initial one time up-front costs for availability charges and connection fees and on-going payment for use of the systems.

City of Lake Elmo Utility Report Conclusions and Recommendations

October 2, 2012



Member FINRA and SIPC



The information presented at this meeting is intended solely for financial planning purposes. Northland Securities is not providing advice on the timing, terms, structure or similar matters related to a specific bond issue.

1

Introductions

- Tammy Omdal, Northland Securities
- Paul Donna, Northland Securities



2

Conclusions

- Demand to expand the capacity of the system
- Higher utility fees for all customers if growth in customers doesn't expand at projected levels
- Combination of projected growth in customers and increase to utility fees is projected to provide sufficient cash to the utility funds



5

Recommendations

- Adopt new charge for the cost of connecting to sewer and increase the amount for connection to water
 - Charges should be based on cost for infrastructure
- Uniform availability charge, collected when service becomes available
 - Alternative to special assessment
- Structure debt service around anticipated timing of development
- Adopt a formal fund balance policy for the utility funds



6

Debt Service

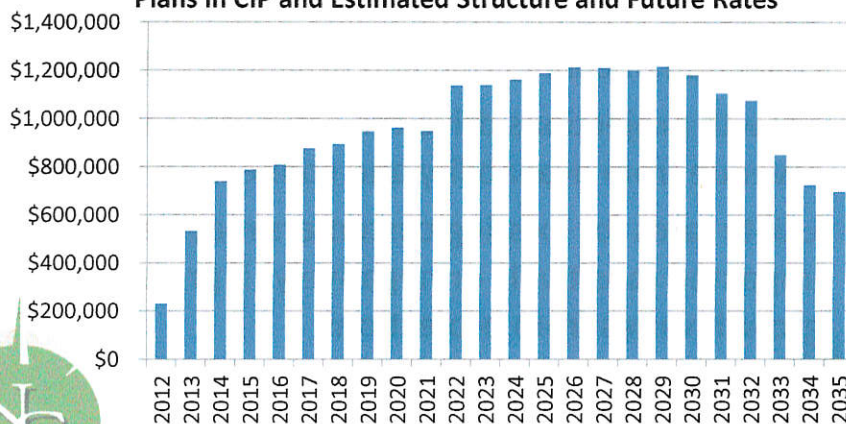
- CIP anticipates the issuance of bonds to finance water and sanitary sewer projects over the next five years
 - \$5.54 million in G.O. water revenue bonds
 - \$5.80 million in G.O. sewer revenue bonds
- Revenue from the utility funds is projected to support annual debt service (no property tax levy)



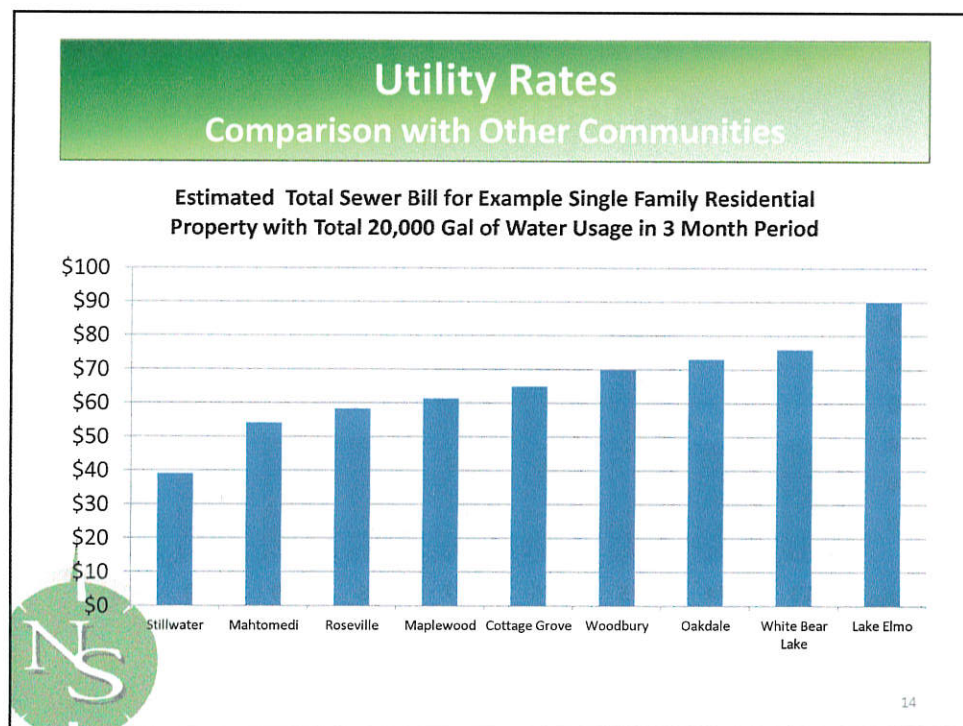
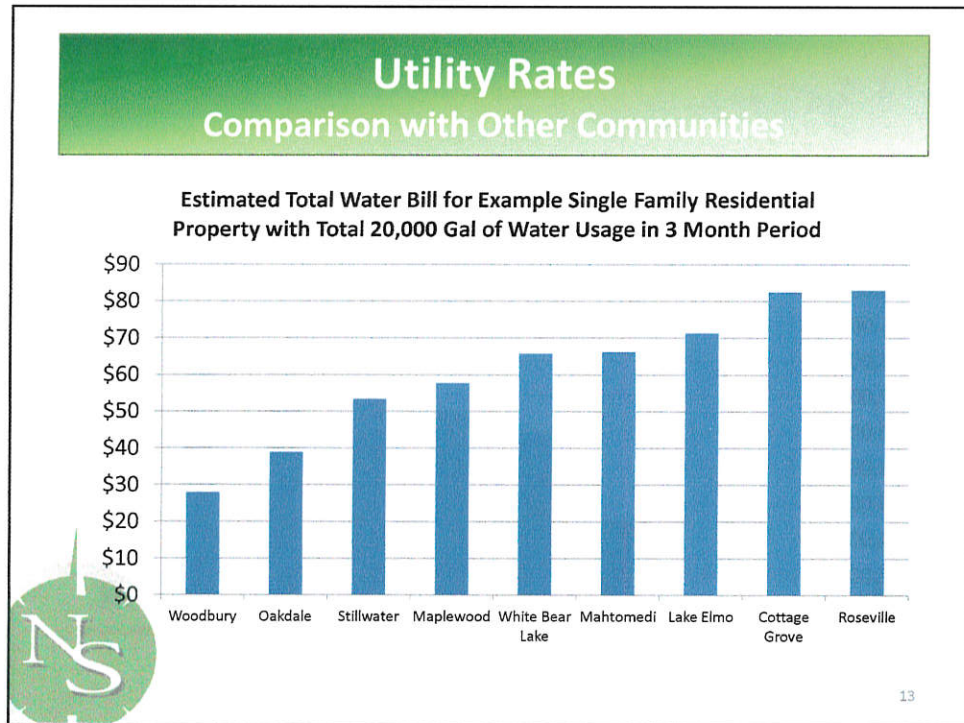
9

Debt Service

Annual Estimated Debt Service Based on Future Bonding Plans in CIP and Estimated Structure and Future Rates



10



Projected Growth

Revenue from Development

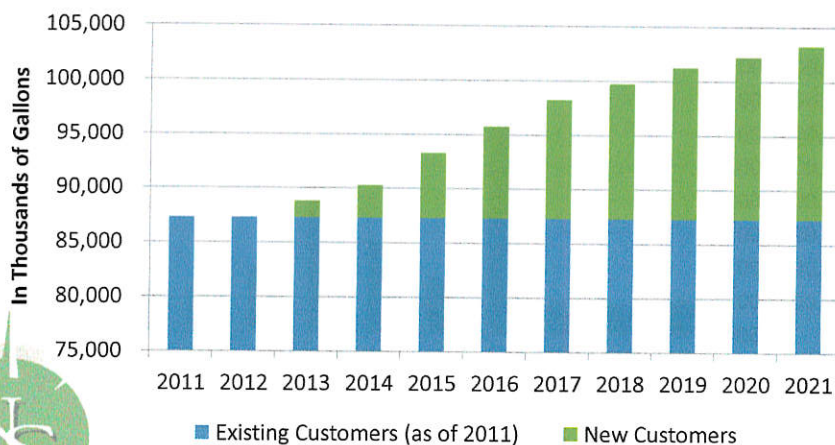
- City may impose “just and equitable” charges for the use and availability of the utility systems and for connection to the systems (MN Statute 444.075, Subd. 3)
- Varies across cities in the amount and how cities collect revenue to pay for infrastructure
 - Basis of consumption, connection charges, availability charges, special assessments, other sources



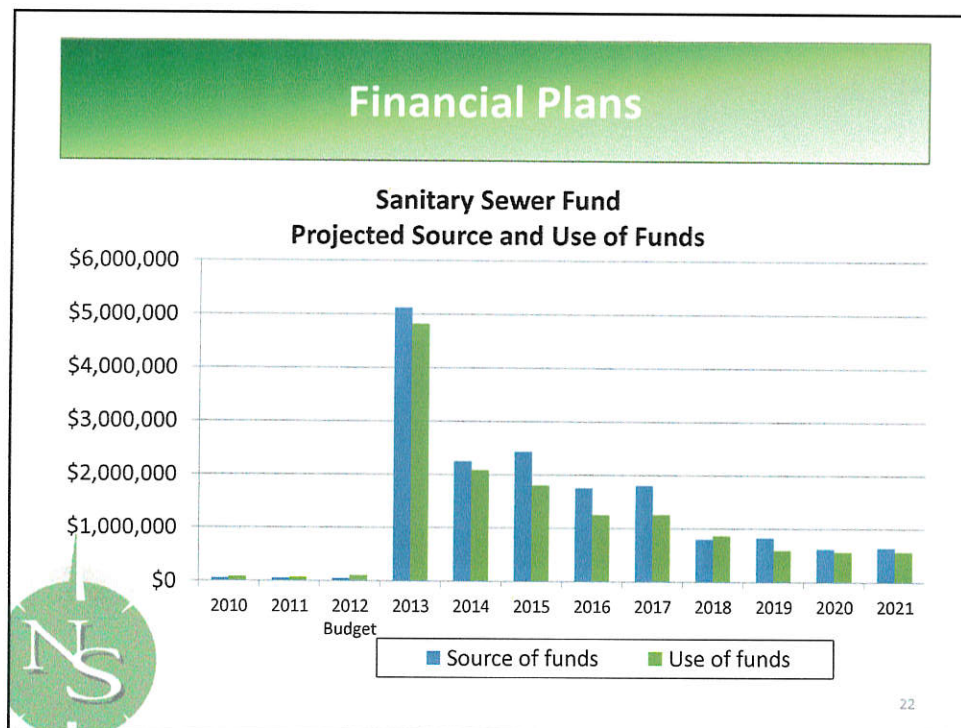
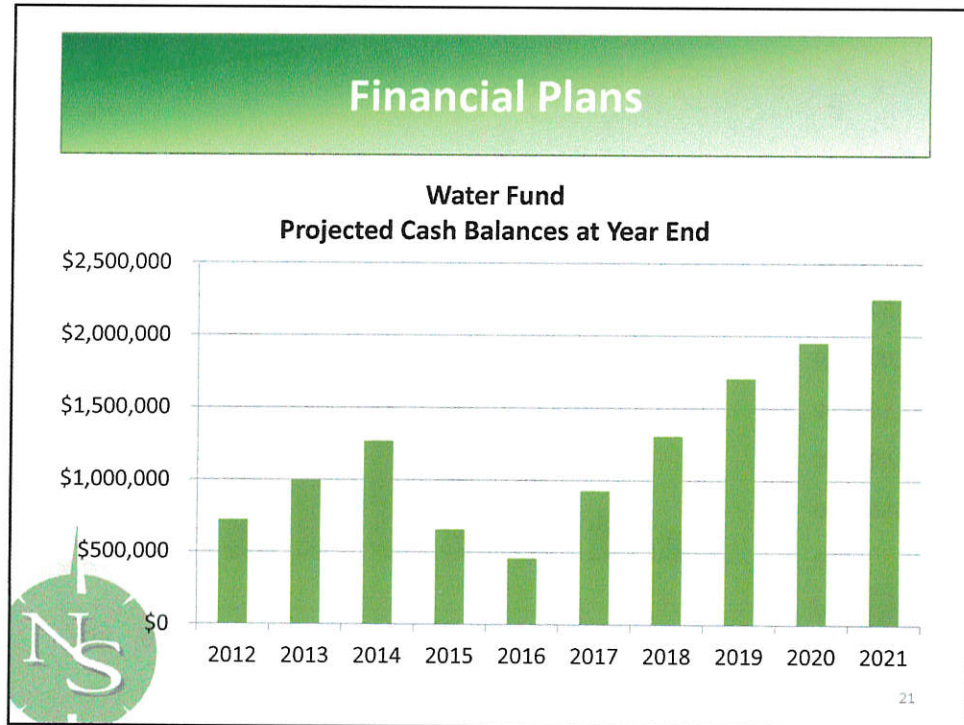
17

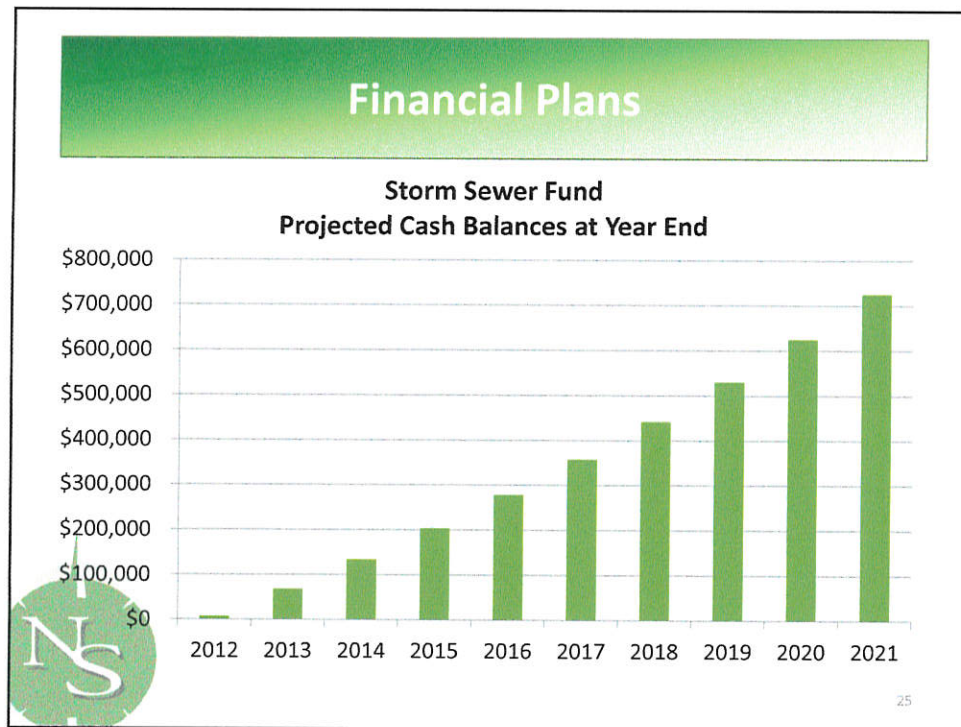
Projected Growth

Estimated Gallons of Water Sold



18





Questions and Answers

- Study overview and approach
- Conclusions
- Recommendations
- Capital Improvement Plans
- Debt Service
- Utility Rates
- Projected Growth
- Financial Plans

NS

26



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/02/2012

CONSENT

ITEM #: 3

MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$297,285.85

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$297,285.85. 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	\$ 9,620.85	Payroll Taxes to IRS & MN Revenue 9/20/2012
ACH	\$ 5,014.18	Payroll Retirement to PERA 9/20/12
ACH	\$ 571.69	Payroll Benefits to Reliance Std 9/25/12
DD4181 – DD4217	\$ 31,796.42	Payroll Dated 9/20/12 (Direct Deposit)
38959-38960	\$ 1,019.91	Payroll Dated 9/20/2012 (Payroll Paper Checks)
38961-38968	\$ 15,579.66	Accounts Payable Manual 9/25/12
38969-39023	\$ 233,263.14	Accounts Payable Dated 10/2/12
1586-1592	\$ 420.00	Accounts Payable 10/2/12 (Library Checks)
TOTAL	\$ 297,285.85	

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 \$297,285.85.

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 October 2, 2012, Disbursements as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 10/2/2012

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: 09/27/2012 - 11:44 AM

Batch: 011-09-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware, Inc 126326 08/17/2012 101-450-5200-44010 Repairs/Maint Bldg 126326 Total: ACEHARD Total:		9.47 9.47 9.47	0.00	10/02/2012	1 Window Repair - Arts Building		-	No		0000
ADAMBELL Bell Adam 09/17/2012 09/17/2012 101-410-1320-43310 Mileage 09/17/2012 Total: ADAMBELL Total:		7.77 7.77 7.77	0.00	10/02/2012	Mileage - CC Packet Delivery		-	No		0000
ADVANCED Advanced Eng & Environ Service 31866 08/31/2012 601-494-9400-43030 Engineering Services 31866 Total: ADVANCED Total:		7,827.50 7,827.50 7,827.50	0.00	10/02/2012	Water System Design Phasing Study		-	No		0000
AIRGAS Airgas North Central 9904442671 09/01/2012 101-430-3100-43150 Contract Services 9904442671 Total: AIRGAS Total:		13.34 13.34 13.34	0.00	10/02/2012	Acetelyn Tank Lease		-	No		0000
ANCOM ANCOM COMMUNICATIONS, INC. 32125 09/19/2012 101-420-2220-43230 Radio 32125 Total: ANCOM Total:		10.00 10.00 10.00	0.00	10/02/2012	Shipping for pager repair		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ARAM Aramark, Inc.										
629-7575614	09/06/2012	23.78	0.00	10/02/2012	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7575614 Total:										
629-7577417	09/26/2012	23.78								
101-410-1940-44010	Repairs/Maint Contractual Bldg	31.62	0.00	10/02/2012	City Hall - mats and Linen		-		No	0000
629-7577417 Total:										
629-7580304	09/13/2012	31.62	0.00	10/02/2012	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7580304 Total:										
629-7582068	09/17/2012	23.78								
101-410-1940-44010	Repairs/Maint Contractual Bldg	38.22	0.00	10/02/2012	City Hall Mats & Linen		-		No	0000
629-7582068 Total:										
629-7585041	09/20/2012	38.22	0.00	10/02/2012	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
629-7585041 Total:										
ARAM Total:										
		141.18								
BATTYPL Batteries Plus Woodbury, Corp										
32-759142	09/18/2012	15.94	0.00	10/02/2012	Door opener and welding helmet		-		No	0000
101-430-3100-42150	Shop Materials				batteries					
32-759142	09/18/2012	332.85	0.00	10/02/2012	Truck Batteries 98-2		-		No	0000
101-430-3120-42210	Equipment Parts									
32-759142 Total:										
		348.79								
BATTYPL Total:										
		348.79								
BENDEL Bendel Cathy										
09/21/2012	09/21/2012	310.00	0.00	10/02/2012	GFAOA Conference		-		No	0000
101-410-1520-44370	Conferences & Training									
09/21/2012	09/21/2012	195.80	0.00	10/02/2012	Lodging GFAOA Conference		-		No	0000
101-410-1520-44370	Conferences & Training									
09/21/2012	09/21/2012	84.36	0.00	10/02/2012	Mileage to Alexandria		-		No	0000
101-410-1520-43310	Mileage									
09/21/2012	09/21/2012	84.36	0.00	10/02/2012	Mileage from Alexandria		-		No	0000
101-410-1520-43310	Mileage									
09/21/2012 Total:										
		674.52								
09/25/2012	09/25/2012	32.64	0.00	10/02/2012	Office Materials		-		No	0000
101-410-1320-44350	Books									
09/25/2012 Total:										
		32.64								
BENDEL Total:										
		707.16								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BIFFS Biff's Inc. Multiple 101-450-5200-44120 Rentals - Buildings	09/19/2012	714.18	0.00	10/02/2012	Portable Restrooms		-		No	0000
Multiple Total:		714.18								
W472636 204-450-5200-43150 Contract Services	09/11/2012	623.47	0.00	10/02/2012	Elmo Days Portable Restrooms		-		No	0000
W472636 Total:		623.47								
BIFFS Total:		1,337.65								
CARQUEST Car Quest Auto Parts 2055-270594 101-430-3100-44040 Repairs/Maint Eqpt	09/25/2012	197.13	0.00	10/02/2012	Speed Trailer Batteries		-		No	0000
2055-270594 Total:		197.13								
CARQUEST Total:		197.13								
CURBMAST Curbmasters, Inc. 4723 101-430-3120-43150 Contract Services	09/12/2012	3,450.00	0.00	10/02/2012	100 Feet Concrete Curb Repair (3)		-		No	0000
4723 Total:		3,450.00								
CURBMAST Total:		3,450.00								
DAVEBUCH Bucheck Dave 08/10/2012 206-450-5300-42230 Building Repair Supplies	08/10/2012	38.69	0.00	10/02/2012	Reimburse - Library Supplies		-		No	0000
08/10/2012 Total:		38.69								
DAVEBUCH Total:		38.69								
DELAPP DeLapp Steve 08/10/2012 206-450-5300-44010 Repairs/Maint Bldg	08/10/2012	1,246.52	0.00	10/02/2012	Building Repair and Furnishings- Librar		-		No	0000
08/10/2012 Total:		1,246.52								
DELAPP Total:		1,246.52								
DELTA Delta Dental Of Minnesota 4946179 101-000-0000-21706 Medical Insurance	09/15/2012	1,640.75	0.00	10/02/2012	Sept 2012 Dental Coverage		-		No	0000
4946179 Total:		1,640.75								
DELTA Total:		1,640.75								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
DEMCO Demco										
4721903	09/05/2012	75.47	0.00	10/02/2012	Glossy Label Protectors - Library		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
	4721903 Total:	75.47								
	DEMCO Total:	75.47								
DIANEWIG Wigglesworth Diane										
09/25/2012	09/25/2012	200.00	0.00	10/02/2012	Cleaning fee for NOLA for LE Days		-		No	0000
204-450-5200-44300	Miscellaneous									
	09/25/2012 Total:	200.00								
	DIANEWIG Total:	200.00								
DPCINDUS DPC Industries, Inc.										
82701654-12	09/11/2012	833.57	0.00	10/02/2012	Flouride & Chlorine		-		No	0000
601-494-9400-42160	Chemicals									
	82701654-12 Total:	833.57								
	DPCINDUS Total:	833.57								
E.G.RUD E.G. Rud & Sons, Inc.										
26516	09/11/2012	372.00	0.00	10/02/2012	Well No 4 Site Acquisition - Land Survey		-		No	0000
409-480-8000-45300	Improvements Other Than Bldgs									
	26516 Total:	372.00								
	E.G.RUD Total:	372.00								
FINLEY Finley Bros. Inc.										
12-00737	08/21/2012	15,940.00	0.00	10/02/2012	Lions Park Tennis Court Re-Surfacing		-		No	0000
404-480-8000-45300	Improvements Other Than Bldgs									
	12-00737 Total:	15,940.00								
	FINLEY Total:	15,940.00								
FIORILLO Fiorillo Megan										
Cable Oper	09/24/2012	55.00	0.00	10/02/2012	Cable Operator 9/4/12		-		No	0000
101-410-1450-43620	Cable Operations									
Cable Oper	09/24/2012	55.00	0.00	10/02/2012	Cable Operator 9/11/12		-		No	0000
101-410-1450-43620	Cable Operations									
Cable Oper	09/24/2012	55.00	0.00	10/02/2012	Cable Operator 9/18/12		-		No	0000
101-410-1450-43620	Cable Operations									
	Cable Oper Total:	165.00								
	FIORILLO Total:	165.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
FOCUS Focus Engineering, Inc.										
326 & 327	09/27/2012									
101-410-1930-43030	Engineering Services	4,931.79	0.00	10/02/2012	General Engineering		-		No	0000
326 & 327	09/27/2012	298.00	0.00	10/02/2012	General Engineering		-		No	0000
101-410-1910-43030	Engineering Services	5,229.79								
326 & 327 Total:		2,080.37	0.00	10/02/2012	General Engineering-VRA		-		No	0000
328	09/27/2012	1,779.14	0.00	10/02/2012	General Engineering-VRA		-		No	0000
101-420-2400-43030	Engineering	180.00	0.00	10/02/2012	General Engineering-VRA		-		No	0000
328	09/27/2012	786.00	0.00	10/02/2012	General Engineering-VRA		-		No	0000
101-410-1910-43030	Engineering Services	1,249.00	0.00	10/02/2012	General Engineering-VRA		-		No	0000
328	09/27/2012	45.00	0.00	10/02/2012	General Engineering-VRA		-		No	0000
404-480-8000-43030	Engineering Services	562.50	0.00	10/02/2012	General Engineering-VRA		-		No	0000
328	09/27/2012	6,682.01								
101-430-3100-43030	Engineering Services	937.96	0.00	10/02/2012	Transportation & Traffic Systems		-		No	0000
328	09/27/2012	2,451.14	0.00	10/02/2012	Street Maintenance		-		No	0000
601-494-9400-43030	Engineering Services	3,857.75	0.00	10/02/2012	Capitol Improvement Planning		-		No	0000
602-495-9450-43030	Engineering Services	133.50	0.00	10/02/2012	Trunk Hwy 36 Planning		-		No	0000
328	09/27/2012	539.27	0.00	10/02/2012	Wash Demo Trail Reclamation Proj		-		No	0000
603-496-9500-43030	Engineering Services	118.00	0.00	10/02/2012	Mn Dot Hilton Trail Interchange		-		No	0000
328 Total:		2,131.63	0.00	10/02/2012	2012 Seal Coat Project		-		No	0000
329	09/27/2012	10,169.25								
409-480-8000-43030	Engineering Services	429.66	0.00	10/02/2012	Whistling Valley III		-		No	0000
329	09/27/2012	429.66								
409-480-8000-43030	Engineering Services	52.00	0.00	10/02/2012	Sanctuary		-		No	0000
329	09/27/2012	52.00								
409-480-8000-43030	Engineering Services	514.50	0.00	10/02/2012	2011 Seal Coat Project		-		No	0000
329 Total:		514.50								
330	09/27/2012									
409-480-8000-43030	Engineering Services									
330	09/27/2012									
409-480-8000-43030	Engineering Services									
331	09/27/2012									
409-480-8000-43030	Engineering Services									
332	09/27/2012									
409-480-8000-43030	Engineering Services									
332 Total:										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
334	09/27/2012	67.50	0.00	10/02/2012	10th Street Infrastructure		-			No 0000
420-480-8000-43030	Engineering Services									
	334 Total:	67.50								
335	09/27/2012	813.50	0.00	10/02/2012	3M Litigation		-			No 0000
601-494-9400-43030	Engineering Services									
	335 Total:	813.50								
336	09/27/2012	3,949.10	0.00	10/02/2012	Keats Ave MSA Street		-			No 0000
601-494-9400-43030	Engineering Services									
	336 Total:	3,949.10								
337	09/27/2012	45.00	0.00	10/02/2012	LE Water Chlorination System		-			No 0000
601-494-9400-43030	Engineering Services									
	337 Total:	45.00								
338	09/27/2012	15,175.89	0.00	10/02/2012	Demontreville Highlands area Street Impr		-			No 0000
419-480-8000-43030	Engineering Services									
	338 Total:	15,175.89								
339	09/27/2012	277.00	0.00	10/02/2012	Olson Lake Trail Sewer Ext Feasibility		-			No 0000
409-480-8000-43030	Engineering Services									
	339 Total:	277.00								
340	09/27/2012	187.00	0.00	10/02/2012	Inwood Ave Trunk Watermain		-			No 0000
601-494-9400-43030	Engineering Services									
	340 Total:	187.00								
341	09/27/2012	413.00	0.00	10/02/2012	Organized Solid Waste Collection		-			No 0000
409-480-8000-43030	Engineering Services									
	341 Total:	413.00								
	FOCUS Total:	44,005.20								
FXL FXL, Inc.										
Sept 12	10/01/2012	2,000.00	0.00	10/02/2012	Assessing Services - Sept 2012		-			No 0000
101-410-1320-43100	Assessing Services									
	Sept 12 Total:	2,000.00								
	FXL Total:	2,000.00								
GIBSONJU Gibson Judy										
Y-78970	09/27/2012	213.55	0.00	10/02/2012	Library Wrapping supplies		-			No 0000
206-450-5300-42000	Office Supplies									
	Y-78970 Total:	213.55								
	GIBSONJU Total:	213.55								
HAGBERGS Hagbergs Country Market										
09/26/2012	09/26/2012	14.37	0.00	10/02/2012	Misc Supplies		-			No 0000
101-410-1320-44300	Miscellaneous									
	09/26/2012 Total:	14.37								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	HAGBERGS Total:	14.37								
HALASONB Sonbol Hala										
09/25/2012	09/25/2012	50.00	0.00	10/02/2012	Refund Registration Fees LE Days		-		No	0000
204-000-0000-36230	Donations									
	09/25/2012 Total:	50.00								
HALASONB Total:		50.00								
HOLIDAYC Holiday Credit Office										
09/15/2012	09/15/2012	359.80	0.00	10/02/2012	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
	09/15/2012 Total:	359.80								
HOLIDAYC Total:		359.80								
KAMCO Kamco, Corp										
3335	09/19/2012	125.00	0.00	10/02/2012	3 Large stumps ground in ROW		-		No	0000
101-430-3120-43150	Contract Services									
	3335 Total:	125.00								
KAMCO Total:		125.00								
KLATT Klatt Kyle										
09/26/2012	09/26/2012	325.00	0.00	10/02/2012	MN APA Conference Reg - Reimb		-		No	0000
101-410-1910-44370	Conferences & Training									
	09/26/2012 Total:	325.00								
KLATT Total:		325.00								
LEOIL Lake Elmo Oil, Inc.										
12095	08/31/2012	1,563.22	0.00	10/02/2012	Fuel		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids									
	12095 Total:	1,563.22								
LEOIL Total:		1,563.22								
LINDERSA Linder Sarah										
08/12/2012	08/12/2012	339.56	0.00	10/02/2012	Receipt printer paper - Library		-		No	0000
206-450-5300-45800	Other Equipment									
	08/12/2012 Total:	339.56								
152602	08/10/2012	42.26	0.00	10/02/2012	Pizza for Sat Volunteers - Library		-		No	0000
206-450-5300-44010	Repairs/Maint Bldg									
	152602 Total:	42.26								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LINDERSA Total:										
381.82										
LOFF Loffler Companies, Inc.										
1455390	09/26/2012	421.92								
101-410-1940-44040	Repairs/Maint Contractual Eqpt		0.00	10/02/2012	Copy Machines Overage & Base - Sept		-		No	0000
1455390 Total:										
421.92										
LOFF Total:										
421.92										
MARONEYS Maroney's Sanitation, Inc										
446235	08/31/2012	108.32								
101-410-1940-43840	Refuse		0.00	10/02/2012	Waste Removal - City Hall		-		No	0000
446235	08/31/2012	47.68								
101-420-2220-43840	Refuse		0.00	10/02/2012	Waste Removal - Fire		-		No	0000
446235	08/31/2012	207.82								
101-430-3100-43840	Refuse		0.00	10/02/2012	Waste Removal - Public Works		-		No	0000
446235	08/31/2012	207.82								
101-450-5200-43840	Refuse		0.00	10/02/2012	Waste Removal - Parks		-		No	0000
446235 Total:										
571.64										
MARONEYS Total:										
571.64										
MCDONALD McDonald Construction										
Check Req	09/27/2012	5,000.00								
803-000-0000-22900	Deposits Payable		0.00	10/02/2012	Refund Escrow 2972 Jonquil #8004		-		No	0000
Check Req Total:										
5,000.00										
MCDONALD Total:										
5,000.00										
MENARDSO Menards - Oakdale										
37083	09/13/2012	8.94								
101-430-3120-42240	Street Maintenance Materials		0.00	10/02/2012	Asphalt Crack Fill		-		No	0000
37083	09/13/2012	28.73								
101-410-1940-42230	Building Repair Supplies		0.00	10/02/2012	Ballast city Hall		-		No	0000
37083	09/13/2012	4.96								
101-430-3100-42150	Shop Materials		0.00	10/02/2012	Electric Plugs		-		No	0000
37083 Total:										
42.63										
3877	09/20/2012	8.19								
101-410-1940-42230	Building Repair Supplies		0.00	10/02/2012	Wax Rings toilet City Hall		-		No	0000
3877 Total:										
8.19										
3886 & 3891	09/20/2012	16.92								
101-410-1940-42230	Building Repair Supplies		0.00	10/02/2012	Toilet Seat and Supply Line		-		No	0000
3886 & 3891	09/20/2012	-5.44								
101-410-1940-42230	Building Repair Supplies		0.00	10/02/2012	Toilet Seat Return		-		No	0000
3886 & 3891 Total:										
11.48										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MENARDSO Total:		62.30								
MFRA McCombs Frank Roos Assoc Inc. 71234 09/01/2012 101-410-1910-43150 Contract Services		450.00	0.00	10/02/2012	General planning Assistance - Comp Plan		-		No	0000
MFRA Total: 71234 Total:		450.00 450.00								
MITCHELL Mitchell Paul 09/25/2012 09/25/2012 204-450-5200-44300 Miscellaneous		1,265.00	0.00	10/02/2012	Labor & Reimb - Pig Roast LE Days		-		No	0000
MITCHELL Total: 09/25/2012 Total:		1,265.00 1,265.00								
MUNICI-P Munici-Pals 09/26/2012 09/26/2012 101-410-1320-44370 Conferences & Training		148.00	0.00	10/02/2012	Municipals Annual Fall Business Mtg		-		No	0000
MUNICI-P Total: 09/26/2012 Total:		148.00 148.00								
NCPERS 566200-NCPERS MINNESOTA 5662812 09/21/2012 101-000-0000-21708 Other Benefits		96.00	0.00	10/02/2012	October 2012 Deductions		-		No	0000
NCPERS Total: 5662812 Total:		96.00 96.00								
NEXTEL Nextel Communications 761950227-108 10/01/2012 101-410-1940-43210 Telephone		129.29	0.00	10/02/2012	Cell Phone - Administration		-		No	0000
761950227-108 10/01/2012 101-420-2220-43210 Telephone		90.04	0.00	10/02/2012	Cell Phone - Fire Dept		-		No	0000
761950227-108 10/01/2012 101-420-2400-43210 Telephone		267.57	0.00	10/02/2012	Cell Phone - Building Dept		-		No	0000
761950227-108 10/01/2012 101-430-3100-43210 Telephone		35.10	0.00	10/02/2012	Cell Phone - Public Works Dept		-		No	0000
761950227-108 10/01/2012 101-450-5200-43210 Telephone		89.49	0.00	10/02/2012	Cell Phone - Parks Dept		-		No	0000
761950227-108 10/01/2012 101-410-1450-43210 Telephone		229.48	0.00	10/02/2012	Cell Phone - Taxpayer Services		-		No	0000
761950227-108 10/01/2012 101-410-1910-43210 Telephone		18.19	0.00	10/02/2012	Cell Phone - Planning Dept		-		No	0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	761950227-108 Total: NEXTEL Total:	859.16 859.16								
	NORTHSEC Northland Securities, Inc. 3038 09/11/2012 601-494-9400-43150 Contract Services 3038 Total: NORTHSEC Total:	1,840.00 1,840.00 1,840.00	0.00	10/02/2012	Financial Planning - Utility Enterprises	-	-	No		0000
	OAKDRC Oakdale Rental Center 10084973 09/20/2012 101-430-3100-42240 Street Maintenance Materials 10084973 Total: OAKDRC Total:	73.73 73.73 73.73	0.00	10/02/2012	Propane - Patching Trailer	-	-	No		0000
	PETTYFIR Petty Cash 09/26/2012 09/26/2012 101-420-2220-44370 Conferences & Training 09/26/2012 09/26/2012 101-420-2220-45500 Vehicle 09/26/2012 09/26/2012 101-420-2220-44010 Repairs/Maint Bldg 09/26/2012 09/26/2012 101-420-2220-44300 Miscellaneous 09/26/2012 Total: PETTYFIR Total:	47.50 23.56 32.20 0.45 103.71 103.71	0.00	10/02/2012	Training Vehicle Maintenance Building Maintenance Postage	- - - -	No No No No			0000 0000 0000 0000
	PROSTAFF PROSTAFF 102-869340 08/16/2012 101-410-1320-43150 Contract Services 102-869340 Total: PROSTAFF Total:	620.00 620.00 620.00	0.00	10/02/2012	Temp Help W/E 8/12/12	-	-	No		0000
	PROVANTA Provantage 6459796 09/18/2012 101-420-2220-42400 Small Tools & Equipment 6459796 Total: PROVANTA Total:	432.05 432.05 432.05	0.00	10/02/2012	Protective Film and Warranty for Tablet	-	-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ROSEMARY Meier Rosemary										
08/10/12	08/10/2012	44.74	0.00	10/02/2012	Paper Supplies - Library		-		No	0000
206-450-5300-42230	Building Repair Supplies									
	08/10/12 Total:	44.74								
	ROSEMARY Total:	44.74								
S&T S&T Office Products, Inc.										
01PH9182	08/06/2012	27.30	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PH9182 Total:	27.30								
01PH9247	08/06/2012	136.84	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PH9247 Total:	136.84								
01PH9673	08/07/2012	108.07	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PH9673 Total:	108.07								
01PI1937	08/06/2012	78.05	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1910-42000	Office Supplies									
	01PI1937 Total:	78.05								
01PI1980	08/10/2012	121.30	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PI1980 Total:	121.30								
01PI4836	08/17/2012	185.89	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PI4836 Total:	185.89								
01PI4452	09/11/2012	23.34	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PI4452 Total:	23.34								
01PI4452	09/11/2012	183.66	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PI4452 Total:	183.66								
01PI4452	09/11/2012	5.60	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1520-42000	Office Supplies									
	01PI4452 Total:	5.60								
01PJ9322	09/27/2012	212.60	0.00	10/02/2012	Business Cards		-		No	0000
101-420-2400-42000	Office Supplies									
	01PJ9322 Total:	212.60								
01PJ9322	09/27/2012	26.16	0.00	10/02/2012	Business Cards		-		No	0000
101-410-1320-42000	Office Supplies									
	01PJ9322 Total:	26.16								
01PJ9322	09/27/2012	26.16	0.00	10/02/2012	Business Cards		-		No	0000
101-410-1450-42000	Office Supplies									
	01PJ9322 Total:	26.16								
01PJ9814	09/21/2012	78.48	0.00	10/02/2012	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
	01PJ9814 Total:	78.48								
CM01PI0128	09/27/2012	102.09	0.00	10/02/2012	Return Garbage Can Lid		-		No	0000
101-410-1320-42000	Office Supplies									
	01PI0128 Total:	102.09								
		-55.13								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
CM01P10128 Total:		-55.13								
S&T Total:		995.49								
<hr/>										
SAMSCLUB Sam's Club										
2539	09/10/2012	77.20								
101-410-1320-42000	Office Supplies		0.00	10/02/2012	CH Supplies - Coffee & cups		-	No		0000
2539 Total:		77.20								
SAMSCLUB Total:		77.20								
<hr/>										
SCHWAAB Schwaab, Inc.										
57359	09/12/2012	52.47								
101-410-1320-42000	Office Supplies		0.00	10/02/2012	Conveyance Stamp - City Clerk		-	No		0000
57359 Total:		52.47								
PN67829	09/12/2012	-31.50								
101-420-2400-42000	Office Supplies		0.00	10/02/2012	Return Bldg Dept Stamp		-	No		0000
PN67829 Total:		-31.50								
SCHWAAB Total:		20.97								
<hr/>										
SHI SHI International										
B00754733	09/05/2012	34.05								
101-420-2220-44370	Conferences & Training		0.00	10/02/2012	Cable for training simulations		-	No		0000
B00754733 Total:		34.05								
SHI Total:		34.05								
<hr/>										
STILLMED Stillwater Medical Group										
09/12/2012	09/12/2012	1,009.93								
101-420-2220-43050	Physicals		0.00	10/02/2012	Physicals and Vaccinations		-	No		0000
09/12/2012 Total:		1,009.93								
STILLMED Total:		1,009.93								
<hr/>										
TASCH T.A. Schifsky & Sons Inc										
53878	09/10/2012	142.65								
101-430-3120-42240	Street Maintenance Materials		0.00	10/02/2012	Asphalt		-	No		0000
53878 Total:		142.65								
53912	09/18/2012	141.19								
101-430-3120-42240	Street Maintenance Materials		0.00	10/02/2012	Asphalt		-	No		0000
53912 Total:		141.19								
TASCH Total:		283.84								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TREGILGA Tregilgas Michael										
Cable Oper	09/24/2012	55.00	0.00	10/02/2012	Cable Operator 9/24/12		-		No	0000
101-410-1450-43620	Cable Operations									
	Cable Oper Total:	55.00								
	TREGILGA Total:	55.00								
WASHTAX Washington County										
1901	09/15/2012	276.00	0.00	10/02/2012	Planning Documents		-		No	0000
101-410-1910-42030	Printed Forms									
1901	09/15/2012	92.00	0.00	10/02/2012	Rain Garden Agreements		-		No	0000
603-496-9500-44300	Miscellaneous Expenses									
	1901 Total:	368.00								
	WASHTAX Total:	368.00								
WASRADIO WASHINGTON COUNTY										
73392	09/21/2012	103.02	0.00	10/02/2012	800 Radio Fees		-		No	0000
101-430-3100-43230	Radio									
	73392 Total:	103.02								
	WASRADIO Total:	103.02								
	Report Total:	98,535.70								

Accounts Payable To Be Paid Proof List

User: joan z
Printed: 09/27/2012 - 12:19 PM
Batch: 013-09-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALLBLAC Allied Blacktop Co.										
Final Pay Rqst	09/18/2012	82,942.56	0.00	10/02/2012	2012 Seal Coat Proj Pay Est. #1 (Final)	-	-			0000
409-480-8000-45300 Improvements Other Than Bldgs										No
Final Pay Rqst	09/18/2012	51,784.88	0.00	10/02/2012	2012 Seal Coat Proj - W Lakeland	-	-			0000
101-000-0000-11500 Accounts Receivable					Portion					No
Final Pay Rqst Total:		134,727.44								
ALLBLAC Total:		134,727.44								
Report Total:		134,727.44								

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 09/18/2012 - 3:43 PM

Batch: 009-09-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ALLIED Allied Electrical Cont., Inc. 3225 08/20/2012		245.00	0.00	09/18/2012	Installation of Ice machine		-			0000
101-420-2220-42400 Small Tools & Equipment		245.00								
3225 Total:		245.00								
ALLIED Total:		245.00								
DADSPLUM Dad's Plumbing LLC 08/09/2012 08/08/2012		842.00	0.00	09/18/2012	Plumbing for Ice Machine		-			0000
101-420-2220-42400 Small Tools & Equipment		842.00								
08/09/2012 Total:		842.00								
DADSPLUM Total:		842.00								
LIGTENBE Ligtenberg Kevin & Charline Check Req 09/18/2012		5,000.00	0.00	09/18/2012	Refund Escrow 10125 Tapestry #8073		-			0000
803-000-0000-22900 Deposits Payable		5,000.00								
Check Req Total:		5,000.00								
LIGTENBE Total:		5,000.00								
PROVANTA Provantage 6407105 07/25/2012		307.00	0.00	09/18/2012	Computer - Mobile Dock		-			0000
101-420-2220-42400 Small Tools & Equipment		307.00								
6407105 Total:		307.00								
6415572 08/03/2012		35.49	0.00	09/18/2012	Computer - ball Mount		-			0000
101-420-2220-42400 Small Tools & Equipment		35.49								
6415572 Total:		35.49								
6438112 08/27/2012		2,635.50	0.00	09/18/2012	Computer - Tablet		-			0000
101-420-2220-42400 Small Tools & Equipment		2,635.50								
6438112 Total:		2,635.50								
PROVANTA Total:		2,977.99								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SYSCO-MI Sysco-Minnesota Inc.										
208160525	08/22/2012	3,196.52	0.00	09/18/2012	Ice Machine		-			0000
101-420-2220-42400	Small Tools & Equipment									No
	208160525 Total:	3,196.52								
	SYSCO-MI Total:	3,196.52								
VANZANDT Van Zandt Distributing										
5470	07/26/2012	2,898.15	0.00	09/18/2012	4-Pulse Oximeters (Budget & Rotary)		-			0000
101-420-2220-42080	EMS Supplies									No
	5470 Total:	2,898.15								
	VANZANDT Total:	2,898.15								
	Report Total:	15,159.66								

Accounts Payable To Be Paid Proof List

User: joan z

Printed: 09/25/2012 - 12:58 PM

Batch: 010-09-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNFIRECH MN State Fire Chiefs Assn										
09/20/2012	09/25/2012	420.00	0.00	09/25/2012	State cheifs Conf, malmquist, Cornell		-			0000
101-420-2220-44370	Conferences & Training									
	09/20/2012 Total:	420.00								
	MNFIRECH Total:	420.00								
	Report Total:	420.00								



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/2/2012

CONSENT

ITEM #: 4

MOTION Consent Agenda

AGENDA ITEM: Resolution 2012-49 Designating City's Data Practice Officials and Approving City Data Practices Policy

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, Deputy Clerk

STAFF REPORT:

As part of the Consent Agenda the City Council is requested to consider approval of Resolution 2012-49 Designating City's Data Practices Officials and Approving City's Data Practices Policy. Minnesota State Statute Chapter 13 regulates the collection, creation, storage, maintenance, dissemination and access to government data in government entities. MN Statute 13.05 requires the government entity's Responsible Authority to annually update the city's Data Practices Policy and make any changes necessary to maintain the accuracy of the document. The policy identifies the types of data the city maintains and how each type of data is classified. In addition, the policy provides for written procedures to ensure data requests are received and complied with in an appropriate, permitted and prompt manner.

The city is required to have two officers to administer responsibilities set forth in the act. The required officers are the Responsible Authority and the Compliance Officer, who by state statute can be and often are the same person within a government entity. The Responsible Authority is responsible for collection, use and dissemination of any set of data. The Compliance Officer handles questions or issues with regard to data access. Both of these officials are required to be named specifically, not just as a position responsibility. It is recommended the city council designate City Clerk Sandie Thone as both the Responsible Authority and the Compliance Officer and Deputy Clerk Adam Bell as the Data Practices Designee.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 2012-49 Designating City Data Practices Officials and Approving City's Data Practices Policy; City Clerk Sandie Thone as both the Responsible Authority and the Compliance Officer and Deputy Clerk Adam Bell as the Data Practices Designee. This action requires a simple majority vote.

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

RESOLUTION 2012-49

**A RESOLUTION DESIGNATING CITY'S DATA PRACTICES OFFICIALS AND
APPROVING CITY'S DATA PRACTICES POLICY**

WHEREAS, Minnesota Statutes, Chapter 13, requires the adoption of certain policies and procedures pertaining to government data practices; and

WHEREAS, the statute also requires the appointment of a data practices compliance official, a data practices responsible authority and designee(s) to enforce the data practices policies of government agencies.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the attached City of Lake Elmo Data Practices Policy, together with the exhibits attached thereto, are hereby adopted and approved as if fully set forth herein; and

BE IT FURTHER RESOLVED, that City Clerk Sandie Thone will be appointed to serve as the city's data practices compliance official and data practices responsible authority and that Deputy Clerk Adam Bell is hereby appointed as data practices designee.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
SECOND DAY OF OCTOBER 2012.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Dean A. Johnston
Mayor

ATTEST:

Sandie Thone
City Clerk

2012



**DATA PRACTICES
CLASSIFICATION OF
GOVERNMENT DATA**

ACCESS TO DATA BY THE PUBLIC

Access To Data By The Public

While some data maintained by the city is data about individuals, which is presumed to be private, the broader assumption about government data in general is that it is public, and should be readily available to anyone who asks for it. Failure to disclose information that is public is a violation of data practices laws.

Any person (individual or non-individual) can have access to public data simply by making a request to the responsible authority that has jurisdiction over the data. The person has the right to inspect and copy the data at reasonable times and places, and, if the person so requests, will be informed of the data's meaning.

Inspection of Data

There is no fee for inspecting the data (Minn. Stat. Sec. 13.03, subd. 3.) Inspection includes visual inspection of the information in paper or some other medium, such as on the website. Inspection does not include printing copies, unless printing a copy is the only way to inspect the data.

For data stored in electronic form and available to the public through electronic remote access, inspection includes allowing the public to have access to the data so that they can print or download the data from their own computer equipment. The responsible authority may charge a reasonable fee for remote access to data if there is a specific statutory grant of authority.

Data with Commercial Value

When data requested by the public include data that have commercial value (such as a formula, pattern, compilation, program, device, method, technique, etc) and a substantial and discrete portion of the data was developed with a significant expenditure of public funds, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying and compiling the copies (Minn. Stat. Sec. 13.03, subd. 3(d)). Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information.

Computer Storage Medium

If the requested data is maintained in a computer storage medium, the responsible authority must provide a copy of the data contained in that medium in electronic form if the city can reasonably do so (Minn. Stat. Sec. 13.03, subd. 3(e)).

Time Limits For Response

Copies of public information should be disclosed as soon as reasonably possible. Work on compiling copies should begin immediately upon request. If the request cannot be honored immediately the city should, as a matter of courtesy, send a letter to the requester acknowledging receipt of the request and giving the requester an estimate of the time it will take to compile and send the information.

CLASSIFICATIONS OF GOVERNMENT DATA

Classifications of Government Data

The Minnesota Government Data Practices Act defines Government Data as all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use (Minn. Stat. Sec. 13.02, subd. 7).

Government Data are separated into classifications and the classification of data determines their accessibility by the public. Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is attached as Exhibit A.

Data On Individuals

Data on individuals are defined as government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data is not accessed by the name or other identifying data of any individual.

There are three classifications of data on individuals :

- **Public** -- This is data about individuals which can be disclosed to anyone for any purpose, e.g. names and salaries of city employees.
- **Private** -- This is data about individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data.

- **Confidential** -- This is data about individuals that even the individuals themselves cannot be told, e.g., information from an investigation about welfare fraud or in adoption records. Note, however, that even if the confidential data itself cannot be disclosed to individuals, individuals do retain the right to know whether an agency is maintaining confidential data about them. Confidential information may be given to people who are authorized access by federal, state or local law or court order or people within the city staff, the city council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Data Not On Individuals

Data not on individuals are government data about non-individuals, such as organizations including partnerships, corporations, associations, etc.

- **Public** -- This is data about non-individuals, such as businesses, which can be disclosed to anyone for any purpose, e.g., names of vendors who have contracts with the city.
- **Private** -- This is data about non-individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data, e.g., certain financial information about businesses.
- **Protected Non-public** -- This is data about non-individuals, which is available only to government entities with a legal right to know it. A corporation being investigated for fraud, for example, would not have a right to the information being collected during the investigation.

Information Technology Policy

Information Policy Compliance and Consequences

All City of Lake Elmo users, including employees, volunteers and contractors, who have rights to access or modify city information in any media, or who use city computers, business applications or electronic communication resources, must comply with Lake Elmo Information Policy, the federal Health Insurance Portability and Accountability Act (HIPAA), the Minnesota Government Data Practices Act and all other laws or rules governing the protection of data. Failure to comply is grounds for sanction and/or disciplinary action up to and including termination of employment, cancellation of contract and/or loss of resource privileges. Failure to comply may also result in notification to law enforcement officials and regulatory, accreditation and licensure organizations.

Use of any City of Lake Elmo information technology devices will be limited to employees. All files of any kind, including electronic mail disseminated or received utilizing city devices or software or which resides on computers within the City of Lake Elmo should not be considered as private and employees shall have no expectation of privacy. The contents of electronic mail will not normally be monitored, censured, or otherwise examined unless there is reason to believe the usage is being abused. City investigations, law enforcement investigations, or court order or data practices request may require the examination and release of any file or document, including electronic files such as electronic mail.

Electronic Mail (Email):

Purpose of Email: the email system is a tool to be used for matters directly related to the business activities of city employees and as a means to further the mission by providing services that are efficient, accurate, timely and complete.

Public Nature of Email: email is a public record like any other public document. Email may be searched for evidence in any legal proceeding. By using the email system, the employee consents that in the event of suspicious activity their email system may be searched for evidence gathering purposes.

E-mail messages are subject to regulation under the Minnesota Data Practices Act. As such, all e-mails unless private (content determines public or private) should be considered public information.

Policy: employees are responsible for adhering to business standards when email is created, sent, forwarded or saved. Failure to adhere puts the organization and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences. Employees should not keep e-mail for an extended period of time. If it is a critical e-mail correspondence, it should be saved as a hard copy or as a text file and moved to the server. Delete all inbox, sent, and deleted messages that are no longer needed.

Members of the Public

Right to Access Public Data

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

The Data Practices Act also provides that the City of Lake Elmo must keep all government data in a way that makes it easy for you, as a member of the public, to access public data.

You have the right to look at (inspect), free of charge, all public data that we keep.

You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that the City of Lake Elmo keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page eight. You may make your written request for data by mail, using the data request form on page ten.

If you choose not to use the data request form, your written request should include:

1. that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
2. whether you would like to look at the data, get copies of the data, or both; and
3. a clear description of the data you would like to inspect or have copied.

The City of Lake Elmo cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your written request, we will work to process it. If we do not have the data, we will notify you in writing as soon as reasonably possible. If we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.

If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:

- 1) Arrange a date, time, and place to inspect data, for free, if your request is to view the data, or
- 2) Provide you with copies of the data as soon as reasonably possible.

You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide you with an explanation.

The Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

The Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. The City of Lake Elmo will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page ten – we will respond within ten business days with the data or details of when the data will be ready and what the cost will be.

Data Subjects

Data about You

The Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

Classification of Data about You

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data: We must give public data to anyone who asks; it does not matter who is asking for the data or why. The following is an example of public data about you: *if you are an employee of a government entity, the fact that you work for the entity, and your job title and bargaining unit is public.*

Private data: We cannot give private data to the general public, but you have access when the data are about you. The following is an example of private data about you: *your Social Security number.*

We can share your private data with you, with someone who has your permission, with City of Lake Elmo staff who need the data to do their work, and as permitted by law or court order.

Confidential data: Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. The following is an example of confidential data about you: *if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.*

We can share confidential data about you with City of Lake Elmo staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

Your Rights under the Data Practices Act

The City of Lake Elmo must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

Your Access to Your Data: You have the right to view (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you may have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City of Lake Elmo not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Note: Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When we Collect Data from You: When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessee warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the consent form we provide.

Protecting your Data: The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

When your Data are Inaccurate and/or Incomplete: You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

To look at data, or request copies of data that the City of Lake Elmo keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page ten. You may make your written request by mail using the data request form on page twelve.

If you choose not use to use the data request form, your written request should include:

1. That you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
2. Whether you would like to inspect the data, have copies of the data, or both;
3. A clear description of the data you would like to inspect or have copied; and
4. Identifying information that proves you are the data subject, or data subject's parent/guardian.

The City of Lake Elmo requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity document located on page thirteen.

How We Respond to a Data Request

Once you make your written request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you in writing within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 1. Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 2. Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

After we have provided you with access to data about you, we do not have to show you the data again for six months unless there is a dispute or we collect or create new data about you. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide additional explanation.

The Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time. In addition, we are not required under the Data Practices Act to respond to questions that are not requests for data.

**CITY OF LAKE ELMO
Data Practices Contacts**

Responsible Authority

Sandie Thone, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
sthone@lakeelmo.org

Data Practices Designee

Adam Bell, Deputy Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
abell@lakeelmo.org

Data Practices Compliance Official

Sandie Thone, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
sthone@lakeelmo.org

Copy Costs – Members of the Public

The City of Lake Elmo charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). Copies must be paid for prior to receiving.

For 100 or Fewer Paper Copies – 25 Cents per Page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies will be calculated at the actual hourly rate of the employee.

Copy Costs - Data Subjects

The City of Lake Elmo charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3. Copies must be paid for prior to receiving.

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to make copies will be calculated at the actual hourly rate for the employee.

**City of Lake Elmo
Data Request Form – Members of the Public**

Date of request: _____

I am requesting access to data in the following way:

Note: inspection is free, for copies the City of Lake Elmo charges \$0.25 per page for 100 or fewer one-sided pages of black and white, letter or legal size paper copies cost or 50¢ for a two-sided copy.

☐ Inspection ☐ Copies ☐ Inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone number: _____ Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

City of Lake Elmo

Data Request Form – Data Subjects

Date of request: _____

To request data as a data subject, you must show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Inspection and copies

Note: inspection is free, for copies we charge \$0.25 per page for up to 100 pages (\$0.50 two sided up to 50 pages) or employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies. The cost of employee time to make copies is calculated at the actual hourly rate of the employee.

Description of data requested:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____

Email address _____

Signature of Data Subject or Parent/Guardian _____

Staff Verification

Identification provided _____

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota tribal ID

A **minor individual** must provide a valid photo ID, such as

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota Tribal ID
- Minnesota school ID

The **parent or guardian of a minor** must provide a valid photo ID *and either* a certified copy of the minor's birth certificate *or* a certified copy of documents that establish the parent or guardian's relationship to the child, such as

- court order relating to divorce, separation, custody, foster care
- foster care contract
- affidavit of parentage

The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as

- court order(s)
- valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.

CITY OF LAKE ELMO

**NOTICE TO ALL APPLICANTS FOR MUNICIPAL PERMITS, LICENSES,
OR OTHER MUNICIPAL ACTION**

1. If you are requesting municipal action on any request for any of the above, you will be required to furnish certain information about yourself, the project you are involved in, or other matters pertaining to the application. Some of the information you are asked to provide is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.
2. The purpose of this information is to enable the City of Lake Elmo or other government agencies to evaluate relevant factors in considering your request. You are not legally required to provide this information. If you do not provide the requested information, the City may not act upon your request.
3. The information you supply will be public and available to any entity requesting to inspect the information.

**DATA PRACTICES ADVISORY
TENNESSEN WARNING
REQUIRED BY MINNESOTA STATUTES CHAPTER 13.04**

BY _____

COMPANY/TITLE: _____

NON-PUBLIC DATA MAINTAINED BY CITY (EXHIBIT A)

1. Personnel Data (Private)

Minn. Stat. §13.43

All data on all individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, or member or applicant for advisory board or commission is private, except the following which is public:

- Name
- Employee identification number (not the employee's Social Security number)
- Actual gross salary
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job description, job title and bargaining unit
- Education and training background
- Relevant test scores and rank on eligible list
- Previous work experience
- Date of first and last employment
- Veteran status
- The existence and status (but not nature) of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in discipline
- Final disposition of any disciplinary action, together with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the city
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- Work availability
- Work location
- Work telephone number
- Honors and awards received
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data

- Names and addresses of applicants for and members of an advisory board or commission
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)

If it is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a pre-petition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting agency.

All other data is private but may be released pursuant to a court order. Data pertaining to an employee's dependents are private data on individuals.

2. Property Complaint Data (confidential)

Minn. Stat. §13.44

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

3. Security Information (Private)

Minn. Stat. §13.37

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

4. Sealed bids (Non-public)

Minn. Stat. §13.37

Sealed bids, including the number of bids received, prior to opening.

5. Trade Secret Information (Non-public)

Minn. Stat. §13.37

Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the City, (2) that is the subject of efforts by the City that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known

to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

6. Examination Data

Minn. Stat. §13.34

Completed versions of personnel and licensing examinations are private, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.

7. Elected Officials Correspondence (Private)

Minn. Stat. §13.601

Correspondence between individuals and elected officials, but either may make it public.

8. Federal Contracts Data (Non-public)

Minn. Stat. §13.35

To the extent that a federal agency requires it as a condition for contracting with the city, all government data collected and maintained by the city is classified as private or nonpublic depending on whether the data are data on individuals or data not on individuals.

9. Civil Investigative Data

Minn. Stat. §13.39

Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.

10. Appraisal Data (Confidential or Non-public)

Minn. Stat. §13.44

- a. Estimated or appraised values of individual parcels of real property that are made by personnel of the city or by independent appraisers acting for the city for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.
- b. Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the city are classified as private data on individuals or nonpublic data.

The data become public upon the occurrence of any of the following:

- The data are submitted to a court-appointed condemnation commissioner;
- The data are presented in court in condemnation proceedings; or

The negotiating parties enter into an agreement for the purchase and sale of the property.

11. Personal and intangible property; appraisal data (Non-public)
Minn. Stat. §13.44

Preliminary and final market value appraisals, which are made by personnel of the city or by an independent appraiser acting on behalf of the city, of personal and intangible property owned by the city are classified as nonpublic data not on individuals until either (1) a purchase agreement is entered into; or (2) the parties negotiating the transaction exchange appraisals.

12. Social Security numbers (Private) **Minn. Stat. §13.355**

The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

13. Recreation/Social Programs Data (Private) **Minn. Stat. §13.57**

People enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

14. Planning Survey Data (Private/Non-public) **Minn. Stat. §13.43**

The following data collected in surveys of individuals conducted by the city for the purpose of planning, development and redevelopment are classified as private or nonpublic: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.

15. City Attorney Records **Minn. Stat. §13.30**

The use, collection, storage, and dissemination of data by the city attorney are governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data which is the subject of attorney-client privilege is confidential. Data which is the subject of the "work product" privilege is confidential.

16. Electronic Access Data

Minn. Stat. §13.15

Data created, collected, or maintained about a person's access to a city computer for the purpose of gaining access to data or information, transferring data or information are private data on individuals or nonpublic data.

17. Service Cooperatives Claims Data

Minn. Stat. §13.43

Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to the city, and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

Consent to Release – Request from a Government Entity

Explanation of Your Rights

You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed on this form. Before you give us permission to release the data, we encourage you to review the data listed on this form. You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.

You have the right to ask us to explain the consequences for giving your permission to release the data. You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.

If you have a question about anything on this form, or would like additional information or explanation, please contact Sandie Thone, City Clerk, 3800 Laverne Avenue North, Lake Elmo, Minnesota 55042; 651.747.3900 or sthone@lakeelmo.org, before signing.

I, _____, give my permission for the City of Lake Elmo to release data about me to _____ as described on this form. I understand that my decision to allow release of the data to _____ is voluntary.

1) The specific data that the City of Lake Elmo may release:

_____.

2) I understand the City of Lake Elmo wants to release the data for this reason:

_____.

3) I understand that although the data are classified as private at the City of Lake Elmo, the classification/treatment of the data at _____ depends on laws or policies that apply to _____. This authorization to release the data expires on _____.

Individual data subject's signature _____

Date _____

Parent/guardian's signature [if necessary] _____

Date _____

CITY OF LAKE ELMO
DATA PRACTICES PROCEDURES
ADOPTED THE 18th DAY OF FEBRUARY, 2003

email com
Rec'd
e-mail
Procedure

CITY OF LAKE ELMO
DATA PRACTICES PROCEDURES

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EXHIBITS**NUMBER**

Consent to Release Private Data
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Access and Nondisclosure Agreement
Notice to Juveniles
Tennessee Warning
Contract Language, Outside Agents

1
2
3
4
5
6

APPENDICES**LETTER**

Private & Confidential Data Maintained by City
Record of Annual Review

A
B

CITY OF LAKE ELMO

DATA PRACTICES PROCEDURES

1.0 Introduction

These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the "Act"), specifically Minn. Stat. §13.03, Subd. 2; and 13.05, Subd. 5 and 8.

2.0 Responsible Authority

The person who is the responsible authority for the compliance with the Act is the Deputy Clerk.

3.0 Access to Public Data

All information maintained by the City is public unless there is a specific statutory designation, which gives it a different classification.

The City General Records Retention Schedule lists data series maintained by the City and their classifications.

- A. **People Entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request.
- B. **Form of Request.** The request for public data may be verbal or written.
- C. **Time Limits.**
 - 1. **Requests.** Requests will be received and processed only during normal business hours.
 - 2. **Response.** If copies cannot be made at the time of the request, copies must be supplied as soon as reasonably possible.
- D. **Fees.** Fees, at the rate of \$.50 per page side, may be charged only if the requesting person asks for a copy, unless a significant time is required. In that case, the fee will include the actual cost of searching for, retrieving and copying or electronically transmitting the data. The fee may not include time necessary to separate public from non-public data.

The Deputy Clerk may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.

4.0 Access to Data on Individuals.

Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is contained in Appendix A.

A. People Entitled to Access.

1. *Public* information about an individual may be shown or given to anyone.
2. *Private* information about an individual may be shown or given to:
 - a. The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - b. A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 1, or a form reasonably similar.
 - c. People who are authorized access by the federal, state, or local law or court order.
 - d. People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the Tennessee warning described below.
 - e. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
3. *Confidential* information may **not** be given to the subject of the data, but may be shown or given to:
 - a. People who are authorized access by federal, state, or local law or court order.
 - b. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

- B. Form of Request.** Any individual may request verbally or in writing if the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests to see or copy private or confidential information must be in writing. An *Information Disclosure Request*, attached as Exhibit 2, must be completed to document who requests and who receives this information. The Deputy Clerk or designee must complete the relevant portions of the form. The Deputy Clerk or designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response.

- C. Identification of Requesting Party.** The Deputy Clerk or designee must verify the identity of the requesting party as a person entitled to access. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

D. Time Limits.

- 1. Requests.** Requests will be received and processed only during normal business hours.
- 2. Response.** The response must be immediate, if possible, or within 5 working days-it an immediate response is not possible. The City may have an additional 5 working days to respond if it notifies the requesting person that it cannot comply within 5 days.

- E. Fees.** Fees may be charged in the same manner as for public information.

- F. Summary Data.** Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Deputy Clerk or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Deputy Clerk or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within 10 days after receiving the request. If the summary data cannot be prepared within 10 days, the Deputy Clerk must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The Deputy Clerk may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the Deputy Clerk

determines that access by this outside agency or person will not compromise the privacy of the private or confidential data. The Deputy Clerk may use the form attached as Exhibit 3.

G. Juvenile Records. The following applies to *private* (not confidential) data about people under the age of 18.

1. **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. "Parent" means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the Deputy Clerk or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right. •
2. **Notice to Juvenile.** Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit 4.
3. **Denial of Parental Access.** The Deputy Clerk or designee may deny parental access to private data when the juvenile requests this denial and the Deputy Clerk or designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the Deputy Clerk or designee will consider:
 - a. Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
 - b. Whether denying access may protect the juvenile from physical or emotional harm,
 - c. Whether there is reasonable grounds to support the juvenile's reasons, and
 - d. Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The Deputy Clerk or designee may also deny parental access without a request from the juvenile under Minnesota Statutes § 144.335.

5.0 Denial of Access.

If the Deputy Clerk or designee determines that the requested data is not accessible to the requesting party, the Deputy Clerk or designee must inform the requesting party orally at the time of the request or in writing as soon after that as possible. The Deputy Clerk or designee must give the specific legal authority, including statutory section, for withholding the data. The Deputy Clerk or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

6.0 Collection of Data on Individuals.

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data,
- whether the individual may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 5.

7.0 Challenge to Data Accuracy.

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's Deputy Clerk in writing describing the nature of the disagreement. Within 30 days, the Deputy Clerk or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of

inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the Deputy Clerk's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The Deputy Clerk will correct any data if so ordered by the Commissioner.

8.0 Data Protection.

A. Accuracy and Currency of Data.

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, City Clerk, or Finance Director, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous.

All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards.

Private and confidential information will be stored in files or databases which are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.

Private and confidential data must be kept only in City offices, except when necessary for City business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private or confidential information. These employees will be instructed to:

1. not discuss, disclose, or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,
2. not leave private or confidential data where non-authorized individuals might see it, and
3. shred private or confidential data before discarding.

When a contract with an outside party requires access to private or confidential information the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit 6.

9.0 Annual Review

The Deputy Clerk shall review the data practice procedures annually for compliance with the Act and shall complete Appendix B.

Exhibit 1

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City Of Lake Elmo ("City") to
(Print Name)

Release the following private data about me:

To the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

X _____
Signature

IDENTIFY VERIFIED BY:

- ☐ **Witness: X** _____
Identification: Driver's License, State ID, Passport, ☐ other:
- ☐ **Comparison with signature on file**
- ☐ **other:** _____

Responsible Authority/Designee:

Exhibit 3

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. **AUTHORIZATION.** City of Lake Elmo ("City") hereby authorizes _____ ("Authorized Party") access to the following government data:

2. **PURPOSE.** Access to this government data is limited to the objective of creating summary data for the following purpose:

3. **COST.** (Check which applies):
 - ☐ The Authorized Party is the person who requested the summary data and agrees to bear the City's costs associated with the preparation of the data which has been determined to be \$_____.
 - ☐ The Authorized Party has been requested by the City to prepare summary data and will be paid in accordance with attached Exhibit A.
4. **SECURITY.** The Authorized Party agrees that it and any employees or agents under its control must protect the privacy interests of individual data subjects in accordance with the terms of this Agreement.

The Authorized Party agrees to remove all unique personal identifiers which could be used to identify any individual from data classified by state or federal law as not public Which IS Obtained from City records and incorporated into reports, summaries, compilations, articles, or any document or series of documents.

Data contained in files, records, microfilm, or other storage media maintained by the City are the City's property and are not to leave the City's custody. The Authorized Party agrees not to make reproductions of any data or remove any data from the site where it is provided, if the data can in any way identify an individual.

No data which is not public and which is irrelevant to the purpose stated above will ever be disclosed or communicated to anyone by any means.

The Authorized Party warrants that the following named individual(s) will be the only person(s) to participate in the collection of the data described above:

5. **LIABILITY FOR DISCLOSURE.** The Authorized Party is liable for any unlawful use or disclosure of government data collected, used and maintained in the exercise of this Agreement and classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

The Authorized Party agrees to defend, indemnify, and hold the City, its officers and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission of the Authorized Party, its agents, employees or assignees under this Agreement and against all loss by reason of the Authorized Party's failure to fully perform in any respect all obligations under this Agreement.

6. **INSURANCE.** In order to protect itself as well as the City, the Authorized Party agrees at all times during the term of this Agreement to maintain insurance covering the Authorized Party's activities under this Agreement. The insurance will cover \$1,000,000 per claimant for personal injuries and/or damages and \$1,000,000 per occurrence. The policy must cover the indemnification obligation specified above.

7. **ACCESS PERIOD.** The Authorized Party may have access to the information described above from _____ to _____.

8. **SURVEY RESULTS.** (Check which applies):

- ☐ If the Authorized Party is the requestor, a copy of all reports, summaries, compilations, articles, publications or any document or series of documents which are created from the information provided under this Agreement must be made available to the City in its entirety.
- ☐ If the Authorized Party is a contractor of the City, all copies of reports, summaries, compilations, articles, publications or any document or series of documents which are created from the information provided under this Agreement must be provided to the City. The Authorized Party may retain one copy for its own records but may not disclose it without City permission, except in defense of claims brought against it.

AUTHORIZED PARTY:

By: _____
Title (if applicable): _____

Date: _____

CITY OF LAKE ELMO

By: _____
Its: _____

Date: _____

Exhibit 4

NOTICE TO PERSONS UNDER AGE OF 18

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some of all of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN To: _____

DATE: _____

BY: _____
(name)

(title)

REQUEST TO WITHHOLD INFORMATION

I request that the following information:

Be withheld from:

For these reasons:

Date: _____ Print Name: _____ Signature: _____

Exhibit 5

DATA PRACTICES ADVISORY

Some or all of the information that you are asked to provide on the attached form is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is: _____

You are/are not legally required to provide this information. If you refuse to supply the information, the following may happen: _____

Other persons or entities who are authorized by law to receive this information are: _____

Exhibit 6

SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "Act"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract. Contractor agrees to return data to the City, as requested by the City.

APPENDIX A

PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY

1. Personnel Data (Private)

Minn. Stat. §13.43.

All data about an individual who is employed as, or an applicant to be, an undercover law enforcement officer. All data on all other individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, or member or applicant for advisory board or commission, except the following which is public:

- Name
- Actual gross salary
- Salary range
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job title
- Job description
- Education and training background
- Previous work experience
- Date of first and last employment
- The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline
- Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- Work location
- Work telephone number
- Badge number
- Honors and awards received
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data
- City and county of residence
- Names and home addresses of applicants for appointment to and members of an advisory board or commission

If it is reasonably necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a prepetition screening team in the commitment process, or

(3) a court, law enforcement agency or prosecuting authority.

2. Employment Data (Private)

Minn. Stat. §13.43.

Data about current and former applicants for employment or appointment to an advisory board or commission, except the following which is public:

- Veteran status
- Relevant test scores
- Rank on eligible list
- Job history
- Education and training
- Work availability
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)
- Names and addresses of applicants for and members of an advisory board or commission are public.

3. Property Complaint Data (Confidential)

Minn. Stat. §13.44.

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

4. Security Information (Private)

Minn. Stat. §13.37.

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs.

5. Absentee Ballots (Private)

Minn. Stat. §13.37.

Sealed absentee ballots before opening by an election judge.

6. Sealed Bids (Private)

Minn. Stat. §13.37.

Sealed bids, including the number of bids received, prior to opening.

7. Labor Relations Information (Private)

Minn. Stat. §13.37.

Management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information collected or create to prepare the management position.

8. Examination Data

Minn. Stat. §13.34.

Completed versions of personnel and licensing examinations are private, unless the Deputy Clerk determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.

9. Elected Officials Correspondence (Private) Minn. Stat. §13.33.

Correspondence between individuals and elected officials, but either may make it public.

10. Benefit Data (Private) Minn. Stat. §13.31.

All data about individuals participating in the City's housing rehabilitation program.

11. Civil Investigative Data Minn. Stat. §13.39.

Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.

12. Appraisal Data (Confidential) Minn. Stat. §13.50.

Appraisals made for the purpose of selling or acquiring land.

13. Recreation Data (Private) Minn. Stat. §13.57.

For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

14. City Attorney Records Minn. Stat. §13.30.

The use, collection, storage, and dissemination of data by the city attorney is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data which is the subject of attorney-client privilege is confidential. Data which is the subject of the "work product" privilege is confidential.

APPENDIX B

RECORD OF ANNUAL REVIEW

DATA PRACTICES PUBLIC DOCUMENT

Under the Minnesota Government Data Practices Act, I as the Deputy Clerk for the City of Lake Elmo am required to annually review the City's public document to update the document and ensure its accuracy. The following records the date on which I have done so.

DATE COMPLETED

SIGNATURE



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/2/2012
CONSENT
ITEM #: 5
MOTION Consent Agenda

AGENDA ITEM: Resolution 2012-50 Approving Tax Forfeited Parcels for Public Auction or Auction to Adjacent Owners

SUBMITTED BY: Sandie Thone, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Director of Planning

STAFF REPORT:

As part of the Consent Agenda the City Council is requested to consider approval of Resolution 2012-50 Approving Tax-Forfeited Parcels for Public Auction or Auction to Adjacent Owners. Please find attached the letter received from Washington County on September 13, 2012 requesting the city's approval for the parcels located in the City of Lake Elmo described herein which have been forfeited to the State of Minnesota for non-payment of property taxes. The parcels have been classified as non-conservation land and include the following parcels:

- 1) Parcel ID: 34.029.21.11.0006; Lot A Stonegate 2nd Addition
- 2) Parcel ID: 36.029.21.33.0015; Section 36 Township 029 Range 021 PT of SW ¼

As required by MN Statute 282.01, the city is requested to either approve the parcels for public auction or auction to adjacent land owners or request a conveyance to the city for an authorized public use or public purpose.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 2012-50 Approving Tax-Forfeited Parcels for Public Auction or Auction to Adjacent Owners. This action requires a simple majority vote.

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

RESOLUTION 2012-50

**A RESOLUTION APPROVING TAX FORFEITED PARCELS FOR PUBLIC
AUCTION OR AUCTION TO ADJACENT OWNERS**

WHEREAS, the parcels located in the City of Lake Elmo described herein have been forfeited to the State of Minnesota for non-payment of property taxes; and

WHEREAS, the parcels have been classified as non-conservation land and include Parcel ID: 34.029.21.11.0006; Lot A Stonegate 2nd Addition and Parcel ID: 36.029.21.33.0015; Section 36 Township 029 Range 021 PT of SW 1/4; and

WHEREAS, required by MN Statute 282.01, the city is requested to either approve the parcels for public auction or auction to adjacent land owners or request a conveyance to the city for an authorized public use or public purpose.

NOW THEREFORE BE IT RESOLVED, that the City of Lake Elmo approves the above mentioned parcels for sale.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS SECOND
OF OCTOBER 2012.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Dean A. Johnston
Mayor

(Seal)

Sandie Thone
City Clerk



**Property Records and
Taxpayer Services**

Jennifer Wagenius
Director

Steve Gransee
Taxpayer Services Division Manager

September 13, 2012

Lake Elmo City Hall
City Clerk
3800 Laverne Ave. N
Lake Elmo, MN 55042

Re: Tax Forfeited Parcels

Lake Elmo City Clerk:

Enclosed is a classification listing of non-conservation land located in your city. The parcels described in the listing forfeited to the State of Minnesota for non-payment of property taxes. I will be requesting the County Board to classify the parcels as non-conservation at a September meeting.

As required under M.S. 282.01, we request that the City review and either approve the parcel(s) for public auction or auction to adjacent owners or request a conveyance to your city for an authorized public use or public purpose. We request a letter listing the parcel(s) approved for sale or to withhold from sale. If requesting a conveyance, contact us for specifics on required forms and other information.

Your request(s) will be contingent upon the Department of Natural Resources' approval of the classification and sale. Please keep in mind that the previous owner may still be allowed to repurchase their forfeited property at anytime during this period.

Special assessments that were levied before the forfeiture do not need to be certified to this office. They were canceled at forfeiture and will be paid from the sale price, if adequate funds are available. If the sale price is not high enough to fully pay the unpaid taxes and special assessments, some or all of the special assessments levied prior to forfeiture may be reassessed by the city. Special assessments that are levied after the forfeiture should be certified to this office. They will be added to the appraised value and paid from the sale price.

Please be advised that if the City Council fails to respond within sixty (60) days of the date of this letter, the classification and sale will be deemed to be approved by the city.

If you have any questions, please feel free to contact me by calling 651-430-8272 or by email at steve.gransee@co.washington.mn.us

Sincerely,

Steve Gransee
Taxpayer Services Division Manager

Enc. *Parcels Forfeited Listing*

Parcels Forefe: ' to State of MN on July 20, 2012

ParcelId	Class	Hstd	TaxYear	CurTagDescr	PreviousOwnerName	SitusAddr	Descr
34.029.21.11.0006	140 Res V Land/940 W	N	2008-2011	3707 LAKE ELMO-834-VBWS	TRAIL HEAD LAND DEV CORP		Lot A STONEGATE 2ND ADD
36.029.21.33.0015	140 Res V Land	N	2008-2011	3707 LAKE ELMO-834-VBWS	SECURE PROP INC		Section 36 Township 029 Range 021 PT OF SW1/4



MAYOR AND COUNCIL COMMUNICATION

DATE: October 2, 2012

CONSENT

ITEM #: 6

MOTION

AGENDA ITEM: 2012 Seal Coat Project – Accept Improvements and Approve Pay Request No. 1 (Final)

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

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

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider accepting the improvements and approving Pay Request No. 1 (Final) in the amount of \$134,727.44 for the 2012 Seal Coat Project [*\$51,784.88 to be reimbursed by West Lakeland Township*].

STAFF REPORT: The 2012 Seal Coat Project has been fully completed. The Project Engineer has prepared a Certificate of Completion and is recommending acceptance of the improvements and release of the final retainage. The two-year warranty period will begin on October 2, 2012, and will extend to October 2, 2014.

Final Payment in the amount of \$134,727.44 has been requested by the Contractor, Allied Blacktop Company, based upon the work completed. The original construction contract was in the amount of \$128,814.51. The additional \$5,912.93 was due to an increase of 4,907 square yards of quantity on Lake Elmo streets as field measured and verified by the Project Engineer.

Of the total \$134,727.44 in construction cost, the City of Lake Elmo will be reimbursed \$51,784.88 by West Lakeland Township (WLT) for the streets seal coated in West Lakeland under this contract. The City of Lake Elmo has been previously reimbursed \$3,107.09 by WLT for engineering and administration fees.

The final total project cost for the Lake Elmo Project was \$91,943; \$82,942.56 in construction and \$9,000 for design and construction engineering services. This project came in roughly \$6,733 over the Project budget due mostly to the added quantities paid as measured in the field

vs. the planned quantities as measured from aerial photos. Construction engineering services also ran over budget by \$500 due to numerous resident issues with construction questions. The Project budget remained within the overall City budget of \$125,000 for 2012 Seal Coating.

RECOMMENDATION: Staff is recommending that the City Council consider accepting the improvements and approving Pay Request No. 1 (Final) for the 2012 Seal Coat Project, as part of the *Consent Agenda*. The recommended motion for this action is as follows:

“Move to accept the improvements and approve Pay Request No. 1 (Final) in the amount of \$134,727.44, for the 2012 Seal Coat Project [\$51,784.88 to be reimbursed by West Lakeland Township].”

ATTACHMENTS:

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

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. 1 (FINAL)

FOCUS ENGINEERING, inc.

2012 SEAL COAT PROJECT
PROJECT NO. 2012.118

PERIOD OF ESTIMATE
FROM 6/7/2012 TO 9/18/2012

PROJECT OWNER:
CITY OF LAKE ELMO
3800 LAVERNE AVENUE NORTH
LAKE ELMO, MN 55042
ATTN: JACK GRIFFIN, P.E., CITY ENGINEER

CONTRACTOR:
ALLIED BLACKTOP COMPANY
10503 89TH AVENUE NORTH
MAPLE GROVE, MN 55369
ATTN: PETER CAPISTRANT, PRESIDENT

CONTRACT CHANGE ORDER SUMMARY

No.	Approval Date	Amount	
		Additions	Deductions
1	9/18/2012	\$5,912.93	
TOTALS		\$5,912.93	\$0.00
NET CHANGE		\$5,912.93	

PAY ESTIMATE SUMMARY

1. Original Contract Amount	\$128,814.51
2. Net Change Order Sum	\$5,912.93
3. Revised Contract (1+2)	\$134,727.44
4. *Work Completed	\$134,727.44
5. *Stored Materials	\$0.00
6. Subtotal (4+5)	\$134,727.44
7. Retainage* <u>0.0%</u>	\$0.00
8. Previous Payments	\$0.00
9. Amount Due (6-7-8)	\$134,727.44

*Detailed Breakdown Attached

CONTRACT TIME

START DATE: 6/7/2012
SUBSTANTIAL COMPLETION: 8/17/2012
FINAL COMPLETION: 9/25/2012

ORIGINAL DAYS 110
REVISED DAYS 0
REMAINING 7

ON SCHEDULE
YES ☒ X
NO ☐

ENGINEER'S CERTIFICATION:

The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

FOCUS Engineering, inc.

ENGINEER 

DATE 9-21-2012

CONTRACTOR'S CERTIFICATION:

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

CONTRACTOR

BY 

DATE 9/13/12

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY _____

DATE _____

BY _____

DATE _____

PAY ESTIMATE NO. 1 (FINAL)

2012 SEAL COAT PROJECT

CITY OF LAKE ELMO & WEST LAKE LAND TWP, MINNESOTA

FOCUS PROJECT NO. 2012.118

CONTRACT DATED JUNE 5, 2012

FOCUS ENGINEERING, inc.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
CITY OF LAKE ELMO						
1	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	63,925	68,832	SY	\$ 1.205	\$ 82,942.56
CITY OF WEST LAKE LAND						
2	BITUMINOUS SEAL COAT WITH 1/8" DRESSER TRAP ROCK	42,975	42,975	SY	\$ 1.205	\$ 51,784.88
TOTAL						\$ 134,727.44

CERTIFICATE OF COMPLETION

DATE OF ISSUANCE: October 2, 2012

OWNER: CITY OF LAKE ELMO, MN

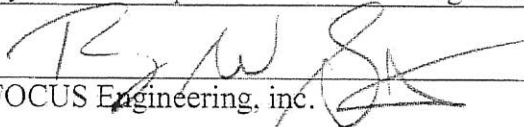
CONTRACTOR: ALLIED BLACKTOP COMPANY

PROJECT NAME: 2012 SEAL COAT PROJECT

PROJECT NO.: 2012.118

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

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated June 5, 2012. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: October 2, 2012Ryan W. Stempski Reg. No. 45395
FOCUS Engineering, inc.

THE WARRANTY PERIOD BEGINS October 2, 2012 AND ENDS October 2, 2014



MAYOR AND COUNCIL COMMUNICATION

DATE: October 2, 2012

CONSENT

ITEM #: 7

MOTION

AGENDA ITEM: I94 East Corridor Gravity Sewer – Authorize Engineering Services to prepare revised Easement Exhibit

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 Engineering Services by TKDA to prepare a revised Easement Exhibit for the Trunk Gravity Sanitary Sewer line in the I94 East Corridor. Services would be provided in accordance with the TKDA Proposal dated September 12, 2012 for an estimated amount of \$2,800.

STAFF REPORT: The City Engineer is recommending that the City retain Professional Engineering Services to complete a revised Easement Exhibit for the potential alternative gravity sewer route in the I94 East Corridor (Lake Elmo Avenue to Manning Avenue) for the purpose of easement negotiations.

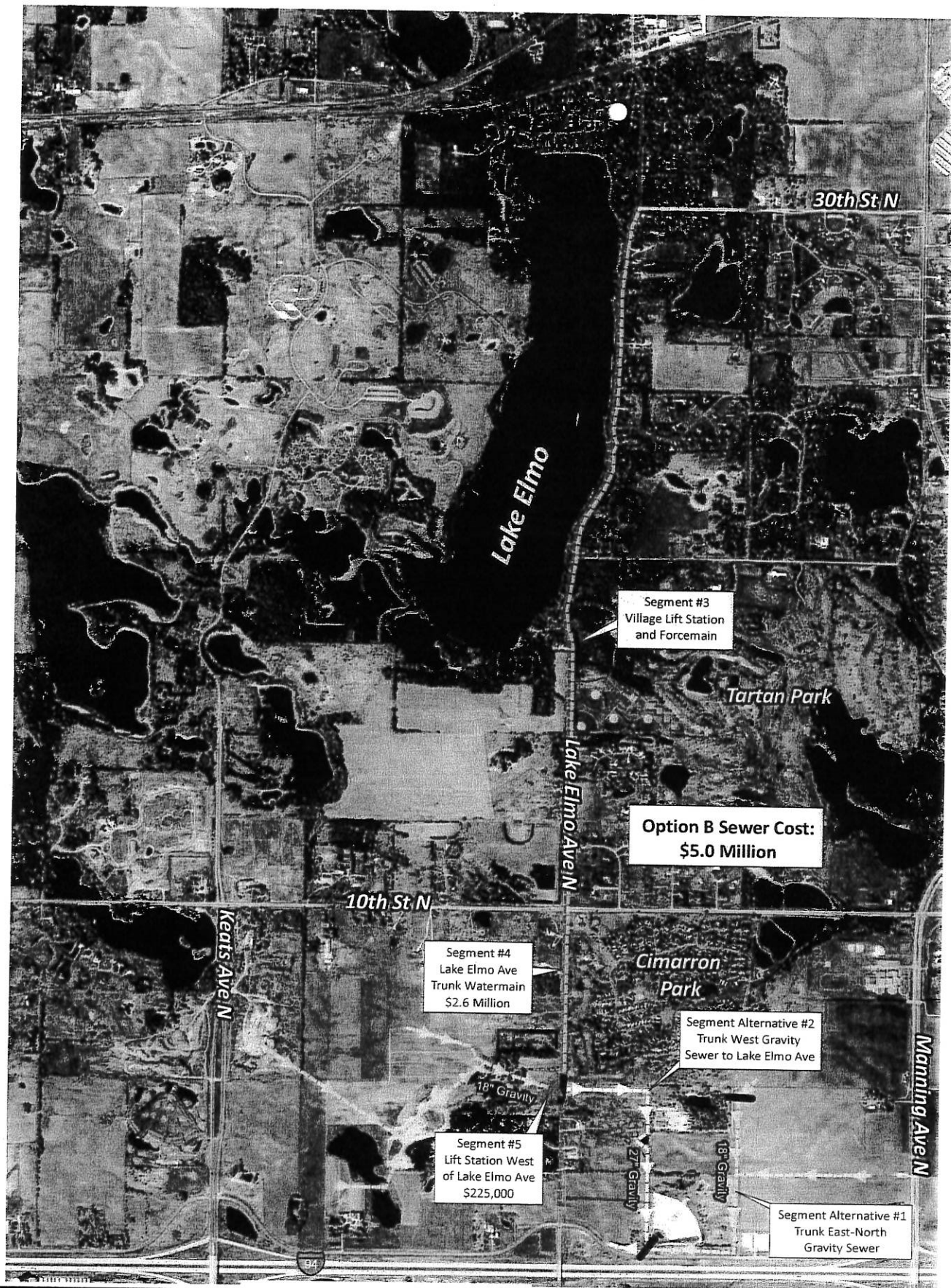
The City has previously completed engineering design work to potentially install trunk gravity sewer pipe in the area located south of 10th Street and through properties near or adjacent to Lake Elmo Avenue when the City proceeds with the Village Lift Station and Forcemain project. However utility easements remain to be negotiated and acquired to accommodate the gravity pipe. Easement Exhibits exist for the initial sewer route previously designed, however alternative routing and design may be required to implement the project. It is therefore recommended that staff proceed with obtaining a revised Easement Exhibit representative of the alternative routing to increase the City's negotiating capabilities.

RECOMMENDATION: Staff is recommending approval of the requested engineering services as part of the *Consent Agenda*. The recommended motion for this action is as follows:

“Move to approve Engineering Services by TKDA to prepare a revised Easement Exhibit for the Trunk Gravity Sanitary Sewer line in the I94 East Corridor in accordance with the TKDA Proposal dated September 12, 2012 for an estimated amount of \$2,800.”

ATTACHMENTS:

1. I94 East Corridor Sewer Plan Exhibit – Option B
2. TKDA Proposal for Engineering Services, dated September 12, 2012.



Sewer and Water Utility Expansions: Eastern I-94 Corridor (Option B)

CITY OF
LAKE ELMO

City of Lake Elmo

5-8-12

Data Source:
Washington County, MN

Legend



Lift Station



Existing Watermain



Existing Sewer



Well #1



Proposed Gravity Sewer



Proposed Forcemain Sewer



Future Gravity Sewer



Proposed Watermain

0 750 1,500 3,000 Feet





444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

September 12, 2012

Via Email Only: jack.griffin@focusengineeringinc.com

Mr. Jack Griffin, PE
City Engineer
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Proposal for Engineering Services
Lake Elmo Avenue Infrastructure Improvements, I-94 to 30th Street Project
Easement Exhibit

Dear Mr. Griffin:

Pursuant to communications with you, we propose to provide Engineering Services in connection with the Lake Elmo Avenue Infrastructure Improvements, I-94 to 30th Street Project, hereinafter called the Project. Our services will be provided in the manner described in this Proposal subject to the terms and conditions set forth in our General Agreement dated February 2, 1988.

I. PROJECT DESCRIPTION

The Lake Elmo Avenue Infrastructure Project consists of the installation of a sanitary sewer lift station and forcemain/gravity system to convey wastewater flow from Reid Park located on 30th Street to the MCES connection located on Hudson Boulevard. The City has requested Engineering Services to revise the current set of construction documents for the purpose of re-bidding the Project. The revised documents will replace the current alternate bid with a new alignment for the gravity connection south of 10th Street, approximately 4,500 feet in length.

This Proposal is for Engineering Services to provide a revised easement exhibit for the new alternative gravity sewer alignment south of 10th Street.

II. SERVICES TO BE PROVIDED BY TKDA

Based on TKDA'S understanding of the Project, we propose to provide the following services:

- A. Determine the trench width.
- B. Determine permanent easement and temporary easement for the identified alignment based on existing contour information.

Mr. Jack Griffin, PE
City of Lake Elmo
Proposal for Engineering Services - Easement Exhibit
Lake Elmo Avenue Infrastructure Improvements, I-94 to 30th Street Project
September 12, 2012
Page 2

- C. Prepare an exhibit with an aerial photograph background that identifies pertinent information suitable for preliminary discussions with the property owners.
- D. Revise the exhibit based on input received for no more than two variations of the alignment.

III. ADDITIONAL SERVICES

If authorized in writing by the City, we will furnish or obtain from others Additional Services of the types listed below which are not considered as basic services under this Proposal. Additional Services shall be billable on an Hourly Time and Materials basis and such billings shall be over and above any maximum amounts set forth in this Proposal.

- A. Meet with the City and/or property owners or other site visits.
- B. Survey the alignment to more accurately identify impacts.
- C. Stake proposed alignments.
- D. Review alignments in addition to those noted in SECTION II.

IV. CLIENT'S RESPONSIBILITIES

These responsibilities shall be as set forth in our Agreement and as further described or clarified hereinbelow:

- A. Designate one individual to act as a representative with respect to the work to be performed, and such person shall have complete authority to transmit instructions, receive information, interpret and define policies, and make decisions with respect to critical elements pertinent to the Project. This individual shall be identified in the signature block area of this Proposal.
- B. Provide TKDA with access to the site as required to perform services listed in SECTION II above.
- C. Provide parameters sufficient to identify the initial alignment.
- D. Provide parameters sufficient to identify the additional alignments.
- E. Provide reviews of materials furnished by TKDA in a reasonable and prompt manner so that the Project schedule can be maintained.

V. PERIOD OF SERVICE

We would expect to start our services promptly upon receipt of your written acceptance of this Proposal and to complete SECTION II services for each alignment within two weeks of receiving sufficient alignment parameters.

Mr. Jack Griffin, PE
City of Lake Elmo
Proposal for Engineering Services - Easement Exhibit
Lake Elmo Avenue Infrastructure Improvements, I-94 to 30th Street Project
September 12, 2012
Page 3

VI. COMPENSATION

Compensation to TKDA for services provided as described in SECTION II of this Proposal shall be on an Hourly Time and Materials basis in the estimated amount of \$2,800.

The level of effort required to accomplish SECTION II services can be affected by factors which are beyond our control. Therefore, if it appears at any time that charges for services rendered under SECTION II will exceed the above, we agree that we will not perform services or incur costs which will result in billings in excess of such amount until we have been advised by you that additional funds are available and our work can proceed.

VII. CONTRACTUAL INTENT

We thank you for the opportunity to submit this Proposal and are willing that this letter and attachments constitute a contract between us upon its signature by an authorized official of the City of Lake Elmo and the return of a signed original to us. This Proposal will be open for acceptance for 30 days, unless the provisions herein are changed by us in writing prior to that time.

Sincerely,



Ronald S. Quanbeck, PE
Project Manager



William E. Deitner, PE
CEO

RSQ:WED:adh
ATTACHMENT: PROJECT FEE ESTIMATE

ACCEPTED FOR THE CITY OF LAKE ELMO, MINNESOTA

By: _____
(signature) Printed Name/Title Date

CLIENT'S DESIGNATED REPRESENTATIVE:

Name/Title Phone Email



Project Fee Estimate

Client:	City of Lake Elmo	Easement Exhibit	Date:	9/12/2012
Project:	Lake Elmo Ave. Infrastructure Project, I-94 to 30th Street		By:	RSQ
Task	Task Description	Est. Person Hours		Totals
		Sr Reg Eng	Reg Eng	
	Billing Rate/Hr x Multiplier	\$ 143	\$ 81	
A	Determine Trench Width		4	4
B	Determine Easement Requirements	1	4	5
C	Prepare Exhibit		3	3
D	Revise Exhibit with no more than 2 Alignments			
	Determine Trench Width Revised Alignments (2)	2	6	8
	Determine Easement Requirements Revised Alignments (2)	2	4	6
	Prepare Exhibit Revised Alignments (2)		4	4
TOTAL HOURS		5	25	30
TOTAL LABOR COST		\$ 715	\$ 2,025	\$ 2,740
MILEAGE				\$ 50
TOTAL COST				\$ 2,790
TOTAL (ROUNDED)				\$ 2,800



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/02/2012

CONSENT

ITEM #: 8

MOTION Consent Agenda

Resolution 2012-51

AGENDA ITEM: Authorize Certification to Washington County Auditor for the Unpaid Surface Water Utility Bills

SUBMITTED BY: Cathy Bendel, Finance Director

REVIEWED BY: Adam Bell, Deputy Clerk

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is respectfully asked to approve the certification of the delinquent Surface Water Utility Bills to Washington County Auditor. 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 authority by Minnesota State statute 444.075, subd.3 to assess property owners for unpaid surface water utilities and services. Affected homeowners with past due balances were sent notification of the proposed assessment. Homeowners have until October 12, 2012 to pay the balance due without additional fees.

STAFF REPORT: The City operated the water, sewer, and surface water under its Enterprise funds. Enterprise funds account for specific City operations that are financed and operated similar to a private business. Generally, the services are provided to identifiable beneficiaries, as well as the general public, and all or most of the costs come from user's fees.

The user fees collected are utilized to operate the City's respective water, sewer, and surface water systems. Assessing the property owners listed on Exhibit A (attached) for unpaid services will assure collection of charged fees. The deadline to certify the unpaid surface water utility to Washington County is October 15, 2012.

RECOMMENDATION: It is recommended the City Council authorize the certification of the delinquent surface water accounts to the Washington County Auditor.

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.

ATTACHMENTS:

1. Resolution 2012-51
2. Exhibit A

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

RESOLUTION 2012-51

**RESOLUTION AUTHORIZING CERTIFICATION TO THE WASHINGTON
COUNTY AUDITOR FOR UNPAID SURFACE WATER UTILITY BILLS**

WHEREAS, Minn. Stat. 444.075, subd. 3, permits certification of unpaid charges to the county auditor for collection with taxes payable;

WHEREAS, the Municipal Code for the City of Lake Elmo contains a provision to certify delinquent accounts to the County Auditor for the collection with taxes payable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA, THAT:

1. The list of delinquent accounts, a copy of which is attached hereto as Exhibit A, and made part hereof, is hereby accepted and shall be certified to the Washington County Auditor for collection with taxes payable.
2. The certified amount shall be payable over a period of one year, with interest as provided in Exhibit A.
3. The owner of the property may, at any time prior to certification to the County Auditor, pay the delinquent amount to the City Finance Director.
4. The City Finance Director shall forthwith transmit a certified duplicate of Exhibit A to the County Auditor to be extended on the property tax lists of Washington County. Such delinquent accounts shall be collected and paid over in the same manner as other municipal taxes.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SECOND DAY OF
OCTOBER, 2012.**

By: _____
Dean A. Johnston
Mayor

(Seal)

Sandie Thone, City Clerk

CITY OF LAKE ELMOSW Assessmentsber 15, 2012

Account	Past Due Amount	Fee	Total	PIN
05-00000240-00-1	142.73	25.00	167.73	302921220002
05-00000250-00-4	18.13	25.00	43.13	302921220005
05-00000260-00-7	2.41	25.00	27.41	302921230002
05-00000300-00-6	69.08	25.00	94.08	402921130002
05-00000320-00-2	41.02	25.00	66.02	402921140005
05-00000340-00-8	28.21	25.00	53.21	402921410002
05-00000350-00-1	63.05	25.00	88.05	402921410003
05-00000370-00-7	1,038.91	83.11	1,122.02	1002921120002
05-00000380-00-0	268.90	25.00	293.90	1002921130002
05-00000400-00-3	69.04	25.00	94.04	1002921240031
05-00000410-00-6	294.29	25.00	319.29	1002921310001
05-00000420-00-9	637.92	51.03	688.95	1002921420001
05-00000530-00-9	38.60	25.00	63.60	1102921410003
05-00000540-00-2	24.88	25.00	49.88	1102921410004
05-00000840-00-3	41.74	25.00	66.74	1402921310002
0000950-00-3	170.25	25.00	195.25	1502921410001
05-00001090-00-1	5.86	25.00	30.86	2602921330004
05-00001390-00-2	154.00	25.00	179.00	3602921420001
05-00001510-00-2	50.00	25.00	75.00	102921130003
05-00001520-00-5	50.00	25.00	75.00	102921140002
05-00001530-00-8	50.00	25.00	75.00	102921140003
05-00001650-00-1	12.68	25.00	37.68	1002921440007
05-00001720-00-9	50.00	25.00	75.00	1202921410002
05-00001730-00-2	26.55	25.00	51.55	1202921410024
05-00001740-00-5	50.00	25.00	75.00	1202921420008
05-00001750-00-8	50.00	25.00	75.00	1202921420011
05-00002190-00-7	55.00	25.00	80.00	102921340002
05-00002400-00-1	55.00	25.00	80.00	202921110012
05-00002460-00-9	55.00	25.00	80.00	202921230001
05-00002560-00-6	50.00	25.00	75.00	202921410009
05-00002590-00-5	55.00	25.00	80.00	202921410012
05-00002880-00-3	55.00	25.00	80.00	302921120003
05-00003120-00-5	55.00	25.00	80.00	302921210004
05-00003310-00-6	55.00	25.00	80.00	302921310009
05-00003510-00-0	55.00	25.00	80.00	302921320018
0003530-00-6	50.00	25.00	75.00	302921320020
05-00003550-00-2	55.00	25.00	80.00	302921330003
05-00003710-00-4	55.00	25.00	80.00	302921340001
05-00004100-00-8	55.00	25.00	80.00	302921430010

05-00004130-00-7	55.00	25.00	80.00 302921430013
05-00004470-00-0	55.00	25.00	80.00 402921120014
05-00004530-00-5	70.00	25.00	95.00 402921210002
05-00004550-00-1	55.00	25.00	80.00 402921210005
05-00004610-00-6	55.00	25.00	80.00 402921210011
05-00004620-00-9	55.00	25.00	80.00 402921210012
05-00004640-00-5	78.84	25.00	103.84 402921210014
05-00004790-00-7	55.00	25.00	80.00 402921220012
05-00005050-00-5	60.00	25.00	85.00 402921230017
05-00005300-00-1	3.15	25.00	28.15 402921330001
05-00005320-00-7	15.28	25.00	40.28 402921330014
05-00005450-00-3	55.00	25.00	80.00 402921330038
05-00005530-00-4	55.00	25.00	80.00 402921330051
05-00005910-00-6	55.00	25.00	80.00 502921130004
05-00005950-00-8	55.00	25.00	80.00 502921140006
05-00006110-00-9	104.50	25.00	129.50 502921420002
05-00006340-00-2	104.50	25.00	129.50 502921420026
05-00006610-00-4	55.00	25.00	80.00 502921430025
05-00006820-00-1	55.00	25.00	80.00 502921440027
05-00007070-00-9	95.00	25.00	120.00 602920310014
05-00007630-00-9	16.64	25.00	41.64 602920320040
05-00007740-00-9	104.50	25.00	129.50 602920320051
05-00007800-00-4	55.00	25.00	80.00 602920320057
05-00008490-00-2	55.00	25.00	80.00 902921110004
05-00008620-00-5	55.00	25.00	80.00 902921110019
05-00008690-00-6	55.00	25.00	80.00 902921130004
05-00008950-00-5	55.00	25.00	80.00 902921220007
05-00009000-00-6	20.81	25.00	45.81 902921220013
05-00009010-00-9	55.00	25.00	80.00 902921220014
05-00009060-00-4	15.55	25.00	40.55 902921220023
05-00009250-00-5	55.00	25.00	80.00 902921240007
05-00009640-00-0	55.00	25.00	80.00 902921320003
05-00009680-00-2	8.40	25.00	33.40 902921320007
05-00009820-00-8	55.00	25.00	80.00 902921320022
05-00009840-00-4	55.00	25.00	80.00 902921320026
05-00010090-00-5	55.00	25.00	80.00 902921340002
05-00010200-00-2	55.00	25.00	80.00 902921340013
05-00010210-00-5	55.00	25.00	80.00 902921340014
05-00010570-00-4	55.00	25.00	80.00 902921420014
05-00010740-00-9	50.00	25.00	75.00 902921430005
05-00010870-00-5	55.00	25.00	80.00 902921430018
05-00010940-00-3	55.00	25.00	80.00 902921430025
05-00010980-00-5	50.00	25.00	75.00 902921430029
05-00011060-00-5	60.50	25.00	85.50 902921440006
05-00011100-00-4	55.00	25.00	80.00 902921440010

05-00011190-00-1	55.00	25.00	80.00 902921440019
05-00011200-00-1	104.50	25.00	129.50 902921440020
05-00011260-00-9	55.00	25.00	80.00 902921440026
05-00011310-00-1	49.50	25.00	74.50 1002921140007
05-00011360-00-6	16.67	25.00	41.67 1002921210007
05-00011420-00-1	55.00	25.00	80.00 1002921210014
05-00011510-00-5	55.00	25.00	80.00 1002921210023
05-00011760-00-4	99.00	25.00	124.00 1002921240009
05-00011790-00-3	55.00	25.00	80.00 1002921240012
05-00011970-00-1	55.00	25.00	80.00 1002921310004
05-00012100-00-3	73.99	25.00	98.99 1002921320005
05-00012170-00-4	9.38	25.00	34.38 1002921430005
05-00012190-00-0	55.00	25.00	80.00 1002921410015
05-00012220-00-6	50.00	25.00	75.00 1002921430002
05-00012230-00-9	7.50	25.00	32.50 1002921430003
05-00012250-00-5	189.92	25.00	214.92 1002921410003
05-00012350-00-2	55.00	25.00	80.00 1102921230003
05-00012400-00-4	55.00	25.00	80.00 1102921310002
05-00012520-00-7	104.50	25.00	129.50 1102921330019
05-00012580-00-5	88.00	25.00	113.00 1102921340012
05-00012620-00-4	55.00	25.00	80.00 1102921340016
05-00012850-00-7	55.00	25.00	80.00 1102921430009
05-00012930-00-8	104.50	25.00	129.50 1102921430017
05-00013170-00-3	55.00	25.00	80.00 1202921110030
05-00013490-00-0	155.00	25.00	180.00 1202921140013
05-00013610-00-0	55.00	25.00	80.00 1202921210003
05-00013930-00-7	50.00	25.00	75.00 1202921410030
05-00014000-00-4	55.00	25.00	80.00 1202921420019
05-00014010-00-7	104.50	25.00	129.50 1202921420020
05-00014050-00-9	55.00	25.00	80.00 1202921420024
05-00014070-00-5	55.00	25.00	80.00 1202921420026
05-00014120-00-7	104.50	25.00	129.50 1202921420031
05-00014190-00-8	55.00	25.00	80.00 1202921420038
05-00014270-00-9	55.00	25.00	80.00 1202921420046
05-00014360-00-3	3.61	25.00	28.61 1202921440009
05-00014680-00-0	55.00	25.00	80.00 1302921230056
05-00014740-00-5	55.00	25.00	80.00 1302921240005
05-00014750-00-8	55.00	25.00	80.00 1302921240006
05-00015020-00-9	95.00	25.00	120.00 1302921320036
05-00015290-00-4	50.00	25.00	75.00 1302921320084
05-00015300-00-4	55.00	25.00	80.00 1302921320089
05-00015450-00-6	104.50	25.00	129.50 1302921330018
05-00015470-00-2	104.50	25.00	129.50 1302921330020
05-00015500-00-8	55.00	25.00	80.00 1302921330024
05-00015860-00-7	104.50	25.00	129.50 1302921340025

05-00015980-00-0	55.00	25.00	80.00 1302921430007
05-00016130-00-8	55.00	25.00	80.00 1402921210014
05-00016420-00-6	3.23	25.00	28.23 1402921320015
05-00016430-00-9	55.00	25.00	80.00 1402921320016
05-00016530-00-6	104.50	25.00	129.50 1402921410012
05-00016570-00-8	55.00	25.00	80.00 1402921410016
05-00016580-00-1	55.00	25.00	80.00 1402921410018
05-00016630-00-3	104.50	25.00	129.50 1402921410027
05-00016790-00-8	55.00	25.00	80.00 1402921440012
05-00016870-00-9	104.50	25.00	129.50 1402921440020
05-00017040-00-3	55.00	25.00	80.00 1502921310004
05-00017120-00-4	2.33	25.00	27.33 1502921320003
05-00017210-00-8	55.00	25.00	80.00 1502921320018
05-00017230-00-4	104.50	25.00	129.50 1502921320020
05-00017250-00-0	55.00	25.00	80.00 1502921320022
05-00017300-00-2	55.00	25.00	80.00 1502921320027
05-00017320-00-8	55.00	25.00	80.00 1502921320031
05-00017470-00-0	55.00	25.00	80.00 1502921330018
05-00017530-00-5	55.00	25.00	80.00 1502921330027
05-00017540-00-8	3.60	25.00	28.60 1502921330029
05-00017610-00-6	55.00	25.00	80.00 1502921340002
05-00017650-00-8	55.00	25.00	80.00 1502921340007
05-00017660-00-1	55.00	25.00	80.00 1502921420003
05-00018000-00-0	104.50	25.00	129.50 1602921140005
05-00018250-00-9	104.50	25.00	129.50 1602921140031
05-00018330-00-0	55.00	25.00	80.00 1602921210003
05-00018500-00-5	104.50	25.00	129.50 1602921210020
05-00018670-00-3	55.00	25.00	80.00 1602921220016
05-00018780-00-3	60.50	25.00	85.50 1602921220029
05-00018790-00-6	8.30	25.00	33.30 1602921220030
05-00019020-00-5	55.00	25.00	80.00 1602921410012
05-00019260-00-1	104.50	25.00	129.50 2102921120009
05-00019360-00-8	55.00	25.00	80.00 2102921120022
05-00019500-00-4	60.50	25.00	85.50 2102921120038
05-00019620-00-7	104.50	25.00	129.50 2102921120050
05-00019700-00-8	55.00	25.00	80.00 2102921130004
05-00019790-00-5	55.00	25.00	80.00 2102921130014
05-00019830-00-4	104.50	25.00	129.50 2102921130019
05-00019990-00-9	104.50	25.00	129.50 2102921210001
05-00020220-00-1	55.00	25.00	80.00 2102921220007
05-00020320-00-8	55.00	25.00	80.00 2102921230007
05-00020450-00-4	55.00	25.00	80.00 2102921240006
05-00020530-00-5	104.50	25.00	129.50 2102921330003
05-00020590-00-3	55.00	25.00	80.00 2102921330009
05-00020640-00-5	55.00	25.00	80.00 2102921330014

05-00020670-00-4	55.00	25.00	80.00 2102921340004
05-00020900-00-4	55.00	25.00	80.00 2202921220012
05-00020920-00-0	55.00	25.00	80.00 2202921220014
05-00020960-00-2	55.00	25.00	80.00 2202921220019
05-00021100-00-7	14.32	25.00	39.32 2402921110006
05-00021160-00-5	55.00	25.00	80.00 2402921110012
05-00021260-00-2	104.50	25.00	129.50 2402921110024
05-00021290-00-1	55.00	25.00	80.00 2402921120003
05-00021530-00-4	55.00	25.00	80.00 2402921120036
05-00021710-00-2	55.00	25.00	80.00 2402921140010
05-00021760-00-7	24.00	25.00	49.00 2402921210007
05-00022210-00-6	55.00	25.00	80.00 2402921310004
05-00022350-00-5	55.00	25.00	80.00 2402921320003
05-00022360-00-8	5.33	25.00	30.33 2402921320004
05-00022600-00-1	104.50	25.00	129.50 2402921330012
05-00022680-00-5	55.00	25.00	80.00 2402921420003
05-00022900-00-2	55.00	25.00	80.00 2402921420025
05-00022980-00-6	55.00	25.00	80.00 2402921430009
05-00023540-00-5	50.00	25.00	75.00 2502921330005
05-00023560-00-1	55.00	25.00	80.00 2502921330007
05-00023740-00-9	50.00	25.00	75.00 2502921340006
05-00023920-00-7	55.00	25.00	80.00 2602921110002
05-00023930-00-0	55.00	25.00	80.00 2602921330001
05-00023940-00-3	50.00	25.00	75.00 2602921330002
05-00023980-00-5	104.50	25.00	129.50 2602921430002
05-00024150-00-9	236.50	25.00	261.50 2702921340005
05-00024180-00-8	55.00	25.00	80.00 2702921420004
05-00024230-00-0	50.00	25.00	75.00 2702921420013
05-00024510-00-5	95.00	25.00	120.00 2802921130001
05-00024580-00-6	55.00	25.00	80.00 2802921130012
05-00024700-00-6	55.00	25.00	80.00 2802921140008
05-00024830-00-2	104.50	25.00	129.50 2802921440002
05-00024870-00-4	55.00	25.00	80.00 3402921120004
05-00024970-00-1	55.00	25.00	80.00 3402921210005
05-00025020-00-2	104.50	25.00	129.50 3402921210010
05-00025110-00-6	55.00	25.00	80.00 3402921220002
05-00025260-00-8	55.00	25.00	80.00 3402921230008
05-00025270-00-1	55.00	25.00	80.00 3402921230009
05-00025590-00-8	55.00	25.00	80.00 3502921120004
05-00025600-00-8	55.00	25.00	80.00 3502921140003
05-00025820-00-8	55.00	25.00	80.00 3502921440007
05-00025850-00-7	50.00	25.00	75.00 3602921320006
05-00025930-00-8	55.00	25.00	80.00 102921110013
05-00025940-00-1	50.00	25.00	75.00 102921110015
05-00025950-00-4	50.00	25.00	75.00 102921110016

05-00025960-00-7	55.00	25.00	80.00 102921110017
05-00025980-00-3	50.00	25.00	75.00 102921120011
05-00026070-00-6	50.00	25.00	75.00 102921130015
05-00026130-00-1	50.00	25.00	75.00 102921130021
05-00026150-00-7	50.00	25.00	75.00 102921130023
05-00026260-00-7	104.50	25.00	129.50 102921130036
05-00026360-00-4	50.00	25.00	75.00 102921140014
05-00026430-00-2	55.00	25.00	80.00 102921140023
05-00026460-00-1	50.00	25.00	75.00 102921440005
05-00026990-00-5	55.00	25.00	80.00 402921330015
05-00027060-00-2	185.00	25.00	210.00 702920220004
05-00027070-00-5	185.00	25.00	210.00 702920230010
05-00027090-00-1	50.00	25.00	75.00 802921140017
05-00027240-00-0	11.33	25.00	36.33 902921240018
05-00027350-00-0	60.50	25.00	85.50 1002921240008
05-00027410-00-5	50.00	25.00	75.00 1002921410016
05-00027530-00-8	17.69	25.00	42.69 1002921440005
05-00027540-00-1	203.74	25.00	228.74 1002921440006
05-00027620-00-2	66.50	25.00	91.50 1002921440015
05-00027630-00-5	80.00	25.00	105.00 1002921440016
05-00028060-00-1	55.00	25.00	80.00 1102921330021
05-00028070-00-4	55.00	25.00	80.00 1102921330022
05-00028190-00-7	185.00	25.00	210.00 1202921120002
05-00028260-00-5	2,070.72	165.66	2,236.38 1202921130012
05-00028280-00-1	46.23	25.00	71.23 1202921140004
05-00028290-00-4	50.00	25.00	75.00 1202921140005
05-00028300-00-4	155.00	25.00	180.00 1202921140009
05-00028350-00-9	50.00	25.00	75.00 1202921420010
05-00028360-00-2	50.00	25.00	75.00 1202921420012
05-00028370-00-5	185.00	25.00	210.00 1202921420014
05-00028380-00-8	7.48	25.00	32.48 1202921420048
05-00028390-00-1	18.62	25.00	43.62 1202921430012
05-00028400-00-1	185.00	25.00	210.00 1202921430013
05-00028420-00-7	152.65	25.00	177.65 1202921430015
05-00028570-00-9	50.00	25.00	75.00 1302921320085
05-00028650-00-0	55.00	25.00	80.00 1402921230004
05-00029090-00-9	55.00	25.00	80.00 2202921220026
05-00029190-00-6	50.00	25.00	75.00 2302921120001
05-00029210-00-9	95.00	25.00	120.00 2402921110004
05-00029220-00-2	95.00	25.00	120.00 2402921120018
05-00029230-00-5	95.00	25.00	120.00 2402921120019
05-00029240-00-8	95.00	25.00	120.00 2402921120020
05-00029250-00-1	95.00	25.00	120.00 2402921120021
05-00029260-00-4	95.00	25.00	120.00 2402921120022
05-00029270-00-7	84.23	25.00	109.23 2402921130004
05-00029280-00-0	95.00	25.00	120.00 2402921140005

05-00029290-00-3	151.80	25.00	176.80 2402921220003
05-00029330-00-2	44.05	25.00	69.05 2502921320002
05-00029340-00-5	115.11	25.00	140.11 2502921320004
05-00029350-00-8	17.90	25.00	42.90 2502921320005
05-00029360-00-1	6.33	25.00	31.33 2502921320006
05-00029370-00-4	43.38	25.00	68.38 2502921320007
05-00029410-00-3	50.00	25.00	75.00 2702921410003
05-00029420-00-6	50.00	25.00	75.00 2702921410004
05-00029520-00-3	50.00	25.00	75.00 2702921420002
05-00029530-00-6	50.00	25.00	75.00 2702921420003
05-00029550-00-2	50.00	25.00	75.00 2702921420007
05-00029560-00-5	50.00	25.00	75.00 2702921420008
05-00029580-00-1	50.00	25.00	75.00 2702921430004
05-00029590-00-4	50.00	25.00	75.00 2702921430005
05-00029600-00-4	50.00	25.00	75.00 2702921430006
05-00029610-00-7	50.00	25.00	75.00 2702921430007
05-00029630-00-3	50.00	25.00	75.00 2702921430011
05-00029640-00-6	50.00	25.00	75.00 2702921430012
05-00029650-00-9	50.00	25.00	75.00 2702921430013
05-00029680-00-8	50.00	25.00	75.00 2702921440005
05-00029690-00-1	50.00	25.00	75.00 2702921440006
05-00029700-00-1	50.00	25.00	75.00 2702921440007
05-00029710-00-4	50.00	25.00	75.00 2702921440008
05-00029720-00-7	50.00	25.00	75.00 2702921440009
05-00029800-00-8	5.27	25.00	30.27 2802921120002
05-00029810-00-1	43.96	25.00	68.96 2802921120003
05-00029820-00-4	68.85	25.00	93.85 2802921130003
05-00029830-00-7	52.45	25.00	77.45 2802921130004
05-00029940-00-7	95.00	25.00	120.00 3602921330006
05-00029970-00-6	129.89	25.00	154.89 3602921120001
05-00029980-00-9	1,038.68	83.09	1,121.77 3602921130001
05-00029990-00-2	2,049.80	163.98	2,213.78 3602921210001
05-00030000-00-4	656.78	52.54	709.32 3602921210001
05-00030010-00-7	518.47	41.48	559.95 3602921230001
05-00030020-00-0	518.78	41.50	560.28 3602921230002
05-00030030-00-3	1,037.20	82.98	1,120.18 3602921240001
05-00030060-00-2	832.02	66.56	898.58 3302921440036
05-00030080-00-8	2,278.38	182.27	2,460.65 302921210003
05-00030610-00-9	17.68	25.00	42.68 1302921320048
05-00030620-00-2	17.68	25.00	42.68 1302921320049
05-00030680-00-0	11.53	25.00	36.53 1602921410017
05-00030690-00-3	11.53	25.00	36.53 1602921410018
05-00030780-00-7	4.77	25.00	29.77 1602921410029
05-00030820-00-6	314.69	25.18	339.87 1602921420002
05-00030990-00-4	1,465.95	117.28	1,583.23 3302921420015

05-00031190-00-7	9.80	25.00	34.80 3302921440023
05-00031350-00-9	794.75	63.58	858.33 3402921340004
05-00031600-00-5	1,101.09	88.09	1,189.18 202921210003
05-00031810-00-2	110.66	25.00	135.66 402921140004
05-00031830-00-8	27.80	25.00	52.80 1102921230001
05-00031840-00-1	27.68	25.00	52.68 1102921230007
05-00031910-00-9	160.67	25.00	185.67 3402921130001
05-00031930-00-5	45.97	25.00	70.97 3402921430002
05-00031940-00-8	136.82	25.00	161.82 3502921220001
	<u>35,876.96</u>	<u>8,908.33</u>	<u>44,785.29</u>



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/02/2012
CONSENT
ITEM #: 9
MOTION Consent Agenda

AGENDA ITEM: Approve Resolution of JPA with the City of Hugo

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Dean A. 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 approve Resolution 2012-48 for the City of Lake Elmo to enter in a joint powers agreement with the City of Hugo for administration of the State Building Code as needed.

STAFF REPORT:

With the hiring of the Rick Chase as the cities Building Official, there are times due to schedule, that additional inspection services are required. The city will be joining a pool of certified Building officials to provide for coverage as needed.

In addition please find the attached proposed Joint Powers Agreement between the City of Lake Elmo and the City of Hugo outlining the services and fees for the administration of the State Building Code.

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2012-48 a Joint Powers Agreement between the City of Hugo and the City of Lake Elmo to provide mutual assistance and cooperation in providing building inspection services, in the event the building official is unavailable.

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

RESOLUTION 2012-48

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT FOR BUILDING SERVICES BETWEEN THE CITY OF HUGO AND THE CITY OF LAKE ELMO

WHEREAS, the City of Lake Elmo and the City of Hugo employ building officials on staff but encounter periods when the official/inspector cannot perform the daily duties of the position, and;

WHEREAS, the above referenced participating cities agree to enter into a Joint Powers Agreement pursuant to the authority granted under Minnesota Statutes section 471.59 to enable the parties to submit building inspectors to a general pool to be administered by the City of Hugo in order to allow participating cities to utilize inspectors from that pool to perform building inspections as needed.

NOW THEREFORE BE IT RESOLVED, that the City of Lake Elmo has approved entering into a Joint Powers Agreement for Building Services administered by the City of Hugo.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS SECOND DAY OF OCTOBER 2012.

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Dean A. Johnston
Mayor

ATTEST:

Sandie Thone
City Clerk

JOINT POWERS AGREEMENT ESTABLISHING SHARING OF BUILDING INSPECTION SERVICES

THIS JOINT POWERS AGREEMENT ("Agreement"), is made and entered into as of the ____ day of _____, 2012, by and between the City of Hugo, a municipal corporation and _____, a _____.

WITNESSETH:

WHEREAS, the above-referenced Cities ("participating City") desire to provide mutual assistance and cooperation in furnishing building inspection services.

WHEREAS, the above referenced participating cities desire to enter into a joint powers agreement pursuant to the authority granted under Minnesota Statutes sections 471.59 to enable the parties to submit building inspectors to a general pool to be administered by the City of Hugo in order to allow the participating cities and other cities to utilize inspectors from that pool to perform building inspections when and as needed.

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

ARTICLE I

- A. Each participating city shall at all times have an appointed Building Official registered by the State of Minnesota. Each City's designated Building Official may choose to provide certified building inspector(s), licensed by the State of Minnesota as "Building Official" or "Building Official Limited," for participation in rendering building inspection services and may withdraw any names previously supplied. The participating Building Inspectors will be included in a pool of available building inspectors to be drawn upon by any other participating city choosing to utilize those services according to the then current term sheet attached as Exhibit A hereto; and;
- B. Participating Building Inspectors shall conduct only those inspections for which they are licensed and qualified, and;
- C. The City of Hugo shall maintain the names, phone numbers, email addresses and Minnesota License Information, of the current pool of building inspectors available to perform building inspection services and shall provide the list to all participating cities upon request or when inspector names are added or deleted, and;
- D. Participating building inspectors shall only perform building inspection services and shall not conduct plan reviews, collect fees or issue permits, and;

- E. The City of Hugo shall not be responsible for administering or securing payment between participating cities. Payment shall be made according to the term sheet attached as Exhibit A, and;
- F. The City of Hugo will provide a method for participating Building Officials to communicate their inspection needs. Upon receiving a request for building inspection services from a participating city, the City of Hugo will make that request available to other participating cities. Arrangements for inspection services may occur between participating cities without involvement from the City of Hugo.
- G. Inspectors that are provided to the pool from any City shall take direction from the Building Official within the City that the inspection occurs. The inspector shall provide the required documentation of the inspection along with any correction notices.

ARTICLE II

Liability. For the purposes of the Minnesota Municipal Tort Liability Act, (Minnesota Statutes, Chapter 466), a building inspector providing services under this Agreement shall be deemed to be an employee of the party for which the services are being performed.

The party performing the building inspection services agrees to defend and indemnify the party providing the building inspector against any claims brought or actions filed against the party providing the building inspector for injury to, death of, or damage to the property of any third person or persons, arising from the performance and provision of any services pursuant to this Agreement.

Under no circumstances, however, shall a party be required to pay on behalf of itself and the other party, any amounts in excess of the limits on liability established in Minnesota Statutes, Chapter 466 applicable to any one party. The limits of liability for the parties may not be added together to determine the maximum amount of liability for any party. The intent of this provision is to impose on each party a limited duty to defend and indemnify the other party for claims subject to the limits of liability under Minnesota Statutes, Chapter 466. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among defendants, and to permit liability claims against multiple defendants from a single occurrence to be defended by a single attorney.

Nothing herein shall be construed to provide insurance coverage or indemnification to an employee of any party for any act or omission for which the employee is guilty of malfeasance in office, willful neglect of duty, or bad faith.

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

Workers' Compensation. Each party shall be responsible for injuries or death of its own personnel. Each party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing services pursuant to this Agreement. Each party waives the right to sue the other party for any workers' compensation benefits paid to its own employees or their dependents, even if the injuries were caused wholly or partially by the negligence of the other party or its officers, employees, or agents.

ARTICLE III

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

ARTICLE IV

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

Severability. This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Agreement, or the application thereof to any person or circumstance, shall, for any reasons and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the extent permitted by law.

Termination. Any party may terminate its participation in this agreement at any time upon written notice provided however that the provisions of Articles II, III, and IV shall survive termination to the full extent needed for the protection of all parties.

Waivers and Amendments. This Agreement may be amended or superseded, and its terms or covenants hereof may be waived, only by a written instrument executed by the parties hereto or in the case of a waiver, by the party waiving compliance. The failure of any party at any time or times to require performance of any provisions hereof shall in no manner affect its right at a later time to enforce the same. No waiver by a party of the breach of any term or covenant contained in this Agreement or in any other such instrument, whether by conduct or otherwise, in anyone or more instances, shall be deemed to be, or construed as, a further or continuing waiver of any breach, or a waiver of the breach of any other term or covenant contained herein. Updates to the term sheet attached as Exhibit "A" may be made annually by the City of Hugo with general consensus among participating cities to ensure proper management and coordination of the pool.

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

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

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

THE CITY OF HUGO

BY: _____
Bryan Bear, City Administrator

DATE: _____

BY: _____
Fran Miron, Mayor

DATE: _____

[INSERT PARTY]

BY: _____

DATE: _____

BY: _____

DATE: _____

BUILDING INSPECTOR SERVICES TERM SHEET
July 20, 2012

1. The City of Hugo will establish an e-mail list including all participating Building Officials.
2. Any member of the pool may request inspection services from other members of the pool at any time via the e-mail list, or by other means. The request for inspection services should include the time, date, and nature of the inspection(s).
3. Each participating Building Official should evaluate their workload before offering an inspector to provide the service. Any inspector that is provided is expected to perform the inspection according to the directions provided by the receiving City's Building Official, and shall arrive on time for the scheduled inspections.
4. Fees in the amount of \$43.00 per hour and mileage at the rate of \$0.555/mile, shall be payable to the providing city within 30 days of receipt of an invoice for the inspection services. The hourly rate is the average metro rate for a building inspector determined by the League of MN Cities annual survey multiplied by a factor of 1.4, then rounded to the nearest whole dollar. The mileage rate is that which is allowed in the most recent IRS determination. Participating cities may at their option, exchange services in lieu of paying the rates stated.
5. The building inspector shall only perform building inspection services and shall not conduct plan reviews, collect fees or issue permits. The Building Inspector shall provide to the receiving Building Official a copy of the proper inspection report with any correction notices.
6. The requesting City shall ensure that the building inspector has access to the improvements to be inspected to eliminate the need for multiple trips. In addition, the inspector shall have proper instructions from the Building Official and access to files and other important information that is needed for the inspection. The building inspector shall not be called upon to resolve disputes between the requesting city and the property owner or to render opinions reasonably judged by the inspector to be outside his area of expertise.
7. The building inspector shall be entitled to decline any inspection which in his reasonable judgment may jeopardize human life, safety or welfare. The building inspector will coordinate with requesting city personnel as reasonably requested.
8. If the building inspector is required to offer testimony in connection with any work done or observations made, then the requesting city shall compensate the building inspector at then current rates.
9. The building inspector shall always conduct himself in a professional manner in any participating City, and shall be polite and respectful of contractors, residents, and their properties.



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/26/2012

CONSENT

ITEM #: 10 – \$Fiscal Impact

MOTION

AGENDA ITEM: Demontreville Park Player Benches & Fence

SUBMITTED BY: Michael Bouthilet

THROUGH: Dean Zuleger

REVIEWED BY: Cathy Bendel/Parks Commission

SUMMARY AND ACTION REQUESTED:

Colin Fischer, an Eagle Scout Candidate, proposed an improvement project to the Lake Elmo Parks Commission. His project proposal is to re-establish the infield surface standard dimensions, add bases, player benches, and foul line fencing for the safety/protection of players on the bench.

BACKGROUND INFORMATION:

The current infield has been encroached by grass and could use re-definition. The player benches are older wood models that could use an upgrade. Our current practice is when we improve the benches; we also fence the area between the bench and the field to protect players seated from foul or errant balls.

STAFF REPORT:

Colin Fischer's project details, has his volunteers sod cutting, digging out a defined infield, installing the player benches, bases, and posts for the fencing. The Public Works Department will add and grade new infield material (park maintenance budget) and string the fence.

The Parks Commission approved a CIP funding for the benches and the fences. Three quotes were obtained for the 15 foot aluminum benches with back rests as follows:

- Tomark Sports.....\$1,015.85 (tax & shipping incl.)
- MN/WI Playgrounds.....\$1,199.00 (tax & shipping incl.)
- Miracle Recreation.....\$1,355.18 (tax & shipping incl.)

Two quotes were obtained for 2ea.30 foot sections of green vinyl coated sections of fence as follows:

- Midwest Fence.....\$1,196.00
- Sterling Fence.....\$1,892.00

RECOMMENDATION:

To purchase the player benches from Tomark for \$1,015.85 and fencing from Midwest Fence for \$1,196.00

ATTACHMENTS

Tomark quote. Midwest Fence quote.



P.O. Box 1088, Corona, CA 92878
 TEL: 1 800 959 1844 FAX: 1 800 986 6275
 Come Visit us at www.tomark.com

Quotation

Repeat Printout

Document Number: 20459888
P.O. Number : Bench w/back
Doc. Creation Date: 09/11/2012
Customer Number: 2024273
Sales Rep : Allison Bickel
Ordered by : Mike Bouthilet

Customer #:2024273

Sold To: LAKE ELMO PARK DEPT
 3800 LAVERNE AVE N
 LAKE ELMO MN 55042

Ship To: Lake Elmo Public Works
 3445 Ideal Ave North
 LAKE ELMO MN 55042

Payer: LAKE ELMO PARK DEPT
 3800 LAVERNE AVE N
 LAKE ELMO MN 55042

Item Number	Item Description	Delivery DT(S)	SKU	Color/ Team/ Size	Qty/ UOM	Unit Price	Extended Price
K10722	15' Surface Mount Bench w/Back	09/18/2012	BEPH15		2EA	387.75	775.50

Check your quote at www.tomark.com/?&ProgramID=20459888&zip=55042

Merchandise Sub Total	Other	Freight	Sales Tax	Payment/Credit Applied	Total Order Amount
\$ 775.50	\$ 0.00	\$ 175.00	\$ 65.35	\$ 0.00	\$ 1,015.85

MIDWEST Fence

AND MANUFACTURING COMPANY

Fax: 651-451-6939

Township _____ County _____

Terms _____	Down Payment _____
_____	Progress Payment _____
_____	Bal on Completion _____

www.midwestfence.com



MAYOR AND COUNCIL COMMUNICATION

DATE: October 2, 2012

IMPROVEMENT HEARING

ITEM #: 11

RESOLUTIONS

AGENDA ITEM: Keats Avenue North: MSA Street and Trunk Watermain Improvements – Public Improvement Hearing; Resolution No. 2012-42 Ordering Improvement and the Preparation of Plans and Specifications

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Ryan Stempiski, Assistant City Engineer
Sandie Thone, City Clerk
Cathy Bendel, Finance Director

SUMMARY AND ACTION REQUESTED: The city council is respectfully requested to open the Public Improvement Hearing for the Keats Avenue North: MSA Street and Trunk Watermain Improvements; and following the hearing, consider adopting Resolution 2012-42 ordering the improvement and the preparation of plans and specifications.

BACKGROUND INFORMATION: The Public Improvement Hearing for this project was opened on March 6, 2012 and subsequently continued until August 21, 2012. Following the Hearing, a vote of the City Council resulted in a 3-1 vote in favor of ordering the improvement and the preparation of plans and specifications. However, a 4/5ths majority vote of all council members is required to order the improvement. Therefore, the project has been scheduled and noticed to be Re-Heard on October 2 when it is anticipated that the full council will be in attendance.

STAFF REPORT: Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing was noticed for October 2, 2012, to consider making the following improvements:

- Street Reconstruction of Keats Avenue North, from 47th Street N. to Trunk Highway 36.
- Install 16-inch diameter Trunk Watermain from Julep Avenue (Tapestry Development) along 47th Street, then north along Keats Avenue to 59th Street (Rock Point Church).

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be impacted by these improvements.

An Amended Feasibility Report for the Keats Avenue North: MSA Street and Trunk Watermain Improvements, dated August, 2012, was approved by the City Council on August 21, 2012. The improvements include:

- The street reconstruction of Keats Avenue North as an Urban Section Road meeting state aid standards at 32 feet from back of curb to back of curb with concrete curb and gutter. The Estimated Total Project Cost is \$1,297,000.
- The installation of a 16-inch Trunk Watermain pipe connecting the existing watermain lines in the Tapestry development and Rock Point Church. The Estimated Total Project Cost is \$1,028,000.

The detailed findings of the report, project cost details, and associated assessment impacts are included in the Feasibility Report and will be presented at the meeting. This Report is available for review at City Hall.

FUNDING: Should the improvements be ordered, the project will be partially financed through special assessments. The Lake Elmo City Council adopted an assessment policy, dated November 16, 2010. The proposed assessments in the Report are consistent with this assessment policy. The project can be funded using special assessments as well as lateral benefit charges, Municipal State Aid Funds, DEED Water System Grant Funds, and Water Enterprise Funds.

For the Street Improvements of Keats Avenue North, the project can be primarily funded using the city's municipal state aid construction funds. In addition, there are 22 properties that are proposed to be specially assessed with an estimated unit assessment amount of \$3,400. The City cost share for use of state aid funds is therefore \$1,222,200.

The trunk watermain improvement project is being installed as a part of the community wide integrated water system. Therefore, the watermain extension project will be primarily funded using the City's \$1.0 million DEED water system grant with matching funds from the city's Water Enterprise Fund. These funds must be expended prior to December 31, 2014. Similar to a collector street improvement project, a local benefit will be realized by the properties adjacent to the trunk watermain line. It is recommended that the city consider assessing a water lateral benefit charge in the amount of \$5,800 to those 22 properties.

RECOMMENDATION: Staff is recommending that the City Council approve Resolution 2012-42, thereby ordering the improvement and the preparation of plans and specifications. Ordering a 429 Public Improvement project without a resident petition requires a super majority 4/5 vote. The suggested motion is as follows:

“Move to approve Resolution No. 2012-42, ordering the Improvement and the preparation of the Plans and Specifications for the Keats Avenue North: MSA Street and Trunk Watermain Improvements.”

ATTACHMENTS:

1. Resolution 2012-42
2. Notice of Hearing and Preliminary Assessment Rolls

3. Keats Avenue North: MSA Street and Trunk Watermain Improvements Feasibility Report, as Amended (available for review at City Hall)

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

RESOLUTION 2012-42

**A RESOLUTION ORDERING THE IMPROVEMENT AND
PREPARATION OF PLANS AND SPECIFICATIONS FOR THE
KEATS AVENUE NORTH: MSA STREET AND
TRUNK WATERMAIN IMPROVEMENTS**

WHEREAS, pursuant a resolution of the City Council adopted the 8th day of February, 2012, the Council ordered a hearing on Improvement for the Keats Avenue north: MSA Street and Trunk Watermain Improvements, and

WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the second day of October, 2012, at which all persons desiring to be heard were given the opportunity to be heard thereon,

WHEREAS, the feasibility report, as amended and dated August 2012 states that the project is necessary, cost-effective, and feasible,

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report as amended.
2. Such improvement is hereby ordered as proposed in the Council resolution adopted the second day of October, 2012.
3. The City Engineer is hereby designated as the engineer for this improvement. The engineer shall oversee the preparation of the Plans and Specifications for the making of such improvement.
4. The City Engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement, and to assist the City Engineer during the construction phase of the improvement as requested.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

ADOPTED BY THE COUNCIL THIS SECOND DAY OF OCTOBER, 2012.

**CITY OF LAKE ELMO
CITY COUNCIL**

(Seal)

By: _____
Dean A. Johnston, Mayor

Sandie Thone, City Clerk

KEATS AVE NORTH WATERMAIN IMPROVEMENTS
UPDATED PRELIMINARY ASSESSMENT ROLL

NO.	NAME	ADDRESS	PID	UNITS
1	ZIERTMAN STEVEN R & JOAN M	5761 KEATS AVE LAKE ELMO	0202921220001	\$ 5,800.00
2	SLOMKOWSKI LEEANN M	5415 KEATS AVE LAKE ELMO	0202921310003	\$ 5,800.00
3	CROCKER GEORGE W & CYNTHIA L FOUSHEE	5093 KEATS AVE LAKE ELMO	0202921330003	\$ 5,800.00
4	SESSING DIANE L	5699 KEATS AVE LAKE ELMO	0202921230003	\$ 5,800.00
5	VOGEL WILLIAM J & CHERYL	5055 KEATS AVE LAKE ELMO	0202921330002	\$ 5,800.00
6	MAGILL JOSEPH M & MAUREEN M	5275 KEATS AVE LAKE ELMO	0202921310005	\$ 5,800.00
7	* DEGE GEORGE S & RHEIN-DEGE & KATHLEEN ANN RHEIN-DE	5193 KEATS AVE LAKE ELMO	0202921330001	\$ 5,800.00
8	DEGE GEORGE S & RHEIN-DEGE & KATHLEEN ANN RHEIN-DE	5193 KEATS AVE LAKE ELMO	0202921310001	\$ -
9	MENZ RICHARD J	5615 KEATS AVE LAKE ELMO	0202921230001	\$ 5,800.00
10	DYER JAMES F	5435 KEATS AVE LAKE ELMO	0202921320002	\$ 5,800.00
11	HERMANSON CHRISTINE L	5545 KEATS AVE LAKE ELMO	0202921230005	\$ 5,800.00
12	EGERSDORF RICHARD J	9960 57TH ST LAKE ELMO	0302921140002	\$ 5,800.00
13	BOETTCHER JEFFREY A & KARISSA	5630 KEATS AVE LAKE ELMO	0302921140008	\$ 5,800.00
14	EGGEN PETER D & PAMELA K	5250 KEATS AVE LAKE ELMO	0302921410002	\$ 5,800.00
15	SPAETH KEVIN & KARI	5010 KEATS AVE LAKE ELMO	0302921440017	\$ 5,800.00
16	NELSON CYNTHIA JANE	5240 KEATS AVE LAKE ELMO	0302921410003	\$ 5,800.00
17	MEYER ROBERT F & MARIE	5220 KEATS AVE LAKE ELMO	0302921440004	\$ 5,800.00
18	SCHUBERT ROLF & KARIN A	5222 KEATS AVE LAKE ELMO	0302921440003	\$ 5,800.00
19	EDER MELVIN J & JANE R	4890 KEATS AVE LAKE ELMO	1002921110005	\$ 5,800.00
20	CARLSON JOHN F & CARRIE E	4950 KEATS AVE LAKE ELMO	1002921110004	\$ 5,800.00
21	* SULLWOLD GILBERT E & VIOLA TRS	10190 47TH ST LAKE ELMO	1102921210001	\$ -
22	SULLWOLD GILBERT E & VIOLA TRS	4855 KEATS AVE LAKE ELMO	1102921220002	\$ -
23	KELCH JOYCE E	9825 47TH ST LAKE ELMO	1102921220001	\$ 5,800.00
24	EDER RICHARD F & JANET M	4515 JULEP AVE LAKE ELMO	1002921140004	\$ 5,800.00
25	EDER DELMAR F & JOAN		1002921140007	\$ 5,800.00
TOTAL				\$ 127,600.00

* METROPOLITAN AGRICULTURE PRESERVE PROGRAM

NO.	NAME	ADDRESS	PID	AMOUNT
1	ZIERTMAN STEVEN R & JOAN M	5761 KEATS AVE LAKE ELMO	0202921220001	\$ 3,400.00
2	SLOMKOWSKI LEEANN M	5415 KEATS AVE LAKE ELMO	0202921310003	\$ 3,400.00
3	CROCKER GEORGE W & CYNTHIA L FOUSHEE	5093 KEATS AVE LAKE ELMO	0202921330003	\$ 3,400.00
4	SESSING DIANE L	5699 KEATS AVE LAKE ELMO	0202921230003	\$ 3,400.00
5	VOGEL WILLIAM J & CHERYL	5055 KEATS AVE LAKE ELMO	0202921330002	\$ 3,400.00
6	MAGILL JOSEPH M & MAUREEN M	5275 KEATS AVE LAKE ELMO	0202921310005	\$ 6,800.00
7	* DEGE GEORGE S & RHEIN-DEGE & KATHLEEN ANN RHEIN-DE	5193 KEATS AVE LAKE ELMO	0202921330001	\$ -
8	DEGE GEORGE S & RHEIN-DEGE & KATHLEEN ANN RHEIN-DE	5193 KEATS AVE LAKE ELMO	0202921310001	\$ 3,400.00
9	MENZ RICHARD J	5615 KEATS AVE LAKE ELMO	0202921230001	\$ 3,400.00
10	DYER JAMES F	5435 KEATS AVE LAKE ELMO	0202921320002	\$ 3,400.00
11	HERMANSON CHRISTINE L	5545 KEATS AVE LAKE ELMO	0202921230005	\$ 3,400.00
12	EGERSDORF RICHARD J	9960 57TH ST LAKE ELMO	0302921140002	\$ 3,400.00
13	BOETTCHER JEFFREY A & KARISSA	5630 KEATS AVE LAKE ELMO	0302921140008	\$ 3,400.00
14	EGGEN PETER D & PAMELA K	5250 KEATS AVE LAKE ELMO	0302921410002	\$ 3,400.00
15	SPAETH KEVIN & KARI	5010 KEATS AVE LAKE ELMO	0302921440017	\$ 3,400.00
16	NELSON CYNTHIA JANE	5240 KEATS AVE LAKE ELMO	0302921410003	\$ 3,400.00
17	MEYER ROBERT F & MARIE	5220 KEATS AVE LAKE ELMO	0302921440004	\$ 3,400.00
18	SCHUBERT ROLF & KARIN A	5222 KEATS AVE LAKE ELMO	0302921440003	\$ 3,400.00
19	EDER MELVIN J & JANE R	4890 KEATS AVE LAKE ELMO	1002921110005	\$ 3,400.00
20	CARLSON JOHN F & CARRIE E	4950 KEATS AVE LAKE ELMO	1002921110004	\$ 3,400.00
21	* SULLWOLD GILBERT E & VIOLA TRS	10190 47TH ST LAKE ELMO	1102921210001	\$ -
22	SULLWOLD GILBERT E & VIOLA TRS	4855 KEATS AVE LAKE ELMO	1102921220002	\$ 3,400.00
23	KELCH JOYCE E	4855 KEATS AVE LAKE ELMO	1102921220001	\$ 3,400.00
TOTAL				\$ 74,800.00

* METROPOLITAN AGRICULTURE PRESERVE PROGRAM

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

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, October 2, 2012, to re-hear and consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

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

The area proposed to be assessed for these improvements include properties abutting the above referenced streets or properties that gain direct driveway access to their property from the above referenced streets. The estimated total cost of the street improvements is \$1,297,000 and the estimated total cost of the trunk watermain improvements is \$1,028,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: September 14, 2012

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Dean Johnston, Mayor

(Published in the Oakdale-Lake Elmo Review on September 19, 2012 and September 26, 2012)



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/2/2012

REGULAR

ITEM #: 12

MOTION

AGENDA ITEM: Zoning Text Amendment – Shoreland Standards

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

Following up from a previous text amendment to the Shoreland Standards (§150.255), the Planning Commission reviewed and approved a proposed text amendment that would reduce the required setback from the Ordinary High Water (OHW) Level from 20 feet to 10 feet for water-oriented accessory structures on recreational development lakes. This setback would be consistent with State Statute and MN DNR standards related to shoreland management.

BACKGROUND INFORMATION:

The City's Shoreland Ordinance was adopted in 1993, which included a 20-foot setback for water-oriented accessory structures. After the previous text amendment related to the size of water-oriented structures was approved, the Planning Commission directed Staff to prepare a public hearing on the matter of the setback at the request of the previous applicant. The public hearing for this text amendment was held on September 24th, where the proposed amendment was unanimously approved.

STAFF REPORT:

It is important to note that the proposed amendment would only apply to water-oriented accessory structures on recreational development lakes. According to the Lake Elmo City Code, these structures include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. Therefore, the proposed 10-foot setback from the OHW mark would only apply to these types of structures. In addition, the 10-foot setback would only apply on recreational development lakes, including DeMontreville, Elmo, Jane, and Olson. Finally, all the existing

performance standards governing water-oriented accessory structures, such as structure height, will remain in place.

As part of the review of the proposed text amendment, Staff received comments from the Valley Branch Watershed District regarding the proposed amendment. These comments noted that allowing a 10-foot setback for water-oriented structures would conflict with the Valley Branch's requirement of an unmowed vegetative buffer strip of 35 feet around the recreational development lakes in Lake Elmo. However, this requirement is already in conflict with the City's current Shoreland Standards, requiring a setback of 20 feet from the OHW for these structures. Regarding this conflict, the Planning Commission thought it better to be consistent with the State and DNR standard as opposed to the Valley Branch standard. For that reason, they approved the text amendment. The review comments from Valley Branch Watershed District are attached.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval of the Zoning Text Amendment by taking the following action:

"Move to approve Ordinance 2012-63, amending §150.255, Shoreland Standards, of the Lake Elmo City Code as recommended by the Planning Commission."

ATTACHMENTS:

1. Ordinance 2012-63
2. MN State Statute – Shoreland Management
3. Review Comments from Valley Branch Watershed District

SUGGESTED ORDER OF BUSINESS:

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

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

ORDINANCE 2012-63

**AN ORDINANCE AMENDING THE SHORELAND STANDARDS
SECTION OF THE GENERAL PROVISIONS TO REVISE THE
REQUIRED SETBACK FROM THE OHW LEVEL FOR WATER-
ORIENTED ACCESSORY STRUCTURES BASED ON
MINNESOTA STATE STATUTES**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV:
Land Usage; Chapter 150: General Provisions, as follows:

§ 150.255 SHORELAND STANDARDS

D) Placement, Design, and Height of Structures

(2) Design Criteria for Structures

b. Water-Oriented Accessory Structures

1. The structure or facility must not exceed 13 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed 8 feet above grade at any point.
2. The setback of the structure or facility landward from the ordinary high water level must be at least ~~20~~ 10 feet on a recreational development lake and 50 feet on a natural environment lake.
3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.
4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
6. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

SECTION 2. Effective Date

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

SECTION 3. Adoption Date

This Ordinance No. 2012-63 was adopted on this 2nd day of October 2012, by a vote of ____ Ayes and ____ Nays.

Dean A. Johnston, Mayor

(Seal)

Sandie Thone, City Clerk

This Ordinance No 2012-63 was published on the ____ day of _____,
2012

MN State Statutes for Shoreland Management: Water-Oriented Accessory Structures

6120.3300 ZONING PROVISIONS.

H. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. If allowed by local government controls, each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met:

(1) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.

(2) The setback of the structure or facility from the ordinary high water level must be at least ten feet.

(3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.

(4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

(5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(6) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(7) Any accessory structures or facilities not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.

Kyle Klatt

From: John P. Hanson [JHanson@barr.com]
Sent: Thursday, September 20, 2012 5:00 PM
To: Kyle Klatt
Subject: Zoning Text Amendment for Water-Oriented Accessory Structures

Hi Kyle,

I just received your request of comments on Monday and didn't get to it until today. I'm sorry for missing your deadline for comments.

I guess the only comment I have is that the VBWD requires unmowed vegetative buffers around lakes, wetland and streams and does not allow any impervious surface or structure to be placed within the buffer. The various applicable buffer requirements copied below.

For Lake DeMontreville, Lake Olson, Lake Jane, Lake Elmo, Horseshoe Lake, and Sunfish Lake, the following is the requirement: A minimum 35-foot wide buffer strip measured perpendicular to the OHW extending 35 feet inland shall be provided. A mowed access and shoreline is allowed, but must not exceed 30% of the landowner's shoreline width or 30 feet, whichever is less. For shorelines less than 20 feet wide, a 6 foot-wide access path is allowed. Access paths shall not be located where concentrated runoff will flow to the lake.

For other, smaller "lakes" and wetlands, the following is the requirement: A minimum 16.5 foot vegetative buffer strip around the delineated wetland boundary or the OHW, whichever is greater in elevation, shall be provided for all permitted activities. Average buffer widths at wetlands shall conform to Standard 10C and Appendix C of the VBWD Rules. A mowed access path within the buffer is allowed, but must not exceed a width of 6 feet. Access paths shall not be located where concentrated runoff will flow to the wetland.

For streams within the City, the following is the requirement: An average 50-foot wide vegetative buffer strip and a minimum 25-foot wide foot vegetative buffer strip measured perpendicular from and on both sides of the centerline shall be provided and maintained at all times for all permitted activities adjacent to the stream. Exceptions from this requirement for special situations, such as water crossings, are allowed if the permit applicant fully documents the circumstances and reasons that the buffer encroachment is necessary. A mowed access path within the buffer is allowed, but must not exceed a width of 6 feet. Access paths shall not be located where concentrated runoff will flow to the creek.

John

John P. Hanson, PE

Valley Branch Watershed District Engineer
Barr Engineering Company | 4700 W. 77th St. | Edina, MN 55435
Primary phone: 952.832.2622 | cell: 612.590.1785
VBWD project office: 651.748.4230

jhanson@barr.com | www.barr.com | www.vbwd.org

