

NOTICE OF MEETING

**City of Lake Elmo
3800 Laverne Avenue North
City Council Meeting
Tuesday, December 4, 2012 7:00 P.M.**

***Planning Commission Interviews will be held at 6:00 PM**

**** Public Hearing for 2013 Proposed Tax Levy and General Fund
Budget Taxes will take place at 6:30 PM**

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 November 20, 2012 City Council Minutes
- G. PUBLIC COMMENTS/INQUIRIES**
- H. PRESENTATIONS**
- I. 2013 PROPOSED TAX LEVY AND GENERAL FUND BUDGET TAXES**
 - 2. Adopt 2013 Budget and Tax Levy; Resolution 2012-62 *E/Park*
- J. CONSENT AGENDA**

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



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

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3. Approve Payment of Disbursements and Payroll
4. Zoning Text Amendment - GB Zoning District (change therapeutic massage to a permitted use with appropriate licensing); Massage Therapy licensing Ordinance 2012-64
5. Approve 2013 Liquor Licenses Renewals
6. Amend December 2012 Meeting Calendar
7. Approve 2013 Meeting Calendar
8. Approve 2013 Fee Schedule
9. 2012 Streets & Water Quality Improvements - Pay Request No. 4
10. Approve City Membership in Minnesota Cities Stormwater Coalition (MCSC)
11. Approve Hiring of Park Maintenance Operator
12. Approve 2013 Animal Humane Society Impound Contract
13. Adoption of the Washington County All-Hazard Mitigation Plan; Resolution 2012-63
14. Approval of Washington County Septic Inspection Agreement

K. REGULAR AGENDA

15. Funding of Chamber Community Symposium
16. Appointment of 2013 Planning Commission Members: Two Regular Members, Two Alternate Members

L. NEW BUSINESS

17. Library Board Appointments to Accommodate Expansion of the Board to Seven Members

M. DISCUSSION ITEM(S)

18. 27th Street No Parking Signs

N. SUMMARY REPORTS AND ANNOUNCEMENTS

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

O. ADJOURN

**LAKE ELMO CITY COUNCIL MINUTES
NOVEMBER 20, 2012**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
NOVEMBER 20, 2012**

Mayor Pro Tem Emmons called the meeting to order at 7:00 P.M.

PRESENT: Mayor Pro Tem Emmons, Council Member Pearson, and Council Member Park.

Also Present: City Administrator Zuleger, Associate City Attorney Brekken, City Engineer Griffin, Finance Director Bendel, Planning Director Klatt, and City Clerk Bell.

APPROVAL OF AGENDA

*MOTION: Council Member Pearson moved to approve the November 20, 2012 City Council Agenda as Amended. Council Member Park seconded the motion. **Motion passed 3-0.***

Consent Agenda Item #9 was pulled for future consideration.

ACCEPT MINUTES

ITEM 1:

THE NOVEMBER 7, 2012 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

Council Member Pearson requested confirmation on the language on page 5 regarding waivers being granted for connection to sewer. City Engineer Griffin confirmed the language was acceptable.

THE NOVEMBER 9, 2012 ELECTION CANVASSING BOARD MINUTES: MOTION Council Member Pearson moved to ***APPROVE THE MINUTES WITH THE AMENDED CANVASSING BOARD RESOLUTION.*** Council Member Park seconded the motion. ***Motion Passed 2-0-1, Park Abstaining***

PUBLIC COMMENTS/INQUIRIES:

None

PRESENTATIONS:

A. LAKE ELMO ROTARY DONATION

Fire Chief Malmquist recognized the Lake Elmo Rotary Club for their donation to the Lake Elmo Fire Department. Rotary President Tammy Malmquist explained what rotary does and that the donated funds were from a grant. Tony Haider, the club grant writer, explained the grant process. Chief Malmquist explained past equipment donated, which consisted of self-teach CPR. The new donation allowed the purchase of pulse oximeters, ruggedized computer equipment, and an ice machine.

B. DAVE BOUCHECK, VALLEY BRANCH WATERSHED DIST.

LAKE ELMO CITY COUNCIL MINUTES

NOVEMBER 20, 2012

Dave Boucheck provided an overview of the district and its mission. This mission includes the promoting the communication with constituents; improving and protecting the quality of water; managing the quantity of water; studying the effects on ground water; enforcing the federal Wetland Conservation Act; and education. The District also conducts permitting and performs stabilization. Council Member Pearson asked about measuring success. Mr. Boucheck explained how it was difficult, but some successes are evident.

C. MNDOT ROAD SAFETY AUDIT. -- ADAM JOSEPHSON

Adam Josephson stated the purpose of the safety audit was to address safety concerns. Changes have included speed limit changes and the addition of signage. MnDOT is now looking to see if there are additional measures that can be taken. Howard Preston, 9163 55th Street (Lake Elmo resident), provided an overview of the process: Step 1- assemble information. Data is of utmost importance. They look at what is out there and how it compares with other locations in order to determine what changes are needed/appropriate. Traffic volume is also important. Further traffic increases are expected with growth. There is a need to forecast. Step 2- get out into field with safety team. Team includes law enforcement. This adds a different perspective. MnDOT, county, federal Hwy, city rep. team spends a day investigating and observing. Step 3- create report with observations and suggestions for action based on analysis. MnDOT is anticipating a December study date. MnDOT would review the data and the report findings. Following the review there would be a formal presentation to council/public at end of January/early February.

Mayor Pro Tem Emmons requested clarification on the report details. Mr. Preston explained the cost and time balance that the report will detail. Council Member Park asked Mr. Josephson about the AUAR document and its relation. Mr. Josephson did not recall. Mr. Emmons inquired about the future and needing to balance the growth issues and what the community wants. The council thanked MnDOT for its assistance on the issue.

CONSENT AGENDA

2. Accept Financial Report dated October 31, 2012
3. Accept Building Permit Report dated October 31, 2012
4. Approve Payment of Disbursements and Payroll
5. 2012 Rain Garden Project - Change Order No. 1
6. 2012 Rain Garden Project - Pay Request No. 1
7. 2012 Street and Water Quality Improvements - Pay Request No. 3
8. Whistling Valley I-III Additions - Resolution Accepting Public Improvements
9. ~~Accept New Insurance Agent of Record~~
10. Variance - 8961 37th Street North (Lot Dimension Variance: See Planning Packet)
11. Variance - 974 Jasmine Avenue North (Accessory Building Variance: See Planning Packet)

*MOTION: Council Member Pearson moved to approve the Consent Agenda as amended. Council Member Park seconded the motion. **MOTION PASSED 3-0.***

REGULAR AGENDA

LAKE ELMO CITY COUNCIL MINUTES NOVEMBER 20, 2012

ITEM 12: APPROVE TO PUT OUT RFP FOR NEW YEAR-END AUDIT FIRM

City Administrator Zuleger explained the history of the audit firm approval and process. He suggested a three year agreement. It was explained that the city is looking to be compliant and possibly save money by issuing an RFP. Finance Director Bendel explained that staff would like to have a three year contract with a timeline.

*MOTION: Council Member Pearson moved to **ISSUE RFP FOR NEW YEAR-END AUDIT FIRM 2012.** Council Member Park seconded the motion. **MOTION PASSED 3-0.***

ITEM 13: ANIMAL CONTROL CONTRACT WITH COMPANION ANIMAL CONTROL LLC

City Administrator Zuleger explained the history of animal control in Lake Elmo. Washington County Sheriff's Office will not pick up cats. The shelter that Lake Elmo uses will no longer receive the dogs if we also do not pick up cats. Staff also wants to keep law enforcement on the road instead of picking up animals. Mr. Zuleger provided an overview of the contract with Brittany Foley. Payment will be on a per animal basis.

Mayor Pro Tem Emmons asked that the City attempt to deliver animals to owner first. Mr. Zuleger confirmed that the contract has this policy. Mr. Zuleger also pointed out that the City's animal licensing and fine schedule is being expanded and enforced. Hopefully, this will result in a revenue neutral outcome.

Council Member Pearson asked about the number of animals picked up. Mr. Zuleger said 3-4 per month. Mr. Zuleger added that the City is asking Cimarron to control their cats and will be responsible for associated costs.

*MOTION: Council Member Pearson moved to approve the **ANIMAL CONTROL CONTRACT WITH COMPANION ANIMAL CONTROL LLC.** Council Member Park seconded the motion. **MOTION PASSED 3-0***

Dean asked for contract to be signed immediately following the meeting.

ITEM 14: APPLICATION FOR COUNCIL VACANCY

City Administrator Zuleger explained the process and provided an overview of the application.

Council Member Pearson identified a few small items that he would prefer changed, including some wording, etc. A discussion was had regarding the interview process.

*MOTION: Council Member Pearson moved to approve **THE APPLICATION FOR COUNCIL VACANCY WITH SUGGESTED ADDITIONS.** Council Member Park seconded the motion. **MOTION PASSED 3-0.***

ITEM 15: THE 2013 CITY OF LAKE ELMO PLAN OF WORK.

LAKE ELMO CITY COUNCIL MINUTES NOVEMBER 20, 2012

City Administrator Zuleger provided an overview of the plan of work. There are five overarching principles: 1. Work must be proactive and taxpayer-centered; 2. Program must add value to the community; 3. Operations must be efficient, stable, and fair; 4. Program must be cross-functional and team-based; and 5. Staff must be allowed to demonstrate expertise in individual fields.

Mr. Zuleger highlighted major points of the Plan and noted that mission statements will impact the performance based budgeting for 2014. It was also mentioned that the Library Board recently went through similar items.

*MOTION: Council Member Pearson moved to **ADOPT THE MODIFIED 2013 CITY OF LAKE ELMO PLAN OF WORK.** Council Member Park seconded the motion. **MOTION PASSED 3-0.***

Mayor Pro Tem Emmons commented about his approval. He also asked about the 5 day permit turnaround time. It was noted that it should be edited to be strictly residential. He also inquired about the "complete streets" concept. City Engineer Griffin clarified the purpose of complete streets. It is a very high level transportation goal. However, the idea and intent at the local level is appropriate.

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Park – no report.

Council Member Pearson reported attending MnDOT open house for HWY 36 proposed changes. Public sentiment is not universally supported. Chamber is asking for funding for representative for greater MSP. Attended the Library Board meeting with City Administrator Zuleger. He commends Mr. Zuleger's efforts. Commended the library board and thanked the Wildwood lodge for hospitality.

Mayor Pro Tem Emmons reported having heard the feedback from the public during door-knocking. Upcoming village meeting and theming progress.

City Administrator Zuleger reported the upcoming Truth-in-Taxation hearing on 12/4 prior to city council meeting. Law Enforcement Officer funding will be considered. Keats Avenue water funding meeting will take place on 12/11. There will be no second meeting in December. Christmas party will take place 12/14. Clerical staff hiring. Park maintainer interviews are scheduled. Attended Library Board meeting. Gave overview of the book *Boards That Make A Difference*. He is scheduling meetings with state and federal officials. Letters are going out to six chronic code violators. They will have 10 days to comply.

Associate City Attorney Brekken reported working with the city engineer, sewer hook-ups, the detachment appeal, reviewed animal control contract, and assisted with general administrative matters.

City Engineer Griffin added report on consultant budget. Line by line. There are ten standard operating procedures. Municipal state aid funding report.

LAKE ELMO CITY COUNCIL MINUTES
NOVEMBER 20, 2012

Planning Director Klatt reported 1- I-94 comprehensive plan is in the Met Council's hands. Staff is waiting to hear back and then can begin implementing it. Adjacent municipality comments were minimal. 2- Village work Group is behind. It will be detrimental to not have land use plan as we move forward. There are open space issues. He is looking forward to working with commission. December 6th is the next Theming meeting at 7AM.

Finance Director Bendel reported assessments are due 11/29. The initial deadline was extended 2 weeks due to residents not clear with process.

Adjourned open meeting at 8:42 P.M.

LAKE ELMO CITY COUNCIL

Brett Emmons, Mayor Pro Tem

Adam R. Bell, City Clerk

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

**RESOLUTION NO. 2012-62
RESOLUTION ADOPTING THE 2013 GENERAL FUND BUDGET**

WHEREAS, the City of Lake Elmo is required to adopt a formal budget for the general fund revenues;

WHEREAS, the City of Lake Elmo held its Truth in Taxation Hearing on December 4, 2012;

WHEREAS, the Lake City Council closed the public hearing on the 2013 general fund budget at the close of the meeting on December 4, 2012 without need for continuation;

BE IT RESOLVED the Lake Elmo City Council adopts the 2013 general fund budget in the amount of \$3,163,359.

ADOPTED, by the Lake Elmo City Council on the 4th day of December, 2012.

Dean Johnston
Mayor

ATTEST:

Dean Zuleger
City Administrator



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/04/2012

CONSENT

ITEM #: 3

MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of \$144,592.05

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 \$144,592.05. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

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

Claim #	Amount	Description
ACH	\$ 8,167.71	Payroll Taxes to IRS & MN Revenue 11/29/2012
ACH	\$ 4,909.74	Payroll Retirement to PERA 11/29/12
DD4298 – DD4313	\$ 25,090.67	Payroll Dated 11/29/12 (Direct Deposit)
39279	\$ 5,000.00	Accounts Payable 11/26/12 (Manual)
39280-39317	\$ 101,123.93	Accounts Payable 11/29/12
1611-1615	\$ 300.00	Library Card Reimbursement 11/29/12
TOTAL	\$ 144,592.05	

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 \$144,592.05.

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 December 4, 2012, Disbursements as
Presented *[and modified]* herein.”**

ATTACHMENTS:

1. Accounts Payable Dated 12/04/2012

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: brianne

Printed: 11/29/2012 - 3:26 PM

Batch: 013-11-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMLEGAL American Legal Publishing Corp										
89608	10/31/2012	1,868.00	0.00	12/04/2012	2012 S-6 Supplement Pgs. MN Code of Ord.	-	-	No		0000
101-410-1320-43510	Legal Publishing	1,868.00								
	89608 Total:	1,868.00								
	AMLEGAL Total:									
ARAM Aramark, Inc.										
629-7620167	11/12/2012	31.62	0.00	12/04/2012	City Hall- Floor Mats & Linen Services	-	-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7620167 Total:	31.62								
629-7623116	11/15/2012	23.78	0.00	12/04/2012	Uniforms	-	-	No		0000
101-430-3100-44170	Uniforms									
	629-7623116 Total:	23.78								
629-7629753	11/26/2012	156.02	0.00	12/04/2012	City Hall Floor Mats & Linen Services	-	-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7629753 Total:	156.02								
629-7629754	11/26/2012	38.22	0.00	12/04/2012	City Hall- Floor Mats & Linen Services	-	-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7629754 Total:	38.22								
629-7629755	11/26/2012	154.25	0.00	12/04/2012	City Hall- Floor Mats & Linen Services	-	-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	629-7629755 Total:	154.25								
	ARAM Total:	403.89								
BERTELSON Bertelson's										
WO-814690-1	11/21/2012	90.67	0.00	12/04/2012	Admin	-	-	No		0000
101-410-1320-42000	Office Supplies									
WO-814690-1	11/21/2012	29.91	0.00	12/04/2012	Building	-	-	No		0000
101-420-2400-42000	Office Supplies									
WO-814690-1	11/21/2012	19.42	0.00	12/04/2012	Planning	-	-	No		0000
101-410-1910-42000	Office Supplies									
WO-814690-1	11/21/2012	64.91	0.00	12/04/2012	Communications	-	-	No		0000
101-410-1450-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
WO-814690-1 101-410-1520-42000 Office Supplies WO-814690-1 Total: BERTELSON Total:	11/21/2012	22.81 227.72 227.72	0.00	12/04/2012	Finance		-	No		0000
CAMPION Campion Barrows & Assoc., Corp 101-420-2220-43050 Physicals Total: CAMPION Total:	11/12/2012	1,560.00 1,560.00 1,560.00	0.00	12/04/2012	Psychological evaluations, Gimpel, Jara		-	No		0000
CARQUEST Car Quest Auto Parts 2055-275788 11/26/2012 101-430-3100-44040 Repairs/Maint Eqpt 2055-275788 Total: CARQUEST Total:	11/26/2012	11.06 11.06 11.06	0.00	12/04/2012	weather strip adhesive		-	No		0000
CENTURYLINK CenturyLink 206-450-5300-43210 Telephone 11/19/2012 206-450-5300-43250 Internet Total: CENTURYLINK Total:	11/19/2012	119.86 35.95 155.81 155.81	0.00 0.00	12/04/2012 12/04/2012	Phone Service- Library Internet Service		- -	No No		0000 0000
CONLEYMO Conley Morgan Cable Operl 11/20/2012 101-410-1450-43620 Cable Operations Cable Operl Total: CONLEYMO Total:	11/20/2012	55.00 55.00 55.00	0.00	12/04/2012	Cable Operations Meeting 11/20/2012		-	No		0000
CTYBLOOM City of Bloomington october 2012 10/31/2012 601-494-9400-42270 Utility System Maintenance october 2012 Total: CTYBLOOM Total:	10/31/2012	30.00 30.00 30.00	0.00	12/04/2012	Lab Bacteria Test		-	No		0000
CTYHUGO City of Hugo 09/24/2012 09/24/2012 101-420-2400-43150 Inspector Contract Services	09/24/2012	4,944.50	0.00	12/04/2012	Building Inspector Services		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
09/24/2012 101-420-2400-43310 Mileage	09/24/2012	774.78	0.00	12/04/2012	Building Inspector Mileage		-		No	0000
09/24/2012 101-420-2400-43050 Plan Review Charges	09/24/2012	11,096.74	0.00	12/04/2012	Building Inspector Plan Review		-		No	0000
09/24/2012 Total: CTYHUGO Total:		16,816.02 16,816.02								
CTYOAKDA City of Oakdale 201211193441 11/19/2012		137.40								
101-420-2220-44040 Repairs/Maint Eqpt		137.40								
201211193441 Total: CTYOAKDA Total:		137.40 137.40								
DAMON Damon Farbar Associates 10/31/2012		1,836.64								
101-410-1910-43150 Contract Services		1,836.64								
Total: DAMON Total:		1,836.64 1,836.64								
DELTA Delta Dental Of Minnesota 4990647 11/15/2012		1,593.85								
101-000-0000-21706 Medical Insurance		1,593.85								
4990647 Total: DELTA Total:		1,593.85 1,593.85								
DEUTSCH Scott Deutsch CK Req 11/26/2012		1,000.00								
803-000-0000-22900 Deposits Payable		1,000.00								
CK Req Total: DEUTSCH Total:		1,000.00 1,000.00								
FIORILLO Fiorillo Megan Cable Oper. 11/20/2012		55.00								
101-410-1450-43620 Cable Operations		55.00								
Cable Oper. Total: FIORILLO Total:		55.00 55.00								
FOCUS Focus Engineering, Inc. 425/426 11/25/2012		4,446.06								
101-410-1930-43030 Engineering Services										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close P	OLine #
425/426	11/25/2012	348.50	0.00	12/04/2012	Planning		-			No	0000
101-410-1910-43030	Engineering Services										
425/426 Total:		4,794.56									
427	11/25/2012	855.00	0.00	12/04/2012	Building		-			No	0000
101-420-2400-43030	Engineering										
427	11/25/2012	872.50	0.00	12/04/2012	Planning		-			No	0000
101-410-1910-43030	Engineering Services										
427	11/25/2012	1,226.00	0.00	12/04/2012	General		-			No	0000
101-410-1930-43030	Engineering Services										
427	11/25/2012	237.50	0.00	12/04/2012	Cap Proj- parks		-			No	0000
404-480-8000-43030	Engineering Services										
427	11/25/2012	45.00	0.00	12/04/2012	PW		-			No	0000
101-430-3100-43030	Engineering Services										
427	11/25/2012	411.00	0.00	12/04/2012	Water		-			No	0000
601-494-9400-43030	Engineering Services										
427	11/25/2012	1,740.64	0.00	12/04/2012	Sewer		-			No	0000
602-495-9450-43030	Engineering Services										
427	11/25/2012	90.00	0.00	12/04/2012	Surface Water		-			No	0000
603-496-9500-43030	Engineering Services										
427 Total:		5,477.64									
428	11/25/2012	239.00	0.00	12/04/2012	Street Maintenance		-			No	0000
409-480-8000-43030	Engineering Services										
428	11/25/2012	407.50	0.00	12/04/2012	Municipal aid system		-			No	0000
409-480-8000-43030	Engineering Services										
428	11/25/2012	52.00	0.00	12/04/2012	Wash Cty Demo Trail Reclamation Proj		-			No	0000
409-480-8000-43030	Engineering Services										
428	11/25/2012	498.64	0.00	12/04/2012	MNDot Hilton Trail Interchange		-			No	0000
409-480-8000-43030	Engineering Services										
428 Total:		1,197.14									
428`	11/25/2012	743.50	0.00	12/04/2012	Transportation & Traffic Systems		-			No	0000
409-480-8000-43030	Engineering Services										
428` Total:		743.50									
429	11/25/2012	1,219.50	0.00	12/04/2012	Development- Whistling Valley III		-			No	0000
409-480-8000-43030	Engineering Services										
429 Total:		1,219.50									
430	11/25/2012	260.00	0.00	12/04/2012	Sanctuary		-			No	0000
409-480-8000-43030	Engineering Services										
430 Total:		260.00									
431	11/25/2012	177.00	0.00	12/04/2012	Lake Elmo Area Village Eng. Support		-			No	0000
413-480-8000-43030	Engineering Services										
431 Total:		177.00									
432	11/25/2012	616.64	0.00	12/04/2012	Water System Design Phasing Study		-			No	0000
601-494-9400-43030	Engineering Services										
432 Total:		616.64									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
433	11/25/2012	8,832.72	0.00	12/04/2012	Demontreville Highlands Area Street Imp.		-		No	0000
419-480-8000-43030	Engineering Services									
	433 Total:	8,832.72								
434	11/25/2012	3,246.87	0.00	12/04/2012	Olson Lake Trail Sewer Extension		-		No	0000
409-480-8000-43030	Engineering Services									
	434 Total:	3,246.87								
435	11/25/2012	2,002.50	0.00	12/04/2012	Old Village Municipal Sanitary Sewer		-		No	0000
409-480-8000-43030	Engineering Services									
	435 Total:	2,002.50								
436	11/25/2012	90.00	0.00	12/04/2012	Inwood Ave Trunk Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
	436 Total:	90.00								
437	11/25/2012	4,563.21	0.00	12/04/2012	Keats Ave Watermain		-		No	0000
601-494-9400-43030	Engineering Services									
	437 Total:	4,563.21								
	FOCUS Total:	33,221.28								
FXL FXL, Inc.										
November 2012	12/01/2012	2,000.00	0.00	12/04/2012	Assessing Services- Nov 2012		-		No	0000
101-410-1320-43100	Assessing Services									
	November 2012 Total:	2,000.00								
	FXL Total:	2,000.00								
GRAINGER Grainger										
9003155422	11/21/2012	454.43	0.00	12/04/2012	Safety Glasses		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
	9003155422 Total:	454.43								
	GRAINGER Total:	454.43								
HARDDRIV Harddrives, Inc.										
419-480-8000-45300	11/29/2012	23,949.38	0.00	12/04/2012	2012 Street & Water Quality Imp. Pay Est		-		No	0000
	Improvements Other Than Bldgs									
	Total:	23,949.38								
	HARDDRIV Total:	23,949.38								
HOLIDAYC Holiday Credit Office										
101-420-2220-42120	11/15/2012	349.79	0.00	12/04/2012	Fuel		-		No	0000
	Fuel, Oil and Fluids									
	Total:	349.79								
	HOLIDAYC Total:	349.79								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
JOHNSO Kevin Johnson Cable Oper 11/14/2012 101-410-1450-43620 Cable Operations Cable Oper Total: JOHNSO Total:		55.00 55.00 55.00	0.00	12/04/2012	Cable Oper. Meeting 11/14/2012		-	No		0000
LEAGMN League of MN Cities 170975 11/15/2012 101-410-1110-44370 Conferences & Training 170975 Total: LEAGMN Total:		40.00 40.00 40.00	0.00	12/04/2012	2012 Regional Meeting Dean Zuleger		-	No		0000
MCDONALD McDonald Construction CK Req 11/26/2012 803-000-0000-22900 Deposits Payable CK Req Total: MCDONALD Total:		3,000.00 3,000.00 3,000.00	0.00	12/04/2012	Refund Escrow 100037 Tapestry Rd 7358		-	No		0000
MENARDSO Menards - Oakdale 7024 11/13/2012 101-450-5200-42250 Landscaping Materials 7024 Total: 7107 11/14/2012 101-450-5200-42250 Landscaping Materials 7107 Total: 7443 11/20/2012 101-420-2220-44370 Conferences & Training 7443 11/20/2012 101-420-2220-42400 Small Tools & Equipment 7443 11/20/2012 101-420-2220-44040 Repairs/Maint Eqpt 7443 11/20/2012 101-420-2220-42230 Building Repair Supplies 7443 Total: MENARDSO Total:		33.08 33.08 41.07 41.07 51.35 66.12 12.45 17.95 147.87 222.02	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	12/04/2012 12/04/2012 12/04/2012 12/04/2012 12/04/2012 12/04/2012 12/04/2012 12/04/2012 12/04/2012	Park Maint. Hardware Park Supplies Supplies for training house burn Response supplies Vehicle Maint. Thermostat Station #2		- - - - - - - - -	No No No No No No No No		0000 0000 0000 0000 0000 0000 0000 0000
METROFIR Metro Fire 45715 11/15/2012 101-420-2220-42400 Small Tools & Equipment 45715 Total:		225.00 225.00	0.00	12/04/2012	Class A Foam		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	METROFIR Total:	225.00								
MILLEREX Miller Excavating, Inc.										
16730 11/21/2012		270.00	0.00	12/04/2012	Grading gravel roads		-	No		0000
101-430-3120-43150 Contract Services										
16730 Total:		270.00								
MILLEREX Total:		270.00								
MN NATIV Minnesota Native Land, Inc.										
8715 11/26/2012		3,000.00	0.00	12/04/2012	Prairie Restoration Burning		-	No		0000
404-480-8000-43050 Other Park Ded Prof Services										
8715 Total:		3,000.00								
MN NATIV Total:		3,000.00								
MNDOH MN Department of Health										
11/19/2012		1,508.00	0.00	12/04/2012	4th Qtr. Water Connection Service		-	No		0000
601-494-9400-44300 Miscellaneous					Supply					
Total:		1,508.00								
MNDOH Total:		1,508.00								
MONTAGE Montage Enterprise Inc.										
17689 10/26/2012		94.70	0.00	12/04/2012	Bearing, Shaft, Dust Caps 6410		-	No		0000
101-430-3125-44040 Repairs/Maint Eqpt										
17689 Total:		94.70								
MONTAGE Total:		94.70								
NCPERS 566200-NCPERS MINNESOTA										
5662812 11/20/2012		240.00	0.00	12/04/2012	Dec 2012 Deductions		-	No		0000
101-000-0000-21708 Other Benefits										
5662812 Total:		240.00								
NCPERS Total:		240.00								
NEXTEL Nextel Communications										
761950227-108 10/01/2012		126.40	0.00	12/04/2012	cell phone administration		-	No		0000
101-410-1940-43210 Telephone										
761950227-108 10/01/2012		130.09	0.00	12/04/2012	cell phone fire dept		-	No		0000
101-420-2220-43210 Telephone										
761950227-108 10/01/2012		51.67	0.00	12/04/2012	cell phone building dept		-	No		0000
101-420-2400-43210 Telephone										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
761950227-108	10/01/2012	35.22	0.00	12/04/2012	cell phone public works dept		-			No 0000
101-430-3100-43210	Telephone									
761950227-108	10/01/2012	75.50	0.00	12/04/2012	cell phone parks dept		-			No 0000
101-450-5200-43210	Telephone									
761950227-108	10/01/2012	-95.99	0.00	12/04/2012	cell phone taxpayer services		-			No 0000
101-410-1450-43210	Telephone									
761950227-108	10/01/2012	18.25	0.00	12/04/2012	cell phone planning dept		-			No 0000
101-410-1910-43210	Telephone									
761950227-108 Total:		341.14								
NEXTEL Total:		341.14								
NORTONHO Norton Homes										
Ck Req	11/26/2012	3,000.00	0.00	12/04/2012	Refund Escrow 10114 Tapestry Bend		-			No 0000
803-000-0000-22900	Deposits Payable				8378					
Ck Req Total:		3,000.00								
NORTONHO Total:		3,000.00								
OAKDRC Oakdale Rental Center										
10085912	11/08/2012	207.34	0.00	12/04/2012	Concrete for Demontreville		-			No 0000
404-480-8000-45300	Improvements Other Than Bldgs				fences/benches					
10085912 Total:		207.34								
10086052	11/21/2012	523.69	0.00	12/04/2012	Excavator rental Stormwater Ditch LK		-			No 0000
603-496-9500-43150	Contract Services									
10086052 Total:		523.69								
OAKDRC Total:		731.03								
ROGERS Rogers Printing Services, Corp										
19020	11/09/2012	2,234.76	0.00	12/04/2012	3600 Newsletters		-			No 0000
101-410-1450-43090	Newsletter									
19020 Total:		2,234.76								
ROGERS Total:		2,234.76								
SHI SHI International										
B00831614	11/09/2012	168.44	0.00	12/04/2012	Computer Monitor		-			No 0000
101-420-2220-42000	Office Supplies									
B00831614 Total:		168.44								
SHI Total:		168.44								
STILLMED Stillwater Medical Group										
11/13/2012		35.00	0.00	12/04/2012	vaccination		-			No 0000
101-420-2220-43050	Physicals									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Total:		35.00								
STILLMED Total:		35.00								
TREGILGA Tregilgas Michael										
Cable Oper. 11/26/2012		27.50	0.00	12/04/2012	Cable Operations Meeting 11/26/2012		-		No	0000
101-410-1450-43620 Cable Operations		27.50								
Cable Oper. Total:		27.50								
TREGILGA Total:		27.50								
XCEL Xcel Energy										
12/20/2012 11/23/2012		29.66	0.00	12/04/2012	51-4572945-7		-		No	0000
101-430-3160-43810 Street Lighting		15.72								
12/20/2012 11/23/2012		15.72	0.00	12/04/2012	51-6429583-8		-		No	0000
602-495-9450-43810 Electric Utility		45.38								
12/20/2012 Total:		45.38								
XCEL Total:		45.38								
YOCUM Yocum Oil Company, Inc.										
213785 11/09/2012		160.69	0.00	12/04/2012	Bulk oil tanks		-		No	0000
101-430-3100-44010 Repairs/Maint Bldg		160.69								
213785 Total:		160.69								
YOCUM Total:		160.69								
Report Total:		101,123.93								

Accounts Payable Computer Check Proof List

User: Joan Z

Printed: 11/26/2012 - 2:12 PM

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: LANDMARK CK Req.	Landmark Builders, Inc. Refund Escrow 11727 58th Street #8320	5,000.00	11/26/2012	Check Sequence: 1 803-000-0000-22900	ACH Enabled: No
	Check Total:	5,000.00			
	Total for Check Run:	5,000.00			
	Total Number of Checks:	1			



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/04/2012

CONSENT

ITEM #: 4

MOTION

AGENDA ITEM: City Code Amendments

SUBMITTED BY: Adam Bell, City Clerk
Nick M. Johnson, City Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

In response to increased interest related to the practice of therapeutic massage in Lake Elmo, Staff is recommending that the City Council adopt a licensing program to regulate the practice of therapeutic massage. Currently, the City regulates the practice of therapeutic massage through the Conditional Use Permit process. However, Staff has found that a licensing program is a much more effective means of regulating massage businesses and practitioners in Lake Elmo. In addition to adopting a therapeutic massage licensing program, the City must change therapeutic massage from a conditional to a permitted use in the General Business (GB) Zoning District to be consistent with the licensing program. The Planning Commission reviewed the proposed zoning text amendment to make therapeutic massage a permitted use in the GB district at a meeting on 11/14/12, recommending approval of the text amendment.

BACKGROUND INFORMATION:

The City of Lake Elmo received an application for a Conditional Use Permit for therapeutic massage at 11200 Stillwater Blvd. N. in September. Through the review process of this application, Staff evaluated how effective the Conditional Use Permit was as a mechanism of regulation. Based upon this review and additional research, Staff found that a licensing program remains a more effective means of regulating this activity. In addition, licensing programs are the most common approach regulating therapeutic massage in the Metro Area.

STAFF REPORT:

Licensing of therapeutic massage remains the most effective means of regulation for the following reasons:

1. Licensing includes a criminal background check of the ownership and all practitioners of the massage business;
2. The annual renewal of massage licenses allows Staff the authority to regulate and review massage practitioners on an annual basis. If some unethical or unlawful conduct has occurred, the City has the authority to not renew or rescind the business and practitioner's license;
3. Licensing ensures that practitioners must have a minimum amount of training, ensuring that all massage practitioners operating in Lake Elmo are qualified and professional; and
4. All practitioners must be licensed individually, whereas a Conditional Use Permit may only be applied to a property where massage is being practiced.

These reasons demonstrate that licensing is a more effective means of regulation.

Regarding the specific proposals contained within the massage ordinance, Staff based decision points related to fees and the amount of training by researching surrounding communities that employ a licensing program. In terms of fees for the licenses, Staff is recommending the following fees:

- Massage Therapy Premises License – Application fee: \$100; Investigation fee: \$100
- Massage Therapy Practitioner License – Application fee: \$50; Investigation fee: \$50
- Annual License Renewal Fee – Premises: \$50; Practitioner: \$25
- Any Amendment or changes – \$50

The initial fees for the business and practitioner are based upon estimates of administrative fees and research regarding costs related to background checks. When therapeutic massage was reviewed by the Planning Commission, it should be noted that they were concerns related to City costs. Staff feels that the administrative costs should be reasonable, and the City will update the fee schedule if the costs for administering the license program are not recuperated by the initial fee or are found to be too high. The proposed fees are in line with the surrounding communities.

In addition, Staff conducted research related to the amount of required training of surrounding communities. After balancing the findings of other communities, Staff is recommending requiring 500 training hours as the required minimum. This amount of training is consistent with most national certification and training programs for therapeutic massage and bodywork.

Finally, in order to remove the Conditional Use Permit as the means for regulating therapeutic massage in Lake Elmo, a zoning text amendment must be approved to change therapeutic massage from a conditional to a permitted use in the General Business Zoning District, the current zoning district that allows massage in Lake Elmo. Along with the therapeutic massage ordinance, this proposed zoning text amendment is included in Ordinance 2012-64. It should also be noted the licensing program will apply to the new sewer commercial zoning district as well. Regardless of zoning district, anyone who wishes to practice therapeutic massage in Lake Elmo will be required to obtain a license.

STAFF AND PLANNING COMMISSION RECOMMENDATION:

The Staff recommends approval of the therapeutic massage licensing program and zoning text amendment by taking the following action:

“Move to approve Ordinance 2012-64, approving the therapeutic massage licensing program and zoning text amendment to the General Business Zoning District, as recommend by the Planning Commission.”

ATTACHMENTS:

1. Ordinance 2012-64

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator
- Report/Presentation.....City Clerk
- 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 NO. 2012-064

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY CHANGING THERAPEUTIC MASSAGE FROM A CONDITIONAL TO A PERMITTED USE IN THE GENERAL BUSINESS ZONING DISTRICT AND ADDING NEW REGULATIONS RELATED TO THE PRACTICE OF THERAPEUTIC MASSAGE IN THE CITY OF LAKE ELMO.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by removing the following language:

§154.051 GB - GENERAL BUSINESS

(A) *Permitted uses and structures.*

(5) *Uses permitted by conditional use permit.*

<i>General Business - Conditional Use</i>	
Therapeutic Massage	

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:

§154.051 GB - GENERAL BUSINESS

(A) *Permitted uses and structures.*

(1) The following service/office uses:

<i>General Business - Service/Office</i>	
<u>Therapeutic Massage</u>	<u>See licensing requirements in §114.01</u>

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XI: Business Regulations; Chapter 114: Therapeutic Massage, by adding the following language:

114. THERAPEUTIC MASSAGE

§114.01 PURPOSE. The City Council finds that therapeutic massage and bodywork establishments potentially provide an opportunity for the commission of crimes, including but not limited to, prostitution. The purpose of this Chapter is therefore to prevent businesses from being used as facilities for commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

§114.02 LICENSE REQUIRED.

- A. No person shall exercise, carry-on, or be engaged in the trade or business of providing massage therapy or bodywork or operating a massage therapy or bodywork establishment unless such person is currently licensed under this Chapter. The application and licensing process are described in §114.12-15. This section is intended to require the licensing of the business as an entity, as well as each person employed by the business for the purpose of providing therapeutic massage or bodywork therapy.
- B. Notwithstanding the licensing requirements detailed under paragraph (A) of this section, therapeutic massage premises license holders allowing persons to provide therapeutic massage or bodywork services at a therapeutic massage establishment without a current license may be held responsible and charged with a violation of this chapter.
- C. Persons or businesses currently engaged in the practice of therapeutic massage or bodywork at the time of enactment of this section shall be in full compliance with the terms and conditions of the section no later than ten (10) days following publication of the section. The exception to the compliance requirement shall be the required educational standards. Specifically, those persons employed in the practice of therapeutic massage or bodywork within the City of Lake Elmo prior to the enactment of this section shall be allowed to continue in such practice without meeting the required minimum standard of 500 formal training hours until January 1, 2014. Persons or businesses engaging in the practices described in this section after the enactment of this ordinance shall be in full compliance prior to engaging in such practices.

§114.03 LICENSING EXCEPTIONS. The following persons or places, as described, shall be exempt from the licensing requirements of this Chapter:

- A. Persons duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is

administered in the regular course of the medical business and not provided as part of a separate and distinct massage or bodywork business.

- B. Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided that massages provided by beauty culturists are limited to the head, hand, neck and feet, and that massages provided by barbers are limited to the head and neck.
- C. Students participating in an educational massage therapy program at an accredited college providing therapeutic massage therapy under the direct supervision of a licensed massage therapist/bodyworks therapist, or licensed health professional under which massage is within the scope of their practice.
- D. Off-site locations at which a client receives therapeutic massage or bodywork services from a licensed massage or bodywork therapist, licensed pursuant to the terms of this chapter.
- E. As described in Minnesota Statute 471.709: a massage therapist who is working for or an employee of a medical professional licensed under Chapter 147 or 148. (Ord. 745, 10/26/10).

§114.04 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.

- A. No license under this Chapter shall be issued to an applicant who is a natural person if such applicant:
 - 1. Is a minor at the time the application is filed;
 - 2. Has been convicted of or entered a plea of guilty within the previous three (3) years to a violation of this Chapter or of any other law regulating the practice of therapeutic massage, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct, or keeping of a disorderly house;
 - 3. Is not of good moral character or repute;
 - 4. Holds an intoxicating liquor license under Chapter 111 of this Code; or
 - 5. Provides any false, fraudulent, or deceptive information in the required application.
- B. The provisions of this section as described in paragraph (A), numbers (1) through (5), shall also apply to any partnership if such applicant has any general partner or managing partner meeting any of the described criteria; and shall also apply to any corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business meeting any of the described criteria.

C. The following locations shall be ineligible for a license under this Chapter:

1. No license shall be granted or renewed for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota statutes, Sections 278.01-278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.
2. No license shall be granted or renewed if the property on which the business is to be conducted is owned by a person who is ineligible for a license under the requirements of any Chapter of this Code.

§114.005 FEES.

A. Application Fee.

1. The license application fee shall be as determined by the City Council, and should, as closely as possible, reflect the actual cost of processing, verifying, and approving the application. An applicant for any license under this Chapter shall be responsible for the payment of all actual expenses related to the background investigation conducted by the city, up to a maximum cost of \$250.00 per person employed or contracted with as a massage or body works therapist. The intent of this section is to require a background investigation for all persons employed by or contracting with any massage therapy or bodywork business operating within the city. These costs shall be paid to the city prior to the issuance of an individual or business license
2. In the event that the licensed premises defines a structure not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the City Council or upon the date the building is ready for occupancy, whichever is sooner.
3. When a new license application is submitted as a result of incorporation by an existing licensee and the ownership, control, and interest in the license are unchanged, no additional fee shall be required.

B. Annual License Renewal Fee

1. The annual license renewal fee shall be determined by the City Council and should, as closely as possible, reflect the actual cost of processing, verifying and approving the renewal application. For the purpose of establishing an initial licensing fee, the annual renewal fee shall be calculated at the rate

of \$50.00 for the business entity and \$25.00 per massage therapy or body works practitioner employed by or contracting with the business entity.

§114.06 GENERAL LICENSE RESTRICTIONS.

- A. Educational Requirements. Persons applying for a license under this Chapter shall provide, in addition to the general application described later in this Chapter, a copy of a diploma or certificate of graduation from a school approved by the state or local government agency having jurisdiction over the school. The minimum acceptable level of training shall be established five hundred (500) practitioner hours. Additionally, each practitioner must be currently certified in the administration of Cardiopulmonary Resuscitation (CPR).
- B. Inspection of Premise. During business hours, all therapeutic massage and bodywork establishments shall be open to inspection by city Building and License Inspectors, Health Officers, and Licensed Peace Officers. At the request of the described inspecting parties, any person licensed under this Chapter shall produce correct and authentic identification that includes a true legal name and current home address.
- C. License Display. A license issued under this Chapter must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application. In addition to the license issued to the business establishment, the licenses issued to individual persons employed by the business shall be displayed in a similar manner.
- D. Maintenance of Order. A licensee under this Chapter shall be responsible for the conduct of the business being operated and shall maintain conditions of order.
- E. Gambling. No licensee under this Chapter may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice, slot machines, roulette wheels, punchboards, blackjack tables or pinball machines which return coins or slugs, chips, or tokens of any kind, which are redeemable in merchandise or cash. No gambling equipment authorized under Minnesota Statutes, Sections 349.11-349.60, may be kept or operated and no raffles may be conducted on the licensed premises and/or adjoining rooms. The purchase of lottery tickets may take place on the licensed premises as authorized by the director of the lottery pursuant to Minnesota Statutes, Section 349A.01-349A.15.
- F. Alcohol or Drugs Prohibited. No beer, liquor, narcotic drug, or controlled substance, as such terms are defined by state statutes or city code, shall be permitted on the premises.

- G. Building, Safety and Health Regulations. Any establishment licensed under this Chapter shall be in full compliance with all applicable local, state and federal building, safety and health laws and regulations.
- H. Locks on Doors. There shall be no locks placed upon or used on the doors of massage rooms.
- I. Professional Liability Insurance. Each business as an entity and each practitioner individually shall obtain and keep current a professional liability insurance policy governing the activities of the business and practitioner.
- J. Minnesota Statute Chapter 146A. Each business as an entity and each practitioner individually shall additionally comply with all of the requirements and regulations established by Minnesota Statute Chapter 146A. This chapter establishes the State Office of Unlicensed Complementary and Alternative Health Care Practice and establishes additional regulations and requirements for these businesses types.
- K. Appointment Record Requirement. All licensees shall be responsible for keeping appointment records of all off-site therapeutic massage/bodywork services provided. The records shall be sequential and shall include the name of the therapist conducting the service, the name and signature of the client, the address where the service was provided, and the date and time of the service. Licensed therapists shall have appointment records in possession at all off-site locations. Appointment records shall be kept for a period of twenty-four (24) months from the date of the service.

§114.07 Restrictions Regarding License Transfer. Each license under this Chapter shall be issued to the applicant only and shall not be transferable to any other person. No licensee shall loan, sell, give, or assign a license to another person.

§114.08 Suspension or Revocation of License.

- A. The City Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of: (1) any of the provisions of this Chapter; (2) any state statute regulating therapeutic massage or bodywork; or (3) any state or local law relating to moral character and repute. Any conviction by the license holder for any other law regulating the practice of massage or bodywork, or of any law prohibiting criminal sexual conduct, prostitution, pandering, indecent conduct, or keeping of a disorderly house shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.
- B. Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to the licensee and a public hearing. The written notice shall give at least eight (8) days notice of time and place of the hearing and shall state the

nature of the charges against the license holder. The Council may, without any notice, suspend any license pending a hearing on revocation for a period not to exceed thirty (30) days. The notice may be served upon the license holder by United States mail addressed to the most recent address of the business in the license application.

§114.09 Prohibited Acts. Any touching, manipulation, stimulation, or excitation of the primary genital area of a client by a massage therapist or bodywork practitioner, or of a massage therapist or bodywork practitioner by a client, pursuant to the provision of a massage or bodywork technique, is expressly prohibited. The offer or suggestion to provide any of the described acts to a client by the massage therapist or bodywork practitioner is prohibited.

§114.10 Severability. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentences, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

§114.11 Penalty. A violation of this Chapter shall be a misdemeanor under Minnesota law.

§114.12 Application Content. Every application for a license under this Chapter shall be made on a form supplied by the issuing authority and shall contain the information described below. The intent of the application process is to acquire sufficient information on the owner of the business and each employee or contractor with the business as to allow a thorough background investigation and an informed decision by the city with regard to licensing. If the applicant is employed by or contracting with a business, and is not the owner of the business, it will not be necessary to provide information regarding the applicant's spouse.

A. If the applicant is a natural person:

1. The name, place and date of birth, street resident address, and phone number of the applicant.
2. Whether the applicant is a citizen of the United States or a resident alien.
3. Whether the applicant has ever used or been known by another name other than the applicant's name, and if so, the name or names used and information concerning the dates and places when used.
4. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01.

5. Whether the applicant will engage in off-site massage/bodywork services.
 6. The street addresses at which the applicant has lived during the preceding five (5) years.
 7. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five (5) years and the names(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.
 8. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had.
 9. The physical description of the applicant.
- B. If the applicant is married:
1. The name, place and date of birth, and street address of the applicant's current spouse.
 2. The type, name, and location of every business or occupation in which the applicant's current spouse has been engaged during the preceding five (5) years.
 3. The names and addresses of the employers or partners of the applicant's current spouse for the preceding five (5) years.
 4. Whether the applicant's current spouse has ever been convicted of any felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for such convictions.
- C. If the applicant is a partnership:
1. The names(s) and address(es) of all general and limited partners and all information concerning each general partner required in subpart (1) of this section.
 2. The name(s) of the managing partner(s) and the interest of each partner in the massage therapy business.
 3. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate shall be attached to the application.

D. If the applicant is a corporation or other organization:

1. The name of the corporation or business form, and if incorporated, the state of the incorporation.
2. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the application is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, shall be attached.
3. The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all information concerning each manager, proprietor, or agent required in subpart (1) of this section.
4. A list of all persons who control or own an interest in excess of five (5) percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in subpart (1) of this section.

E. For all applicants:

1. Whether the applicant holds a current massage therapy license from any other governmental unit.
2. Whether the applicant has previously been denied a massage therapy license from any other governmental unit.
3. The names, street resident addresses, and business addresses of three residents of the seven-county metropolitan area, who are of good moral character and who are not related to the applicant or not holding any ownership in the premises or business, who may be referred to as to the applicant's and/or manager's character.
4. The location of the business premises.
5. The legal description of the premises to be licensed.
6. Whether all real estate and personal property taxes that are due and payable to the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
7. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans or design are on file with the Lake Elmo Building Department, no plans need to be submitted with the issuing authority.

8. Such other information as the City Council or issuing authority may require.

§114.13 Application Execution. All applications for a license under this Chapter shall be signed and sworn to. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; and if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof. Any falsification on a license application shall result in the denial of a license.

§114.14 Application Verification. All applications shall be referred to the issuing authority for verification and investigation of the facts set forth in the application. The issuing authority shall make a written report and recommendation to the City Council as to the issuance or non-issuance of the license. The City Council may order and conduct such additional investigation, as it deems necessary.

§114.15 Application Consideration.

- A. The City Council shall conduct a hearing on the license application within a reasonable period following receipt of the issuing authority's report and recommendation regarding the application. At least ten (10) days in advance of the City Council hearing on an application, the issuing authority shall cause notice of the hearing to be published in the official newspaper of the city, setting forth the day, time, and place of the hearing; the name of the applicant; the premises where the business is to be conducted; and the type of license which is sought. At the hearing, opportunity shall be given to any person to be heard for or against the granting of the license. Additional hearings on the application may be held if the City Council deems additional hearings necessary. After the hearing or hearings on the application, the City Council may, in its discretion, grant or deny the application.
- B. If an application is granted for a location where a building is under construction or not ready for occupancy, the license shall not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premises.

§114.16 Expiration of License; Prorating. All licenses issued pursuant to this Chapter shall expire on the last day of October of each year. Each license shall be issued for a period of one year except that if a portion of the license year (November to October following) has elapsed at such time as the application is filed, a license may be issued for the remainder of the license year for a pro rata fee. For the purpose of computing such "pro rata fee", any fraction of a month falling within the license period shall be counted as a full month.

§114.17 Renewal Application

- A. Applications for the renewal of an existing license shall be made at least thirty (30) days prior to the date of the expiration of the license and shall be made in such form as the issuing authority requires. If, in the judgment of the issuing

authority, good and sufficient cause is shown by an applicant for the applicant's failure to submit a renewal application before the expiration of the existing license, the issuing authority may, if the other provisions of this Chapter are complied with, grant the renewal application.

B. A license under this Chapter will not be renewed:

1. If the issuing authority determines that the licensee has failed to comply with the provisions of this Chapter in preceding license years.
2. If the licensee, or if the licensee does not manage the establishment, the manager of the licensed premises is not a resident of the seven-county metropolitan area on the date that the renewal takes effect.
3. If in the case of a partnership, the managing partner or other person who manages the establishment is not a resident of the seven-county metropolitan area on the date the renewal takes effect.
4. If in the case of a corporation, or other organization, the manager, a proprietor, or agent in charge of the establishment is not a resident of the seven-county metropolitan area on the date the renewal takes effect.
5. The time for establishing residence in the seven-county metropolitan area may, for good cause, be extended by the City Council.

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 2012-64 was adopted on this fourth day of December 2012, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Dean A. Johnston, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 2012-64 was published on the ____ day of _____, 2012.



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/04/2012

CONSENT

ITEM #: 7

MOTION *Consent Agenda*

AGENDA ITEM: 2013 Meeting Calendar

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director

SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda City Council is respectfully requested to officially adopt the proposed 2013 City Meeting Calendar or amend as necessary.

RECOMMENDATION

Staff recommends the city council make a motion

"Move to approve the proposed 2013 Meeting Calendar"

ATTACHMENTS: Proposed 2013 Calendar of City Council regular meetings and workshops

**2013 CALENDAR OF LAKE ELMO CITY COUNCIL
MEETINGS AND WORKSHOPS**
(The Mayor and Council have the right to add or cancel meetings)

Council Meetings and Council Workshops:

January 2 (Wed) — Regular Meeting
January 8 — Workshop
January 15 — Regular Meeting

November 5 — Regular Meeting
November 12 — Workshop
November 19 — Regular Meeting

February 5 — Regular Meeting
February 12 — Workshop
February 19 — Regular Meeting

December 3 — Regular Meeting
December 10 — Workshop
December 17 — Regular Meeting

March 5 — Regular Meeting
March 12 — Workshop
March 19 — Regular Meeting

April 2 — Regular Meeting
April 9 — Workshop
April 16 — Regular Meeting

May 7 — Regular Meeting
May 14 — Workshop
May 21 — Regular Meeting

June 4 — Regular Meeting
June 11 — Workshop
June 18 — Regular Meeting

July 2 — Regular Meeting
July 9 — Workshop
July 16 — Regular Meeting

August 6 — Regular Meeting
August 13 — Workshop
August 20 — Regular Meeting

September 3 — Regular Meeting
September 10 — Workshop
September 17 — Regular Meeting

October 1 — Regular Meeting
October 8 — Workshop
October 15 — Regular Meeting



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE		2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Accessory Bldg forward of Primary Structure (\$154.092)		\$200.00		Planning
Amateur Radio Antenna		\$875.00		Planning
Appeal (to Board of Adjustment and Appeals)		\$150.00		Administration
Assessment Search		\$15.00/ search		Administration
Building Demolition				Administration
Residential		\$200.00	Plus \$5.00 Surcharge (State Mandated)	Building
Commercial		\$300.00		Building
Burning Permit				Fire
Residential		\$45.00		Fire
Commercial		\$80.00		Fire
Illegal Burn		see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Certificate of Zoning Compliance				Planning
Accessory Structures < 120 SF		\$75.00		Planning
Fence (less than 6')		\$75.00		Planning
Swimming Pool		\$75.00		Planning
Comprehensive Plan Amendment		\$1,300.00		Planning
Conditional Use Permit (CUP)			Wireless Communication Facilities Fee Escrow \$6,000.00. Flood Plain Ordinance Fee Escrow \$500.00.	Planning
New		\$1,050.00		Planning
Amended		\$500.00		Planning
Contractor License Fees				Licensing
Asphalt/Concrete		\$50.00		Licensing
Demolition		\$50.00		Licensing
Driveway		\$50.00		Licensing
Excavator		\$50.00		Licensing
HVAC		\$50.00		Licensing
Fire Suppression		\$50.00		Licensing
Landscaping Irrigation		\$50.00		Licensing
Sewer/Water Line Installer		\$50.00		Licensing
Sign Installer		\$50.00		Licensing
Solid Waste Hauler		\$120.00		Licensing
Tree Contract		\$70.00		Licensing
Copy Services (Paper/Electronic)				Administration



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE		2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Copies (B&W)		\$0.25 per page		Administration
Copies (Color)		\$0.50 per page		Administration
Copies (B&W) 11x17		\$1.00 per page		Administration
Copies (Color) 11x17		\$2.00 per page		Administration
GIS Scaled Aerial		\$15.00		Administration
City Street Maps (36x40)		\$20.00		Administration
Existing Maps		\$5.00		Administration
Custom (Per Hour Rate)		\$70.00		Administration
Plan Size Maps (Larger than 11x17)		\$20.00		Administration
Development Standards Specs/Details		\$55.00		Administration
Code Book		\$160.00		Administration
Code Book Sections 1, 2, 4, 6-12, 14		\$12.00		Administration
Code Book Section 3		\$52.00		Administration
Code Book Sections 5 & 13		\$27.00		Administration
Comprehensive Plan		\$125.00		Administration
OP Ordinance		\$12.00		Administration
Parks Plan		\$80.00		Administration
Culverts in Developments with Rural Section		\$160.00		Administration
Daycare Inspection Fee		\$60.00	Plus \$5.00 Surcharge (State Mandated) Plus 1% of Value. Minimum \$100.00	Fire
Dog License		\$20.00		Licensing
Service Dogs License		\$5.00		Licensing
(Dogs with special training to assist individuals with disabilities)				Licensing
Duplicate License or Tag		\$1.00		Licensing
First Impound- Unlicensed Dog		\$60.00		Licensing
First Impound- Licensed Dog		\$42.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Cat		\$42.00		Licensing
Subsequent dog/ cat impound		\$85.00		Licensing
Driveway				Planning
Residential		\$70.00		Planning
Commercial		\$160.00		Planning
Easement Encroachment				Planning
Electronic Fund Withdrawal/Bill Payment		\$100.00	Staff & Recording Fee	Planning
		Fee + Trans. Charge		Administration



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Erosion Control			
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Engineering
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500	Engineering
Excavating & Grading ≥ 400 cubic yards	\$1,000.00	Security \$1,500.00 per acrew with \$1,500 minimum.	Engineering
False Alarms (12 Month Period)* (*1-3 no charge)			Fire
Residential			Fire
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			Fire
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Fire Alarm Systems (new or rework including low voltage systems)	\$60.00	Plus \$5.00 Surcharge (State Mandated) Plus 1% of Value.	Fire
Flood Plain District Delineation	\$500.00		Planning
Fuel Tank Removal (Underground)	\$100.00	Plus \$5.00 Surcharge (State Mandated)	Administration
Fuel Tank Install	2% of value of work	Minimum \$100.00	Administration
HVAC			Administration
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus \$5.00 Surcharge (State Mandated)	Building
Commercial	\$60.00/unit	Up to 3 units or 1% of total valuation, whichever is greater. Plus Surcharge (State Mandated)	Building
Interim Use Permit (IUP)			
Fee	\$1,050.00		Planning
Renewal	\$300.00		Planning
AG Sales/Entertainment	\$250.00		Planning
Liquor License			
Club On-Sale Intoxicating	\$100.00		Licensing
On-Sale Intoxicating	\$1,500.00		Licensing
Off-Sale Intoxicating	\$200.00		Licensing
Off-Sale Non-Intoxicating	\$150.00		Licensing
On-Sale Intoxicating- 2nd Building	\$750.00		Licensing
On-Sale Non-Intoxicating	\$100.00		Licensing



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
On-Sale Investigation	\$350.00		Licensing
On-Sale Sunday Intoxicating	\$200.00		Licensing
Temporary Non-Intoxicating	\$25.00		Licensing
Wine	\$300.00		Licensing
Lot Line Adjustment	\$325.00		Planning
Manufactured Home Parks			Planning
Fee	\$1,000.00		Planning
New	\$1,200.00	Plus \$2,500.00 Fee Escrow	Planning
Move home out of the city	\$200.00	Plus \$5.00 Surcharge (State Mandated)	Building
Move home into the city	\$200.00	Plus \$5.00 Surcharge (State Mandated)	Building
Massage Therapy Premises License			Licensing
Application Fee	\$100.00		Licensing
Investigation Fee	\$100.00		Licensing
Massage Therapy Practitioner License			Licensing
Application Fee	\$50.00		Licensing
Investigation Fee	\$25.00		Licensing
Massage Therapy Premises License Renewal	\$50.00		Licensing
Massage Therapy Practitioner License Renewal	\$25.00		Licensing
Massage Therapy License Amendment	\$50.00		Licensing
Minor Subdivision	\$525.00		Planning
Moving House or Primary Structure into City	\$520.00	Plus security w/amount to be determined by the City w/recommendation from building official	Administration
Moving Accessory Structure into City	\$305.00	Plus security to be determined by the City w/recommendation from building official	Administration
Other Inspections and Fees			Building
Inspection outside of business hours	\$70.00 (2 Hr. Minimum)		Building
Re-inspection Fees Assessed	\$50.00 per hour		Building
Inspections with no fee assigned	\$50.00 per hour		Building
Construction Escrow	\$5,000.00	Or determined by Building Official	Building
Cancelled Permits	\$25.00		Building
Work without Permit	see notes	Investigative fee to equal permit fee	Building
Park Dedication (up to 3 lots)	\$3,600.00 per lot	Four or more lots per \$153.14	Planning
Parking Lots			Engineering



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
New Commercial	\$175.00	\$500 Fee Escrow. Security \$1,500.00 per acre with \$1,500.00 minimum.	Engineering
Existing Commercial	\$200.00		Engineering
Platting			Planning
Sketch	\$500.00		
Concept (PUD or OP) Phase	\$1,250.00	\$2,000.00 Fee Escrow	Planning
Preliminary Plat (Development Stage)	\$1,850.00	\$5,000.00 Fee Escrow	Planning
Final Plat (and Final Plan)	\$1,250.00	\$8,000.00 Fee Escrow	Planning
		(City will retain escrows to reimburse review costs for each stage of development review)	Planning
Plumbing			Administration
Residential	\$60.00/unit	Up to 3 units, max fee \$180.00 plus \$5.00 Surcharge (State Mandated)	Building
Commercial	\$60.00/unit	Up to 3 units or 1% of total valuation, whichever is greater. Plus Surcharge (State Mandated)	Building
Private Roads (Permitted only in AG zone)	\$150.00		Engineering
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00	\$1,500.00 Fee Escrow	Planning
Retaining Walls over 4'	\$150.00	Plus \$5.00 State Surcharge	Building
Right-of-Way Permit			Engineering
Annual Registration	\$200.00	\$5,000.00 Security	Engineering
Excavation Permit	\$275.00 + \$.60/foot		Engineering
Joint Trench Permit (per lot per utility)	\$100.00		Engineering
Obstruction Permit	\$275.00		Engineering
Permit Extension	\$100.00		Engineering
Delay Penalty (per calendar day)	\$25.00		Engineering
Roofing			Building
SAC Charge (per REC unit) (Sewer Availability Charge)	\$150.00	Plus \$5.00 State Surcharge	Engineering
Scaled Aerial Drawing	\$5,935.00	Per REC Unit: \$2,435.00 to Met Council; \$3,500.00 to City	Planning
Sewer Connection Charge	\$15.00		Engineering
Sewer Lateral Benefit Charge	\$300.00		Engineering
Sewer Rate	\$5,800.00		Administration
	\$4.50/1,000 Gal		Administration
201 Off-Site Maintenance Fee	\$75.00/unit/quarter		Administration
Siding	\$150.00	Plus \$5.00 State Surcharge	Building
Signs			Planning

APPLICATION/FEE/PERMIT TYPE		2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Permanent		\$180.00		Planning
Temporary		\$75.00		Planning
Temporary Renewal		\$25.00		Planning
Re-inspection Fee		\$25.00		Planning
Site Plan Review		\$980.00		Planning
Special Event Permit		\$75.00		Planning
Sprinkler System (Inspection Fee)		2% of value		Fire
Sprinkler System (Re-Inspection Fee)		\$50.00		Fire
Surface Water				Administration
Residential		\$50.00		Administration
Non-Residential (Commercial etc.)		\$50.00	Utility rate factor per code	Administration
Vacations (Streets or Easements)				Planning
Easements		\$515.00	\$500.00 Fee Escrow	Planning
Streets		\$515.00	\$500.00 Fee Escrow	Planning
Variance		\$750.00		Planning
Video Reproduction		\$35.00		Administration
Water Availability Charge (WAC)		\$3,900.00		Engineering
Water Equipment/Set up				Administration
Meter + Connection Charge (3/4" or less)		\$440.00	Additional fees apply to larger sized meters	Administration
Driveway Curb Stop Lid		\$100.00		Administration
Disconnect Service		\$80.00		Administration
Reconnect Service		\$80.00		Administration
Water Lateral Benefit Charge		\$5,800.00		Engineering
Water Usage				Administration
Residential - Quarterly Rate		\$25.00 Base		Administration
Residential - Plus Rate per 1,000 Gallons				Administration
Plus Rate for 0-15,000 Gallons		\$2.14		Administration
Plus Rate for 15,001-30,000 Gallons		\$2.86		Administration
Plus Rate for 30,001-50,000 Gallons		\$3.77		Administration
Plus Rate for 50,001-80,000 Gallons		\$5.00		Administration
Plus Rate for 80,001 + Gallons		\$6.63		Administration
Water Usage				Administration



City of Lake Elmo Fee Schedule 2013

APPLICATION/FEE/PERMIT TYPE	2013 FEE	ESCROW OR ADDITIONAL CHARGE	DEPARTMENT
Commercial - Quarterly Rate	\$25.00 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	\$3.11		Administration
Plus Rate for 15,001 - 30,000 Gallons	\$3.26		Administration
Plus Rate for 30,001 - 50,000 Gallon	\$3.77		Administration
Plus Rate for 50,001 - 80,000 Gallons	\$5.00		Administration
Plus Rate for 80,001 + Gallons	\$6.63		Administration
Water Usage		For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Quarterly Rate	\$25.00 Base		Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 30,000 Gallons	\$3.11		Administration
Plus Rate for 30,001 - 50,000 Gallons	\$3.26		Administration
Plus Rate for 50,001 + Gallons	\$4.00		Administration
Water Usage			Administration
Delinquent Accounts	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	\$61.20 1st 5,000 Gal	Plus \$3.26/additional 1,000 gallons	Administration
Swimming Pool Fill	\$61.20 1st 5,000 Gal	Plus \$3.26 per 1,000 gallons and \$15.00/hr labor	Administration
Wind Generator	\$850.00	\$2,000.00 Fee Escrow	Planning
Wireless Communication Permit	\$500.00	\$6,000.00 Fee Escrow	Planning
Zoning Amendment (Text or Map)	\$1,245.00		Planning
Definition of Terms			
<p>* Fee Escrow: City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.</p> <p>** Security: City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo Municipal Code.</p>			

2013 FEE SCHEDULE MODIFICATIONS SUMMARY

Accessory Bldg forward of Primary Structure (\$154.092)	fee changed to \$200.00 from \$80.00
Building Demolition	fees changed from \$105.00 1st 1,000 sq. ft. + \$11.00/add 1,000 sq. ft. to \$200.00 for residential and \$300.00 for commercial
Burning Permit	fee changed from \$100.00 min. to fee based on # trucks mobilized
Certificate of Zoning Compliance	section added w/ three line items + fees
Copy Services	City map - colored item removed
Contractor License Fees	fees changed from \$75.00 to \$50.00; fees added
Excavating and Grading	line item and fee added for more than 400 cubic yards; item in additional charge column added
HVAC	residential fee changed from \$150.00 to \$60.00/unit, 3 units max
	residential addition fee item removed
	commercial fee changes from 1%/\$175.00 min. to \$60.00/unit, up to 3 or 1% (whichever greater)
Lawn Sprinklers	removed
Lot Line Adjustment	fee changed to \$325.00 from \$310.00
Manufactured Home Parks	moving home out of the city fee changed to \$200.00 from \$100.00
	moving home into the city fee changed to \$200.00 from \$150.00
Massage Therapy Premises License	item and fee added
Massage Therapy Practitioner License	item and fee added
Massage Therapy Premises License Renewal	item and fee added
Massage Therapy Practitioner License Renewal	item and fee added
Massage Therapy License Amendment	item and fee added
Minor Subdivision	fee changed to \$525.00 from \$500.00
Parking Lots	existing commercial lot fee changed to \$200.00 from \$100.00
	escrow and additional charges items added
Platting	sketch added as separate item, fee added
	escrow fees added
Plumbing	residential fee changed from \$150.00 to \$60.00/unit, 3 units max
	residential addition fee item removed
	commercial fee changes from 1%/\$175.00 min. to \$60.00/unit, up to 3 or 1% (whichever greater)
Right of Way Permit	annual registration fee changed to \$200.00 from \$100.00 w/ a \$5,000.00 security
	excavation permit fee changed to \$275.00 + \$.60/ft from flat \$230.00
	joint trench permit item and fee added
	obstruction permit item and fee added
	additional excavation, trench fee, overhead installation fee and new subdivision items removed

Retaining Walls	item and fee added
Roofing	item and fee added
SAC Charge	fee changed to \$5,935.00 from \$5,730.00
Siding	item and fee added
Signs	re-inspect fee added
Scaled Aerial Drawing	item and fee added
Sewer Connection Charge	item and fee added
Sewer Lateral Benefit Charge	item and fee added
Water Lateral Benefit Charge	item and fee added
Wetland Treatment	removed (two items: hookup to existing system, alteration/repair)

MAYOR AND COUNCIL COMMUNICATION

DATE: December 4, 2012

CONSENT

ITEM #: 9

MOTION

AGENDA ITEM: 2012 Street & Water Quality Improvements – Pay Request No. 4

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Jack Griffin, City Engineer
Cathy Bendel, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving Pay Request No. 4 for the 2012 Street & Water Quality Improvements.

STAFF REPORT: Hardrives, Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 4 in the amount of \$23,949.38. This request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$39,802.05. The total value of the work completed to date is \$796,040.95 of the revised contract amount of \$861,634.79, or 93%. The project is nearing final pay quantities indicating that the project will finish under budget once a compensating change order is processed.

RECOMMENDATION: Staff is recommending that the City Council consider approving Pay Request No. 4 for the 2012 Street & Water Quality Improvements, as part of the *Consent Agenda*, in the amount of \$23,949.38.

ATTACHMENTS:

1. Partial Pay Estimate No. 4

PROJECT PAY FORM

PARTIAL PAY ESTIMATE NO. 4

FOCUS ENGINEERING, inc.

**2012 STREET AND WATER QUALITY IMPROVEMENTS
PROJECT NO. 2012.123**

PERIOD OF ESTIMATE
FROM 11/1/2012 TO 11/26/2012

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

CONTRACTOR:
HARDRIVES, INC.
14475 QUIRAM DRIVE
ROGERS, MN 55374
ATTN: MIKE LEUER, DIVISION MANAGER

CONTRACT CHANGE ORDER SUMMARY

No.	Approval Date	Amount	
		Additions	Deductions
1	10/16/2012	\$11,898.00	
TOTALS		\$11,898.00	\$0.00
NET CHANGE		\$11,898.00	

PAY ESTIMATE SUMMARY

1. Original Contract Amount	\$849,736.79
2. Net Change Order Sum	\$11,898.00
3. Revised Contract (1+2)	\$861,634.79
4. *Work Completed	\$796,040.95
5. *Stored Materials	\$0.00
6. Subtotal (4+5)	\$796,040.95
7. Retainage* <u>5.0%</u>	\$39,802.05
8. Previous Payments	\$732,289.52
9. Amount Due (6-7-8)	\$23,949.38

*Detailed Breakdown Attached

CONTRACT TIME

START DATE: 7/17/2012
SUBSTANTIAL COMPLETION: 10/19/2012
FINAL COMPLETION: 11/30/2012

ORIGINAL DAYS 94
REVISED DAYS 0
REMAINING -38

ON SCHEDULE

YES ☐
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

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

APPROVED BY OWNER: **CITY OF LAKE ELMO, MINNESOTA**

BY

DATE

BY

DATE

PARTIAL PAY ESTIMATE NO. 4

2012 STREET AND WATER QUALITY IMPROVEMENTS
CITY OF LAKE ELMO, MINNESOTA
PROJECT NO. 2012.123

FOCUS ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT (Revised)			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION	LS	1.0	\$45,850.00	\$45,850.00			1.00	\$45,850.00
2	TRAFFIC CONTROL	LS	1.0	\$3,695.19	\$3,695.19			1.00	\$3,695.19
3	SILT FENCE	LF	300	\$3.21	\$963.00			300.0	\$963.00
4	INLET PROTECTION	EA	23	\$96.40	\$2,217.20				
5	TREE REMOVAL	EA	11	\$267.77	\$2,945.47			12.0	\$3,213.24
6	SALVAGE AND REINSTALL MAILBOX	EA	85	\$65.00	\$5,525.00				
7	SALVAGE AND REINSTALL SIGN	EA	35	\$133.88	\$4,685.80				
8	SAWCUT BITUMINOUS AND CONCRETE PAVEMENT (ALL TYPES)	LF	1,790	\$2.49	\$4,457.10			941.0	\$2,343.09
9	REMOVE AND DISPOSE CONCRETE CURB AND GUTTER	LF	58	\$5.65	\$310.75			73.0	\$412.45
10	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	1,291	\$4.60	\$5,938.60			605.0	\$2,783.00
11	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT	SY	520	\$6.56	\$3,411.20			100.0	\$656.00
12	REMOVE AND DISPOSE OF EXISTING STORM SEWER CB/CBMH	EA	11	\$535.53	\$5,890.83			12.0	\$6,426.36
13	SALVAGE AND REINSTALL PAVERS	SY	22	\$51.90	\$1,141.80				
14	SUBGRADE CORRECTION	SY	1,404	\$6.91	\$9,701.64			1,025.0	\$7,082.75
15	COMMON EXCAVATION (CV) (P)	CY	1,351	\$10.01	\$13,523.51			1,351.0	\$13,523.51
16	CLASS 5 AGGREGATE BASE (100% CRUSHED)	CY	474	\$14.00	\$6,636.00				
17	SELECT GRANULAR BORROW	CY	512	\$9.43	\$4,828.16			342.0	\$3,225.06
18	HAUL OUT EXCESS MILLINGS	CY	1,024	\$8.96	\$9,175.04			828.0	\$7,418.88
19	PLACE RECLAIMED MATERIAL FROM OTHER SITES	CY	451	\$8.48	\$3,824.48			561.0	\$4,757.28
20	RECLAIM EXISTING BITUMINOUS AND BASE MATERIALS	SY	38,406	\$0.91	\$34,949.46			38,128.0	\$34,696.48
21	SUBGRADE PREPARATION OF RECLAIMED SURFACE	RS	100	\$254.39	\$25,439.00			100.0	\$25,439.00
22	SUBGRADE PREPARATION FOR PARKING LOTS	LS	1	\$1,695.91	\$1,695.91			1.0	\$1,695.91
23	12" CLASS 5 RCP STORM SEWER	LF	119	\$36.42	\$4,333.98			130.0	\$4,734.60
24	15" CLASS 5 RCP STORM SEWER	LF	247	\$37.49	\$9,260.03			255.0	\$9,559.95
25	12" CONCRETE FLARED END SECTION	EA	1	\$963.96	\$963.96				
26	CATCH BASIN, TYPE 402 WITH R-3250-A CASTING	EA	3	\$1,960.06	\$5,880.18			3.0	\$5,880.18
27	CATCH BASIN, TYPE 404 WITH R-3501-TB CASTING	EA	4	\$2,077.87	\$8,311.48			4.0	\$8,311.48
28	4' DIA CBMH WITH 1' SUMP, TYPE 401 WITH SALVAGED R-3250-A CASTING	EA	1	\$1,686.93	\$1,686.93				
29	4' DIA CBMH, TYPE STO-9 WITH R-3501-TB CASTING	EA	2	\$2,238.34	\$4,477.08			3.0	\$6,715.62
30	4' DIA CBMH WITH 1' SUMP, TYPE STO-9 WITH R-3501-TB CASTING	EA	1	\$2,184.98	\$2,184.98			3.0	\$6,554.94
31	4' DIA CBMH, TYPE 406 WITH R-3250-A CASTING	EA	3	\$2,227.82	\$6,683.46			3.0	\$6,683.46
32	5' DIA CBMH WITH 1' SUMP, TYPE 405 WITH R-3501-TB CASTING	EA	1	\$3,491.68	\$3,491.68				
33	4" PVC PERF EDGE DRAIN WITH BACKFILL AND WRAP	LF	400	\$5.19	\$2,076.00			400.0	\$2,076.00
34	B618 CONCRETE CURB AND GUTTER	LF	30	\$37.49	\$1,124.70				
35	B624 CONCRETE CURB AND GUTTER	LF	298	\$37.49	\$11,172.02			272.0	\$10,197.28
36	D412 CONCRETE CURB AND GUTTER	LF	804	\$27.69	\$22,262.76			850.0	\$23,536.50
37	CONCRETE CURB CUT FOR RAIN GARDEN	EA	17	\$321.32	\$5,462.44			16.0	\$5,141.12
38	6" CONCRETE FLUME	EA	1	\$642.64	\$642.64			1.0	\$642.64
39	6" CONCRETE DRIVEWAY	SY	520	\$42.84	\$22,276.80			100.0	\$4,284.00
40	BITUMINOUS DRIVEWAY	SY	1,225	\$16.77	\$20,543.25			327.0	\$5,483.79
41	BITUMINOUS WEARING COURSE	TN	3,900	\$54.35	\$211,965.00			3,435.9	\$186,739.53
42	BITUMINOUS NON-WEARING COURSE	TN	3,275	\$58.60	\$191,915.00			4,187.28	\$245,374.61
43	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1,950	\$2.13	\$4,153.50			1,950.0	\$4,153.50
44	SAW AND SEAL STREETS	LF	7,800	\$2.41	\$18,798.00	8,800.00	\$21,208.00	8,800.0	\$21,208.00
45	REMOVE CATCH BASIN CASTING	EA	8	\$114.17	\$913.36			8.0	\$913.36
46	INSTALL R-3501-TB CASTING	EA	8	\$803.30	\$6,426.40			8.0	\$6,426.40
47	SALVAGE AND REINSTALL CASTING (ALL TYPES)	EA	7	\$955.33	\$6,687.31			7.0	\$6,687.31
48	CULVERT END CLEANING	EA	10	\$176.73	\$1,767.30			10.0	\$1,767.30
49	DITCH GRADING	LF	490	\$4.71	\$2,307.90			490.0	\$2,307.90
50	CLASS 3 RIP RAP WITH GEOTEXTILE FABRIC	CY	60	\$66.41	\$3,984.60			60.0	\$3,984.60
51	EROSION STABILIZATION MAT	SY	200	\$6.96	\$1,392.00				
52	BIOROLL DITCH CHECK	EA	30	\$64.26	\$1,927.80				
53	SEEDING WITH WOOD FIBER BLANKET	SY	1,133	\$1.55	\$1,756.15			1,900.0	\$2,945.00
54	SODDING	SY	14,100	\$2.85	\$40,185.00			6,568.0	\$18,718.80
55	IMPORT AND PLACE TOPSOIL	CY	1,900	\$13.00	\$24,700.00			1,364.0	\$17,732.00
56	STRIPING -- 4" YELLOW STRIPING	LF	6,130	\$0.21	\$1,287.30	6,254.00	\$1,313.34	6,254.0	\$1,313.34
57	STRIPING -- 4" WHITE STRIPING	LF	6,940	\$0.27	\$1,873.80	6,784.00	\$1,831.68	6,784.0	\$1,831.68
58	HANDICAP PAVEMENT MARKING	EA	2	\$428.43	\$856.86	2.0	\$856.86	2.0	\$856.86

TOTALS - BASE CONTRACT

\$849,736.79

\$25,209.88

\$784,142.95

CHANGE ORDER NO. 1

CO1-1	B612 CONCRETE CURB AND GUTTER	LF	661	\$18.00	\$11,898.00			661.0	\$11,898.00
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TOTALS - CHANGE ORDER NO. 1

\$11,898.00

\$11,898.00

TOTALS - REVISED CONTRACT

\$861,634.79

\$25,209.88

\$796,040.95

MAYOR AND COUNCIL COMMUNICATION

DATE: December 4, 2012

CONSENT

ITEM #: 10

MOTION

AGENDA ITEM: Minnesota Cities Stormwater Coalition – Approve City Membership

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Cathy Bendel, Finance Director
Kyle Klatt, Planning Director
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The city council is respectfully requested to consider approving City membership to the Minnesota Cities Stormwater Coalition (MCSC).

STAFF REPORT: MCSC was formed in 2006 as a subset of the League of Minnesota Cities (LMC) to support cities in meeting the Municipal Separate Storm Sewer System (MS4) permit requirements. The mission of MCSC is to work closely with the Minnesota Pollution Control Agency and other regulators and policymakers to help ensure that adopted regulations are reasonable and effective.

In the past year, MCSC has advocated for MS4 cities on significant issues. The MPCA issued two drafts of the new MS4 General Permit, each draft being amended significantly in the favor of cities after MCSC retained specialized legal counsel. The MPCA also issued two large-scale TMDLs for turbidity and total suspended solids which will result in \$1billion in estimated costs from more than 150 MS4 cities to meet the load reduction requirements. MCSC submitted substantial comments on the TMDL studies indicating that the burden for MS4 cities is too large. MCSC has also organized an effort to get stakeholder input from MS4 cities across the United States into the new USEPA Federal Stormwater rulemaking process.

As a stakeholder MS4 city, Lake Elmo would support these continued efforts and have an opportunity for a more active participation. Membership dues are based on population. The annual dues for Lake Elmo will be \$620 (see attached Annual Fee Rate Schedule).

RECOMMENDATION: Staff is recommending that the city council approve, as part of the *Consent Agenda*, membership for the City of Lake Elmo to the Minnesota Cities Stormwater Coalition (MCSC).

ATTACHMENTS:

1. League of Minnesota Cities solicitation Letter
2. MCSC Member Cities as of September 2012
3. Annual Fee Rate Schedule



CONNECTING & INNOVATING
SINCE 1913

To: MS4 permitted cities that are not currently members of MCSC
From: Jim Hafner, MCSC Steering Committee Chair and
Kevin Frazell, Director of Member Services, LMC
Date: November 7, 2012
Re: Membership in the Minnesota Cities Stormwater Coalition (MCSC)

As a city required to comply with the Municipal Separate Storm Sewer System (MS4) permit, you know that stormwater regulations can be complex and daunting. The Minnesota Cities Stormwater Coalition (MCSC), formed in 2006 as a subset of the League of Minnesota Cities (LMC), exists to support cities in meeting the permit requirements. We also work closely with the MPCA and other regulators and policymakers to help ensure that adopted regulations are reasonable and effective. Our almost 100 existing members tell us that the MCSC dues pay for themselves many times over in the form of improved regulations, more reasonable state-level policies, and connections with other stormwater managers across the state.

We are writing today to strongly encourage your membership and active participation in the MCSC. As a stakeholder MS4 city, your membership, contribution, and input are critical to creating successful outcomes for all regulated cities.

This past year has included significant challenges for MCSC and all regulated MS4 cities. The MPCA issued two drafts of the new MS4 General Permit. The MPCA also issued two large-scale TMDLs (South Metro Mississippi River & Minnesota River) for turbidity and total suspended solids. The estimated cost included in these TMDLs for more than 150 MS4 cities to meet the TMDL required load reductions is more than \$1 billion. Finally, USEPA is moving toward issuing a new federal stormwater rule that will include site-level performance goals based on stormwater volume control and retrofit requirements for many MS4 cities.

MCSC has stepped up to work for all MS4 cities on these challenges. We hired specialized legal counsel, Nancy Burke of Gray, Plant, and Mooty, to help us review and comment on the draft permit. In 2011, we submitted 72 pages of formal comments and a contested case hearing petition on the first draft of the new MS4 General Permit. In response, the MPCA decided to make sufficient changes to the draft permit that a new public notice was needed. The second draft of the new MS4 General Permit was issued this summer. MCSC submitted another significant set of comments and a second contested case hearing petition. We are waiting for the MPCA's response.

MCSC also submitted a substantial set of formal comments on the large TMDLs that may be such a burden for MS4 cities throughout Minnesota. More than four months later, we are still waiting for the MPCA's response. MCSC has also organized an effort to get stakeholder input from MS4 cities across the U.S. into the new federal stormwater rulemaking process. We currently have 51 people from 20 states involved in this initiative.

Some of MCSC's other recent accomplishments and services are:

- Periodic E-mail distributions on subjects of immediate concern and interest to MS4 cities, such as the MS4 auditing program and stormwater pond dredging

- Advocacy and information to members on grants under the Legacy Amendment, 319, BWSR, DNR, MPCA, PFA, Great Lakes Restoration Initiative, and other funding programs
- Representation and advocacy of MS4 cities' concerns and interests at the State level including:
 - Antidegradation rulemaking
 - Development of Minimum Impact Design Standards (MIDS)
 - Protocols for stakeholder participation in TMDLs
 - Supporting funding for urban stormwater research with the MN Clean Water Council
 - Meetings and access to high-level MPCA regulatory staff
 - Lake Pepin TMDL MS4 Stakeholder Advisory Group
 - Participation in MN Stormwater Steering Committee

With the MPCA currently in the final stages of updating the MS4 permit, the year ahead poses especially significant challenges. The draft permit, as originally released, would add new requirements and have substantial financial implications for regulated cities such as yours. In our formal comments, we pointed out numerous places in which the permit exceeds statutory authority and filed two requests for a contested case hearing. Should our participation in this administrative review process fail to achieve necessary changes, we are prepared to seriously consider litigation. However, to provide this proactive service and protect your city, we need the membership and active participation of all affected cities, including yours.

For the upcoming year, we will continue to communicate with MPCA and work closely with the MCSC members as the new MS4 Permit is finalized & implemented, municipal stormwater programs are audited, and new TMDLs across the state are completed. As a MCSC member you will receive:

- Guidance in how to comply with the new MS4 permit requirements and write a Stormwater Pollution Prevention Program (SWPPP)
- Advice on how to prepare for an MS4 audit
- Information on grant and other funding opportunities
- Guidance on participation in TMDL development and compliance
- Representation in the shaping of pending regulations at the state and federal level
- ...and much more.

The dues schedule, along with a list of the current members, is enclosed. Your participation is vitally important to keep this work moving forward and we're looking forward to working with you. Please contact us directly for more information.

If you would like to be invoiced for a membership, please send an e-mail to kfrazell@lmc.org.

Thank you,

Jim Hafner, MSCS Chair
Stormwater Manager, City of Blaine
763-785-6188
jhafner@ci.blaine.mn.us

Kevin Frazell
LMC Director of Member Services
651-281-1215
kfrazell@lmc.org

MCSC Member Cities September 2012



Albert Lee
Alexandria
Andover
Anoka
Apple Valley
Arden Hills
Blaine
Bloomington
Brainerd
Brooklyn Center
Brooklyn Park
Buffalo
Burnsville
Cambridge
Centerville
Champlin
Chanhassen
Chaska
Columbia Heights
Coon Rapids
Cottage Grove
Crystal
Deephaven
Detroit Lakes
Duluth
Eagan
East Grand Forks
Eden Prairie
Elk River
Empire Township
Excelsior
Fairmont

Falcon Heights
Faribault
Farmington
Fergus Falls
Forest Lake
Fridley
Golden Valley
Ham Lake
Hastings
Hermantown
Hibbing
Hutchinson
Independence
Inver Grove Heights
La Crescent
Lakeville
Lauderdale
Lilydale
Lino Lakes
Loretto
Mahtomedi
Mankato
Maple Grove
Maplewood
Medina
Mendota Heights
Minneapolis
Minnetonka
Monticello
Moorhead
Mounds View
New Brighton

New Hope
New Ulm
North Mankato
Oakdale
Owatonna
Plymouth
Prior Lake
Red Wing
Redwood Falls
Richfield
Rochester
Roseville
Sartell
Savage
Shoreview
South St. Paul
St. Cloud
St. Louis Park
St. Paul
St. Peter
Stillwater
Tonka Bay
Victoria
Waite Park
Waseca
Wayzata
West St. Paul
White Bear Lake
White Bear Township
Willmar
Winona
Woodbury

Annual Fee Rate Schedule		
Population Range	Old Annual Fee	New Annual Fee
0 - 3,000	\$375	\$410
3,001 - 6,000	\$470	\$515
6,001 - 10,000	\$565	\$620
10,001 - 20,000	\$690	\$760
20,001 - 30,000	\$875	\$965
30,001 - 50,000	\$1,125	\$1,240
50,001 - 100,000	\$1,625	\$1,790
St. Paul	\$4,500	\$4,950
Minneapolis	\$5,500	\$6,050



MAYOR AND COUNCIL COMMUNICATION

DATE: December 4, 202

CONSENT

ITEM #: 11

MOTION

AGENDA ITEM: FTE Parks Maintenance Operator

SUBMITTED BY: Michael Bouthilet

THROUGH: Dean Zuleger

REVIEWED BY: Cathy Bendel

SUMMARY AND ACTION REQUESTED:

In an effort to place more emphasis on park maintenance and improvements, the Public Works Department is requesting adding a full time employee with an emphasis on park duties.

BACKGROUND INFORMATION:

It has been recognized the Public Works Department has a broad and expansive work load. It is believed that an additional employee in the department, with a primary mission to upgrade the parks, would be a valuable asset.

STAFF REPORT:

The staff reviewed 85 applicants. After an initial review, 13 applicants were brought into the Public Works facility for a preliminary interview. This consisted of a more detailed questionnaire and quiz to clarify their experience in parks, equipment operation, and overall public works training and experience. 5 applicants from the pre-interviews were then interviewed in a more formal environment by the staff at City Hall. Unanimously the staff believed Mike Bodlovick was the best applicant for the position. He currently works for the City of Lakeland and has experience in park maintenance and all other aspects of public works operations. In addition he currently has his water supply operator license, commercial drivers' license, and is an experienced snow plow operator.

RECOMMENDATION:

To hire Mike Bodlovick as a FTE Parks Maintenance Operator at a rate of \$18 per hour (base).

DATE: December 4, 2012

CONSENT

ITEM #: 12- \$

MOTION

AGENDA ITEM: 2013 Animal Humane Society Impound Contract

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Dean Johnston

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: Approve a contract for impounding and care of stray dogs and domesticated cats at the Woodbury Animal Humane Society.

BACKGROUND INFORMATION: The City of Lake Elmo has agreements in place with the Animal Humane Society (Woodbury) to house stray animals per the State of MN Statutes. This arrangement also includes certain criteria for holding, euthanasia, animal recovery and rabies protocol.

STAFF REPORT: With respect to animal control, the City of Lake Elmo staff has worked closely with the Animal Humane Society to create and integrated and human treatment of stray animals –including the feed and car of strays. The Animal Humane Society has drafted an agreement that has incorporated some cost recovery in the system (upon request) and clearly delineated the responsibility of each party in a manner that reduces costs and results in a better treatment of the animal. The agreement is for one year only as the City of Lake Elmo is expected to modify its Animal Ordinances to make the collection and impound of animals a revenue neutral program.

RECOMMENDATION:

Based on the aforementioned information, the City Staff recommends the following action:

Approval of the One –Year Letter of Understanding Between the Animal Humane Society and the City of Lake Elmo for Impound Housing Services.

ATTACHMENTS: LOU for Impound Housing Services with the Animal Humane Society

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item City Administrator

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



November 20, 2012

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

Dear City Administrator,

The Animal Humane Society (AHS) would like to start renewing our signed impound contracts annually. By making it a more streamlined and predictable process, we feel that we can better serve you, our customer.

Here is your municipal impound contract with Animal Humane Society (AHS) for 2013. Nothing has changed from the last contract except for the date. Please have the municipality's authority sign both copies and return them to me. I will have the AHS president/CEO sign them and then return one to you.

If you have questions, please feel free to call or email me at (651) 788-4675 or smcdonald@animalhumanesociety.org. Thank you and I hope you are having a safe and happy holiday season!

Sincerely,

Stacy McDonald
Site Manager- Woodbury location
Animal Humane Society



**Animal Humane Society
and
City of Lake Elmo, MN**

**Letter of Understanding for Impound Housing Services
2013**

1. The Animal Humane Society (AHS) agrees to provide the following services:
 - a. Housing for stray or abandoned animals that are retrieved or legally seized by your municipality's community service officer (CSO) or animal control officer (ACO), or for stray animals that are brought into the shelter by a citizen and verbal permission is given by your agency via phone for intake. Housing includes kennel space, daily cleaning, food and water.
 - b. Medical care in the form of vaccination following our standard vaccination protocols, as well as treatments for sick or injured animals impounded during regular business hours.
 - c. Euthanasia services as deemed necessary by an AHS veterinarian. These services may be provided at the end of the legally required holding period or in the case of a medical situation that requires immediate euthanasia.
 - d. Adoption services as deemed appropriate by AHS veterinary staff. The animals will be evaluated for these services at the end of the legally required holding period.
 - e. Euthanasia services and body disposal as deemed appropriate by AHS veterinary staff. The animals will be evaluated for these services at the end of the legally required holding period.
 - f. Provide animal rabies quarantine or diagnostic service for stray felines or canines that have bitten a person.
 - g. Hold animal for the legally required stray holding period: 5 days in MN, 7 Days in WI or until reclaimed by owner within this holding period.
 - h. Charge a reclaim fee of \$25 on behalf of the City of Lake Elmo, which will then be credited to the quarterly invoice. Invoices ending in a balance credit will be paid out at the end of each billing cycle rather than rolling over into the next quarter.
2. AHS expectations:
 - a. The AHS is not responsible for sick or injured animals that are left after hours. Outside treatment must be sought for these animals by the animal control officer or community service officer prior to leaving the animals at the AHS facility when veterinary staff members are not on duty.
 - b. AHS has the sole authority to disposition all animals that have not been reclaimed upon the expiration of the legally designated holding period.
 - c. AHS will not accept feral cats seized under municipal authority by your municipality's CSO or ACO.
3. The City of Lake Elmo agrees to:

- a. Adhere to the drop off procedure set forth by the AHS including animal housing at the shelter and paperwork. Drop off procedures and paperwork training for community service or animal control officers will be provided.
- b. Adhere to state laws and local ordinances that apply to the handling of stray or abandoned animals and the seizure and return of animals to their owners.
- c. Direct citizens where to take stray animals when not receiving permission for impoundment at the AHS.
- d. Seek care for injured or sick animals prior to drop off in the event that it is after hours and/or AHS veterinary staff is not on duty.
- e. Pay the designated fees for each animal cared for from your municipality. AHS will charge a standard stray holding fee of \$130 per canine or feline and a \$40 fee per "other" domestic animals (rabbits, guinea pigs, birds etc.) not reclaimed by its owner. AHS will charge a \$10 administrative/processing fee to the municipality for each animal reclaimed by its owner in place of the stray holding fee. In these instances AHS will charge the owner reclaim fees. Fees for animals seized by the municipality (such as rabies quarantine) may vary due to the differing nature of their holding periods and services required.
- f. Adhere to building access rules and ensure that the service access door is closed and locked after use in an after hours drop off.
- g. Ensure that the municipality's CSO/ACO uses his/her discretion in the field as to whether or not to impound an animal. AHS is not responsible for those decisions.
- h. Be available to members of your community to resolve their concerns related to the actions of your ACO/CSO officers and your municipality's procedures, policies and requirements.
- i. Release AHS from all liability of claims resulting from or related to providing impound housing services. The City of Lake Elmo accepts responsibility for the CSO/ACO while in the course of impounding animals at AHS.

4. Administration

- a. AHS will bill the municipality at the end of each quarter on a fiscal calendar year. Billing will be mailed in the first month following the end of the quarter. Payment is expected within 30 days of receipt of billing.
- b. AHS will assign a contact person who should be contacted in the event of any problems, concerns or to receive feedback regarding the program.
- c. Any billing disputes must be raised within 10 days of receipt of billing.

This agreement is based on a one year commitment, which is renewed annually from the date your administrator signs the agreement below. This agreement can be ended at anytime by either party with a 30 day notice.

This agreement is entered into on the _____ day of _____, 2012 by

Janelle Dixon, President & CEO
Animal Humane Society

Signed on behalf of Municipal Authority

Printed Name and Title

MAYOR AND COUNCIL COMMUNICATION

DATE: 12/4/2012

CONSENT

ITEM #: 13

MOTION

AGENDA ITEM: RESOLUTION 2012-63 ADOPTING WASHINGTON COUNTY ALL-
HAZARD MITIGATION PLAN

SUBMITTED BY: Chief Greg Malmquist

THROUGH: City Clerk Adam Bell

SUMMARY AND ACTION REQUESTED: City Council is being asked to adopt, by resolution, the Washington County all-Hazard Mitigation Plan.

STAFF REPORT: This plan is updated periodically by the County with cooperation from local jurisdictions. It is then reviewed and approved by State HSEM (Homeland Security and Emergency Management) and FEMA (Federal Emergency Management Agency). Upon completion, local jurisdictions, will adopt and operate under the County plan. The plan addresses items such as Community Profile, Risk/Vulnerability Assessment, Hazard Analysis, Goals/Objectives/Strategies, Current/Complete Mitigation Projects, etc. It looks at how these hazards would impact the community during events such as flooding, tornadoes, windstorms, thunderstorms, blizzards, hazardous spills, water contamination as well as others. It also identifies risks and hazards that could be mitigated and what the communities are doing to address these.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2012-63

DATE: December 4, 2012

CONSENT

ITEM #: 14

MOTION

AGENDA ITEM: 2013-2104 Washington County Septic Agreement

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Dean Johnston

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: Approve a contract with Washington County for the Inspection of Private Septic Systems for FY 2013-2014.

BACKGROUND INFORMATION: To better serve its taxpayer and reduce costs, the City of Lake Elmo has contracted with Washington County for septic system inspections. This agreement allows for one-stop permit approval process for the taxpayer installing / modifying a private septic service.

STAFF REPORT: The City Administrator has evaluated this contract based on service delivery, cost to the City and cost to the taxpayer. The agreement reduces time and material to the City by an average of \$25,000-\$27,000 per year and places the certification process in the hands of the technical experts of Washington County. Experientially, the lines of communication and troubleshooting efforts between the City of Lake Elmo and Washington County are very good and result in efficient turnaround service for our taxpayers.

RECOMMENDATION:

Based on the aforementioned information, the City Staff recommends the following action:

Approval of the Two-Year Letter of Understanding Between the City of Lake Elmo and Washington County for Private Septic System Inspections.

ATTACHMENTS: Washington County Septic Inspection Agreement

SUGGESTED ORDER OF BUSINESS:

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

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

PHE
SEPTIC
1/1/13 - 12/31/14

Agreement for Subsurface Sewage Treatment System Inspection Services

This agreement is made and entered into, by and between the County of Washington (hereinafter referred to as the County) and the City of Lake Elmo (hereinafter referred to as the City).

I. WITNESSETH

WHEREAS, the City wishes to contract with the County to perform subsurface sewage treatment system (SSTS) inspection services within the City's boundaries; and

WHEREAS, the City adopted an Subsurface Sewage Treatment System Regulations Ordinance, hereinafter SSTSRO, regulating subsurface sewage treatment systems which is consistent with or more restrictive than the County's Subsurface Sewage Treatment System Regulations Ordinance #179 (Washington County Development Code Chapter 4), which applies to all areas of the City; and

WHEREAS, the County agrees to provide subsurface sewage treatment system inspection services under the terms and conditions hereinafter set forth; and

WHEREAS, this contract is authorized under Section 471.59 of the Minnesota Statutes.

NOW THEREFORE, it is mutually agreed between the County and City as follows:

II. SCOPE OF SERVICES

County's Responsibilities

1. The County agrees to provide, through its Department of Public Health and Environment, subsurface sewage treatment system inspection services for the City. The County shall provide a Qualified Employee(s), as described in Minn. Rule 7083.1010 and 7083.0020 subp 17.
2. The standards of performance, method of providing subsurface sewage treatment system inspection services, and other matters incident to the performance of services under this Agreement, including personnel to be employed, shall be determined by the County. The City shall be notified in advance of any proposed changes in standards of performance or methods of providing services.
3. The County shall provide the necessary SSTS application review and sewage system plan approval as required by laws, regulations and ordinances, provide all job site inspections of projects under permit, and conduct special inspections as deemed necessary to ensure compliance with the SSTSRO. Services shall include clerical support incidental to the performance of this agreement.
4. The County shall provide and issue all sewage permits as required by the SSTSRO, existing

laws or regulations and shall maintain records of all such permits. If the City requests a copy of a granted permit, the County shall provide a copy to the City within 5 (five) working days.

5. The County shall send a copy of the County's issuance of a certificate of compliance of the sewage system's completion to the City within 10 (ten) working days of the County granting the certificate.
6. In the event of a violation or threatened violation of the SSTSRO or sewage permit the County may pursue the administrative issuance of stop work orders on the installation of the septic system, and/or issue corrective orders, and/or issue notices of non-compliance.
7. The County shall advise the City if a misdemeanor citation is warranted for any violation of a sewage permit or SSTSRO.
8. The County may request appropriate actions or proceedings be brought by the City, to prevent, restrain, correct or abate violations or threatened violations of a sewage permit or SSTSRO.
9. The County will cooperate with the City's officials and/or employees in fulfilling its obligations under this Agreement.

City's Responsibilities:

1. In areas not served by municipal sewer, the City shall not issue a building permit for new dwelling construction and/or for the addition of bedrooms until the County has issued a sewage permit for the new construction and/or addition of bedrooms.
2. The City shall act on all applications for special permits and SSTSRO variance requests.
3. Upon request from the County the City shall issue a stop work order on projects commencing construction prior to the issuance of a sewage permit.
4. The City is responsible for commencing appropriate actions or proceedings to prevent, restrain, correct or abate violations or threatened violations of a sewage permit or SSTSRO and shall represent the County during appeals of the administrative remedies issued by the County.
5. The City may issue misdemeanor citations for violations of the SSTSRO or sewage permit.
6. The City shall not issue a certificate of occupancy for new construction or the addition of bedrooms prior to receipt of the County's certificate of compliance.
7. The City, and its agents and employees, will cooperate and assist the County in the performance of this Agreement.
8. In the event of County SSTS Ordinance revision, the City may adopt a revised SSTS

Ordinance which is consistent with or more restrictive than the County's revised SSTS Ordinance no more than 12 (twelve) months after the County revised SSTS Ordinance has been adopted.

III. SCHEDULE OF FEES AND CHARGES

1. The County shall establish the schedule of fees for its subsurface sewage treatment system inspection services. The septic permit application and installation fees shall be in accordance with the fee schedule adopted annually by the Washington County Board of Commissioners. The County shall collect, receipt for, disburse, and maintain records for all fees and charges collected incident to the administration of subsurface sewage treatment system inspection and permit services contained herein.
2. Fees and charges shall be due and payable by the applicant upon issuance of the permit and will be collected by the County from the applicant for said permit.
3. The City agrees that in payment for the subsurface sewage treatment system inspection and permit services provided by the County that the County shall retain, out of the fees and charges collected incident to this service, an amount equal to one hundred percent (100%) of all SSTS permit fees.
4. The City shall not assume any liability for the direct payment of any salary, wage, or other compensation to any County employee performing subsurface sewage treatment system inspection services pursuant to this agreement.

IV. GENERAL TERMS AND CONDITIONS

Data Privacy

1. All data collected, created, received, maintained or disseminated for any purposes by the activities of the County because of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal Regulations on data privacy, including but not limited to, the Health Insurance Portability and Accountability Act (HIPAA) where it applies. The City and County agree to abide by these statutes, rules and regulations and as they may be amended.

Indemnity Clause

2. The City agrees that it will indemnify and hold harmless the County, its officers and employees, against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the City's negligent performance or failure to adequately perform its obligations pursuant to this Agreement.

The County agrees that it will indemnify and hold harmless the City, its officers and employees, against any and all liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the County's negligent performance or failure to adequately perform its obligations pursuant to this Agreement.

Insurance

3. The City further agrees that in order to protect itself, as well as the County, under the indemnifications provisions set forth above that it shall at all times during the terms of this Agreement, provide maximum tort liability limits as set forth in Minnesota Statute, Sections 3.736 and 466.04. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

The County further agrees that in order to protect itself, as well as the City, under the indemnifications provisions set forth above that it shall at all times during the terms of this Agreement, provide maximum tort liability limits as set forth in Minnesota Statute, Section 466.04. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

Records – Availability and Retention

4. Pursuant to Minnesota Statute 16C.05, Subd 5., the County/City agrees that the County/City, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures of the County/City and involve transactions relating to this agreement. The County/City agrees to maintain these records for a period of six years from the date of termination of this Agreement and make available as requested.

Nondiscrimination

5. The provisions of Minn. Stat. 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set forth herein, and shall be part of any Agreement entered into by the parties with any contractor, subcontractor, or material suppliers.

Merger and Modification

6. It is understood and agreed that the entire Agreement between the parties is contained here and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter.

Any material alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an amendment and signed by the parties.

Severability

7. Every section, provision or part of this Agreement is declared severable from every other section, provision or part thereof to the extent that if any sections, provision or part of this Agreement shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

V. TERM AND EFFECTIVE DATE

1. The effective date of this agreement shall be January 1, 2013, notwithstanding the date of the signatures below.
2. This agreement shall run until December 31, 2014, at which time it will automatically terminate unless it is renewed by official action of both the City and the County prior to the termination date. Notice of either the City's intent or the County's intent not to renew the agreement should be given to the other party ninety (90) days in advance of the December 31, 2014, termination date.

DATE: December 4, 2012
REGULAR
ITEM #: 17
MOTION

AGENDA ITEM: Library Board Expansion
SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Dean A. Johnston

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is asked to entertain a discussion and possible action of appointing two more regular members and one alternate to the City of Lake Elmo Library Board.

BACKGROUND INFORMATION: The Lake Elmo Library Board has recently completed a Planning Retreat, and has put forth a set of goals and objectives that will make up its Plan of Work. Within this plan of work is an expansion of the Library Board from (5) to (7) members and (2) alternates to share the workload and to create a formal committee structure. (5) Committees will be established: facilities, Collection, Personnel, Finance and Outreach – with a Board Member chairing each committee.

STAFF REPORT:

As part of the Library Board Nominating Committee process, Ms. Marjorie Williams and Ms. Renee Murray were recommended for appointment to the regular Library Board and Ms. Anne Bucheck was recommended as an Alternate, if the Board chose to amend its By-Laws and expand to a (7) member Board. This Board make-up is consistent with the currently practice of the Planning Commission and the Parks Commission. On November 28th, the Lake Elmo City Library Board modified their By-Laws to expand to (7) regular Board Members and (2) alternates.

RECOMMENDATION: Based upon the background information presented, the Nominating Committee recommends and the Mayor affirms through his appointment powers that the City of Lake Elmo City Council:

Appoint Marjorie Williams to a regular 2 Year-Appointment to the Lake Elmo Library Board and Appoint Renee Murray to a regular 1-Year Appointment to the Lake Elmo Library Board. Further, to appoint Anne Bucheck to a Three-Year Term as an Alternate to the Library Board.

SUGGESTED ORDER OF BUSINESS:

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

P 312 777 2002
F 312 777 2020

November 27, 2012

The Honorable Susan St. Ores
Mayor, City of Bayport
294 N. Third Street
Bayport, MN 55003

RE: Train Horn Noise

Dear Mayor St. Ores:

Thank you for your follow up communication on November 7th. We are in receipt of your comments regarding recent horn blowing activity in the communities of Baytown Township, Oak Park Heights, Lake Elmo, and Oakdale.

As you acknowledge in your communication, there are circumstances that require our train crews to still sound the horns under various situations that may impact public safety or the safety of our train operation. Recent events in our 23-state network have underscored the need for necessary horn blowing when the train crews feel that it is warranted. I want to reiterate that we continue to make our employees and their respective managers aware of your complaints, and we will endeavor to make sure our crews understand there is a quiet zone in effect throughout your communities. Please feel free to refer to the www.up.com website which can provide you and your colleagues specific information on quiet zones and horn rule requirements.

As I stated in my prior communication on this topic, it is important to note that quiet zones are not absolute, and that their goal is to eliminate unnecessary versus necessary horn blowing activities. I appreciate you making me aware of this important matter, and we will continue to monitor this situation.

Regards,



cc: Mayor Beaudet, City of Oak Park Heights
Mayor Sarrack, City of Oakdale
Mayor Johnston, City of Lake Elmo
Board Chairman Grandlienard, Baytown Township
Mr. Paul Hinton, Superintendent, Twin Cities Service Unit, UPRR

(WJL\Bayport 2)