THE CITY OF
LAKE ELMO

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

NOTICE OF MEETING

City of Lake Elmo
3800 Laverne Avenue North
City Council Meeting
Tuesday, February 19, 2013 7:00 P.M.

AGENDA

A. **CALL TO ORDER**

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL**

D. **ORDER OF BUSINESS/GROUND RULES**

E. **APPROVAL OF AGENDA**

F. **ACCEPT MINUTES**

1. Accept February 5, 2013 City Meeting Minutes

G. **PUBLIC COMMENTS/INQUIRIES**

H. **PRESENTATIONS**

2. Annual Fire Department Report for 2012
3. State Highway 5/CSAH 17 Road Safety Audit – Presentation of Audit Findings/Recommendations
4. 2012 Community Development Department Annual Report

K. **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.

5. Approve Payment of Disbursements and Payroll
6. Accept Financial Report dated January 31, 2013
7. Accept Building Permit Report dated January 31, 2013
8. Approve Renewal of St. Croix Valley Fire Service Agreement
9. 2013 Seal Coat Project – Authorize Preparation of Plans & Specifications
10. 2013 Seal Coat Project – Joint Powers Project Agreement with West Lakeland Township

11. Engineering Design and Construction Standards Manual – Resolution to Adopt Manual; ***Resolution 2013-09***

L. REGULAR AGENDA

12. Contractor Licensing Code Amendment; ***Ordinance 08-069, Resolution 2013-10***
13. Adopting Resolution Authorizing Limited Property Tax Abatement for 8665 Hudson Boulevard for Years 2014, 2015, 2016, 2017; ***Resolution 2013-11***
14. Olson Lake Trail Joint Sanitary Sewer Project - Accept Report, Call for Improvement Hearing, Declare Cost to be Assessed, and Call for Hearing on Proposed Assessment; ***Resolution 2013-12, Resolution 2013-13***
15. Zoning Text Amendment – Planned Unit Development (PUD) Ordinance; ***Ordinance 08-070, Resolution 2013-14***

M. SUMMARY REPORTS AND ANNOUNCEMENTS

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

N. EXECUTIVE SESSION

16. Adjourn to ***Closed Session*** per MN State Statute 13D.05 Subd. 3(a) to evaluate the performance of City Administrator Dean Zuleger

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
FEBRUARY 5, 2013

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

PRESENT: Mayor Pearson, Council Members Bloyer, Nelson, and Smith [7:02]

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

PLEDGE OF ALLIGENCE

SWEARING IN OF NEW CITY COUNCIL OFFICIAL

Pursuant to state statute, City Clerk Bell swore in new City Council Member Wally Nelson.

[Council Member Smith Arrived at 7:02 P.M.]

APPROVAL OF AGENDA

Discussion of the agenda was held. Consensus was reached to table Item 13. Nelson moved to table.

MOTION: Council Member Nelson moved to approve the February 5, 2012 City Council Agenda as amended. Council Member Bloyer seconded the motion. ***Motion passed 4-0.***

Consent Agenda Item 13 was tabled.

ACCEPT MINUTES

ITEM 1:

THE JANUARY 15, 2013 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.

PUBLIC COMMENTS/INQUIRIES:

Ann Buchek spoke about library events: extended hours Monday-Saturday 10-2pm Tuesday and Thursdays and 3-8 P.M. On February 7th, at 6:30 Rusty Schmidt will speak about rain gardens. East Metro Writers room will be opening on 2/11. Children's library time- 1st/3rd Friday. This Friday will have Valentine's Day event. Library has added 500 items - over 6100 volumes. Lake Elmo library has new books and there is practically no waiting. On March 11, Christian Valen, author of *Bone Shadows* will visit. On April 4th, Family Means will be visiting to discuss budget and financing; Author William Sauder will visit..

PRESENTATIONS:
None

PUBLIC HEARING: EDA

Mayor Pearson opened public hearing at 7:11PM

City Administrator Zuleger provided an overview of the past discussions regarding EDA. The first discussion of an EDA was held in 1987. He noted the previous presentation that was provided. Mr. Zuleger explained the purpose of an EDA. He gave overview of the proposed EDA and described the enabling resolution; *Resolution 2013-05*. Mr. Zuleger explained the benefits of having an EDA.

No public input offered.

Mayor Pearson closed the public hearing at 7:19 PM

MOTION: Mayor Pearson moved **TO ADOPT RESOLUTION 2013-05 ENABLING RESOLUTION ESTABLISHING THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LAKE ELMO, MINNESOTA UNDER MINNESOTA STATUTES, SECTION 469.090 THROUGH 469.1082.** *Council Member Bloyer seconded the motion.* ***MOTION PASSED 4-0.***

CONSENT AGENDA

3. Approve Payment of Disbursements and Payroll
4. Approve EMWREP Agreement
5. Water Supply Well No. 4 – Authorize Plans and Specifications for Production Well No. 4.
6. Water Supply Well No. 4 – Award Production Well Engineering Contract.
7. Approve Finance and Human Resources Committee Guidelines
8. Amend Massage Therapy Licensing Ordinance; ***Ordinance 08-067***
9. Approve Scope of Services for Northland Securities, Inc.
10. Appoint City Engineer and City Attorney
11. Conditional Use Permit request from Valley Branch Watershed District to remove a culvert at 28th Street within Raleigh Creek; ***Resolution 2013-06***
12. ~~Variance request from Christ Lutheran Church to split the lot at 3549 Lake Elmo Avenue North; *Resolution 2013-07*~~

MOTION: Council Member Smith ***MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED.*** *Council Member Nelson seconded the motion.* ***MOTION PASSED 4-0.***

Consent Agenda Item 12 was pulled for discussion.

ITEM 12: VARIANCE REQUEST FROM CHRIST LUTHERAN CHURCH TO SPLIT THE LOT AT 3549 LAKE ELMO AVENUE NORTH: *RESOLUTION 2013-07*

Council Member Smith noted her concerns regarding the parking limitations. She was not opposed, but she wanted to make sure that the item was thoroughly discussed and considered. Because the future is unknown, the Council needs to be careful.

Planning Director Klatt explained detail of the recommendation. It is being recommended that the space be a shared space.

Further discussion was had about the unknown risks involved in splitting the lot without being able to predict the future. The Council reached a consensus that it was risk they were willing to take.

MOTION: Council Member Smith moved ***TO APPROVE RESOLUTION 2013-07 APPROVING A VARIANCE TO ALLOW CHRIST LUTHERAN CHURCH TO SPLIT ITS PARCEL AT 3549 LAKE ELMO AVENUE INTO TWO SEPARATE LOTS THAT DO NOT MEET THE MINIMUM REQUIREMENTS OF THE GB – GENERAL BUSINESS ZONING DISTRICT FOR LOT AREA AND LOT WIDTH.*** *Council Member Nelson seconded the motion.* ***MOTION PASSED 4-0.***

REGULAR AGENDA

ITEM 13: Contractor Licensing Code Amendment; ~~***Ordinance 08-068, Resolution 2013-08***~~

Item was Tabled

ITEM 14: APPROVAL OF CITY CREDIT CARD POLICY

Finance Director Bendel provided an overview of the policy and the reasoning for it. Item is mainly a housekeeping item. In the past, there has been one shared card. New policy would provide the management team individual cards. This would be easier to manage. Each holder will be required to accept and sign the use policy.

Council Member Nelson asked about the card limit. Ms. Bendel stated that globally, the limit is $10,000 and $2,500 per holder.

MOTION: Council Member Smith moved ***TO APPROVE THE LAKE ELMO CREDIT CARD POLICY DATED 2/5/2013.*** *Council Member Bloyer seconded the motion.* ***MOTION PASSED 4-0.***

ITEM 15: RE-DESIGNATION OF PARK COMMISSION MEMBERS

City Administrator Zuleger provided overview of the complications surrounding electing a chairperson. There is a lack of desire from regular members, partially due to time commitments and schedules. Alternate Shane Weiss volunteered to serve as chair. In order to allow Mr. Weiss to serve as chair, the commission needs one of the alternate members to step down. Judith Blackford elected to become alternate.

Council Member Smith asked about make-up. Mr. Zuleger stated the current commission consists of seven regular members with 2 alternates.

Council Member Bloyer noted his looking forward to Mr. Weiss serving as chair.

MOTION: Council Member Smith moved ***TO AFFIRM THE PARK COMMISSION RE-DESIGNATION OF SHANE WEIS AS A REGULAR MEMBER OF THE PARK COMMISSION HEREBY ALLOWING HIM TO ASSUME THE ROLE OF CHAIRMAN; AND TO RE-DESIGNATE JUDITH BLACKFORD AS AN***

ALTERNATE MEMBER OF THE PARK COMMISSION. *Council Member Bloyer seconded the motion.* ***MOTION PASSED 4-0.***

ITEM 16: ADOPT ADMINISTRATIVE CITATION FEES; RESOLUTION 2013-08

City Administrator Zuleger explained the history of the code enforcement in Lake Elmo. The 2010 ordinance was passed and required the City to set fees. The City has not done so to date. The fees were discussed with City Attorney Snyder.

Mr. Zuleger outlined the fee schedule, explained the benefits, and acknowledged the concerns that some members have. He also described the current and proposed practice/process. The City has not issued any fines to date. There is the hope that the threat of a monetary penalty will encourage compliance. The City does not foresee policing properties, but will continue to rely on adjacent and neighboring property owners to report issues. The goal is to maintain property values and promote health and safety within the City.

Council Member Nelson asked about list of violations. Mr. Zuleger stated that the spectrum is broad and involves the entire code. Mr. Zuleger provided a general list of issues that have been

Council Member Smith asked for clarification on the process. She asked about the failure to pay and whether it goes to property taxes. City Attorney Snyder stated that ultimately the fines will have to be judicially enforced if the violator refuses to pay. The vast majority of issues get resolved by the prospect of enforcement. Ms. Smith also asked about rental properties. Does the fine go to the tenant or landlord? Mr. Zuleger stated that the City has been working with the Landlords or property owner. Ms. Smith expressed her pleasure with this issue finally being addressed.

Council Member Bloyer noted his desire for rules being followed.

MOTION: Council Member Smith moved ***TO ADOPT RESOLUTION 2013-08, THEREBY APPROVING THE ADMINISTRATIVE CITATION FEE SCHEDULE.*** *Mayor Pearson seconded the motion.* ***MOTION PASSED 4-0.***

ITEM 17: APPROVE 2013 FEE SCHEDULE; ORDINANCE 08-068

City Administrator Zuleger explained the proposed changes and the reasoning for the updates. Staff will be performing a comprehensive fee audit through the next year. There was a discussion of park land dedication rates.

Council Member Nelson asked about Staff's audit timeline. Mr. Zuleger stated that the audit will be ongoing. WAC, SAC, sewer connection and lateral benefit charges, and water rates. March or April is the expected timeframe to bring back the known items. There will be several structural issues addressed in the future.

Council Member Smith asked about bulk water rates and whether they are new. Finance Director Bendel confirmed that this fee is not new, but Staff will be doing more to coordinate with residents that need this.

MOTION: Council Member Nelson ***MOVED TO ADOPT ORDINANCE 08-068; AN ORDINANCE AMENDING SCHEDULE OF MUNICIPAL FEES FOR SERVICES, AS PRESENTED HEREIN.*** *Council Member Bloyer seconded the motion.* ***MOTION PASSED 4-0;***

SUMMARY REPORTS AND ANNOUNCEMENTS

Council Member Nelson – No report.

Council Member Smith thanked Shane Weiss for stepping up to lead Parks Commission. Reported skating rink with her family the past weekend. The ice was excellent. Kudos to guys who do the ice.

City Administrator Zuleger noted the generosity of Jim Leonard, owner of Fury Motors in obtaining the Zamboni. The City thanks him. Ms. Smith said it was the nicest ice around.

Council Member Bloyer reported League of Minnesota Cities orientation for new council members. On Sunday the Lions held their ice fishing contest on Lake Jane.

Mayor Pearson reported also attending the League of Minnesota Cities training. The training Biggest issue cities face land use problems. Online training available to reduce insurance premium. Met with a couple developers. Attended first local business meeting with City Administrator Zuleger and Taxpayer Relations/Communications Coordinator MacLeod.

Mayor Pearson announced the appointments for Council Committees:

- Finance- Council Members Smith and Nelson
- HR- Mayor Pearson and Council Member Bloyer
- EDA- Mayor Pearson and Council Member Park

City Administrator Zuleger reported working on committee structure and function. Noted Program Assistant Beckie Gumatz started Monday. Working with Washington County to bring Valley Cartage to relocate to Lake Elmo. Buy local, buy Lake Elmo business project. Working with Oakdale-Lake Elmo Review to have a specific 2 page dedicated section for Lake Elmo. Staff met with Lennar. On average meeting with about two land owners a week. On 2/25 results of hwy 5 safety audit will be available. Staff met with City Engineer Griffin and MNDEED on specifics of grant. Have meeting scheduled with Rep. McCollum for groundwater quality issues. Dealing with ISGMN for spring parks survey.

City Attorney Snyder reported review of Ordinances; 9447 Stillwater blvd- end of internal staff efforts to resolve. Now moving towards enforcement action. Sheriff has been involved. Will bring action to next meeting. Met with staff to discuss development.

City Engineer Griffin reported completion of work scope for trunk Hwy 36 corridor study. Meeting with property owners for gravity option south of 10th St. for obtaining easements. Drafting development agreements with legal. Engineering Design standards. Well #4 kick-off mtg. developing Work, Scope, and Fee pump house and connecting water main.

Planning Director Klatt reported working on 2012 Annual Report; draft of work plan for 2013 Planning Commission; update to planned unit development ordinance.

Finance Director Bendel reported year-end reporting, W-2s/1099s budget for state. Data files for Permit Works. Audit preparation. Auditors will be onsite next week.

Adjourned open meeting at 8:07 P.M.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

_____
Adam R. Bell, City Clerk

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013

ITEM #: 2
PRESENTATION

AGENDA ITEM: Annual Fire Department Report for 2012

SUBMITTED BY: Chief Greg Malmquist

THROUGH: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED:

PRESENTATION – NO ACTION REQUIRED

STAFF REPORT:

Chief Malmquist will present the Annual Fire Department report for 2012. Additional information regarding ISO (Insurance Service Organization) will also be presented.

RECOMMENDATION:

The City Council is respectfully requested to receive the presentation of the Annual Fire Department report for 2012. No further action is required.

ATTACHMENTS:

None

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
PRESENTATION
ITEM #: 3

AGENDA ITEM: State Highway 5 Road Safety Audit – Presentation of Preliminary Findings and Recommendations

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is respectfully requested to receive a presentation on the preliminary findings and recommendations for the State Highway 5 Road Safety Audit. Mr. Howard Preston, CH2MHill (MnDOT's Project Manager) and Mr. Adam Josephson, MnDOT East Area Manager will make the presentation.

STAFF REPORT:

To address the ongoing traffic safety and speed concerns along State Highway 5 in Downtown Lake Elmo, MnDOT provided funding to conduct a Road Safety Audit (RSA) along the highway corridor in the city. Mr. Howard Preston, CH2MHill was retained by MnDOT to lead the RSA team. On November 20, 2012 MnDOT presented the scope of the proposed audit work to the City Council. On December 17, 2012 the RSA Team conducted a stakeholders meeting at Lake Elmo city hall to receive user input regarding the traffic safety issues and concerns. In addition, the Team performed a field audit along the corridor to observe the traffic flow and movements throughout the various peak traffic times.

A Road Safety Audit (RSA) is a formal safety performance examination of a roadway or intersection by an independent, multidisciplinary team. It qualitatively estimates and reports on potential road safety issues and identifies opportunities for improvements in safety for all road users.

RECOMMENDATION: Staff is recommending that the city council receive the presentation and provide feedback as requested by MnDOT. No formal action is being requested of the council.

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/13
PRESENTATION
ITEM #: 4

AGENDA ITEM: 2012 Community Development Department Annual Report

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick M. Johnson, City Planner
Rick Chase, Building Official

SUMMARY AND ACTION REQUESTED: The City Council is asked to review the 2012 Community Development Department Annual Report. The Planning Commission considered the annual report at its February 11, 2013 meeting and adopted a motion to accept the annual report as presented and forward the report to the City Council. Staff will present a brief update to the Council at its meeting, highlighting the key activities and projects that were undertaken in 2012.

The attached report is being presented for informational purposes; no action is necessary by the Council on this item.

BACKGROUND INFORMATION: The annual report is intended to summarize activities within the Community Development Department. These activities include all building and planning activities in 2012.

ATTACHMENTS:

1. 2012 Community Development Department Annual Report

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item ..... City Administrator
- Report/Presentation..... Planning Director
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates

THE CITY OF
LAKE ELMO

2012 Community Development Department Annual Report

I. Annual Summary

The Lake Elmo Community Development Department is submitting its annual report for consideration by the City Council and Planning Commission. The following narrative presents a summary of activities undertaken over the course of 2012.

Comprehensive Plan Amendments. The most significant project undertaken by the Community Development Department in 2012 was the ongoing work of amending the City's Comprehensive Plan to revise the I-94 Corridor and Village Land Use Plans. More specifically, the first amendment, focused on the I-94 Corridor and Housing Chapter of the Comprehensive Plan, was accepted by the City Council and authorized for adjacent jurisdiction and Metropolitan Council review on August 21, 2012. Staff anticipates that the external review of this amendment will be completed in early 2013, at which time the Council may officially adopt the amendment. Regarding the Village Land Use Plan, Staff is working to finalize the draft plan and anticipates bringing this Comprehensive Plan Amendment to the Planning Commission for Public Hearing in February of 2013.

Land Use Applications. Through the support of the Planning Commission, the Community Development Department worked on 23 land use applications/projects in 2012, including but not limited to amendments to the Comprehensive Plan, conditional use permits, zoning text amendments, and variances. The most common application processed related to land use was the zoning text amendment, of which the City worked through 8 applications. This uptick in the number of zoning text amendments can be attributed to a number of updates to the Zoning Code for the purpose of preparing the community for sewered growth.

Building Permits. The City of Lake Elmo processed 311 building permits, not including plumbing and mechanical permits, in 2012. The number of permits issued this year is consistent with amount of building activity over the past 5 years. In terms of new single family homes, the City issued permits for 31 new homes in 2012, as opposed to 24 homes in 2011. Through the addition of 31 single family homes and 8 manufactured homes, and the demolition of 3 homes, the City experienced a net increase of dwelling units of 36 units in 2012.

Staffing. Over the course of the year, the City of Lake Elmo added two new employees to the Community Development Department. These employees are Rick Chase, filling the role of Building Official, and Nick Johnson, filling the role of City Planner. With the full-time additions to the Staff, the City is better positioned to prepare for growth in the coming years.

Community Development Preparation Efforts. In addition to several updates to the City's Zoning Code, Staff has worked on two projects to ensure quality development outcomes: Design Standards and Theming. With the support of the Planning Commission, Staff has made significant progress on drafting a Design Standards Manual for development in the sewered districts. Staff anticipates that the manual will be completed in the spring of 2013. Through the support of the I-94 Corridor and Village Work Groups, Staff has also worked with Damon Farber and Associates on a Theming Project, intended to help guide design and amenities within road rights-of-way and public spaces. The Theming Project will also be completed in the spring of 2013.

II. Annual Review: Major Projects

Major projects included in the department's scope of work in 2012 include the following projects chronologically:

3M Legal Preparation. As part of the State of Minnesota's suit against 3M Corporation in regards to groundwater contamination in Washington County, Staff served as a support role to the City Attorney to collect all records pertaining to infrastructure planning in Lake Elmo.

Mn/DOT Landscaping Grant: HWY-5 Tree Planting and Landscaping Project. Once again Lake Elmo's Arbor Day Event on June 2, 2012 included a community planting project supported by a grant from the Minnesota Department of Transportation. Staff was able to obtain over $17,000 in plant materials through the Community Roadside Landscaping Partnership Program. In addition to working with Mn/DOT landscape architects to manage the project, Staff worked with project supporters to recruit over 60 resident volunteers. The event resulted in a significant beautification for the downtown section of HWY-5 and fulfilled the City's obligation to host and Arbor Day Event as a Tree City USA member.

Village Area Septic System Survey. In order to collect more up-to-date data regarding the status of existing septic systems in the Village, Staff conducted a survey of all property owners in the Village inquiring about the condition and maintenance practices of their subsurface sewage treatment systems. The survey was conducted in an anonymous manner via mail, and had high response rate of 61%. In addition to gaining valuable perspective on the state of septic systems in the Village, the survey also asked property owners about their interest in being served by municipal sanitary sewer. The results of this question were the following:

- 58.0% of respondents answered that they were interested in sanitary sewer;
- 17.3% of respondents were not interested in sanitary sewer extension; and
- 24.7% of respondents were unknown regarding their interest.

In addition to surveying the Village, three other areas adjacent to the Village were surveyed using the same template to gage their interest in sanitary sewer connection.

These areas were Legion Ave. N. (immediately south of 30th St.), the south side of 30th St. (between Lake Elmo Ave. and Legion Ave.) and Lake Elmo Ave. N. (between 20th St. and 30th St.). The results pointed toward the greatest interest in sewer being on 30th St., while Legion Ave. was more supportive than not, and Lake Elmo Ave. was not supportive of sanitary sewer connection.

Building Permit Review Process. In another effort towards preparing the City for future growth, Staff evaluated the building permit review process in order to improve efficiency and accuracy. These efforts were led by new Building Official Rick Chase, who worked with both Planning and Engineering to streamline communication and procedure for the building community. Related to these efforts, the City has also researched several permitting and code enforcement applications to improve reporting and records.

Buberl/Nass Detachment. Staff has continued to support the City Attorney in efforts to appeal the court ruling that allowed for the detachment of multiple properties in the northeast portion of the city to Stillwater Township.

Gateway Corridor Technical Committee. In addition to former Mayor Dean Johnston, Staff participated in the Gateway Corridor Technical Committee. The results of this process, known as Alternatives Analysis (AA), led to the selection of a preferred alternative of a route on the south side of I-94 in Woodbury, MN.

I-94 Corridor Work Group. The Planning Department continued to meet with members of the I-94 Corridor Work Group to guide land use planning in the corridor. The group was represented by members of the City Council, Planning Commission and other stakeholders in the area. Meetings with the Work Group served to guide land use planning efforts that have resulted in a draft Comprehensive Plan Amendment.

Village Area Work Group. The Planning Department continued its work with the Village Area Planning Work Group throughout 2012. The Work Group met 16 times during the course of the year and conducted two larger open houses to solicit public feedback. Additionally, the Planning Department sponsored a local business forum to present the plans to village business owners, met with a broader stakeholder group, and presented a draft plan at two separate Planning Commission workshops.

I-94 Corridor Comprehensive Plan Amendment. Through the support of the I-94 Work Group, Staff drafted a Comprehensive Plan Amendment containing updates to the Land Use Plan for the I-94 Corridor. The Land Use Plan contained land guided for residential development of various densities, as well as land guided for commercial and business park development. The Comprehensive Plan Amendment was authorized by the City Council for adjacent jurisdiction and Metropolitan Council review on August 21, 2012. The Amendment is currently being review by the Metropolitan Council. Once the review is over, the City Council may approve the Comprehensive Plan Amendment.

Housing Chapter Comprehensive Plan Amendment. As part of the submission to update the I-94 Corridor Land Use Plan, the City was required to update the Housing Chapter within the Comprehensive Plan to reflect the proposed land use changes. The information contained within the Housing Chapter includes an overview of the existing housing stock, as well as overall population trends provided by census data. The data revealed that the median age of the Lake Elmo population has been consistently rising over the decades. In addition the, there are more residents over the age of 65 than at any time previously. Finally, the American Community Survey data revealed that the median home value in Lake Elmo between 2006-2010 was $396,500. This may explain the gap within the Lake Elmo population of the 20-40 age cohorts or groups.

Annual State Planning Conference. The Planning Director was able to attend the State Planning Conference in September in Alexandria, MN. He was able to attend sessions related to form-based codes and other innovative planning techniques related to zoning and implementation.

Design Guidelines Manual. In preparation of upcoming development, Staff has worked with the Planning Commission on drafting design guidelines for four (4) development types: high density residential, commercial, business park and mixed-use development. The guidelines are intended to maintain a high quality of standards in site and building design for development in Lake Elmo. With the support of the Communications Specialist, Planning Staff will work on the final layout of the document and complete the project in the spring of 2013. The final version of the document will also incorporate elements from the Lake Elmo Theming Project, which is set to be completed in the spring as well.

Theming Project. Through the direction of Damon Farber and Associates, Staff has been working with members of the various work groups to complete a Theming exercise intended to brand the public space in Lake Elmo with a specific theme in mind. Whereas design guidelines are intended for the private realm, the Theming project is geared towards the public spaces of the community, such as roads and public gathering spaces. The result of this process will be a 'Kit of Parts' that includes various color palettes, site amenities, and other designs that are reflective of the Lake Elmo theme. This project should wrap up in the spring of 2013.

Water Tower Antenna Upgrades. Staff has been working with T-Mobile, AT&T and Sprint to process three requests for equipment upgrades on the downtown water tower at Langly Court North. This project is a part of the wireless communication carrier's efforts to upgrade to 4G service in the area. In addition, Staff also renegotiated the terms of the lease agreements with these wireless communication companies.

Village Open Space Conservation Strategy Review. In order to support work related to the Village Land Use planning efforts, Planning Staff engaged the Minnesota Land Trust in conducting research into the best possible strategies for land conservation in the Village. The Minnesota Land Trust has historically been a strong partner for the City of Lake Elmo, and indicated that they would be willing to participate in additional conservation work in the Village. The strategies explored include possible grant funding

opportunities conservation through development. Whichever strategy that is ultimately employed for conservation in the Village will most likely include support from the Minnesota Land Trust.

Whistling Valley Closeout. Staff worked with the Engineering Department to close out the development agreement and improvements for the Whistling Valley III development. All improvements have been accepted by the City.

Plotter Equipment Acquisition. Staff researched and purchased a new plotter for the Community Development Department. In addition to more accurate and efficient printing, the equipment includes a large scale scanner, allowing Staff to scan engineering and plan-size sheets. This will be important as the City moves to an electronic record retention program (Laserfiche). In addition, the equipment will be useful as Staff work through the subdivision and development process in the coming years.

Dale-Frandsen Sketch Plan Review – Lennar Homes. At the Planning Commission meeting on December 10, Staff presented a review of a sketch plan submitted by Lennar Homes for the Dale and Frandsen properties in the I-94 Corridor. As part of the review, Staff completed an in-depth review by the Development Review Committee, consisting of members of the Planning, Engineering, Public Works and Fire Departments. This review will serve as the baseline as the applicants proceed towards Preliminary Plat. In addition, presenting the Sketch Plan provided the Planning Commission the opportunity to provide input to the applicants.

Village Area Comprehensive Plan Amendment. Over the course of the year, the Planning Commission reviewed draft land use maps for the Village Area plan, and reviewed a draft plan late in 2012. The Commission is on track to review a final draft and conduct a public hearing on a Comprehensive Plan Amendment for the Village in February of 2013. The plan incorporates a revised open space preservation plan and proposes a general mixed-use district over the central portion of the planning area.

City Code Amendments. In 2012, Staff processed ten (10) City Code Amendments, including the following:

- Outdoor Lighting Ordinance Review
- Illicit Discharge Ordinance
- Sewered Zoning Districts
- Definitions and Use Classifications
- Shoreland Standards – Water Oriented Accessory Structures
- Therapeutic Massage Ordinance
- Planned Unit Development (PUD) Ordinance

Land Use Applications. In 2012, Staff processed nine (9) land use applications, including the following:

- Well Site #4 Minor Subdivision: 11240 50th Street North (Mandrinich & City of Lake Elmo)
- Oakdale Gun Club CUP Amendment: 10386 10th Street North
- Bergmann IUP Review: 11211 60th Street North
- Summit Board Shop Grading Permit: 9242 Hudson Boulevard North (Heinen)
- Therapeutic Massage CUP: 11200 Stillwater Boulevard North (Koen)
- Lennar Homes Subdivision: Sketch Plan Review

Board of Adjustment Actions . Planning Staff processed four (4) variances in 2012:

- Lot Size Variance: 5577 Lake Elmo Avenue North (Weber)
- Septic System Variance: 11194 36th Street North (Christ Lutheran Church)
- Lot Size Variance: 8961 37th Street North (Franzwa)
- Accessory Building Setback Variance: 974 Jasmine Avenue North (Jader)

III. Statistical Information

A. Planning Commission Meetings

1. Regular Meetings: 20
2. Workshop Meetings: 2
3. Public Hearings: 15

B. Planning and Zoning Permits

2012 Planning and Zoning Applications					
Planning Applications	**Approved**	**Denied**	**Pending**	**Amended**	**Total**
Comprehensive Plan Amendments			2		2
Zoning Map Amendments					0
Zoning Text Amendments	7		1		8
City Code Amendments	1		1		2
Conditional Use Permits	2			1	3
Interim Use Permits				1	1
Sketch Plans	1*				1
Concept Plans					0
Preliminary Plats					0
Final Plats					0
Minor Subdivisions	1				1
Lot Line Adjustments	1				1
Variances	3	1			4
Vacations					0
Sign Permits	2				2
Appeals					0
Other					0

*Sketch Plan reviews do not require formal action by the City.

C. Building Permits: 5-Year Summary

Building Permits Issued (by type): 5-Year Summary								
Year	**SF Dwellings - Remodel/Repair**	**Demo**	**Manufactured Homes**	**Mult-Family**	**Commercial/Ind Remodel/Repair**	**New Commercial**	**Single Family**	**Total**
2008	355	12	9	0	31	0	23	430
2009	338	4	12	0	32	0	29	415
2010	265	10	6	0	20	0	26	327
2011	320	2	0	0	24	0	24	370
2012	250	3	8	0	19	0	31	311
Total Units	1278	31	35	0	107	0	133	1853
Average	255.6	6.2	7	0	21.4	0	26.6	370.6

D. Housing Starts: 5-Year Summary

Housing Starts in Lake Elmo: 5-Year Summary					
Year	Single Family	Multi-Family	Manufactured Homes	Dwellings Demolished	Net Increase in Dwelling Units
2008	23	0	18	10	31
2009	29	0	9	4	34
2010	26	0	1	8	19
2011	24	0	0	0	24
2012	29	0	8	3	34
Total Units	131	0	36	25	142
Average	26.2	0	7.2	5	28.4

Respectfully Submitted,

Kyle Klatt
Planning Director

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 02/19/2013
CONSENT
ITEM #: 5
MOTION Consent Agenda

AGENDA ITEM: Approve Disbursements in the Amount of $133,921.69

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 $133,921.69. 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	$ 11,307.94	Payroll Taxes to IRS & MN Dept of Revenue 2/7/2013
ACH	$ 5,632.61	Payroll Retirement to PERA 2/7/13
DD4401 – DD4441	$ 32,003.27	Payroll Dated 2/7/13 (Direct Deposit)
1813-1868	$ 3,420.00	Library Card Reimbursements 2/19/13
39547-39548	$ 1,439.74	Manual Checks 2/8/13
39549	$ 2,094.50	Manual Check 2/15/13
39550	$ 2,634.56	Accounts Payable 2/19/13 (2012 expense)
39551-39594	$ 75,389.07	Accounts Payable 2/19/13 (2013 expense)
TOTAL	**$ 133,921.69**	

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 $133,921.69.

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 February 19th, 2013, Disbursements as

Presented *[and modified]* herein."

ATTACHMENTS:

1. Accounts Payable Dated 2/19/2013

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: CathyB
Printed: 02/08/2013 - 3:29 PM
Batch: 013-12-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
LOANOAK Loan Oak											
11381	02/08/2013	439.74	0.00	02/08/2013	sprinkler repair - Mark Wallace		-			No	0000
419-480-8000-43030	Engineering Services										
	11381 Total:	439.74									
	LOANOAK Total:	439.74									
SCHUWEIL Schuweiler Lew											
171235	02/08/2013	1,000.00	0.00	02/08/2013	zTo reimburse for sprinkler damage		-			No	0000
419-480-8000-43030	Engineering Services										
	171235 Total:	1,000.00									
	SCHUWEIL Total:	1,000.00									
	Report Total:	1,439.74									

Accounts Payable
To Be Paid Proof List

User: CathyB
Printed: 02/15/2013 - 8:09 AM
Batch: 004-02-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
MNDNR MN DNR Eco Waters											
1961-1031	02/15/2013	2,094.50	0.00	02/15/2013	Annual Report of Water Use		-			No	0000
601-494-9400-43820	Water Utility										
	1961-1031 Total:	2,094.50									
	MNDNR Total:	2,094.50									
	Report Total:	2,094.50									

Accounts Payable
To Be Paid Proof List

User: CathyB
Printed: 02/15/2013 - 8:59 AM
Batch: 014-12-2012

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
CTYOAKDA City of Oakdale											
1/31/13	12/31/2012	2,634.56	0.00	02/19/2013	Water Service I-94		-			No	0000
601-494-9400-43820	Water Utility										
	1/31/13 Total:	2,634.56									
	CTYOAKDA Total:	2,634.56									
	Report Total:	2,634.56									

Accounts Payable
To Be Paid Proof List

User: CathyB
Printed: 02/15/2013 - 9:47 AM
Batch: 002-02-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
ADAMBELL Bell Adam											
1006	01/31/2013	250.00	0.00	02/19/2013	Reimbursement FSA Dollars		-			No	0000
101-000-0000-21710	Health HSA										
	1006 Total:	250.00									
	ADAMBELL Total:	250.00									
ALLIED Allied Electrical Cont., Inc.											
3801	01/28/2013	95.00	0.00	02/19/2013	Replace ceiling fan at Stat. 2		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	3801 Total:	95.00									
3822	01/28/2013	74.00	0.00	02/19/2013	Replace Ballast in light		-			No	0000
101-420-2220-44010	Repairs/Maint Bldg										
	3822 Total:	74.00									
	ALLIED Total:	169.00									
ARAM Aramark, Inc.											
629-7671016	01/24/2013	24.78	0.00	02/19/2013	Uniforms		-			No	0000
101-430-3100-44170	Uniforms										
	629-7671016 Total:	24.78									
629-7675765	02/12/2013	24.78	0.00	02/19/2013	Uniforms		-			No	0000
101-430-3100-44170	Uniforms										
	629-7675765 Total:	24.78									
629-7678997	02/04/2013	43.75	0.00	02/19/2013	City Hall - Floor Mats & Linen Services		-			No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
	629-7678997 Total:	43.75									
629-7678998	02/04/2013	36.25	0.00	02/19/2013	City Hall - Floor Mats & Linen		-			No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
	629-7678998 Total:	36.25									
	ARAM Total:	129.56									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
ASPENMI Aspen Mills, Inc.											
131160	01/30/2013	42.50	0.00	02/19/2013	Probie Uniforms		-			No	0000
101-420-2220-44170	Uniforms										
131160	01/30/2013	84.50	0.00	02/19/2013	Probie Medic Boots		-			No	0000
101-420-2220-42080	EMS Supplies										
	131160 Total:	127.00									
131161	01/30/2013	19.24	0.00	02/19/2013	Uniform patches		-			No	0000
101-420-2220-44170	Uniforms										
131161	01/30/2013	84.50	0.00	02/19/2013	Medic Boots, Winkels		-			No	0000
101-420-2220-42080	EMS Supplies										
	131161 Total:	103.74									
	ASPENMI Total:	230.74									
BECKER Becker Fire and Safety, LLC											
790	02/08/2013	314.27	0.00	02/19/2013	Fire Extinguisher Installation		-			No	0000
206-450-5300-44040	Repairs/Maint Eqpt										
	790 Total:	314.27									
	BECKER Total:	314.27									
BERTELSO Bertelson's											
WO-827530-1	01/23/2013	167.54	0.00	02/19/2013	Admin		-			No	0000
101-410-1320-42000	Office Supplies										
WO-827530-1	01/23/2013	112.40	0.00	02/19/2013	Planning		-			No	0000
101-410-1910-42000	Office Supplies										
WO-827530-1	01/23/2013	47.86	0.00	02/19/2013	Comm		-			No	0000
101-410-1450-42000	Office Supplies										
	WO-827530-1 Total:	327.80									
wo-828278-2	01/28/2013	67.32	0.00	02/19/2013	Admin-Toilet Paper		-			No	0000
101-410-1320-42000	Office Supplies										
	wo-828278-2 Total:	67.32									
WO-829065-1	01/30/2013	68.38	0.00	02/19/2013	Admin-Copy Paper		-			No	0000
101-410-1320-42000	Office Supplies										
	WO-829065-1 Total:	68.38									
	BERTELSO Total:	463.50									
BLUECROS Blue Cross/Blue Shield											
2/11/13	02/11/2013	21,897.00	0.00	02/19/2013	March 2013 Premiums		-			No	0000
101-000-0000-21706	Medical Insurance										
	2/11/13 Total:	21,897.00									
	BLUECROS Total:	21,897.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
BOYER Boyer Trucks											
711906	01/31/2013	42.00	0.00	02/19/2013	Spring Bracket		-			No	0000
101-430-3125-44040	Repairs/Maint Eqpt										
	711906 Total:	42.00									
711937	01/31/2013	96.19	0.00	02/19/2013	Back Up Alarm		-			No	0000
101-430-3125-44040	Repairs/Maint Eqpt										
	711937 Total:	96.19									
	BOYER Total:	138.19									
C A C Companion Animal Control, LLC											
2	01/02/2013	500.00	0.00	02/19/2013	Animal Control Services - Jan		-			No	0000
101-420-2700-43150	Contract Services										
2	01/02/2013	30.00	0.00	02/19/2013	Dog Pick-Up/Inpoundment		-			No	0000
101-420-2700-43160	Impounding										
	2 Total:	530.00									
	C A C Total:	530.00									
CENCOLLE Century College											
493572	02/11/2013	385.00	0.00	02/19/2013	Bldg. Const. - Witter		-			No	0000
101-420-2220-44370	Conferences & Training										
	493572 Total:	385.00									
	CENCOLLE Total:	385.00									
COMCAST Comcast											
1/27	01/27/2013	7.92	0.00	02/19/2013	Monthly Service		-			No	0000
101-420-2220-44300	Miscellaneous										
	1/27 Total:	7.92									
	COMCAST Total:	7.92									
CONLEYMO Conley Morgan											
1/30	01/30/2013	55.00	0.00	02/19/2013	Cable Operation - 1/30 workshop		-			No	0000
101-410-1450-43620	Cable Operations										
	1/30 Total:	55.00									
	CONLEYMO Total:	55.00									
CTYOAKDA City of Oakdale											
2/13/13	02/14/2013	2,654.73	0.00	02/19/2013	Water Service I-94		-			No	0000
601-494-9400-43820	Water Utility										
	2/13/13 Total:	2,654.73									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	CTYOAKDA Total:	2,654.73									
CTYROSEV City of Roseville											
217170	02/01/2013	2,714.17	0.00	02/19/2013	Monthly IT - Feb		-			No	0000
101-410-1450-43180	Information Technology/Web										
	217170 Total:	2,714.17									
	CTYROSEV Total:	2,714.17									
DADSPLUM Dad's Plumbing LLC											
244032	02/12/2013	94.00	0.00	02/19/2013	Repair leaking drain		-			No	0000
206-450-5300-43840	Refuse										
	244032 Total:	94.00									
	DADSPLUM Total:	94.00									
DAMON Damon Farbar Associates											
23359	01/28/2013	2,392.50	0.00	02/19/2013	Lake Elmo Themeing Project (Dec - Jan)		-			No	0000
101-410-1910-43150	Contract Services										
	23359 Total:	2,392.50									
	DAMON Total:	2,392.50									
EMERGAPP Emergency Apparatus Maint. INC											
66072	01/23/2013	223.97	0.00	02/19/2013	E1 Safety Inspection		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	66072 Total:	223.97									
66073	01/23/2013	223.97	0.00	02/19/2013	E2 Safety Inspection		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	66073 Total:	223.97									
66074	01/23/2013	223.97	0.00	02/19/2013	T1 Safety Inspection		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	66074 Total:	223.97									
66075	01/23/2013	223.97	0.00	02/19/2013	T2 Safety Inspection		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	66075 Total:	223.97									
66076	01/23/2013	223.97	0.00	02/19/2013	L1 Safety Inspection		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	66076 Total:	223.97									
	EMERGAPP Total:	1,119.85									
ENVENTIS Enventis											
738507	02/01/2013	53.89	0.00	02/19/2013	Telephone/data Service-city hall Feb 201		-			No	0000
101-410-1940-43210	Telephone										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	738507 Total:	53.89									
	ENVENTIS Total:	53.89									
EQUINOX Equinox Software											
3103	02/27/2013	3,100.00	0.00	02/19/2013	Library Software		-			No	0000
206-450-5300-42185	Software										
	3103 Total:	3,100.00									
	EQUINOX Total:	3,100.00									
FIORILLO Fiorillo Megan											
2/5	02/05/2013	55.00	0.00	02/19/2013	Cable Operations 2/5 CC Meeting		-			No	0000
101-410-1450-43620	Cable Operations										
	2/5 Total:	55.00									
	FIORILLO Total:	55.00									
GOPHER Gopher State One-Call											
61789	01/31/2013	67.00	0.00	02/19/2013	FTP Tickets & voice		-			No	0000
101-430-3100-43150	Contract Services										
	61789 Total:	67.00									
	GOPHER Total:	67.00									
INTERSTA Interstate All Battery Ctr											
51193	02/02/2013	42.70	0.00	02/19/2013	Batteries for City Hall		-			No	0000
101-410-1320-42000	Office Supplies										
	51193 Total:	42.70									
	INTERSTA Total:	42.70									
JOHNSON& Johnson & Turner Attorneys											
27238	02/01/2013	454.50	0.00	02/19/2013	3M Legal Services		-			No	0000
601-494-9400-43040	Legal Services										
	27238 Total:	454.50									
27239	02/01/2013	462.50	0.00	02/19/2013	detachment petition - Legal Services		-			No	0000
101-410-1320-43040	Legal Services										
	27239 Total:	462.50									
27356	02/01/2013	4,250.00	0.00	02/19/2013	Prosecution - Legal Services		-			No	0000
101-420-2150-43045	Attorney Criminal										
	27356 Total:	4,250.00									
27558,27267	02/01/2013	4,479.00	0.00	02/19/2013	Civil - Legal Services		-			No	0000
101-410-1320-43040	Legal Services										
	27558,27267 Total:	4,479.00									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	JOHNSON& Total:	9,646.00									
LEOIL Lake Elmo Oil, Inc.											
1415, 290294	01/31/2013	84.05	0.00	02/19/2013	Fuel		-			No	0000
101-430-3120-42120	Fuel, Oil and Fluids										
	1415, 290294 Total:	84.05									
303709	02/12/2013	266.75	0.00	02/19/2013	Fuel		-			No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
	303709 Total:	266.75									
350892	02/11/2013	54.68	0.00	02/19/2013	Fuel		-			No	0000
101-420-2400-42120	Fuel, Oil and Fluids										
	350892 Total:	54.68									
	LEOIL Total:	405.48									
MACLEOD MacLeod Alyssa											
2/11/13	02/11/2013	56.50	0.00	02/19/2013	Mileage Reimbursement-LMC Confrence		-			No	0000
101-410-1450-43310	Mileage										
	2/11/13 Total:	56.50									
	MACLEOD Total:	56.50									
MILLEREX Miller Excavating, Inc.											
16897	01/31/2013	7,015.79	0.00	02/19/2013	3 ea. Water Main excavation & Materials		-			No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs										
	16897 Total:	7,015.79									
	MILLEREX Total:	7,015.79									
MURRYREN Murry Renee											
2/2/13	02/02/2013	187.21	0.00	02/19/2013	Books for Collection		-			No	0000
206-450-5300-42500	Library Collection Maintenance										
	2/2/13 Total:	187.21									
	MURRYREN Total:	187.21									
NAPA NAPA Auto Parts											
736894	01/14/2013	45.77	0.00	02/19/2013	Vehicle Fluids		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	736894 Total:	45.77									
	NAPA Total:	45.77									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
NFPA NFPA											
5735948x	02/05/2013	1,295.00	0.00	02/19/2013	NFPA Code Annual renewal		-			No	0000
101-420-2220-44330	Dues & Subscriptions										
	5735948x Total:	1,295.00									
	NFPA Total:	1,295.00									
NORTHTOO Blue Tarp Financial											
27758505	01/25/2013	329.80	0.00	02/19/2013	Snow Plow Lights		-			No	0000
101-430-3125-44040	Repairs/Maint Eqpt										
	27758505 Total:	329.80									
563054844	01/25/2013	55.66	0.00	02/19/2013	Plow Cart Wheel		-			No	0000
101-430-3125-44040	Repairs/Maint Eqpt										
	563054844 Total:	55.66									
	NORTHTOO Total:	385.46									
PERFORMA Performance Plus LLC											
3457	02/12/2013	25.00	0.00	02/19/2013	Annual FIT testing		-			No	0000
101-420-2220-44370	Conferences & Training										
	3457 Total:	25.00									
	PERFORMA Total:	25.00									
PRAXAIR Praxair Distribution Inc.											
45204382	01/25/2013	199.23	0.00	02/19/2013	Welding Gas		-			No	0000
101-430-3100-42150	Shop Materials										
	45204382 Total:	199.23									
	PRAXAIR Total:	199.23									
REEDKATR Reed Katrina											
feb19-13	02/15/2013	96.00	0.00	02/19/2013	Daycare Expense Reimbursement		-			No	0000
101-000-0000-21710	Health HSA										
	feb19-13 Total:	96.00									
	REEDKATR Total:	96.00									
RIVRCOOP River Country Cooperative											
1/31	01/31/2013	231.59	0.00	02/19/2013	Fuel		-			No	0000
101-420-2220-42120	Fuel, Oil and Fluids										
	1/31 Total:	231.59									
	RIVRCOOP Total:	231.59									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
SAMSCLUB Sam's Club											
1444	02/12/2013	63.59	0.00	02/19/2013	Rehab Supplies, Water, Coffee, Cups, Bag		-			No	0000
101-420-2220-44300	Miscellaneous										
1444	02/12/2013	47.92	0.00	02/19/2013	Coffee		-			No	0000
101-410-1940-44300	Miscellaneous										
1444	02/12/2013	11.94	0.00	02/19/2013	Water for city hall		-			No	0000
101-410-1320-44300	Miscellaneous										
	1444 Total:	123.45									
999999	02/13/2013	35.00	0.00	02/19/2013	Michael Cornell Renewal Fee		-			No	0000
101-420-2220-44300	Miscellaneous										
999999	02/13/2013	35.00	0.00	02/19/2013	Michael Bouthilet Renewal Fee		-			No	0000
101-430-3100-44300	Miscellaneous										
	999999 Total:	70.00									
	SAMSCLUB Total:	193.45									
SCHLOMKA Schlomka											
14018	01/03/2013	225.00	0.00	02/19/2013	Pump Holding Tanks PW		-			No	0000
101-430-3100-44010	Repairs/Maint Bldg										
	14018 Total:	225.00									
	SCHLOMKA Total:	225.00									
TOWNCTRY Town & Country Cleaning Co											
213 304	02/01/2013	245.81	0.00	02/19/2013	Jan Janitorial Services		-			No	0000
101-410-1940-44010	Repairs/Maint Contractual Bldg										
	213 304 Total:	245.81									
213344	02/12/2013	187.47	0.00	02/19/2013	Janitorial Services		-			No	0000
206-450-5300-44010	Repairs/Maint Bldg										
	213344 Total:	187.47									
	TOWNCTRY Total:	433.28									
VANGADOR Vang Adora											
CO	02/11/2013	55.00	0.00	02/19/2013	Cable Operations - 2/11/13 PC Meeting		-			No	0000
101-410-1450-43620	Cable Operations										
	CO Total:	55.00									
	VANGADOR Total:	55.00									
VISALE40 Visa											
2/14/13	02/01/2013	39.31	0.00	02/19/2013	Council Workshop food		-			No	0000
101-410-1320-44300	Miscellaneous										
2/14/13	02/01/2013	22.17	0.00	02/19/2013	Lunch Meeting		-			No	0000
101-410-1320-44300	Miscellaneous										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
2/14/13	02/01/2013	6.00	0.00	02/19/2013	Parking/Met Council		-			No	0000
101-410-1320-44300	Miscellaneous										
2/14/13	02/01/2013	1,217.95	0.00	02/19/2013	Camcorder for the City		-			No	0000
101-410-1450-43180	Information Technology/Web										
2/14/13	02/01/2013	332.73	0.00	02/19/2013	Computer Accessories - Fire Dept		-			No	0000
101-420-2220-44040	Repairs/Maint Eqpt										
	2/14/13 Total:	1,618.16									
	VISALE40 Total:	1,618.16									
WEIR D Weir Dick											
538755	02/04/2013	160.00	0.00	02/19/2013	Snow Removal		-			No	0000
206-450-5300-43150	Contract Services										
	538755 Total:	160.00									
	WEIR D Total:	160.00									
WITTER Witter Nicholas											
2/5	02/15/2013	71.19	0.00	02/19/2013	Nick Witter, Mileage to officer training		-			No	0000
101-420-2220-44370	Conferences & Training										
	2/5 Total:	71.19									
	WITTER Total:	71.19									
WSD WS&D Permit Service Inc											
7090	02/01/2013	50.00	0.00	02/19/2013	Contractor License Error- Not Needed		-			No	0000
101-000-0000-32181	General Contractor License										
	7090 Total:	50.00									
	WSD Total:	50.00									
XCEL Xcel Energy											
51-0117417-0	02/25/2013	32.09	0.00	02/19/2013	Welcome Sign		-			No	0000
101-430-3160-43810	Street Lighting										
	51-0117417-0 Total:	32.09									
51-0630620-5	02/25/2013	852.77	0.00	02/19/2013	Library		-			No	0000
206-450-5300-43810	Electric Utility										
	51-0630620-5 Total:	852.77									
51-4504807-7	02/25/2013	207.38	0.00	02/19/2013	Lights ats Legion Park		-			No	0000
101-450-5200-43810	Electric Utility										
51-4504807-7	02/25/2013	83.77	0.00	02/19/2013	Lift Station		-			No	0000
602-495-9450-43810	Electric Utility										
51-4504807-7	02/25/2013	34.78	0.00	02/19/2013	Traffic Lights		-			No	0000
101-430-3160-43810	Street Lighting										
	51-4504807-7 Total:	325.93									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
51-4576456-3	02/25/2013	1,225.45	0.00	02/19/2013	Fire Station 2		-			No	0000
101-420-2220-43810	Electric Utility										
	51-4576456-3 Total:	1,225.45									
51-4580376-5	02/25/2013	448.39	0.00	02/19/2013	City Hall		-			No	0000
101-410-1940-43810	Electric Utility										
51-4580376-5	02/25/2013	31.55	0.00	02/19/2013	Traffic Lights		-			No	0000
101-430-3160-43810	Street Lighting										
51-4580376-5	02/25/2013	996.10	0.00	02/19/2013	City Hall		-			No	0000
101-410-1940-43810	Electric Utility										
	51-4580376-5 Total:	1,476.04									
51-4733556-8	02/25/2013	10.99	0.00	02/19/2013	Tennis Courts		-			No	0000
101-450-5200-43810	Electric Utility										
	51-4733556-8 Total:	10.99									
51-5044219-0	02/25/2013	391.29	0.00	02/19/2013	Parks Building		-			No	0000
101-450-5200-43810	Electric Utility										
	51-5044219-0 Total:	391.29									
51-5275289-3	02/25/2013	24.37	0.00	02/19/2013	Pebble Park		-			No	0000
101-450-5200-43810	Electric Utility										
	51-5275289-3 Total:	24.37									
51-5356323-8	02/25/2013	2,182.06	0.00	02/19/2013	Wells 1 and 2		-			No	0000
601-494-9400-43810	Electric Utility										
	51-5356323-8 Total:	2,182.06									
51-5522332-2	02/25/2013	49.90	0.00	02/19/2013	Traffic Lights		-			No	0000
101-430-3160-43810	Street Lighting										
	51-5522332-2 Total:	49.90									
51-5747685-4	02/25/2013	162.81	0.00	02/19/2013	Arts Center		-			No	0000
101-450-5200-43810	Electric Utility										
	51-5747685-4 Total:	162.81									
51-5916043-7	02/25/2013	21.00	0.00	02/19/2013	Lift Station		-			No	0000
602-495-9450-43810	Electric Utility										
	51-5916043-7 Total:	21.00									
51-6433976-2	02/25/2013	653.57	0.00	02/19/2013	Fire Station 1		-			No	0000
101-420-2220-43810	Electric Utility										
	51-6433976-2 Total:	653.57									
51-6625457-1	02/25/2013	435.48	0.00	02/19/2013	Legion Park		-			No	0000
101-450-5200-43810	Electric Utility										
	51-6625457-1 Total:	435.48									
51-6736544-2	02/25/2013	2,118.32	0.00	02/19/2013	Street Light		-			No	0000
101-430-3160-43810	Street Lighting										
	51-6736544-2 Total:	2,118.32									
51-6928283-3	02/25/2013	29.59	0.00	02/19/2013	Traffic Lights Manning & Stillwater		-			No	0000
101-430-3160-43810	Street Lighting										
	51-6928283-3 Total:	29.59									
51-7538112-1	02/25/2013	3,195.32	0.00	02/19/2013	Public Works		-			No	0000
101-430-3100-43810	Electric Utility										

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close	POLine #
	51-7538112-1 Total:	3,195.32									
51-8126093-5	02/25/2013	174.37	0.00	02/19/2013	Water Tower 2		-			No	0000
601-494-9400-43810	Electric Utility										
	51-8126093-5 Total:	174.37									
51-8711719-3	02/25/2013	12.34	0.00	02/19/2013	Speed Sign Hwy 5		-			No	0000
101-430-3160-43810	Street Lighting										
	51-8711719-3 Total:	12.34									
	XCEL Total:	13,373.69									
ZIERTMAN Joan Ziertman											
1/13	02/05/2013	551.25	0.00	02/19/2013	Jan Clerical Services		-			No	0000
601-494-9400-43150	Contract Services										
1/13	02/05/2013	137.81	0.00	02/19/2013	Jan Clerical Services		-			No	0000
602-495-9450-43150	Contract Services										
1/13	02/05/2013	1,378.13	0.00	02/19/2013	Jan Clerical Services		-			No	0000
603-496-9500-43150	Contract Services										
1/13	02/05/2013	689.06	0.00	02/19/2013	Jan Clerical Services		-			No	0000
101-410-1520-43150	Contract Services										
	1/13 Total:	2,756.25									
	ZIERTMAN Total:	2,756.25									
	Report Total:	75,389.07									

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: February 19, 2013
CONSENT
ITEM #: 6
MOTION

AGENDA ITEM: January 2013 Financial Reporting

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Dean Zuleger, City Administrator

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, The City Council is asked to accept the January 2013 Financial Reporting Packet. 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 operations and report the financial (unaudited) statement to the City Council. City guidelines suggest the Council be updated on a regular basis.

STAFF REPORT: Attached please find a report for January reflecting the monthly detail supporting the year to date actual results and comparing those results to the 2013 Budget.

The most significant variances are highlighted below:

Revenues:

- Building Permit revenue for the month exceeded budget by 78%. As mentioned in previous months, the growth trend has continued.
- The MSA maintenance fee reimbursement was budgeted to be received in January but it is anticipated to actually be received in February.
- Plan review fees continue to be strong with the new housing increased activity and are 52% above budget for the month.

Expenses:

All departments are below budget for the month as all Departments continue to be cost conscious. A few key items to note:

- Some recurring expense items show zero for January which stands out. This is a result of moving the expense back to December for December expenses paid in January.

- Unemployment Benefits and Workers Compensation are expensed as those benefits are paid out to claimants. However, in compiling the budget, amounts were included for each in January as a placeholder.

- The annual accounting software maintenance expense (Springbrook) was paid for in January but was budgeted for in March based on when it was paid in 2012.

- The Part-time fire department numbers include the 2012 incentive pay of approximately $8,400.

- The small tools and equipment account includes $9,048 which will be 100% reimbursed by WA County grant monies for the purchase of laptop equipment for the fire vehicles.

- Please note that the salary expenses are based on more accurate departmental allocations than we had back in August when the budget was initially compiled. As a result, some departments are above budget (ie administration), while others are under but overall, personnel expenses are below budget.

RECOMMENDATION: It is recommended that the City Council receive the January monthly Financial Reporting Packet *as part of tonight's Consent Agenda.*

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

ATTACHMENTS:

1. January Financial Reports

City of Lake Elmo
Budget to Actual
2013 By Month
As of January 31, 2013
101-General Fund Detail

REVENUE	BUDGET	Jan	YTD	% of Budget	Over/ (Under)	
Current Ad Valorem Taxes	0.00	0.00	0.00	0.00%	0.00	
Mobile Home Tax	0.00	0.00	0.00	0.00%	0.00	
Liquor License	0.00	0.00	0.00	0.00%	0.00	
Wastehauler License	0.00	0.00	0.00	0.00%	0.00	
General Contractor License	1,340.00	1,100.00	1,100.00	82.09%	(240.00)	
Heating Contractor License	0.00	0.00	0.00	0.00%	0.00	
Blacktopping Contractor License	0.00	0.00	0.00	0.00%	0.00	
Building Permits	6,000.00	10,713.61	10,713.61	178.56%	4,713.61	
Heating Permits	1,200.00	480.00	480.00	40.00%	(720.00)	
Plumbing Permitss	500.00	840.00	840.00	168.00%	340.00	
Sewer Permits	0.00	0.00	0.00	0.00%	0.00	
Animal License	660.00	700.00	700.00	106.06%	40.00	
Utility Permits	600.00	0.00	0.00	0.00%	(600.00)	
Burning Permits	200.00	205.00	205.00	102.50%	5.00	
MSA-Maintenance	43,789.00	0.00	0.00	0.00%	(43,789.00)	Budgeted Jan; sb rec'd Feb
State Fire Aid	0.00	0.00	0.00	0.00%	0.00	
PERA Aid	0.00	0.00	0.00	0.00%	0.00	
Gravel Tax	0.00	0.00	0.00	0.00%	0.00	
Recycling Grant	0.00	0.00	0.00	0.00%	0.00	
Cable Franchise Revenue	0.00	0.00	0.00	0.00%	0.00	
Zoning and Subdivision Fees	1,000.00	0.00	0.00	0.00%	(1,000.00)	
Plan Check Fees	4,000.00	6,109.01	6,109.01	152.73%	2,109.01	
Copies, books, maps	3.00	18.50	18.50	616.67%	15.50	
Assessment Searches	15.00	105.00	105.00	700.00%	90.00	
Clean up Days	0.00	0.00	0.00	0.00%	0.00	
Cable Optn Reimbursement	47.50	0.00	0.00	0.00%	(47.50)	
Fines	5,000.00	3,334.94	3,334.94	66.70%	(1,665.06)	
Misc Revenue	1,500.00	0.00	0.00	0.00%	(1,500.00)	
Internal Charges	50.00	176.00	176.00	352.00%	126.00	
Interest Earnings	0.00	0.00	0.00	0.00%	0.00	
Donations	0.00	0.00	0.00	0.00%	0.00	
Total Revenues	65,904.50	23,782.06	23,782.06	36.09%	(42,122.44)	
EXPENSE BY DEPT						
410-General Government	59,305.41	50,664.27	50,664.27	85.43%	8,641.14	
420-Public Safety	63,933.92	46,908.86	46,908.86	73.37%	17,025.06	
430-Public Works	35,394.86	16,765.12	16,765.12	47.37%	18,629.74	
450-Culture Recreation	17,784.86	12,582.47	12,582.47	70.75%	5,202.39	
460-Compensation Adj	0.00	0.00	0.00	0.00%	0.00	
493-Other Financing Uses	0.00	0.00	0.00	0.00%	0.00	
Total Expenses	176,419.05	126,920.72	126,920.72	71.94%	49,498.33	
Net	(110,514.55)	(103,138.66)	(103,138.66)	NA	7,375.89	

City of Lake Elmo
Budget to Actual
2013 By Month
As of January 31, 2013
101-General Fund Detail
By Department

DEPT 410 - GEN'L GOV'T

	BUDGET	Jan	YTD	% of Budget	Over/ (Under)
1110 - Mayor & Council					
PT Salaries	0.00	0.00	0.00	0.00%	0.00
FICA Contributions	0.00	0.00	0.00	0.00%	0.00
Medicare Contributions	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	0.00	0.00	0.00	0.00%	0.00
Mileage	0.00	0.00	0.00	0.00%	0.00
Miscellaneous	0.00	0.00	0.00	0.00%	0.00
Dues & Subscriptions	3,391.00	0.00	0.00	0.00%	(3,391.00)
Conferences & Training	191.00	598.00	598.00	313.09%	407.00
Total Mayor & Council	**3,582.00**	**598.00**	**598.00**	**16.69%**	**(2,984.00)**
1320 - Administration					
FT Salaries	9,446.62	16,166.00	16,166.00	171.13%	6,719.38
PERA Contributions	684.85	1,172.03	1,172.03	171.14%	487.18
ICMA Contributions	0.00	0.00	0.00	0.00%	0.00
FICA Contributions	572.97	940.78	940.78	164.19%	367.81
Medicare Contributions	134.01	220.03	220.03	164.19%	86.02
Health/Dental Insurance	3,127.00	2,611.00	2,611.00	83.50%	(516.00)
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	1,396.00	0.00	0.00	0.00%	(1,396.00)
Office Supplies	595.59	127.80	127.80	21.46%	(467.79)
Printed Forms	0.00	0.00	0.00	0.00%	0.00
Legal Services	4,000.00	0.00	0.00	0.00%	(4,000.00)
Newsletter/Website	0.00	0.00	0.00	0.00%	0.00
Assessing Services	2,000.00	0.00	0.00	0.00%	(2,000.00)
Contract Services	0.00	0.00	0.00	0.00%	0.00
Postage	300.00	499.10	499.10	166.37%	199.10
Mileage	150.00	0.00	0.00	0.00%	(150.00)
Legal Publishing	0.00	299.25	299.25	0.00%	299.25
Insurance	400.00	253.00	253.00	63.25%	(147.00)
Cable Operation Expense	0.00	0.00	0.00	0.00%	0.00
Miscellaneous	100.00	0.00	0.00	0.00%	(100.00)
Dues & Subscriptions	100.00	225.00	225.00	225.00%	125.00
Books	0.00	0.00	0.00	0.00%	0.00
Conferences & Training	0.00	360.00	360.00	0.00%	360.00
Staff Development	0.00	0.00	0.00	0.00%	0.00
Total Administration	**23,007.04**	**22,873.99**	**22,873.99**	**99.42%**	**(133.05)**
1410 - Elections					
PT Salaries	0.00	0.00	0.00	0.00%	0.00
Office Supplies	0.00	0.00	0.00	0.00%	0.00
Printed Forms	0.00	0.00	0.00	0.00%	0.00
Miscellaneious	0.00	0.00	0.00	0.00%	0.00
Total Elections	**0.00**	**0.00**	**0.00**	**0.00%**	**0.00**
1450 - Communications					
FT Salaries	2,916.67	999.60	999.60	34.27%	(1,917.07)
PERA Contributions	211.46	72.47	72.47	34.27%	(138.99)
FICA Contributions	180.83	60.16	60.16	33.27%	(120.67)
Medicare Contributions	42.29	14.07	14.07	33.27%	(28.22)
Health/Dental Insurance	0.00	272.00	272.00	0.00%	272.00
Workers Compensation	56.00	0.00	0.00	0.00%	(56.00)
Newsletter	0.00	0.00	0.00	0.00%	0.00
Info Technology/Web	2,000.00	1,652.08	1,652.08	82.60%	(347.92)
Telephone	250.00	0.00	0.00	0.00%	(250.00)
Public Notices	200.00	499.84	499.84	249.92%	299.84
Cable Operations	275.00	55.00	55.00	0.00%	(220.00)
Repair/Maint Equipment	0.00	0.00	0.00	0.00%	0.00
Total Communications	**6,132.25**	**3,625.22**	**3,625.22**	**59.12%**	**(2,507.03)**

1520 - Finance						
FT Salaries	4,576.40	5,010.48	5,010.48	109.49%	434.08	
PERA Contributions	331.79	363.26	363.26	109.48%	31.47	
FICA Contributions	283.74	297.87	297.87	104.98%	14.13	
Medicare Contributions	66.36	69.67	69.67	104.99%	3.31	
Health/Dental Insurance	718.02	1,088.00	1,088.00	0.00%	369.98	
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	
Workers Compensation	0.00	0.00	0.00	0.00%	0.00	
Office Supplies	0.00	0.00	0.00	0.00%	0.00	
Printed Forms	0.00	0.00	0.00	0.00%	0.00	
Audit Services	0.00	0.00	0.00	0.00%	0.00	
Contract Services	0.00	4,878.96	4,878.96	0.00%	4,878.96	Springbrook software; budgeted $5k in March
Software Programs	0.00	0.00	0.00	0.00%	0.00	
Mileage	0.00	0.00	0.00	0.00%	0.00	
Miscellaneous	0.00	0.00	0.00	0.00%	0.00	
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	
Conferences & Training	0.00	0.00	0.00	0.00%	0.00	
Total Finance	**5,976.31**	**11,708.24**	**11,708.24**	**195.91%**	**5,731.93**	
1910 - Planning & Zoning						
FT Salaries	8,278.95	8,126.80	8,126.80	98.16%	(152.15)	
PERA Contributions	600.22	589.19	589.19	98.16%	(11.03)	
FICA Contributions	513.29	483.22	483.22	94.14%	(30.07)	
Medicare Contributions	120.04	113.01	113.01	94.14%	(7.03)	
Health/Dental Insurance	886.50	1,656.00	1,656.00	186.80%	769.50	
Workers Compensation	500.00	0.00	0.00	0.00%	(500.00)	
Office Supplies	50.00	226.10	226.10	452.20%	176.10	
Printed Forms	0.00	0.00	0.00	0.00%	0.00	
Engineering Services	1,500.00	0.00	0.00	0.00%	(1,500.00)	
Contract Services	0.00	0.00	0.00	0.00%	0.00	
Mileage	30.00	0.00	0.00	0.00%	(30.00)	
Miscellaneous	20.00	0.00	0.00	0.00%	(20.00)	
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	
Books	0.00	0.00	0.00	0.00%	0.00	
Conferences & Training	0.00	0.00	0.00	0.00%	0.00	
Total Planning & Zoning	**12,499.00**	**11,194.32**	**11,194.32**	**89.56%**	**(1,304.68)**	
1930 - Engineering Services						
Engineering Services	5,000.00	0.00	0.00	0.00%	(5,000.00)	
Total Planning & Zoning	**5,000.00**	**0.00**	**0.00**	**0.00%**	**(7,409.08)**	
1940 - City Hall						
Cleaning Supplies	50.00	0.00	0.00	0.00%	(50.00)	
Building Repair Supplies	75.00	0.00	0.00	0.00%	(75.00)	
Telephone	800.00	53.99	53.99	6.75%	(746.01)	
Electric Utility	900.00	0.00	0.00	0.00%	(900.00)	
Refuse	108.32	0.00	0.00	0.00%	(108.32)	
Repairs/Maint Contractual Bldg	700.00	610.51	610.51	87.22%	(89.49)	
Repairs/Maint Contractual Equip	400.00	0.00	0.00	0.00%	(400.00)	
Miscellaneous	75.00	0.00	0.00	0.00%	(75.00)	
Total Planning & Zoning	**3,108.32**	**664.50**	**664.50**	**21.38%**	**(2,443.82)**	
Total General Government	**59,304.92**	**50,664.27**	**50,664.27**	**85.43%**	**(11,049.73)**	
DEPT 420 - PUBLIC SAFETY						
2100 - Police						
Law Enforcement Contract	0.00	0.00	0.00	0.00%	0.00	
Total Planning & Zoning	**0.00**	**0.00**	**0.00**	**0.00%**	**0.00**	
2150 - Prosecution						
Attorney Criminal	4,250.00	0.00	0.00	0.00%	(4,250.00)	
Total Planning & Zoning	**4,250.00**	**0.00**	**0.00**	**0.00%**	**(4,250.00)**	

2220 - Fire						
FT Salaries	6,000.00	5,188.00	5,188.00	86.47%	(812.00)	
PT Salaries	10,000.00	19,501.22	19,501.22	195.01%	9,501.22	
PERA Contributions	1,160.00	873.05	873.05	75.26%	(286.95)	
FICA Contributions	992.00	1,141.45	1,141.45	115.07%	149.45	
Medicare Contributions	232.00	352.36	352.36	151.88%	120.36	
Health/Dental Insurance	1,276.70	1,142.00	1,142.00	89.45%	(134.70)	
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	
Workers Compensation	10,130.00	0.00	0.00	0.00%	(10,130.00)	
Office Supplies	0.00	0.00	0.00	0.00%	0.00	
Printed Forms	0.00	0.00	0.00	0.00%	0.00	
EMS Supplies	0.00	0.00	0.00	0.00%	0.00	
Fire Prevention	0.00	0.00	0.00	0.00%	0.00	
Fuel, Oil & Fluids	1,122.00	0.00	0.00	0.00%	(1,122.00)	
Small Tools & Equip	2,000.00	9,048.09	9,048.09	452.40%	7,048.09	To be reimb 100% by WA Cty
Physicals	300.00	0.00	0.00	0.00%	(300.00)	Grant monies
Telephone	250.00	0.00	0.00	0.00%	(250.00)	
Radio	0.00	0.00	0.00	0.00%	0.00	
Mileage	0.00	0.00	0.00	0.00%	0.00	
Vehicle Insurance	0.00	0.00	0.00	0.00%	0.00	
Electric Utility	900.00	0.00	0.00	0.00%	(900.00)	
Refuse	47.68	0.00	0.00	0.00%	(47.68)	
Repair/Maint Bldg	376.30	0.00	0.00	0.00%	(376.30)	
Repair/Maint Equip	7,381.00	0.00	0.00	0.00%	(7,381.00)	
Uniforms	150.00	0.00	0.00	0.00%	(150.00)	
Miscellaneous	75.00	0.00	0.00	0.00%	(75.00)	
Dues & Subscriptions	300.00	636.00	636.00	212.00%	336.00	
Books	0.00	0.00	0.00	0.00%	0.00	
Conferences & Training	7,900.00	145.00	145.00	1.84%	(7,755.00)	
Total Fire	**50,592.68**	**38,027.17**	**38,027.17**	**75.16%**	**(12,565.51)**	
2250 - Fire Relief						
Fire State Aid	0.00	0.00	0.00	0.00%	0.00	
Total Fire Relief	**0.00**	**0.00**	**0.00**	**#DIV/0!**	**0.00**	
2400 - Building Inspection						
FT Salaries	5,747.36	6,205.20	6,205.20	107.97%	457.84	
PERA Contributions	251.11	449.89	449.89	179.16%	198.78	
FICA Contributions	208.51	361.64	361.64	173.44%	153.13	
Medicare Contributions	48.77	84.58	84.58	173.43%	35.81	
Health/Dental Insurance	767.49	1,414.00	1,414.00	184.24%	646.51	
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	
Workers Compensation	1,000.00	0.00	0.00	0.00%	(1,000.00)	
Office Supplies	0.00	0.00	0.00	0.00%	0.00	
Printed Forms	0.00	0.00	0.00	0.00%	0.00	
Engineering	500.00	0.00	0.00	0.00%	(500.00)	
Surcharge Pmts	0.00	0.00	0.00	0.00%	0.00	
Inspector Contract Services	0.00	0.00	0.00	0.00%	0.00	
Telephone	18.00	0.00	0.00	0.00%	(18.00)	
Mileage	0.00	0.00	0.00	0.00%	0.00	
Insurance	0.00	0.00	0.00	0.00%	0.00	
Repairs/Maint Equip	0.00	0.00	0.00	0.00%	0.00	
Miscellaneous	0.00	86.38	86.38	0.00%	86.38	
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	
Books	0.00	0.00	0.00	0.00%	0.00	
Conferences & Training	0.00	280.00	280.00	0.00%	280.00	
Total Building Inspections	**8,541.24**	**8,881.69**	**8,881.69**	**103.99%**	**340.45**	
2500 - Emergency Communications						
Contract Services	0.00	0.00	0.00	0.00%	0.00	
Total Emergency Communicati	**0.00**	**0.00**	**0.00**	**#DIV/0!**	**0.00**	
2700 - Animal Control						
Printed Forms	0.00	0.00	0.00	0.00%	0.00	
Contract Services	550.00	0.00	0.00	0.00%	(550.00)	
Miscellaneous	0.00	0.00	0.00	0.00%	0.00	
Total Animal Control	**550.00**	**0.00**	**0.00**	**0.00%**	**(550.00)**	
Total Public Safety	**63,933.92**	**46,908.86**	**46,908.86**	**73.37%**	**(17,025.06)**	

DEPT 430 - PUBLIC WORKS

3100 - Public Works					
FT Salaries	10,700.00	11,538.50	11,538.50	107.84%	838.50
PT Salaries	0.00	339.58	339.58	0.00%	339.58
PERA Contributions	775.75	861.16	861.16	111.01%	85.41
FICA Contributions	663.40	694.27	694.27	104.65%	30.87
Medicare Contributions	155.15	162.40	162.40	104.67%	7.25
Health/Dental Insurance	2,893.14	2,899.00	2,899.00	0.00%	5.86
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	3,000.00	0.00	0.00	0.00%	(3,000.00)
Office Supplies	50.00	0.00	0.00	0.00%	(50.00)
Shop Materials	150.00	23.77	23.77	0.00%	(126.23)
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00
Small Tools and Minor Equip	250.00	0.00	0.00	0.00%	(250.00)
Engineering Services	150.00	0.00	0.00	0.00%	(150.00)
Contract Services	400.00	0.00	0.00	0.00%	(400.00)
Telephone	700.00	60.00	60.00	8.57%	(640.00)
Radio	300.00	0.00	0.00	0.00%	(300.00)
Mileage	0.00	0.00	0.00	0.00%	0.00
Insurance	0.00	0.00	0.00	0.00%	0.00
Electric Utility	2,000.00	8.39	8.39	0.42%	(1,991.61)
Refuse	207.82	0.00	0.00	0.00%	(207.82)
Repair/Maint Bldg	250.00	128.53	128.53	51.41%	(121.47)
Repair/Maint NOT Bldg	45.00	0.00	0.00	0.00%	(45.00)
Repair/Maint Equip	500.00	0.00	0.00	0.00%	(500.00)
Equipment Parts	500.00	0.00	0.00	0.00%	(500.00)
Uniforms	175.00	0.00	0.00	0.00%	(175.00)
Miscellaneous	75.00	0.00	0.00	0.00%	(75.00)
Landscaping Material	85.00	0.00	0.00	0.00%	(85.00)
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00
Conferences & Training	619.60	0.00	0.00	0.00%	(619.60)
Clean up Days	0.00	0.00	0.00	0.00%	0.00
Total Public Works	**24,644.86**	**16,715.60**	**16,715.60**	**67.83%**	**(7,929.26)**
3120 - Streets					
Fuel, Oil & Fluids	3,000.00	0.00	0.00	0.00%	(3,000.00)
Equipment Parts	0.00	49.52	49.52	0.00%	49.52
Street Maintenance Materials	1,000.00	0.00	0.00	0.00%	(1,000.00)
Sign Repair Materials	250.00	0.00	0.00	0.00%	(250.00)
Contract Services	850.00	0.00	0.00	0.00%	(850.00)
Repairs/Maint Equipment	0.00	0.00	0.00	0.00%	0.00
Total Streets	**5,100.00**	**49.52**	**49.52**	**0.97%**	**(5,050.48)**
3125 - Ice & Snow Removal					
Landscaping Material	0.00	0.00	0.00	0.00%	0.00
Sand/Salt	0.00	0.00	0.00	0.00%	0.00
Contract Services	2,500.00	0.00	0.00	0.00%	(2,500.00)
Repairs/Maint Equipment	250.00	0.00	0.00	0.00%	(250.00)
Total Streets	**2,750.00**	**0.00**	**0.00**	**0.00%**	**(2,750.00)**
3160 - Street Lighting					
Street Lighting	2,100.00	0.00	0.00	0.00%	(2,100.00)
Total Street Lighting	**2,100.00**	**0.00**	**0.00**	**0.00%**	**(2,100.00)**
3200 - Recycling					
Recycling Supplies	0.00	0.00	0.00	0.00%	0.00
Newsletter	0.00	0.00	0.00	0.00%	0.00
Miscellaneous	400.00	0.00	0.00	0.00%	(400.00)
Total Recycling	**400.00**	**0.00**	**0.00**	**0.00%**	**(400.00)**
3250 - Tree Program					
Contract Services	400.00	0.00	0.00	0.00%	(400.00)
Total Tree Program	**400.00**	**0.00**	**0.00**	**0.00%**	**(400.00)**
Total Public Works	**35,394.86**	**16,765.12**	**16,765.12**	**47.37%**	**(18,629.74)**

DEPT 450 - CULTURE, RECREATION

5200 - Parks & Recreation					
FT Salaries	8,583.96	7,648.63	7,648.63	89.10%	(935.33)
PT Salaries	3,000.00	1,924.25	1,924.25	64.14%	(1,075.75)
PERA Contributions	622.34	726.47	726.47	116.73%	104.13
FICA Contributions	718.21	606.04	606.04	84.38%	(112.17)
Medicare Contributions	167.97	141.72	141.72	84.37%	(26.25)
Health/Dental Insurance	1,084.57	1,535.36	1,535.36	141.56%	450.79
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00
Workers Compensation	1,500.00	0.00	0.00	0.00%	(1,500.00)
Shop Materials	0.00	0.00	0.00	0.00%	0.00
Chemicals	50.00	0.00	0.00	0.00%	(50.00)
Equipment Parts	150.00	0.00	0.00	0.00%	(150.00)
Building Repair Supplies	0.00	0.00	0.00	0.00%	0.00
Landscaping Materials	200.00	0.00	0.00	0.00%	(200.00)
Small Tools and Minor Equip	75.00	0.00	0.00	0.00%	(75.00)
Telephone	100.00	0.00	0.00	0.00%	(100.00)
Mileage	0.00	0.00	0.00	0.00%	0.00
Insurance	0.00	0.00	0.00	0.00%	0.00
Electric Utility	750.00	0.00	0.00	0.00%	(750.00)
Refuse	207.82	0.00	0.00	0.00%	(207.82)
Repair/Maint Bldg	25.00	0.00	0.00	0.00%	(25.00)
Repair/Maint NOT Bldg	50.00	0.00	0.00	0.00%	(50.00)
Repair/Maint Equip	100.00	0.00	0.00	0.00%	(100.00)
Rental Buildings	400.00	0.00	0.00	0.00%	(400.00)
Miscellaneous	0.00	0.00	0.00	0.00%	0.00
Total Parks & Recreation	**17,784.87**	**12,582.47**	**12,582.47**	**70.75%**	**(5,202.40)**
DEPT 460 - COMP ADJ	**0.00**	0.00	0.00	0.00%	0.00
DEPT 493 - OTH FINANCING	**0.00**	0.00	0.00	0.00%	0.00
GRAND TOTAL ALL DEPTS	**176,418.57**	**126,920.72**	**126,920.72**	**71.94%**	**(51,906.93)**

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
CONSENT
ITEM #: 7
MOTION Consent Agenda

AGENDA ITEM: Year End Permit Report

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Cathy Bendel, Finance Director

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept the monthly permit report. No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: Below are the key statistics for January 2013:

	2013	2012	2011
Total Building permits:	8	11	12
Total Building permit fees:	$861,994	$214,061	$636,287
New homes	2	0	1
Total valuation	$806,200	$NA	$275,000
Avg home value	$403,100	$NA	$275,000

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
CONSENT
ITEM #: 8
MOTION ***As part of Consent Agenda***

AGENDA ITEM: Approve renewal of St. Croix Valley Fire Service Agreement

SUBMITTED BY: Chief Greg Malmquist

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk

SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda, staff respectfully requests approving the renewal of St. Croix Valley Fire Service Agreement inclusive of City of Lake Elmo, Minnesota and City of Hudson, Wisconsin.

STAFF REPORT:

Staff requests renewal of our two-year contract with the City of Hudson, Wisconsin, to provide Mutual Aid to Lake Elmo, and for Lake Elmo to provide Mutual Aid to Hudson, upon request. Renewal of this contract has been approved by the Hudson City Council. Upon approval by the Lake Elmo City Council, the contracts will be forwarded to Governor Mark Dayton for his required signature.

RECOMMENDATION:

Staff recommends that council approve renewal of this contract.

ATTACHMENTS:

1) St. Croix Valley Fire Service Agreement

ST. CROIX VALLEY
FIRE SERVICE AGREEMENT

INCLUSIVE OF: CITY OF LAKE ELMO, MINNESOTA

AND

CITY OF HUDSON, WISCONSIN

THIS AGREEMENT is made pursuant to Minnesota Statutes and Wisconsin Statutes which authorize the joint and cooperative exercise of powers common to contracting parties in other states. The intent of this Agreement is to make fire service equipment, personnel and other related resources available to political subdivisions from other political subdivisions.

1. Definitions.

a. "Party" means a political subdivision.

b. "Requesting Official" means the person designated by a Party who is responsible for requesting Assistance from other Parties.

c. "Requesting Party" means a party that requests assistance from other parties.

d. "Responding Official" means the person designated by a party who is responsible to determine whether and to what extent that party should provide assistance to a Requesting Party.

e. "Responding Party" means a party that provides assistance to a Requesting Party.

f. "Assistance" means fire and/or emergency medical services personnel and equipment.

2. Request for Assistance.

Whenever, in the opinion of a Requesting Official, there is a need for assistance from other parties, the Requesting Official may call upon the Responding Official of any other party to furnish assistance.

3. Response to Request.

Upon the request for assistance from a Requesting Party, the Responding Official may authorize and direct a party's personnel to provide assistance to the Requesting Party. This decision will be made after considering the needs of the responding party and the availability of resources.

4. Recall of Assistance.

The Responding Official may at any time recall the assistance when in their best judgment or by an order from the governing body of the Responding Party, it is considered to be in the best interests of the Responding Party to do so.

5. Command of Scene.

The Requesting Party will be in command of the mutual aid scene. The personnel and equipment of the Responding Party will be under the direction and control of the Requesting Party until the Responding Official withdraws assistance.

6. Workers' Compensation.

Each party is responsible for injuries or death of its own personnel. Each party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this agreement. Each party waives the right to sue any other party for any workers' compensation benefits paid to its own employee or volunteer or their dependants, even if the injuries were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

7. Damage to Equipment.

Each party is responsible for damages to or loss of its own equipment. Each party waives the right to sue any other party for any damages to or loss of its equipment, even if the damages or losses were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

8. Liability.

Personnel acting under this Agreement may not be considered, for liability purposes, as an employee or agent of the other state or a political subdivision of the other state for their actions, regardless of the supervision or control of the person's actions while within the other state. All personnel will be considered as continuing to be employees of the employing agency in the person's home state.

Except as provided below, any person acting under this Agreement must continue to be covered by their employing agency for purposes of civil liability purposes in their home state. Any personnel acting within the other state under this Agreement is considered while so acting to be in the ordinary course of their employment within their home state and to be protected by any statutory immunity from liability and limits of liability enjoyed in their home state..

In addition to home state immunity from liability or immunity from limits of liability, any personnel acting under this Agreement in the other state are also entitled to any immunity from liability or limit on liability to the same extent as a person of the other state. If however, a claim is made in Minnesota for an occurrence in Minnesota against a Wisconsin party, Lake Elmo Fire Department agrees to defend and indemnify the Wisconsin party for claims that exceed the Wisconsin parties' statutory limits of liability, subject to the limitations on municipal tort liability enjoyed by Lake Elmo Fire Department, and to the extent of Lake Elmo's liability insurance coverage.

9. Charges to the Requesting Party.

a. No charges will be levied by a Responding Party to this agreement for assistance rendered to a Requesting Party under the terms of this agreement unless that assistance continues for a period of more than 12 hours. If assistance provided under this agreement continues for more than 12 hours, the Responding Party will submit to the Requesting Party an itemized bill for the actual cost of any assistance provided after the initial 12 hour period, including salaries, overtime, materials and supplies and other necessary expenses; and the Requesting Party will reimburse the party providing the assistance for that amount.

b. Any charges are not contingent upon the availability of federal or state government funds.

10. Duration.

This Agreement will be in force for a period of two (2) years from the date of execution. Any party may withdraw from this Agreement upon thirty (30) days written notice to the other party or parties to the Agreement.

11. Execution.

Each party hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated. Each party to this Agreement shall maintain an executed copy of this Agreement.

IN WITNESS WHEREOF, the undersigned, on behalf of their political subdivision or their fire department corporation has executed this agreement on this date.

Dated: _____, 2013

CITY OF LAKE ELMO

_____
Mike Pearson, its Mayor

_____
Dean Zuleger, its City Administrator

_____
Adam Bell, its City Clerk to attest

LAKE ELMO FIRE DEPARTMENT

_____
Greg Malmquist, its Fire Chief

CITY OF HUDSON

Alan Burchill
Alan Burchill, its Mayor

Nancy Korson
Nancy Korson, its City Clerk

HUDSON FIRE DEPARTMENT

James E Frye
James Frye, its Fire Chief

STATE OF MINNESOTA

_____
Minnesota Governor Mark Dayton

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
CONSENT
ITEM #: 9
MOTION ***As part of Consent Agenda***

AGENDA ITEM: 2013 Seal Coat Project – Authorize Preparation of Plans & Specifications

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Mike Bouthilet, Public Works
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider authorizing the preparation of plans and specifications for the 2013 Seal Coat Project.

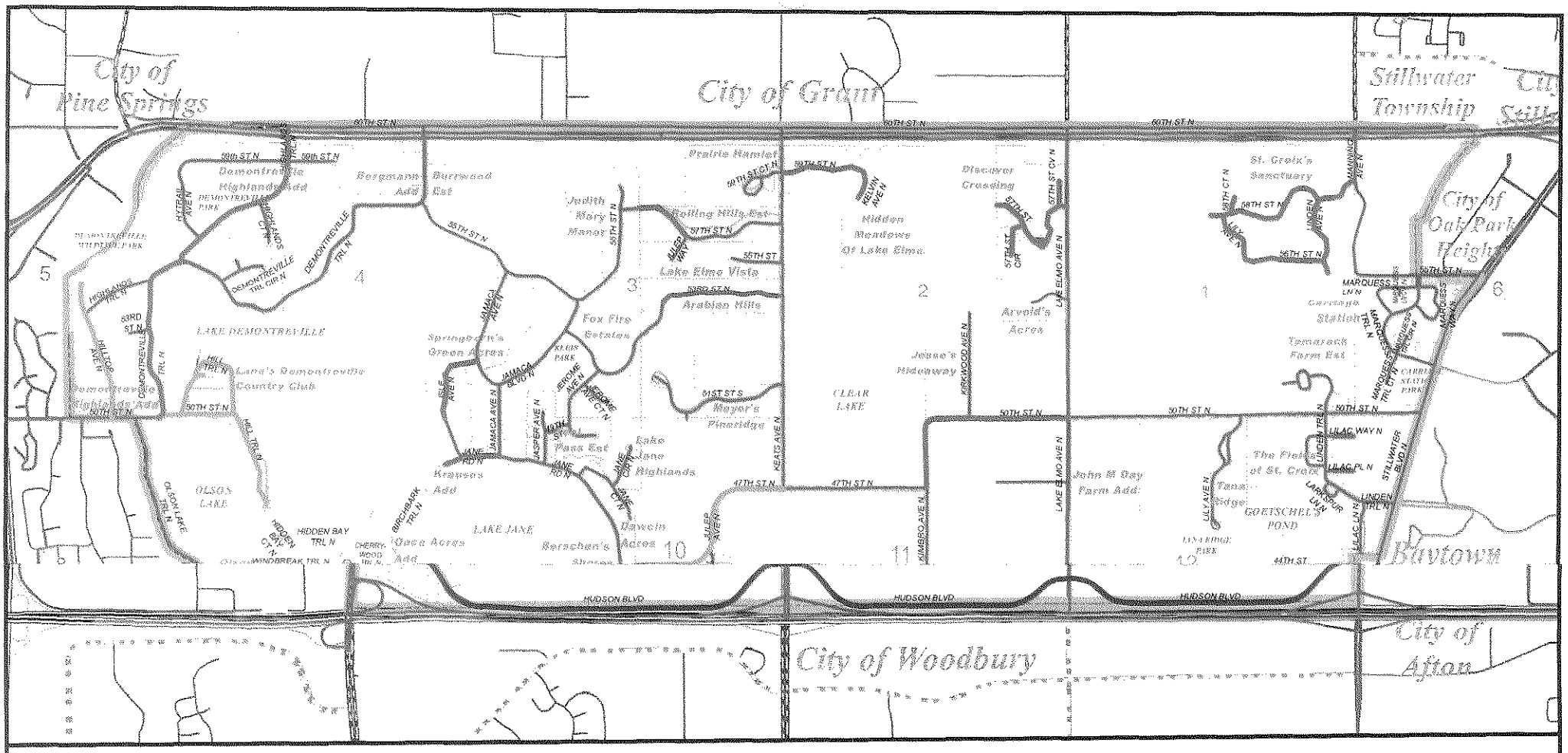
STAFF REPORT: As part of the annual street maintenance program, certain street and roadway segments are routinely treated with crack sealing and seal coating to preserve and extend the useful life of the pavement. The City maintains a 5-year street maintenance plan which identifies and programs each paved city street with a proposed maintenance application and designated year. Best management practices for street maintenance are followed to maximize benefit on the city's investments. One year in advance of the scheduled maintenance application, public works and engineering staff perform a field review to verify the scheduled maintenance activity. Crack sealing was authorized and applied to each of these street segments in 2012 in preparation of the scheduled seal coating. Later this year, staff will request authorization to perform Crack sealing for those streets to be seal coated in 2014.

The proposed 2013 Seal Coat Project will consist of 6 miles of City streets (see Improvement Year 2013 on the attached 2013-2017 Seal Coat Program Map). A budget of $160,000 was programmed in the 2013 city budget (Fund No. 409 – Infrastructure Reserves), which includes both construction and engineering.

RECOMMENDATION: Staff is recommending that the City Council consider authorizing FOCUS Engineering to prepare plans and specifications and to provide bidding and construction services in the estimated amount of $9,000 for the 2013 Seal Coat Project.

ATTACHMENTS:

1. 2013-2017 Seal Coat Program – Location Map



2013-2017 SEAL COAT PROGRAM

THE CITY OF LAKE ELMO

Improvement Year

- 2013
- 2014
- 2015
- 2016
- 2017

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

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

Fire Stations
Station No. 1
3510 Laverne Ave N
651/770-5006

Station No. 2
4259 Jamaca Ave N
651/779-8882

Schools

Parcels

Subdivisions

City Parks

Golf Course

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

Lakes

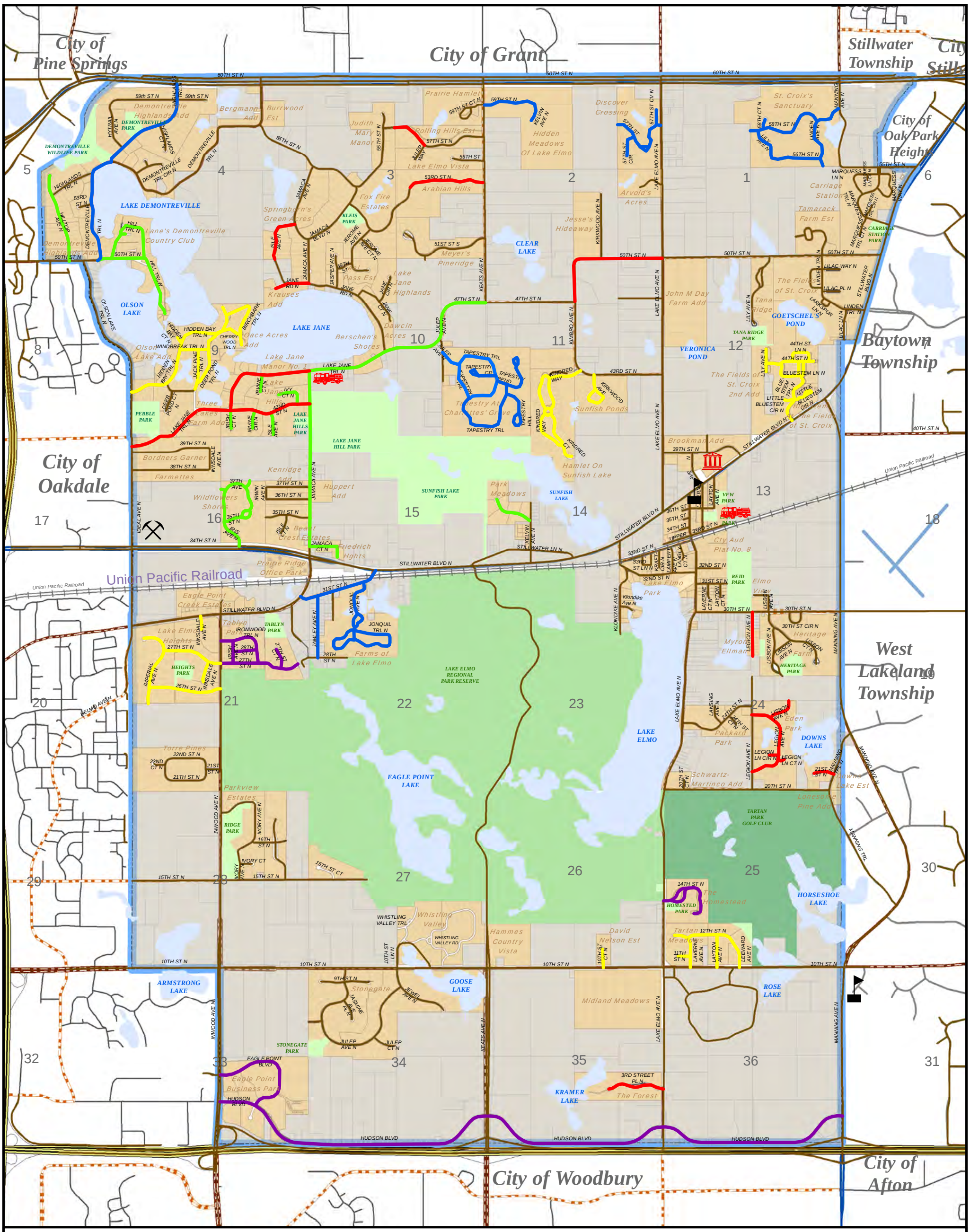
N
W E
S

0.45 0.225 0 0.45 Miles

Map Date: August 2012

Created By:

FOCUS ENGINEERING, inc.



2013-2017 SEAL COAT PROGRAM

THE CITY OF LAKE ELMO

Improvement Year

- 2013
- 2014
- 2015
- 2016
- 2017

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

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

Fire Stations
Station No. 1
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651/770-5006

Station No. 2
4259 Jamaca Ave N
651/779-8882

Schools

Parcels

Subdivisions

City Parks

Golf Course

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

Lakes

N W E S

0.45 0.225 0 0.45 Miles

Map Date: August 2012

Created By:

FOCUS ENGINEERING, inc.

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
CONSENT
ITEM #: 10
MOTION ***As part of Consent Agenda***

AGENDA ITEM: 2013 Seal Coat Project – Project Agreement for Joint Services with West Lakeland Township

SUBMITTED BY: Ryan Stempski, Assistant City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Mike Bouthilet, Public Works
Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving the 2013 Seal Coat Project Agreement for Joint Services with West Lakeland Township.

STAFF REPORT: Staff has reviewed and updated the Joint Services Agreement with West Lakeland Township in preparation of the 2013 Seal Coat Project. Staff is recommending that the city continue to work jointly with West Lakeland Township to perform seal coating for routine maintenance of city and township streets. Through a joint project effort, it is anticipated that project cost savings can be realized through an economy of scale and sharing in project expenses for preparation of plans and specifications, bidding, and construction administration. In addition, staff believes that by combining the project work from both communities, we can continue to promote a more favorable bidding environment that can result in lower overall construction costs. In 2012, the jointly bid project resulted in a very favorable unit construction cost in the amount of $1.21 per square yard. This arrangement has resulted in a cost savings for both the city and township over the past two years.

The agreement identifies the terms and conditions upon which the City of Lake Elmo prepares and administrates a contract for the 2013 Seal Coat Project to be completed on streets within both the city and the township. Each jurisdiction pays its portion of the construction costs and shares in the engineering design, bidding and construction administration costs. The construction observation services would be contracted directly by each jurisdiction.

The City of Lake Elmo is defined as the lead entity and prepares the plans and specifications with input from the township. The city bids the project and enters into a contract with the selected contractor for all the work. West Lakeland will pay a fee to the city in the amount of 6% of the township's construction costs as received at the time of bid. The 6% is considered reimbursement to the city for the design, bidding and construction administration services related to the project. The township will reimburse the city within 30 days of receiving contractor invoices for the work performed by the contractor on West Lakeland streets.

RECOMMENDATION: Staff is recommending that the City Council consider approving, as a part of the *Consent Agenda*, the 2013 Seal Coat Project Agreement for Joint Services with West Lakeland Township.

ATTACHMENTS:

1. 2013 Seal Coat Project Agreement for Joint Services

2013 SEAL COAT PROJECT AGREEMENT FOR JOINT SERVICES

This Agreement is made this ___ day of _____2013, by and between the West Lakeland Township (hereinafter referred to as "West Lakeland") and the City of Lake Elmo (hereinafter referred to as "Lake Elmo").

WHEREAS, it is the desire of the parties, and it is the purpose of this Agreement, that certain road-related services be performed or contracted by Lake Elmo on behalf of West Lakeland;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the above parties hereto agree as follows:

1. Term: The term of this Agreement shall commence upon the date of execution and shall be for the duration of the 2013 Seal Coat Project as specified by the Contract documents, including the 2-Year Warranty Period.

2. Services. For the term of this Agreement, Lake Elmo shall provide West Lakeland with the following services in and on behalf of West Lakeland and at the direction of West Lakeland's Engineer:

   a. Lake Elmo will prepare Plans and Specifications and Contract documents that includes seal coating for streets located in West Lakeland, in addition to the streets within Lake Elmo for which Lake Elmo is otherwise contracting. Prior to March 19, 2013, West Lakeland will provide Lake Elmo with a plan suitabable for inclusion in the Plans, along with a tabulation of the estimated quantities (in square yards) showing the seal coating work to be performed in West Lakeland as a part of the project.

3. Payments. West Lakeland shall make payments to Lake Elmo for services realted to the project or directly for services as follows:

   a. West Lakeland will pay Lake Elmo a fee in the amount of 6% of the West Lakeland construction cost as tabulated at the time of bid, for engineering and administration fees performed by Lake Elmo for the seal coat project. Lake Elmo will invoice this amount to West Lakeland once the Lake Elmo City Council accepts the bids and awards the construction contract.

   b. Lake Elmo will make Contractor payments for all work completed in accordance with the Contract. West Lakeland will reimburse Lake Elmo for the work completed in accordance with the contract for the quanitites of work performed on West Lakeland streets.

   c. At its sole cost and expense, West Lakeland will provide a construction observer to inspect the seal coat work preformed on West Lakeland streets.

   d. Lake Elmo will invoice West Lakeland for services to be reimbursed by West Lakeland as outlined above and West Lakeland will pay all invoices within 30

days after receipt of the invoice. Lake Elmo shall include with its invoices copies of the contractor's claims showing the amount charged for the work performed and materials used in West Lakeland.

4. Insurance. Lake Elmo shall require its contractor(s) to provide insurance as specified below, and West Lakeland shall be named as an additional insured on such insurance:

Comprehensive General Liability	$1,000,000 per occurrence, $2,000,000 aggregate
Auto Liability	$1,200,000 per occurrenace
Workers compensation	Statutory amount

5. Indemnification. Lake Elmo agrees to defend, indemnify and hold harmless West Lakeland, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses, including attorneys fees, arising out of or resulting from Lake Elmo's performance of the duties required under this Agreement, provided that any such claim, action, damage, loss or expense is caused in whole or in part by an alleged negligent act, omission, or willful misconduct (including, but not limited to, a claimed breach of contract made by the contractor) of Lake Elmo. Lake Elmo agrees to require, as part of its contract with the contractor used to provide the seal coating, to include West Lakeland in the contractor's indemnification obligation under the contract. West Lakeland agrees to defend, indemnify and hold harmless Lake Elmo, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses, including attorneys' fees, arising out of or resulting from West Lakeland's performance of the duties required of it under this Agreement, provided that any such claim, action, damage, loss or expense is caused in whole or in part by an alleged negligent act or omission or willful misconduct of West Lakeland. This provision shall not be construed as a waiver by either party of any defenses, immunities or limitations on liability to which they are entitled, under Minnesota Statutes, Chapter 466 or otherwise. Under no circumstances shall a party be required to pay on behalf of itself and other parties, any amounts in excess of the limits of liability established in Minnesota Statutes, Chapter 466, applicable to any one party. The limits of liability for some or all of the parties may not be added together to determine the maximum amount of liability for any party.

6. Service Contract. This is a service contract. The parties do not intend to create, and nothing herein shall be construed as creating, a joint powers agreement, joint venture, or joint enterprise. However, to the extent a court of competent jurisdiction may find such a relationship exists, Lake Elmo and West Lakeland shall be considered a single governmental entity as provided in Minnesota Statutes, section 471.59, subdivision 1a for the purposes of determining total liability. The limits of liability for Lake Elmo and West Lakeland shall not be added together to determine the maximum amount of liability for either party or for any occurrence.

7. Contracting Procedure and Oversight. Lake Elmo shall be solely responsible for letting the contracts for the services to be provided hereunder in accordance with all applicable laws, rules, and regulations. The bonds obtained from the contractor for the work shall include the work to be performed in West Lakeland. Lake Elmo shall, to the extent reasonably necessary, assist West Lakeland to draw upon the performance bond as needed to complete or correct any work the contractor fails to perform in West Lakeland in accordance with the contract. West Lakeland will be responsible for inspecting the work to be performed in West Lakeland, but Lake Elmo shall be

responsible for generally overseeing the contractor's performance of services in accordance with the contract.

8. Miscellaneous. This Agreement is solely for the benefit of the parties hereto and no other person shall have any right, claim, or interest in it.

9. Legal Compliance. Both parties agree to comply with all applicable state, federal and local laws, rules and regulations in carrying out their respective obligations under this Agreement.

10. Entire Agreement. This Agreement represents the entire agreement between Lake Elmo and West Lakeland and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof. No amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be effective unless in writing and signed by both parties.

IN WITNESS WHEREOF, the parties have set forth their hands on the day and year first written above.

CITY OF LAKE ELMO

By: _____
Its Mayor

_____
Date

By: _____
Its City Administrator

_____
Date

TOWN OF WEST LAKELAND

By: _____
Its Town Chairperson

_____
Date

By: _____
Its Town Clerk-Treasurer

_____
Date

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
CONSENT
ITEM #: 11
MOTION ***As part of Consent Agenda***

AGENDA ITEM: Engineering Design and Construction Standards Manual – Resolution to Adopt Manual

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Mike Bouthilet, Public Works
Kyle Klatt, Planning Director
Ryan Stempski, Assistance City Engineer

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider approving Resolution No. 2013-09, adopting the Engineering Design and Construction Standards Manual.

STAFF REPORT: In preparation for upcoming development, the city engineering staff has prepared and developed engineering design standards, standard specifications, and standard details for public infrastructure within the city, including streets, sanitary sewer, watermain, storm water facilities, right-of-way and boulevard layout. This information has been compiled into an Engineering Design and Construction Standards Manual for use by staff and the development community.

The standards have been established to set minimum requirements to be met for all public infrastructure projects in the city in the spirit of promoting consistent infrastructure systems throughout the community; to clearly communicate with the development community these minimum expectations and requirements; and to expedite plan design, preparation and city plan review and approvals. The standards are not intended to be all inclusive and shall be used as a design guide, thereby allowing exceptions to these standards to be considered on a case by case basis when deemed appropriate for a specific application.

This manual will be a living document that is reviewed and updated annually by the Engineering, Planning and Public Works Departments to ensure they remain current, address best practices,

and consider improvements recommended by the development community and other stakeholders.

RECOMMENDATION: Staff is recommending that the City Council consider approving Resolution 2013-09 Adopting the Engineering Design and Construction Standards Manual.

ATTACHMENTS:

1. Engineering Design and Construction Standards Manual (Available for review at City Hall)
2. Resolution No. 2013-09

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2013-09
A RESOLUTION ADOPTING THE MANUAL FOR ENGINEERING DESIGN AND CONSTRUCTION STANDARDS

WHEREAS, the City of Lake Elmo, Minnesota has prepared engineering design standards, standard specifications, and standard details for public infrastructure within the city; and,

WHEREAS, the city has compiled this information into an Engineering Design and Construction Standards Manual; and,

WHEREAS, this Manual will serve as the engineering standards and guidelines for the design and construction requirements for public infrastructure within the City of Lake Elmo, including streets, sanitary sewer, watermain, storm water facilities, right-of-way and boulevard layout; and,

WHEREAS, the standards are established to set minimum requirements to be met for all public infrastructure projects in the city in the spirit of promoting consistent infrastructure systems throughout the community; to clearly communicate with the development community these minimum expectations and requirements; and to expedite plan design, preparation and city plan review and approvals; and,

WHEREAS, the standards are not intended to be all inclusive and shall be used as a design guide, thereby allowing exceptions to these standards to be considered on a case by case basis when deemed appropriate for a specific application.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

That the City Council of the City of Lake Elmo shall adopt the Engineering Design and Construction Standards Manual.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF FEBRUARY 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

_____
Adam Bell
City Clerk

THE CITY OF
LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 02/19/2013
REGULAR
ITEM #: 12
MOTION

AGENDA ITEM: Contractor Licensing Program

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Kyle Klatt, Planning Director
Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

In order to more effectively regulate that building activities in Lake Elmo are undertaken by professional and competent contractors, Staff recommends improving the existing contractor licensing program. These improvements include licensing additional trades or types of contractors to cover a wider array of project types.

STAFF REPORT:

The licensing of contractors working in Lake Elmo is in the public's interest and provides the residents with an additional level of protection and competence not currently available. The program is intended to protect the residents of Lake Elmo by promoting quality and ethical practices in construction.

The City Council reviewed the proposed at the meeting on February 5, 2013, and decided to postpone the item to allow for further clarification and discussion. Resulting from the discussion between members of the Council and Staff, some changes were made to the original draft ordinance. These changes include the following:

- Asphalt/concrete and landscaping work no longer requires a contractor license.
- Work within the City's right-of-way (ROW) requires a license, which is consistent with the City's ROW Permit application.
- Property owners who are conducting plumbing work on their property, language removed.
- 115.04 B investigation of applicants for license removed.

RECOMMENDATION:

Staff recommends that the Council approve the proposed additions to the City's contractor licensing program with the following motion:

"Move to approve Ordinance 08-069, thereby establishing an improved contractor licensing program to set minimum standards related to competency and professionalism in construction activities in Lake Elmo, MN."

Staff further recommends that the City Council adopt Resolution No. 2013-10 authorizing summary publication of Ordinance 08-69. *Requires a 4/5 vote.*

ATTACHMENTS:

1. Ordinance 08-069
2. Resolution No. 2013-10

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-069

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ESTABLISHING LICENSING REQUIREMENTS FOR CONTRACTORS TO ENSURE COMPETENCY AND PROFESSIONALISM IN CONSTRUCTION ACTIVITIES IN LAKE ELMO, MINNESOTA.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XI: Business Regulations; Chapter 115: Building Contractors, by adding the following language:

§115.01 POLICY. It is deemed in the interest of the public and the residents of the city that the work involved in building, alteration, construction, and the installation of various appliances and service facilities in and for such buildings be done only by individuals that have demonstrated or submitted evidence of their competency to perform such work in accordance with applicable codes and ordinances of the city regulating the same.

§115.02 LICENSE AND PERMIT REQUIRED

A. License Required

1. No person, firm or corporation shall operate, maintain, conduct or engage in the following businesses or work, except in accordance with state statutes, this code and other applicable ordinances of the city.

    a. Demolition- Residential Dwelling, Commercial Structure

    b. Driveway

    c. Excavation

    d. HVAC

    e. Irrigation

    f. Sewer line installer

    g. Water line installer

h. Sign Installer

i. Right of way

2. This subsection shall not be construed as preventing any such qualified licensee from performing the work by an employee under his/her supervision and control, or by contract with another person qualified to perform the same; provided that the contractor is subject to the control of the licensee, and the licensee is at all times responsible for the work performed. A contractor not subject to the control of a licensee shall be required to obtain a license.

B. *Permit Required.* For each of the businesses or occupations listed in subsection A1 of this section for which the State of Minnesota provides for the registration thereof, permits shall be granted only to holders of a state or city license; except that the owner of any property may perform work when work is performed in accordance with the codes and ordinances of the city, and for such purpose, a permit may be granted to such owner without a licensed obtained.

§115.03 APPLICATION FOR LICENSE; INSURANCE REQUIREMENTS; ISSUANCE OR DENIAL

A. Contents of Application; Insurance:

1. Applications for a license shall be made on forms provided by the city clerk. On such form, the applicant shall state the following information:

a. His/her name, and business and home address; and if the application is made on behalf of a partnership, association or corporation, the name and address of such partnership, association or corporation, and the phone number of the contact person.

b. If the proposed licensee is a partnership, the name and home addresses of all partners; or if the proposed licensee is an association or corporation, the names and home addresses of its principal officers and managers and of the owners (not to exceed 10) or the largest shareholders of the business or enterprise.

c. Such information as is required to be furnished by ordinance or is reasonably required by the city clerk or other applicable city departments.

2. The application shall include documentation indicating insurance coverage, which shall remain in effect during the license term, and non-cancellation provisions, which provide a minimum of thirty (30) days' notice to the City prior to cancellation, as follows:

a. Comprehensive general liability insurance not less than one hundred thousand dollars ($100,000.00) for injuries including accidental death to any one person, and subject to the same limit for each person in an amount of not less than three hundred thousand dollars ($300,000.00) on account of any one accident;

b. Property damage insurance not less than fifty thousand dollars ($50,000.00) for each accident and not less than one hundred thousand dollars ($100,000.00) aggregated; and

c. Workers compensation insurance coverage of employees as required by State law.

B. *Signatures Required.* The proposed licensee shall sign the application; or if the proposed licensee is a partnership, an association or corporation, at least one person having power under its bylaws to execute contracts of the association or corporation shall sign.

C. *Renewal Applications.* Applications for renewals of licensee may, in the interest of brevity, substitute for any required information a reference to statements contained in previous applications, which are on file with the city.

D. *Issuance of License.* The license shall be granted by the city clerk, after positive recommendations from applicable city staff, upon proof of the applicant's qualifications, and compliance with section 115.04 of this chapter.

E. *Denial of License; Appeal.* In the event the city clerk determines that the application does not comply with the ordinance criteria, the report and recommendation of the city clerk and applicable staff shall be referred to the city council, together with the reason or reasons for the proposed denial. A copy of the recommendation shall be supplied to the applicant. The applicant may appear before the city council to respond to the recommendation of denial. The city council shall make the appropriate findings and either issue or deny the license application.

§115.04 STANDARDS FOR LICENSE ISSUANCE; TERM

A. *Standards for Issuance Generally; Term.* Licenses and renewals thereof shall be issued after a verification of the applicant's qualification and record in the performance and operation of the types of work for which the applicant seeks a license. Licenses shall be issued for one calendar year from January 1 through December 31. New licenses will run from date of issuance through December 31.

B. *Standards for Denial.* Licenses and renewals therefore may be denied by the city council for any of the following reasons:

1. Failure to complete the application or file the required license fee or insurance policy.

2. Misstatement in the application.

3. Failure to comply with special conditions required by statue or ordinance for issuance of a license.

4. Violations of licensing ordinances by applicant, or suspension or revocation licenses held by the applicant in the city or elsewhere.

5. Violation of any state statute or city code provision which creates a threat to the public peace, health, safety and welfare.

6. Disregard and violation of the building, housing, sanitary, health, and fire laws of the state, county, or city.

7. Any conduct which is contrary to the public interest, including, but not limited to, fraud, misrepresentation, or other dishonest or deceitful conduct.

§115.05 LICENSE FEE; EXEMPTION. The annual fee for license shall be established by ordinance of the city council from time to time. No license fee shall be required of any person, firm or corporation, pursuant to this section, who, by state law, is required to attain standards of competency or experience as a prerequisite to engaging in such craft or profession; provided that the person shall provide evidence to the city that the individual, firm or corporation has a license in good standing from the state, and further provides proof of insurance in effect through the term of license issued by the state.

§115.06 SUSPENSION OR REVOCATION OF LICENSE

A. *Grounds for suspension or revocation.* If any licensee violates or is in default of complying with any condition, requirement, duty or rule of conduct imposed on him/her by any statue or ordinance, or if any one or more of the following conditions exist, the city clerk may initiate proceedings before the city council to suspend or revoke the licensee's license:

1. If the applicant for a license or renewal thereof knowingly made any false statements in the application for a license.

2. When the applicant has violated any state statute or city code provision which creates a threat to the public peace, health, safety and welfare.

3. When there is disregard and violation of the building, housing, sanitary, health and fire laws of the state, county or city.

4. For failure to notify the city of any change in control of ownership, management or business name or location within thirty (30) days of such change.

5. Conducting a building contracting business in any name other than the one for which the contractor is licensed.

6. Any conduct which is contrary to the public interest, including, but not limited to, fraud, misrepresentation or other dishonest or deceitful act.

B. *Procedures for Suspension or Revocation*. Procedures for suspension or revocation shall be as follows:

1. The licensee shall be provided with notice of the reasons for any proposed suspension or revocation. The notice shall provide the licensee with an opportunity to explain the rationale for the proposed suspension or revocation.

2. The licensee shall be notified in advance of the date, time, place and purpose of the council meeting where the action on the license will be considered. The licensee shall have an opportunity to be heard at the meeting. After making appropriate findings, the council may continue the license in effect, impose conditions on the license or revoke the license.

§115.07 EXEMPTIONS FROM PROVISIONS. No license will be required under this chapter in the following circumstances:

A. For public service corporations performing work upon or in connection with their own property, except as may be provided by other provisions of this code.

B. For manufacturers for work incorporated with equipment as a part of the manufacturing, except as provided in other provisions of this code.

§115.08 EFFECT ON LIABILITY. This chapter shall not be construed to affect the responsibility or liability for any party owning, operating, or installing the work described in this chapter for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the licensing of persons engaged in such work.

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 08-069 was adopted on this 19th day of February 2013, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

This Ordinance 08-069 was published on the ____ day of _____, 2013.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2013-10

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-069 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-069, an ordinance to add Chapter 115 – Building Contractors; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-069 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-069, which represents a revision to the City Code, specifically establishing additional licensing requirements for contractors to ensure competency and professionalism in construction activities in Lake Elmo. The adopted additions include:

- Specification of what types of work require contractor licensure
- Specification of what types of work require city licensing
- Process and requirements for obtaining a contractor license
- Suspension and revocation of license procedures
- Fees and exemptions from the provisions.

The full text of Ordinance No. 08-069 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: February 19, 2013.

CITY OF LAKE ELMO

_____

Mayor Mike Pearson

(seal)
ATTEST:

_____

Adam Bell, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon vote being taken thereon, the following voted in favor thereof:
and the following voted against same:
Whereupon said resolution was declared duly passed and adopted.

THE CITY OF LAKE ELMO

MAYOR & COUNCIL COMMUNICATION

DATE: **2/19/2013**
REGULAR $$
ITEM #: **13**
MOTION

AGENDA ITEM: Adopting Resolution Authorizing Limited Property Tax Abatement for 8665 Hudson Boulevard 2014, 2015, 2016, 2017

SUBMITTED BY: Dean Zuleger, City Administrator

THROUGH: Mayor Mike Pearson

REVIEWED BY: Dean Zuleger, City Administrator

PUBLIC POLICY OBJECTIVE: To Use Limited Property Tax Abatement as an Economic Stimulus Tool in the Creation of Family-Sustaining Jobs.

SUMMARY AND ACTION REQUESTED: The Lake Elmo City Council will be asked to consider a narrow-scoped property tax abatement for a commercial property located in the I-94 Corridor Planning Area (8665 Hudson Boulevard) that will free up liquidity that will be used to create (50) new jobs at an average salary of $52,000 ($35,000-$90,000 range) that will have an estimated $30,000,000 impact on the local economy.

BACKGROUND INFORMATION: Minnesota State Statutes allow for the use of tax abatement as an economic development tool to attract new business and create jobs – especially in areas where other tools like tax incremental financing and other incentivized programs cannot be used. In the winter of 2012, a company from Wisconsin, via a local representative, approached the City of Lake Elmo with interest in purchasing a corporate office building at 8665 Hudson Boulevard for the purpose of establishing a headquarters and creating 50 new jobs. 8665 Hudson Boulevard is currently assessed at $2,125,200 at an 80% completion rate. The total annual taxes are $70,256 (all taxing authorities).

The expect purchase price of the building will be approximately $3.1 million but will include non-real property assets and business considerations that will not solely reflect the actual value of the property. MN State Statutes, reflective of an onerous property tax policy toward business, mandates that assessors consider market value data that will artificially inflate taxes on the building that will reduce the working capital available to the company to create the jobs.

In addition, 8665 Hudson Boulevard is not in a TIF District thus denying the City of Lake Elmo the ability to use incentives created by the increased increment value to aid the company in job creation and create the positive economic impact to the local economy via the relocation of operations.

STAFF REPORT: After thorough review, tax abatement seems to be the only economic development tool the City of Lake Elmo has at its disposal to aid in the relocation of this company and the creation of 50 new jobs in Minnesota. Efforts to work within the current assessment and taxing system to obtain a property value based assessment sans the other business considerations proved to be unachievable based on State Statutes. However, it seems reasonable to provide a limited tax abatement based on the difference between the real property assessment (currently at $2,125,200) and any increase assessed that is for business considerations not tied to the real property value – with of course the policy consideration being the local government service costs to the property. Therefore, the City of Lake Elmo has worked with Washington County to determine a total abatement figure of $40,000 over a period of 4 years to offset the artificiality of the assessment policy and free up liquidity for the creation of jobs.

The City staff has taken lead and worked closely with the business owner, Governor Dayton, MNDEED, Washington County, Greater MSP, Xcel and the our legislative representatives to put together an economic development package that consists of tax abatement, a sizeable forgivable loan, job training funds, and energy credits to bring new good paying jobs to the region. The results of this public-private partnership has caused the business to execute the purchase agreement to acquire the property as a step of good faith that the economic development package will be delivered. Lake Elmo's tax abatement is one of two final steps in that delivery expectation. Washington County will be considering a similar abatement in early March. The City continues to work with the business on site modifications to make the property suitable for their operations.

RECOMMENDATION: Based on the preceding information, the staff recommends the following:

M/S/P: **To approve Resolution 2013-11 authorizing limited property tax abatement for 8665 Hudson Boulevard for the years 2014 – 2017 for the purpose of creating (50) new, good paying jobs that have a $30,000,000 impact on the local economy.**

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

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2013-11

A RESOLUTION AUTHORIZING LIMITED PROPERTY TAX ABATEMENT FOR 8665 HUDSON BOULEVARD FOR YEARS 2014, 2015, 2016, 2017

WHEREAS, the City of Lake Elmo, Minnesota, under Minnesota State Statutes Chapter 272, 273 and Chapter 489, has the authority to value and assess all real property within its jurisdictional boundaries and,

WHEREAS, Minnesota law authorizes political subdivisions to grant property tax abatements for economic development to encourage businesses to locate or expand to an area (Minn. Stat. §§ 469.1819-459.1816) and,

WHEREAS, abatements are available for up to 15-20 years and the total abatement cannot exceed the larger of ten percent (10%) of the net tax capacity or $200,000.00 and,

WHEREAS, Valley Cartage of Hudson, WI wishes to purchase and relocate to 8665 Hudson Boulevard in the City of Lake Elmo, Minnesota creating approximately fifty (50) or more jobs providing significant compensation in the area of logistics transportation that will stimulate the local economy and,

WHEREAS, the fifty (50) or more jobs include positions in the transportation logistics industry that pay between $35,000-$90,000 per year created by 2015 and that are subject to Minnesota state income tax and,

WHEREAS, the current assessed market value of 8665 Hudson Boulevard has been placed at $2,125,500 for the last two years and the building is currently built out at approximately the 80% level and,

WHEREAS, the purchase price will include non-real property assets and thus will not solely reflect the value of the improvements and land and,

WHEREAS, Valley Cartage has requested a limited property tax abatement for the years 2014-2017 as well as consideration of limited property tax abatement for 2018, and

WHEREAS, the City Council finds that the public benefits involved would include, but will not be limited to, general economic development, ultimately increasing the tax base, increasing the number of jobs in the area, and spurring economic activity along the I-94 corridor and these benefits would exceed the cost of abating the City portion of property taxes for the years 2014-2017 arising from any increase in the property value above the current assessed valuation ($2,125,200.00).

NOW, THEREFORE, IT IS HEREBY RESOLVED,

That the City Council of the City of Lake Elmo, Minnesota, agrees to abate the increase in the city portion of property taxes paid, excluding fiscal disparities, on parcel 33.029.21.44.0037 as follows:

1. For the purpose of this agreement, "increase in the city portion of property taxes paid, excluding fiscal disparities" specifically excludes any portion of the tax attributable to the area-wide tax under M.S. § 473F from abatement. The amount of tax abatement is calculated as follows for each parcel with an increase in taxable market value for a given year:
2.
   a. Calculate the base year city tax for the parcel
      i. Multiply current year class rates by the taxable market value for taxes payable in 2012 ($2,125,200) to determine the total tax capacity.
      ii. Multiply the total tax capacity by the fiscal disparity percentage for the current year to determine the fiscal disparity portion of the tax capacity.
      iii. Subtract the fiscal disparity portion of the tax capacity from the total tax capacity to determine the local tax capacity.
      iv. Multiply the local tax capacity by the city tax rate for the current year to determine the base year city tax.

   b. Calculate the current year city tax for the parcel
      i. Multiply current year class rates by the taxable market value for the current year to determine the total tax capacity.
      ii. Multiply the total tax capacity by the fiscal disparity percentage for the current year to determine the fiscal disparity portion of the tax capacity.
      iii. Subtract the fiscal disparity portion of the tax capacity from the total tax capacity to determine the local tax capacity.
      iv. Multiply the local tax capacity by the city tax rate for the current year to determine the current year city tax.

   c. Subtract the base year city tax from the current year city tax to determine the change in city tax.

   d. The change in city tax greater than $0 is the amount of tax abatement for the year.

3. Notwithstanding any provision to the contrary, no city abatement will be granted if the total taxes due on the parcel is less than the total tax amount due for taxes payable in 2012 of $70,256.
4. The maximum duration of the abatement shall be for four years, beginning for taxes payable in 2014, except that the City Council will consider an abatement for the year 2018 if requested by the property owner.
5. The maximum annual tax abatement amount shall not exceed $10,000.00 in any year and maximum total abatement for all years for all abating parties shall not exceed $40,000.00.

6. The City of Lake Elmo will make payment of the abatement to the property owner on or before July 30 of each year. No payment will be made after July 30, 2017 or after the total abatement for the four abatement years has been paid.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF FEBRUARY 2013.

CITY OF LAKE ELMO

By:_____
Mike Pearson
Mayor

(Seal)

ATTEST:

_____
Adam Bell
City Clerk

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/2013
REGULAR
ITEM #: 14
MOTION ***As part of Regular Agenda***

AGENDA ITEM: Olson Lake Trail Sanitary Sewer Extension Project – Receive Report, Call for Improvement Hearing, Declare Cost to be Assessed, and Call for Hearing on Proposed Assessment

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Dave Snyder, City Attorney
Adam Bell, City Clerk

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to consider adopting Resolution No. 2013-12, Receiving the Feasibility Report for the Olson Lake Trail Sanitary Sewer Extension project and Calling for a Public Improvement Hearing to be held on March 19, 2013. In addition, the City Council is respectfully requested to consider adopting Resolution No. 2013-13, Declaring the Cost to be Assessed and Calling Hearing on Proposed Assessment to also be held on March 19, 2013.

STAFF REPORT: The Olson Lake Trail Sanitary Sewer Extension Feasibility Report was authorized by the City Council on April 3, 2012. The report was prepared in response to a request by the City of Oakdale to jointly complete a sewer extension project that provides sewer service to properties located in both communities. The following summarizes the report findings and recommendations:

- The report recommends that an initial sewer extension project be constructed in 2013 that installs 550 feet of sanitary sewer along the west boulevard of Olson Lake Trail (no excavations in the County roadway needed). This project provides sanitary sewer service to 6 properties; 4 properties in Lake Elmo and 2 properties in Oakdale. In particular this project is responsive to the initial petitioning properties located in Oakdale. The estimated total project cost is $128,000.

- A second project would then be constructed to continue to extend sewer service north to 50th Street. This project would provide sewer service to an additional 11 Lake Elmo properties and 7 Oakdale Properties. This second project would be constructed in coordination with Washington County when the County completes a road resurfacing

project for Olson Lake Trail (CR 13); scheduled sometime between 2014 and 2016. By working together with Washington County the project can be completed more cost effectively by sharing the road restoration costs.

- Each of the projects would be a joint effort by Lake Elmo, Oakdale, and Washington County coordinated through joint powers agreements.

- The report recommends an assessment methodology that levy's an equal value assessment against all 24 benefitting properties, regardless of which project results in their connection to sanitary sewer service. Detailed analysis determined that this method resulted in the lowest assessment costs for all properties.

- The estimated one-time unit assessment amount is recommended at $18,500 levied over a period of 15 years. This was based on total estimated project costs of $444,000 for extending sewer service along the entire corridor north to 50th Street, providing sewer service to 24 total properties; 15 properties in Lake Elmo and 9 properties in Oakdale.

- This assessment methodology requires each city to carry project costs until such time that sanitary sewer is extended to all 24 properties. If future projects do not occur, the cities would be required to cover these costs. The estimated at risk cost for Lake Elmo is $10,540.

- Additional costs in the estimated combined amount of $3,500 would be collected from property owners at the time of connection to sewer. This amount is comprised of various permitting and connection fees previously established by the Oakdale utility.

- Properties would also pay a plumbing contractor to make the service connection for their property (from the right-of-way to their home). This cost is property specific.

- Each city ordinance requires properties to connect to sanitary sewer service within 1 year.

- Once connected, the City of Oakdale will bill on a quarterly basis for ongoing sewer use charges. Under current practice, Oakdale uses the winter quarter water use of the property, as metered from the private well, to determine and bill for annual sewer flows.

- The information provided in this report was presented to Lake Elmo and Oakdale property owners at a project informational meeting held on January 17, 2013. Letters, dated January 24, 2013 were also mailed to each property owner summarizing the report findings and recommendations.

RECOMMENDATION: Staff is recommending that the City Council consider receiving the Feasibility Report and calling for the Public Improvement Hearing to be held on March 19, 2013; and consider declaring the costs to be assessed and calling Hearing on the Proposed Assessment to also be held on March 19, 2013. The suggested motions to approve these actions are as follows:

"Move to adopt Resolution No. 2013-12, Receiving the Feasibility Report for the Olson Lake Trail Sanitary Sewer Extension

and Calling Hearing on Improvement to be held on March 19, 2013."

and

"Move to adopt Resolution No. 2013-13, Declaring Cost to be Assessed and Calling Hearing on Proposed Assessment for the Olson Lake Trail Sanitary Sewer Extension to be held on March 19, 2013."

ATTACHMENTS:

1. Resolution No. 2013-12, Receiving Feasibility Report for the Olson Lake Trail Sanitary Sewer Extension and Calling Hearing on Improvement

2. Notice of Hearing on Improvement

3. Resolution No. 2013-13, Declaring Cost to be Assessed and Calling Hearing on Proposed Assessment for the Olson Lake Trail Sanitary Sewer Extension

4. Notice of Hearing on Proposed Assessment

5. Olson Lake Trail Sanitary Sewer Extension Feasibility Report
   (available for review at city hall)

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2013-12
A RESOLUTION RECEIVING FEASIBILITY REPORT FOR OLSON LAKE TRAIL SANITARY SEWER EXTENSION AND CALLING HEARING ON IMPROVEMENT

WHEREAS, pursuant to City Council authorization, adopted on April 3, 2012, a feasibility report has been prepared by FOCUS Engineering, Inc. for the extension of sanitary sewer along Olson Lake Trail from an existing Oakdale lift station and extending approximately 550 feet north to the north property line of 4678 Olson Lake Trail; and this report was received by the council on February 19, 2013; and,

WHEREAS, the feasibility report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE, BE IT RESOLVED,

1. That the City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statues, Chapter 429 at an estimated total project cost of $128,000.

2. A public hearing shall be held on such proposed improvements on the 19th day of March, 2013, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF FEBRUARY 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

_____
Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
OLSON LAKE TRAIL SANITARY SEWER EXTENSION

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, March 19, 2013, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

> The improvement will consist of the extension of sanitary sewer along Olson Lake Trail North from an existing Oakdale Lift station located across the street from 4575 Olson Lake Trail and extending approximately 550 feet north to the north property line of 4678 Olson Lake Trail. The improvement will provide municipal sanitary sewer service to 4 Lake Elmo properties and 2 Oakdale properties located adjacent to the proposed improvement.

The area proposed to be assessed for these improvements include properties abutting the sanitary sewer extension. The estimated total cost of the sanitary sewer extension is $128,000 with the City cost share being $84,540. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: February 19, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on February __, 2013 and February __, 2013)

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2013-13
A RESOLUTION DECLARING COST TO BE ASSESSED AND CALLING HEARING ON PROPOSED ASSESSMENT FOR OLSON LAKE TRAIL SANITARY SEWER EXTENSION

WHEREAS, estimated project costs have been calculated for the extension of sanitary sewer along Olson Lake Trail from an existing Oakdale lift station and extending approximately 550 feet north so that the total estimated project cost of the improvements will be $128,000; and,

WHEREAS, the city will enter into a Joint Powers Agreement with the City of Oakdale to jointly implement the project and share in the project costs; with the Lake Elmo share of the cost being $84,540; and,

WHEREAS, the city clerk has prepared, with the assistance of the city engineer, the proposed assessment roll and has filed the proposed assessment in his office for public inspection.

NOW, THEREFORE, BE IT RESOLVED,

1. The portion of the project cost of the improvement to be assessed against benefitted Lake Elmo property owners is declared to be $74,000 and the remaining portion of the project, in the estimated amount of $10,540 to be paid by the City.

2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January, 2014, and shall bear interest at the rate of 4.0 percent per annum from the date of the adoption of the assessment resolution.

3. A hearing shall be held on the 19th day of March, 2013, in the council chambers of the City Hall at or approximately after 7:00 P.M. to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

4. The city clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

5. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the city clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. An owner may at any time thereafter, pay to the city clerk the entire amount

of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE NINETEENTH DAY OF FEBRUARY 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

_____
Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON PROPOSED ASSESSMENT
OLSON LAKE TRAIL SANITARY SEWER EXTENSION

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, March 19, 2013, to consider, and possibly adopt, the proposed assessment against abutting property for the Olson Lake Trail Sanitary Sewer Extension Improvements. Adoption by the Council of the proposed assessment may occur at the hearing. The following is the area proposed to be assessed:

The amount to be specially assessed against each particular lot, piece, or parcel of land located along Olson Lake Trail North and abutting the improvements is $18,500.

Said assessments are proposed to be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2014, and will bear interest at the rate of 4.0 percent per annum from the date of adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2013. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Clerk. No interest shall be charged if the entire assessment is paid 30 days from the adoption of this assessment. You may at any time thereafter, pay to the City Clerk the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 4.0 percent per year.

The proposed assessment roll is on file for public inspection at the City Clerk's office. The total amount of the proposed assessment is $74,000. *The City contribution for the project is $10,540.* Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.

The City Council is authorized in its discretion to defer the payment of an assessment for any homestead property owned by a person for whom it would be a hardship to make payment if the owner is 65 years of age or older and/or the owner is a person retired by virtue of a permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section 190.05 subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The owner must request a deferment of the assessment at or before the public hearing at which the assessment is adopted and make application on forms prescribed by the City Clerk within 30 days after the adoption.

Notwithstanding the standards and guidelines established by the City for determining a hardship, a deferment of an assessment may be obtained pursuant to Minnesota Statutes Section 435.193.

DATED: February 19, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on February __, 2013)

THE CITY OF LAKE ELMO

MAYOR AND COUNCIL COMMUNICATION

DATE: 2/19/13
REGULAR
ITEM #: 15

AGENDA ITEM: Zoning Text Amendment – Planned Unit Development (PUD) Ordinance

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

As part of ongoing efforts by Staff to integrate best practices and incrementally improving the structure of the Zoning Code, Staff submitted a proposed Planned Unit Development (PUD) Ordinance to the Planning Commission to replace the existing ordinance. The Planning Commission held a public hearing on the proposed ordinance on 12/10/2013, and further reviewed the ordinance at the meeting on 1/14/2013. At the meeting on 2/11/13, the Planning Commission recommended approval of the proposed PUD Ordinance (§154.800) as amended. The City Council is asked to consider the zoning text amendment to incorporate the proposed PUD Ordinance (Ord. 08-070) into the City's Zoning Code.

BACKGROUND INFORMATION:

As the City prepares for new sewered growth in the I-94 Corridor and Village, it is important to update the Zoning Code to ensure that best practices of implementation are utilized. Staff has taken an incremental approach to evaluating various ordinances in the Zoning Code to investigate opportunities for improvement. In addition, Staff is working to incrementally reorganize the structure of the Zoning Code, so that the standards and zoning districts are outlined in a more straightforward manner. The proposed update of the PUD Ordinance is aimed at furthering bother of these efforts, incorporating best practices for planned developments, as well as incorporating the ordinance into the new structure of the Zoning Code.

For those less familiar with planned developments, or PUDs, the purpose is to allow greater flexibility in the use of land and placement and size of building in order to achieve higher quality development through the inclusion of various amenities that the public deems important. In other words, projects are allowed additional flexibility for the tradeoff of site amenities that would otherwise not be included based upon the standard procedures for development in the base zoning districts.

STAFF REPORT:

As Staff evaluated the City's existing PUD Ordinance, multiple opportunities for improvement were identified. The opportunities for improvement include the following:

- The existing PUD ordinance does not adequately identify the goals or objective for planned developments in Lake Elmo.
- There are no standards for the inclusion of open space within planned developments.
- The existing PUD Ordinance does not adequately specify how increased densities are achieved in planned developments.

The proposed PUD Ordinance (Ord. 08-070) addresses all of these opportunities by identifying the City's objectives for planned developments, requiring a minimum amount of open space (20%) and establishing a more structured approach to achieving increases in residential density.

In regards to the identifiable objectives (§154.801), it is important to have the goals for planned developments clearly communicated. For a planned development application to be considered, the development must meet at least one of the community's identified objectives to be considered for approval. Be requiring that the City's objectives for planned developments are met, the City can weed out the applications for a planned development that are solely interested in density increases.

Regarding density, the proposed PUD Ordinance allows for a maximum increase of residential density up to 20% in exchange for various site amenities. All of the site amenities are given a certain amount of amenity points depending on the cost to install the amenity, as well as the value of the amenity to the community. Each percentage increase in residential density is equivalent to one (1) amenity point. In other words, if a planned development includes a 10% increase in density from the base zoning district, than the project must include one or a combination of amenities that equal 10 amenity points. Staff recommends this approach to awarding increased density because it ensures that various amenities that the community values will be included in planned developments. In addition the approach is more structured in that it creates a level playing field for all applications for planned developments, as opposed to other PUD ordinances that operate more similarly to an open negotiation between the applicant and the City.

In addition to the PUD Ordinance itself, Staff recommends that the City pursue a summary publication of the ordinance due to the length of the document. The City Council is required to pass a resolution (2013-14) authorizing summary publication. The summary publication (Resolution No. 2013-14) of Ord. 08-070 is also attached. *Requires 4/5 vote.*

PLANNING COMMISSION RECCOMENDATION:

The Planning Commission is recommending that the City Council adopt of the proposed PUD Ordinance through the following motion:

"Move to adopt Ordinance 08-070 to incorporate recent best practices related to the execution of PUDs and make continued organizational improvements to the Zoning Code."

In addition, Staff is recommending that the City Council approve summary publication of the ordinance through the following motion:

"Move to approve Resolution No. 2013-14, authorizing summary publication of Ordinance 08-070."

ATTACHMENTS:

1. Ordinance 08-070
2. Resolution No. 2013-14 – Summary Publication. *Requires 4/5 vote.*

SUGGESTED ORDER OF BUSINESS:

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

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-070

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADOPTING A NEW PLANNED UNIT DEVELOPMENT ORDINANCE TO INCORPORATE BEST PRACTICES RELATED TO THE EXECUTION OF PLANNED DEVELOPMENTS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by repealing City Code Sections 154.070 through 154.075 in their entirety.

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:

ARTICLE 17. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

§154.800 Intent
§154.801 Identified Objectives
§154.802 Allowed Development
§154.803 Minimum Requirements
§154.804 Density
§154.805 Coordination with Other Regulations
§154.806 Phasing and Guarantee of Performance
§154.807 Control of Planned Unit Development
§154.808 Procedures for Processing a Planned Unit Development
§154.809 Application Requirements for General Concept Plan and Final Plan
§154.810 City Cost

§154.800 Intent

This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD district, with specific requirements and standards that are unique to that development.

§154.801 Identified Objectives

When reviewing requests for approval of a planned unit development, the City shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the City's identified objectives (A-J). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches;

B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities;

C. Provision of more adequate, usable, and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development techniques;

D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing;

E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities;

F. Preservation of historic buildings, structures or landscape features;

G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses;

H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation;

I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved; and

J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.

§154.802 Allowed Development

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the list of uses approved in the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments.

A. *Permitted uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted uses upon the approval of the planned unit development.

B. *Placement of structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.

C. *Development intensity.* The PUD may provide for an increase in the maximum gross floor area or floor area ratio by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities.

D. *Density.* The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in Section 154.804. In addition, the City retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the City's Land Use Element of the Comprehensive Plan.

E. *Building setbacks.* The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).

F. *Lot requirements.* The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.

G. *Other exceptions.* As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Section 154.801.

§154.803 Minimum Requirements

A. *Lot area.* A PUD must include a minimum of five (5) acres for undeveloped land or two (2) acres for developed land within the approved development. Tracts of less than two (2) acres may be approved only if the applicant can

demonstrate that a project of superior design can be achieved to meet one or more of the identified objectives listed in Section 154.801, or that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process. The Planning Commission shall authorize submittal of a PUD for a tract of less than two acres prior to submittal of a general concept plan application.

B. *Open space*. For all PUDs, at least twenty percent (20%) of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.

C. *Street layout*. In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

§154.804 Density

The PUD may provide for an increase in density of residential development by up to twenty percent (20%) of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) or a combination of site amenities that equal the required amount of amenity points to achieve the desired density bonus.

A. *Amenity Points and Equivalent Density Increases*. Increases in density will be awarded through a 1:1 ratio with amenity points. For every increase in amenity points for a Planned Unit Development, the applicant will be allowed an equivalent amount of density increase, up to a maximum increase of twenty percent (20%). Table 15-1 outlines the required amount of amenity points to achieve various density increases.

Table 15-1: Amenity Points and Equivalent Density Increases

Amenity Points	Density Increase

5	5%
10	10%
15	15%
20	20%

B. *Site Amenities.* Site amenities that are eligible for amenity points are listed in Table 15-2, including the associated standards of implementation. Some of the amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. Where the amenity does not meet all of the standards required in Table 15-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as otherwise allowed in Table 15-2. The City may also consider the allotment of amenity points for site amenities that are not otherwise specified within this ordinance as part of the Preliminary Plan phase of the planned development.

Table 15-2: Site Amenities

Points	Amenity	Standards
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded one (1) additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development.

10	Additional Open Space	A minimum of fifty percent (50%) of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of fifty percent (50%) of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.
10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved City plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under State Code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the City. This amenity is separate from underground or structure parking.

5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the City, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and /or around the site that comply with the Americans with Disabilities Act accessibility requirements.
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than one thousand (1,000) square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
1-5	Enhanced Landscaping	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.

3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.

§154.805 Coordination With Other Regulations

A. *Coordination with subdivision review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Article shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.

B. *Coordination with other zoning requirements.* All of the provisions of this Chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

§154.806 Phasing and Guarantee of Performance

A. *Development Schedule.* The City shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

B. *Schedule extension.* For good cause shown by the property owner, the City Council may extend the limits of the development schedule.

C. *Phasing of amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the

construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.

D. *Guarantees.* A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

E. *Changes during development period.*

1. Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.

2. Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, Article 3. Any changes shall be recorded as amendments to the recorded copy of the final development plan.

F. *Rezoning to original district.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

§154.807 Control of Planned Unit Development Following Completion

A. *Final development plan controls subsequent use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

B. *Allowed changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent.

2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.

C. *Amendment required for major changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.

§154.808 Procedures for Processing a Planned Unit Development.

There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.

A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this Article before incurring substantial expense in the preparation of plans, surveys and other data.

B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.

C. *Preliminary Plan.* Following approval of the General Concept Plan, the applicant shall submit a Preliminary Plan application and preliminary plat, in accordance with the requirements described in Section 153.07. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes.

D. *Final Plan.* Following approval of the Preliminary Plan, the applicant shall submit a Final Plan application and final plat, in accordance with the requirements described in Section 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.

E. *Schedule for Plan Approval.*

1. Developer presents the General Concept Plan to the Planning Commission for their review and comment.
2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
5. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the General Concept Plan and attach such conditions as it deems reasonable.
6. Following approval of the General Concept Plan, the application may proceed to the Preliminary Plan phase.
7. Developer presents the Preliminary Plan to the Planning Commission for their review and comment.
8. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
9. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
10. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
11. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the Preliminary Plan and attach such conditions as it deems reasonable.
12. Following approval of the Preliminary Plan, the application may proceed to the Final Plan phase.
13. Developer presents the Final Plan to the Planning Commission for their review and comment.
14. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
15. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
16. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

17. After the receipt of the report and recommendations from the Planning Commission, the City Council may approve the Final Plan and attach such conditions as it deems reasonable.

§154.809 Application Requirements for General Concept Plan, Preliminary Plan and Final Plan.

Ten copies of the following plans, exhibits and documents shall be submitted at the General Concept Plan stage, Preliminary Plan stage and the Final Plan stage.

A. *General Concept Plan Stage*

1. General information

   a. The landowner's name and address and his/her interest in the subject property.

   b. The applicant's name and address if different from the landowner.

   c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

2. Present Status

   a. The address and legal description of the property.

   b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.

   c. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.

   d. Site conditions: Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet shall be submitted and contain the following:

      i. Contours; minimum five foot (5') intervals.

      ii. Location, type and extent of tree cover.

      iii. Slope analysis.

      iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.

   e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.

f. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

g. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.

h. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

   i. Area devoted to residential use by building type.

   ii. Area devoted to common open space.

   iii. Area devoted to public open space and public amenities.

   iv. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

   v. Approximate area, and floor area, devoted to commercial uses.

   vi. Approximate area, and floor area, devoted to industrial or office use.

i. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage.

j. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

k. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

B. *Preliminary Plan Stage*

1. Preliminary plat and information required by Section 153.07.

2. General information:

   a. The landowner's name and address and his interest in the subject property.

   b. The applicant's name and address if different from the landowner.

   c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted,

including but not limited to attorney, land planner, engineer and surveyor.

d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

3. Present Status:

   a. The address and legal description of the property.

   b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.

   c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.

   d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

   e. A statement of the proposed financing of the PUD.

   f. Site conditions: Graphic reproductions of the existing site conditions at a scale of one (1) inch equals one hundred (100) feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.

      i. Contours; minimum two foot (2') intervals.

      ii. Location, type and extent of tree cover.

      iii. Slope analysis.

      iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.

      v. Significant rock outcroppings.

      vi. Existing drainage patterns.

      vii. Vistas and significant views.

      viii. Soil conditions as they affect development.

g. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

   i. Area devoted to residential use by building type.

   ii. Area devoted to common open space.

   iii. Area devoted to public open space and public amenities.

   iv. Approximate area devoted to streets.

   v. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

   vi. Approximate area, and floor area, devoted to commercial uses.

   vii. Approximate area, and floor area, devoted to industrial or office use.

i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.

j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.

n. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

o. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

C. *Final Plan Stage.* Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the General Concept and Preliminary Plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by Section 153.08.

2. Final plans drawn to a scale of not less than 1 inch = 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:

   a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated).

   b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.

   c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any.

   d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.

   e. Location, designation and total area of all common open space.

   f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

   g. The location of applicable site amenities, if any.

   h. Proposed lots and blocks, if any and numbering system.

   i. The location, use and size of structures and other land uses on adjacent properties.

   j. Detailed sketches and provisions of proposed landscaping.

   k. General grading and drainage plans for the developed PUD.

l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan.

3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
4. A tabulation indicating the number of residential dwelling units and expected population.
5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density.
6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office).
7. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

§154.810 City Costs

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-070 was adopted on this nineteenth day of February 2013, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Adam Bell, City Clerk

This Ordinance 08-070 was published on the ____ day of _____, 2013.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

RESOLUTION NO. 2013-014

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-70 BY TITLE AND SUMMARY

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-70, an ordinance to the City's regulations pertaining to Planned Unit Developments (currently Sections 154.070 through 154.075 of the City Code); and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-070 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-070, which replaces the current sections of the City Code pertaining to Planned Unit Development (PUD) Regulations with an amended PUD ordinance. The revised ordinance includes the following significant revisions from the previous ordinance:

- A new statement concerning the objectives or goals to be included in planned developments.
- The incorporation of best practices related to the inclusion of site amenities in planned developments.
- Creation of a structure and procedure for achieving density bonuses within planned developments in a quantifiable manner.
- The recoding and reorganization of the PUD Ordinance into the structure of recent amendments to the Zoning Ordinance.

The full text of Ordinance No. 08-70 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City

Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: February 19, 2013.

CITY OF LAKE ELMO

_____
Mayor Mike Pearson

(seal)
ATTEST:

_____
Adam Bell, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.