

**NOTICE OF MEETING**

**City Council Meeting**

**Tuesday, June 17, 2014 7:00 P.M.**

**City of Lake Elmo | 3800 Laverne Avenue North**

**AGENDA**

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
  - 1. Accept June 3, 2014 City Council Meeting Minutes
- G. Council Reports**
  - Mayor
  - Council
- H. Public Comments/Inquiries**
- I. Finance Consent Agenda**
  - 2. Approve Payment of Disbursements and Payroll
  - 3. Accept Financial Report dated May 31, 2014
  - 4. Accept Building Report dated May 31, 2014
  - 5. Accept City Assessor Report dated May 31, 2014
  - 6. Approval of Certificate for Municipal Entities and Municipal Bond Obligators
  - 7. Request for Approval to Abate Street Assessments Levied in 2014; ***Resolution No. 2014-51***
  - 8. Section 34 Water and Sewer Utility Extension Improvements – Pay Request No. 5
  - 9. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street – Change Order No. 5
  - 10. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street – Pay Request No. 7
- J. Other Consent Agenda**
  - 11. Appointment of 2014 Election Judges; ***Resolution No. 2014-41***
  - 12. Council Workshop Date Change
  - 13. Lateral Benefit Charge Ordinance Amendment; ***Ordinance 08-108***
  - 14. Assessment Policy; ***Resolution No. 2014-42***
  - 15. AUAR Update; ***Resolution No. 2014-43***
- K. Regular Agenda**
  - 16. Authorization for Sale of \$6,235,000 General Obligation Improvement Bonds, Series 2014A; ***Resolution No. 2014-44***
  - 17. 2013 Comprehensive Annual Financial Report and Management Letters Presentation
  - 18. 2014 Bond Rating Report – Standard & Poor's/Moody's
  - 19. Wildflower at Lake Elmo Concept Plan; ***Resolution No. 2014-45, Resolution No. 2014-46***
  - 20. 2014 Street Improvements – Accept Bids and Award Contract; ***Resolution No. 2014-47***
  - 21. Village East Trunk Sanitary Sewer: UP Rail to TH 5 – Approve Feasibility Report, Call Public Improvement Hearing and Approve Plans and Specifications; ***Resolution No. 2014-48***
  - 22. 39<sup>th</sup> Street N: Street & Sanitary Sewer Improvements – Approve Plans and Specifications; ***Resolution No. 2014-49***
  - 23. Approval of Fund Transfers and Closures for 2013; ***Resolution No. 2014-50***
- L. Staff Reports and Announcements**
  - City Administrator
  - City Attorney
  - Planning Director
  - City Engineer
  - Finance Director
  - City Clerk
- M. Adjourn**

CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
JUNE 3, 2014

*Mayor Pearson called the meeting to order at 7:00 pm.*

**PRESENT:** Mayor Mike Pearson and Council Members Wally Nelson, Anne Smith, Mike Reeves and Justin Bloyer.

Staff present: City Administrator Zuleger, City Attorney Snyder, Community Development Director Klatt, City Engineer Griffin, Finance Director Bendel, City Clerk Bell, Building Official Chase, and Assistant City Engineer Stempski.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

***MOTION:*** Council Member Smith moved **TO APPROVE THE JUNE 3, 2014 CITY COUNCIL AGENDA AS PRESENTED. Council Member Bloyer seconded the motion. **MOTION PASSED 5-0.****

**ITEM 1: ACCEPT MINUTES**

***THE APRIL 23, 2014 SPECIAL CITY COUNCIL MEETING MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.***

***THE MAY 20, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS OF THE CITY COUNCIL.***

**COUNCIL REPORTS:**

**Mayor Pearson:** no report

**Council Member Smith:** no report

**Council Member Nelson:** no report

**Council Member Bloyer:** wants to apologize to Lake Olson and Demontreville residents for vote on high water mark.

**Council Member Reeves:** no report

**PUBLIC COMMENTS**

Library Director Orsted reported that the library is working on keeping young people reading during the summer while school is out. The Medallion Hunt begins on Monday, June 9, 2014. Daily clues will be released at 10 am until medallion is found. The winner receives annual pass to the Park Reserve. American Red Cross is doing blood drive in July. She explained some of the other summer events.

Library hours were described. Open daily, Monday through Saturday, at 10 am. Monday and Wednesday open until 5 pm; Tuesday and Thursday open until 8 pm; Friday and Saturday open until 2 pm. Council Member Smith thanked Linda for all the work she and the board have done to make the library a success.

**PRESENTATIONS – 2014 STATE BONDING TEAM RECOGNITION**

Mayor Pearson gave brief overview of the efforts to secure state bonding funds at the MN Legislature. City Administrator Zuleger acknowledged that Rep. Joanne Ward was not able to make it. He introduced Representative Kathy Lohmer and Senators Karin Housley and Susan Kent and recognized all their work in helping to successfully obtain \$3.5 Million in state bonding for Lake Elmo water infrastructure. Mr. Zuleger also acknowledged the assistance provided by lobbyist James Clark of Messerli & Kramer and Deputy Clerk Beckie Gumatz.

Senator Kent of State Senate District 53 said it was an honor to work on this effort. She commended the team on all the hard work. It is important to entire east metro. Senator Housley of State Senate district 39 thanked everyone for coming down to the legislature and working as a team. Representative Lohmer thanked the team and said Lake Elmo did an outstanding job going to bat for the community. She said Mr. Zuleger is very dedicated to the success. She was happy to be a part of it.

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll in the amount of \$397,379.72
3. Well No. 4 Connecting Watermain Improvements – Pay Request No. 2
4. Pumphouse No. 4 Improvements – Pay Request No. 1

**MOTION:** Council Member Nelson moved **TO APPROVE THE FINANCE CONSENT AGENDA AS PRESENTED**. Council Member Bloyer seconded the motion. **MOTION PASSED 5-0.**

OTHER CONSENT AGENDA

**MOTION:** Council Member Bloyer moved **TO PULL ITEM 10 FOR DISCUSSION**. Council Member Reeves seconded the motion. **MOTION PASSED 5-0.**

5. Wedding Ordinance 08-107 Summary Publication; **Res. No. 2014-34**
6. Perfecting Comp Plan Amendment; **Res. No. 2014-35**
7. Sign Retroreflectivity Policy
8. Accessory Building Forward of Primary Structure – 11991 30<sup>th</sup> Street North; **Res. No. 2014-36**
9. 39<sup>th</sup> Street N: Street & Sanitary Sewer Improvements – Order Plans and Specifications. **Res. No. 2014-37**
10. Metropolitan Council MOU Termination

**MOTION:** Council Member Smith moved **TO APPROVE THE OTHER CONSENT AGENDA AS PRESENTED**. Council Member Nelson seconded the motion. **MOTION PASSED 5-0.**

ITEM 10: METROPOLITAN COUNCIL MOU TERMINATION

City Administrator Zuleger provided overview of the significance of the Metropolitan Council MOU termination. He explained that the City can now self-determine the growth and pace instead of being subject to contractual obligations. Elimination results in a drop of 3,500 population and affords 10 more years to reach target. Now growth is simply driven by forecast. There is a reduction from 8,700 households to 8,000.

Council Member Reeves recounted his astonishment of learning about the Wastewater Inefficiency Fines when he joined the Planning Commission. Having the threat of these penalties eliminated is huge for residents. Council Member Bloyer thanked everyone for their hard work on the elimination. Council Member Smith stated the City always thought the MOU would go away. She agreed that this is a big deal for everyone who worked on this. Mr. Zuleger recognized the council members and staff who worked with the Met Council to get rid of this.

**MOTION:** Council Member Smith moved **TO APPROVE MET COUNCIL RESOLUTION NO. 2014-8**. Council Member Reeves seconded the motion. **MOTION PASSED 5-0.**

REGULAR AGENDAITEM 11: ABATEMENT OF 8350 38<sup>TH</sup> ST.

Building Official Chase provided overview of the nuisance situation for the property at 8350 38<sup>th</sup> Street. The property is a bank foreclosure, and staff has not been able to successfully contact or get response from the property owner. The location was further clarified for Council. Mr. Chase showed the Council pictures of the public nuisance present at the property, which includes debris consisting of trash, appliances, hazardous chemicals, etc.

Council Member Bloyer asked about recovering staff time costs. Under the law, staff time is recoverable.

**MOTION:** Council Member Reeves moved **TO ENACT §96.11 AND §96.12 OF THE CITY OF LAKE ELMO CODE TO ABATE 8350 38<sup>TH</sup> STREET BASED ON THE DEFINITION OF NUISANCE IN § 96.01 OF THE CITY CODE**. Council Member Nelson seconded the motion.

Council Member Nelson reporting viewing the property with Mr. Chase. It is disgusting and needs abatement. Mayor Pearson recognized staff's regular approach to work with owners, but this case definitely warrants this type of action. Mr. Chase thanked council for their support. Council Member Reeves thanked the residents for reporting the nuisance.

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Council Member Smith asked about city's policy with foreclosures. Mr. Chase noted that banks are reluctant to act. Mr. Chase explained that staff continues to work with the current ordinances and policies, but will retool them to make them more efficient as we proceed. Mr. Nelson asked about cutting grass and assessing costs. Mr. Chase explained that historically we have not, but the City can. Typically staff goes to great lengths to work with residents depending on the circumstances.

***MOTION PASSED 5-0.***

**ITEM 12: LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS – ACCEPT BIDS AND AWARD CONTRACT; RES. NO. 2014-38**

City Engineer Griffin provided overview of project. Three bids were received. Staff recommends awarding the contract to low bidder GM Contracting.

Council Member Smith asked why this project is being done now, when she does not believe it is in the right sequence. Mayor Pearson offered that the Lake Elmo Avenue watermain project is part of paying for infrastructure that has been installed. Parties are also interested in having water brought to area. The current bid is good and may not be as good at later date. City has secured commitments to prepay WACs from respective property owners. Ms. Smith expressed her desire that the project needs to fund itself. City Administrator Zuleger explained that three potential developments have been brought to city in that area. One property needs fire protection.

Ms. Smith asked if City understands the numbers involved. Ms. Smith noted that the comprehensive plan and density will change, and it is premature to act without new data. Mr. Zuleger stated that staff has a plan to recalibrate the number with minor comp plan amendments.

Council Member Bloyer asked for status with the securities. It was explained that the City has \$1,105,000 in prepaid WACs, plus pending \$150,000. This is over 50% of the total cost. Mr. Bloyer asked about the risk involved if bankruptcy occurs. City Attorney Snyder said that the commitments are as secure as they can be at this point in the process, but bankruptcy can always present a potential problem.

Community Development Director Klatt explained that comp plan also includes water and sewer plans. For 10 years Lake Elmo has been playing catch-up in this type of planning. Staff does expect to modify the numbers in area as development occurs. Mr. Griffin explained that this is part of the long-term master plan for infrastructure. Eventually this will connect with the western pipe and those along I94 to create complete loop. Ms. Smith asked if it has to be done now. She is concerned about "biting off more than we can chew." Mr. Griffin said that the proper time to do this project is when development requires it. Mr. Klatt stated that current staff is handling 8-10 proposed developments. Ms. Smith asked what potential future developments may be missed by approving these developments now. That premise is too speculative answer.

Ms. Smith wanted to know why the City has been actively searching for waivers for development in area not in sequence. City Attorney Snyder explained that projects can be built differently. Some cities build infrastructure and wait for development. Some wait for developers to install the infrastructure. In the middle is the approach where cities work together with developers to put it in jointly. That continuum is a philosophical, political, policy decision difference for councils. Reasonable people can disagree on which approach to follow.

Mr. Zuleger explained that this area was planned for the third phase of development. Staff has sought waivers to help pay for infrastructure due to development interest. Mr. Griffin explained that this project was originally planned in 2013 to be done in 2014.

Council Member Reeves asked about current staff's ability and flexibility to handle these projects. Mr. Zuleger said that staff is getting much better, but there have been unexpected projects that have added to workload. Council Member Bloyer asked engineers if they can handle this project or if it would reduce the ability to work on other projects that need to be handled. Mr. Griffin explained that Focus and design contractors are involved, but they can handle the workload.

Mr. Zuleger noted that the Inwood project has been moved to 2015, so the projects do not overlap. Mr. Reeves asked that the financed be explained publicly.

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Ms. Smith asked about the funding itself and if there is a cost to the taxpayers. Mr. Griffin explained that water and sewer are self-sustaining so they are not on the backs of the taxpayers, subject to the financial assumptions being realized. The global system needs to fund itself as some projects will not work as well as others at all times.

Finance Director Bendel explained the cash flow analysis. The Lake Elmo Avenue watermain project is \$1.074 million short, but the global water system will cashflow for next 20 years. It was explained that the commitments were more solid than the timeline. Delaying the development will have a greater impact than specific development failures.

Mr. Reeves reiterated that judging this project on its own is not most accurate way to look at it because the global water system will cashflow with or without this project.

Mayor Pearson asked about commercial development and asked about the future water projects. Mr. Griffin said the future projects will happen with the growth.

Mr. Bloyer asked about how much development would have to not happen to maintain cashflow. Mr. Nelson calculated that 75% build out maintains cashflow for 12-14 years and 70% cashflows for about 11 years.

It was noted that the area between Lake Elmo Ave and Keats Ave have not been considered at all in commercial projections. There are also no commercial projections included in the Village either.

Mr. Zuleger explained that at some point need to develop that area and balance the growth between residential and commercial. Mr. Reeves asked about status of bonding bill at the time the previous email. It was explained that the City was not in the bill at the time.

Mayor Pearson asked why we cannot bring water from west. It was explained that the City would have to pay for the whole thing if done now and future development will pay for it when that eventually happens. Mr. Zuleger reiterated that the \$3.5 Million in bonding will free up Section 34 WACs for entire system. Holistically, the global system works.

Council Member Nelson read letter from Lake Elmo Avenue resident Dan Raleigh, who supports the project.

**Dan Regan** with Launch Properties spoke in support of project. He recently proposed commercial development on property that would receive water from this project. He explained that development requires infrastructure. He noted that the projections are only based on what is known now. In order to get return on investment, the investment needs to be made. There is already sewer there, but area now needs water to develop.

Council Member Bloyer asked if Mr. Regan could install a well near the contaminated area. Mr. Griffin said that a well would be a risk and may work, but not a good option for multiple reasons. Mr. Regan explained that due to fire suppression needs, a well would not be feasible and would limit the commercial opportunities. His family has owned parcel for decades. Multiple plans have been brought to city to no avail. He recently bought a lot and is building a house in the city, so he also wants to be a neighbor and partner with the city.

Council Member Smith expressed her desire that the land be developed differently than what has been proposed. Mr. Regan explained that demand has to drive development based on comp plan and zoning. At this time, there is not a demand for what Ms. Smith desires. She is concerned that Lake Elmo will miss out on something better. Mr. Reeves asked if business will come without water. The probability is low.

***MOTION: Council Member Reeves moved TO APPROVE RESOLUTION NO. 2014-38, ACCEPTING BIDS AND AWARDING A CONTRACT TO GM CONTRACTING INC., IN THE AMOUNT OF \$2,015,687.39 FOR THE LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS.***  
*Council Member Nelson seconded the motion.*

Council Member Nelson noted that the City lost out on Cabela's recently because there was no infrastructure in place. The finance team has spent lots of time developing the pro forma, and it is very conservative. In a year or two, the whole system may be healthy enough to lower water rates. There are 10 years of positive cash flow. State bonding funding of \$3.5 million was a game changer. Property owners have been waiting for years for water. City has obtained commitments to reduce risk. Nothing more that we can do to eliminate risk. He wants to let the land owners do what they do best and develop as best they can.

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Council Member Reeves commended staff and finance committee on their work. He agreed that the state bonding success changed things. Lake Elmo Ave water was part of the bonding need. He is willing to take risk to make an investment. The assumptions are extremely conservative. Even with a 25% reduction, positive cash flow works out to 2024.

Council Member Smith supports development and property owners. Residents she has interacted with want the development to look nice. She thinks the City should wait a year or two so the city does not end up accepting developments it doesn't want. She thinks the City should slow down and take time to make sure we get the best developments. Mayor Pearson noted that the City has overcommitted in past, but this is a remedy. He stated that the City owes it to property owners who have been restricted by lack of infrastructure in the past. He is supportive of the project.

Mr. Reeves hopes that the council supports its decisions as a body regardless of how it votes. Council Member Bloyer reminded everyone that the property owners should be able to use the property as they see fit if it is an allowed use. He is willing to make investment to make thing better for future residents.

Ms. Smith reiterated that her concern is the timing, not the development itself.

***MOTION PASSED 4-1 (Smith – Nay).***

***Mayor Pearson Recessed the meeting at 9:02 pm. The meeting was reconvened 9:12 pm.***

### **ITEM 13: 2014 CAPITAL IMPROVEMENT FINANCE PLAN; RES. NO. 2014-39**

Finance Director Bendel introduced Tammy Omdal from Northland Securities. She provided an overview of the upcoming municipal bond sale of \$6.2 million. Sale date is June 17, 2014. Anticipated interest rates are 2.3%. Ms. Omdal will be back on June 17<sup>th</sup> to present the bond bids. Bonds will be sold competitively so banks or underwriters will be buyers.

Council Member Reeves asked about the threat to the enterprise fund threshold for development delay. Approximately \$200,000 will be needed annually to pay debt. The impact on the City's credit rating was described. Bond rating call went well. The policies that the city has put in place are positive. The rating will be available next week.

***MOTION: Mayor Pearson moved TO APPROVE RESOLUTION 2014-39 AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2014A IN THE AMOUNT OF \$6,235,000. Council Member Nelson seconded the motion. MOTION PASSED 5-0.***

### **ITEM 14: SHORELAND AMENDMENT ORDINANCE; ORD. 08-111, RES. NO. 2014-40**

Community Development Director Klatt explained the proposed ordinance amendment.

*Council Member Smith left room at 9:20 pm.*

Primary issue is to modernize the code and bring code in line with new urban districts. Staff has created a model to balance the protection of surface waters in the community while still accommodating sewer growth in targeted shoreland areas using dedicated riparian buffer areas. Also proposed is an updated definition of overall height for water oriented accessory structures being "enclosed." It was noted that the DNR commented after the Planning Commission recommended approval. City Attorney Snyder explained that the DNR can challenge development that is based on ordinances that they do not approve of. They do not often do that. The solicitation for comments was proper, and due to the delay in receiving the DNR comments Counsel does not recommend giving any deference to the comments at this point.

*Council Member Smith returned at 9:25 pm.*

***MOTION: Council Member Reeves moved TO APPROVE ORDINANCE 08-111 TO ADOPT UPDATED SHORELAND PROVISIONS TO INCORPORATE STANDARDS AND BEST PRACTICES FOR SEWERED PROPERTIES IN SHORELAND AREAS. Council Member Bloyer seconded the motion. MOTION PASSED 5-0.***

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**MOTION:** *Mayor Pearson moved TO APPROVE RESOLUTION NO. 2014-40, AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-111. Council Member Bloyer seconded the motion. MOTION PASSED 5-0.*

**ITEM 15: GARAGE ORDINANCE; ORD. 08-112**

Community Development Director Klatt explained the reason this amendment is being proposed. Staff has learned that the current ordinance is extremely restrictive for proposed developments. Staff originally proposed a 75% limitation, but the Planning Commission recommended 60%. Mr. Bloyer expressed his discomfort with any type of restriction such as this. He asked why this only applies to urban districts. It was explained that our restriction is very unusual for sewer residential districts in other communities.

Council Member Smith asked if lots could be widened in order to eliminate the issue as well. Council Member Nelson asked about concerns restricting certain types of homes. Mr. Klatt explained that townhomes and other types of homes could have a difficult time complying. Staff expects to have to address those types in the future.

It was explained that the garage front setback requirement was also eliminated. Council Member Reeves asked about the threat of the risk of deterring builders and thence homebuyers. Staff confirmed that the revision of 60% satisfies the current builder proposals. Mr. Reeves wants Lake Elmo to be competitive.

The Council discussed the builders' desire for larger lots. Mr. Klatt explained that wetland areas and open space have impacted the lot sizes.

It was explained again that this restriction only applies to developments in urban residential districts.

**MOTION:** *Mayor Pearson moved TO ADOPT ORDINANCE 08-112 AMENDING THE ZONING ORDINANCE BY REVISING THE REQUIREMENTS FOR ATTACHED GARAGES IN URBAN RESIDENTIAL DISTRICTS. Council Member Reeves seconded the motion.*

Council Member Bloyer expressed his belief that this is still too restrictive. It is better than what we currently have, but does not go far enough in his opinion.

Council Member Nelson wants the builders to have flexibility, but this is too restrictive. He is concerned about non-single family homes. He wants variety and variation, but wants the market to dictate what should be built. Council discussed how to treat townhomes. Options would be to remove the limitation completely, allow greater percentage for townhomes, or exempt townhomes.

Joe Joblonski from Lennar stated that 60% works for them right now, but it may not in the future or with other builders. Many custom builders and larger lots may want 4 car garages and the 60% may not work in that case. He would like to see the restriction removed all together; however, the 60% does work for Lennar right now. Mr. Joblonski showed an example of a façade of a home that meets the 60% limitation.

Mayor Pearson asked when the ordinance came about. Mr. Klatt was not sure when or recall the specifics of how, but that it was part of design standards to avoid home façades dominated by garages.

Mr. Nelson is okay with 60% for single-family detached homes and wants to support the Planning Commission but wants the townhome issue addressed.

Mr. Zuleger urged prudence by making incremental changes to the code. Let the developers and Planning Commission work it out. He noted that staff has to update various code provision as we begin to deal with development. Staff expects to bring more revisions to Council as we go.

Council further discussed how other communities don't have any such restrictions and how to proceed. A friendly amendment was suggested of adding limiting language to single-family homes. Mayor Pearson and Council Member Nelson accepted friendly amendment.

**MOTION PASSED AS AMENDED 4-1 (Bloyer – nay).**

**ITEM 16: ANNUAL PUBLIC MEETING TO APPROVE MS4 ANNUAL REPORT FOR MPCA SUBMITTAL**

## LAKE ELMO CITY COUNCIL MINUTES

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Assistant City Engineer Stempski explained the implementation of the Storm Water Pollution Protection Plan Minimum Control Measures. There are 6 minimum control measures. 1) & 2): Public education, outreach & participation. 3) Illicit discharge detection and elimination; 4) Construction site storm water controls. There have been 29 violations this year. Building Official Chase has done great job enforcing erosion control in city; 5) Post-construction storm water management for development and redevelopment; 6) Pollution prevention/good housekeeping for municipal operations.

*Council Member Bloyer left room at 10:19 pm. Mr. Bloyer returned at 10:22 pm.*

City is under new MS4 permit for 2014. Mr. Stempski highlighted the 2014 work plan.

Council Member Smith asked if process was available for water issues that residents experience. If the issue is a public issue, City will address it to determine if it is a public issue.

Council Member Nelson asked if current staff can handle work involved. The approach the City takes is to see what other communities do that is acceptable to the MPCA and then model our policies after those accepted practices. It was explained that City may need to bring a consultant on board to conduct pond surveys. It was also explained that the storm water fees fund these activities.

**MOTION:** *Council Member Smith moved TO ACCEPT THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) ANNUAL REPORT FOR 2013, AND AUTHORIZE STAFF TO SUBMIT THIS REPORT TO THE MPCA BY JUNE 30, 2014. Council Member Reeves seconded the motion. MOTION PASSED 5-0.*

### STAFF REPORTS AND ANNOUNCEMENTS

**City Administrator Zuleger:** noted upcoming Quality of Life workshop on June 10th; June 12<sup>th</sup> first of four neighborhood meetings; next edition of *The Source* will be published soon; garbage hauling going to 2 days a week- Monday & Thursday starting on July 14, 2014.

**City Attorney Snyder:** no update

**Community Development Director Klatt:** planning department summer intern Casey Reily has started and is doing well.

**City Engineer Griffin:** taking bids on 2014 Street Improvements project; ahead of schedule on 39<sup>th</sup> St. project design. Plan to bring back to Council on June 17<sup>th</sup>.

**Finance Director Bendel:** been working on cash flow revisions; Moody's call; audit draft will be presented on June 17<sup>th</sup>; 2015 budget kick-off with department heads.

**City Clerk Bell:** continuing to coordinate election judges and prepare for fall election. Will be bringing list of judges to Council on 6/17 for approval; working on RFP for uniform rental and laundry services.

*Mayor Pearson adjourned meeting at 10:35 pm.*

LAKE ELMO CITY COUNCIL

ATTEST:

\_\_\_\_\_  
Mike Pearson, Mayor

\_\_\_\_\_  
Adam R. Bell, City Clerk

# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM#:** 2  
**MOTION**

**AGENDA ITEM:** Approve Disbursements in the amount of \$577,084.43

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

**THROUGH:** Cathy Bendel, Finance Director

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

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**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** \$577,084.43

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$577,084.43. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

**LEGISLATIVE HISTORY:** NA

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

<b>Claim #</b>	<b>Amount</b>	<b>Description</b>
ACH	\$ 12,566.93	Payroll Taxes to IRS & MN Dept of Revenue 6/12/14
ACH	\$ 5,991.89	Payroll Retirement to PERA 6/12/14
DD5558-DD5605	\$ 35,808.68	Payroll Dated (Direct Deposits) 6/12/14
41394-41459	\$ 522,296.93	Accounts Payable 6/17/14
2399-2405	\$ 420.00	Library Card Reimbursement 6/17/14
<b>TOTAL</b>	<b>\$ 577,084.43</b>	

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$577,084.43.

**ATTACHMENTS:**

1. Accounts Payable – check registers

# Accounts Payable To Be Paid Proof List

User: PattyB  
 Printed: 06/12/2014 - 2:36 PM  
 Batch: 003-06-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ACEHARD Ace Hardware , Inc										
149480	05/08/2014	31.94	0.00	06/17/2014	BB nets		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	149480 Total:	31.94								
149605	05/08/2014	13.96	0.00	06/17/2014	Play set paint		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	149605 Total:	13.96								
	ACEHARD Total:	45.90								
ADVANCED Advanced Eng & Environ Svs Inc										
35042	06/30/2014	6,821.41	0.00	06/17/2014	Production Well No 4		-	No		0000
601-494-9400-43030	Engineering Services									
	35042 Total:	6,821.41								
	ADVANCED Total:	6,821.41								
BAKERPAT Baker Patricia										
2014-05	06/10/2014	920.94	0.00	06/17/2014	Contract Services May 2014		-	No		0000
101-410-1520-43150	Contract Services									
2014-05	06/10/2014	789.38	0.00	06/17/2014	Contract Services May 2014		-	No		0000
601-494-9400-43150	Contract Services									
2014-05	06/10/2014	131.55	0.00	06/17/2014	Contract Services May 2014		-	No		0000
602-495-9450-43150	Contract Services									
2014-05	06/10/2014	789.38	0.00	06/17/2014	Contract Services May 2014		-	No		0000
603-495-9500-43150	Contract Services									
	2014-05 Total:	2,631.25								
	BAKERPAT Total:	2,631.25								
BASTYRJE Bastyr Jed										
803-000-0000-22900	06/02/2014	7,500.00	0.00	06/17/2014	11619 58th Street Permit #7796		-	No		0000
	Deposits Payable									
	Total:	7,500.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BASTYRJE Total:		7,500.00								
BERKLEY Insurance Trust League of MN Citic										
27482	05/22/2014	5.48	0.00	06/17/2014	City Council		-	No		0000
101-410-1110-44300	Miscellaneous									
27482	05/22/2014	139.37	0.00	06/17/2014	Admin		-	No		0000
101-410-1320-41510	Workers Compensation									
27482	05/22/2014	16.39	0.00	06/17/2014	Communications		-	No		0000
101-410-1450-41510	Workers Compensation									
27482	05/22/2014	77.56	0.00	06/17/2014	Finance		-	No		0000
101-410-1520-41510	Workers Compensation									
27482	05/22/2014	143.78	0.00	06/17/2014	Planning		-	No		0000
101-410-1910-41510	Workers Compensation									
27482	05/22/2014	1,539.45	0.00	06/17/2014	Fire		-	No		0000
101-420-2220-41510	Workers Compensation									
27482	05/22/2014	76.07	0.00	06/17/2014	Bldg		-	No		0000
101-420-2400-41510	Workers Compensation									
27482	05/22/2014	1,416.59	0.00	06/17/2014	PW		-	No		0000
101-430-3100-41510	Workers Compensation									
27482	05/22/2014	786.07	0.00	06/17/2014	Parks		-	No		0000
101-450-5200-41510	Workers Compensation									
27482	05/22/2014	245.35	0.00	06/17/2014	Water		-	No		0000
601-494-9400-41510	Workers Compensation									
27482	05/22/2014	145.59	0.00	06/17/2014	Sewer		-	No		0000
602-495-9450-41510	Workers Compensation									
27482	05/22/2014	154.30	0.00	06/17/2014	Surface		-	No		0000
603-496-9500-41510	Workers' Compensation									
27482 Total:		4,746.00								
BERKLEY Total:		4,746.00								
BERTELSON Bertelson's										
WO-936857-1	05/29/2014	15.75	0.00	06/17/2014	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
WO-936857-1 Total:		15.75								
BERTELSON Total:		15.75								
BIFFS Biffs Inc.										
W526845-526854	05/28/2014	771.00	0.00	06/17/2014	Portable restrooms		-	No		0000
101-450-5200-44120	Rentals - Buildings									
W526845-526854 Total:		771.00								
BIFFS Total:		771.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
BOLTONME Bolton & Menk, Inc										
0166536	05/23/2014	126.00	0.00	06/17/2014	2013.126 Section 34 Water & Sewer		-	No		0000
601-494-9400-43030 Engineering Services										
0166536	05/23/2014	84.00	0.00	06/17/2014	2013.126 Section 34 Water & Sewer		-	No		0000
602-495-9450-43030 Engineering Services										
0166536 Total:										
		210.00								
601-494-9400-43030 Engineering Services										
0166538 Total:										
		3,643.50								
0166539	05/23/2014	22,261.50	0.00	06/17/2014	2014 Street Improvements		-	No		0000
409-480-8000-43030 Engineering Services										
0166539 Total:										
		22,261.50								
BOLTONME Total:										
		26,115.00								
C A C Companion Animal Control, LLC										
5	05/01/2014	500.00	0.00	06/17/2014	Animal Control Services - May		-	No		0000
101-420-2700-43150 Contract Services										
5 Total:										
		500.00								
C A C Total:										
		500.00								
COMCAST Comcast										
	05/27/2014	7.90	0.00	06/17/2014	Monthly Service		-	No		0000
101-420-2220-44300 Miscellaneous										
	05/24/2014	4.19	0.00	06/17/2014	Monthly Service		-	No		0000
101-410-1940-43210 Telephone										
Total:										
		12.09								
COMCAST Total:										
		12.09								
CTYBLOOM City of Bloomington										
May 2014	05/30/2014	42.00	0.00	06/17/2014	Lab Bacteria Tests		-	No		0000
601-494-9400-42270 Utility System Maintenance										
May 2014 Total:										
		42.00								
CTYBLOOM Total:										
		42.00								
CTYOAKDA City of Oakdale										
201405284180	05/28/2014	1,612.77	0.00	06/17/2014	CV-1 repair - brakes, tires, catalytic		-	No		0000
101-420-2220-44040 Repairs/Maint Eqpt										
201405284180 Total:										
		1,612.77								
CTYOAKDA Total:										
		1,612.77								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
CTYROSEV City of Roseville										
218800,218827	06/02/2014	2,635.58	0.00	06/17/2014	Monthly IT Services - June 2014		-			No 0000
101-410-1450-43180	Information Technology/Web									
218800,218827	06/02/2014	87.10	0.00	06/17/2014	Monthly Telephone - Admin		-			No 0000
101-410-1320-43210	Telephone									
218800,218827	06/02/2014	13.75	0.00	06/17/2014	Monthly Telephone - Building		-			No 0000
101-420-2400-43210	Telephone									
218800,218827	06/02/2014	13.75	0.00	06/17/2014	Monthly Telephone - Communications		-			No 0000
101-410-1450-43210	Telephone									
218800,218827	06/02/2014	13.75	0.00	06/17/2014	Monthly Telephone - Engineering		-			No 0000
101-410-1930-43210	Telephone									
218800,218827	06/02/2014	27.50	0.00	06/17/2014	Monthly Telephone - Finance		-			No 0000
101-410-1520-43210	Telephone									
218800,218827	06/02/2014	38.15	0.00	06/17/2014	Monthly Telephone - Planning		-			No 0000
101-410-1910-43210	Telephone									
218800,218827	06/02/2014	181.75	0.00	06/17/2014	Monthly Telephone - Public Works		-			No 0000
101-430-3100-43210	Telephone									
	218800,218827 Total:	3,011.33								
	CTYROSEV Total:	3,011.33								
DEMCO Demco										
5311310	05/29/2014	58.90	0.00	06/17/2014	Barcode Labels		-			No 0000
206-450-5300-42230	Building Repair Supplies									
5311310	05/29/2014	144.30	0.00	06/17/2014	Spine Label		-			No 0000
206-450-5300-42230	Building Repair Supplies									
5311310	05/29/2014	16.26	0.00	06/17/2014	Shipping		-			No 0000
206-450-5300-42230	Building Repair Supplies									
	5311310 Total:	219.46								
	DEMCO Total:	219.46								
DIVINEHO Divine Homes										
803-000-0000-22900	06/02/2014	950.00	0.00	06/17/2014	11619 58th St Permit #7796		-			No 0000
	Deposits Payable									
	Total:	950.00								
	DIVINEHO Total:	950.00								
DWINC D.W. INC.										
210463	05/30/2014	130.69	0.00	06/17/2014	Repair "JAWS" power plant E1		-			No 0000
101-420-2220-44040	Repairs/Maint Eqpt									
	210463 Total:	130.69								
	DWINC Total:	130.69								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Enright Enright Robert										
101-410-1450-43620	06/09/2014 Cable Operations	55.00	0.00	06/17/2014	Cable operations - 6/9/14 PC		-	No		0000
101-410-1450-43620	06/09/2014 Cable Operations	25.00	0.00	06/17/2014	Bonus		-	No		0000
	Total:	80.00								
	Enright Total:	80.00								
FERGUSON Ferguson Waterworks, Inc #2516										
77287	06/04/2014	1,772.18	0.00	06/17/2014	Hydrant Repair parts		-	No		0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	77287 Total:	1,772.18								
	FERGUSON Total:	1,772.18								
FOCUS Focus Engineering, Inc.										
1206-1207	05/31/2014	3,387.52	0.00	06/17/2014	General		-	No		0000
101-410-1930-43030	Engineering Services									
1206-1207	05/31/2014	193.75	0.00	06/17/2014	Planning		-	No		0000
101-410-1910-43030	Engineering Services									
1206-1207	05/31/2014	135.00	0.00	06/17/2014	Planning		-	No		0000
101-430-3100-43030	Engineering Services									
	1206-1207 Total:	3,716.27								
1208-1211	05/31/2014	605.00	0.00	06/17/2014	Building		-	No		0000
101-420-2400-43030	Engineering									
1208-1211	05/31/2014	1,413.38	0.00	06/17/2014	Planning		-	No		0000
101-410-1910-43030	Engineering Services									
1208-1211	05/31/2014	755.50	0.00	06/17/2014	PW		-	No		0000
101-430-3100-43030	Engineering Services									
1208-1211	05/31/2014	484.75	0.00	06/17/2014	Water		-	No		0000
601-494-9400-43030	Engineering Services									
1208-1211	05/31/2014	413.00	0.00	06/17/2014	Sewer		-	No		0000
602-495-9450-43030	Engineering Services									
1208-1211	05/31/2014	2,080.50	0.00	06/17/2014	Surface Water		-	No		0000
603-496-9500-43030	Engineering Services									
	1208-1211 Total:	5,752.13								
1212	05/31/2014	472.38	0.00	06/17/2014	2014.114 Transportation & Traffic		-	No		0000
409-480-8000-43030	Engineering Services									
1212	05/31/2014	118.00	0.00	06/17/2014	2014.115 Street System & Maintenance		-	No		0000
409-480-8000-43030	Engineering Services									
1212	05/31/2014	74.50	0.00	06/17/2014	2014.116 Municipal State Aid		-	No		0000
409-480-8000-43030	Engineering Services									
1212	05/31/2014	1,553.25	0.00	06/17/2014	2014.117 Capital Improvement		-	No		0000
409-480-8000-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
1212	05/31/2014	775.75	0.00	06/17/2014	2014.118 2014 Seal Coat		-	No		0000
409-480-8000-43030	Engineering Services									
	1212 Total:	2,993.88								
1213	05/31/2014	1,610.00	0.00	06/17/2014	2012.125 OV Sanitary Sewer		-	No		0000
409-480-8000-43030	Engineering Services									
	1213 Total:	1,610.00								
1214	05/31/2014	103.20	0.00	06/17/2014	2012.129 Keats Ave Watermain		-	No		0000
601-494-9400-43030	Engineering Services									
1214	05/31/2014	136.80	0.00	06/17/2014	2012.129 Keats Ave Street		-	No		0000
409-480-8000-43030	Engineering Services									
	1214 Total:	240.00								
1215	05/31/2014	5,918.76	0.00	06/17/2014	2013.123 LE Ave Infrastructure I94 to 30		-	No		0000
409-480-8000-43030	Engineering Services									
	1215 Total:	5,918.76								
1216	05/31/2014	1,033.25	0.00	06/17/2014	2013.125 Prod Well 4		-	No		0000
601-494-9400-43030	Engineering Services									
	1216 Total:	1,033.25								
1217	05/31/2014	4,632.70	0.00	06/17/2014	2013.126 Section 34 Water		-	No		0000
601-494-9400-43030	Engineering Services									
1217	05/31/2014	6,949.06	0.00	06/17/2014	2013.126 Section 34 Sewer		-	No		0000
602-495-9450-43030	Engineering Services									
	1217 Total:	11,581.76								
1218	05/31/2014	29.50	0.00	06/17/2014	2013.127 CSAH 15 (Manning Ave)		-	No		0000
602-495-9450-43030	Engineering Services									
	1218 Total:	29.50								
1219	05/31/2014	17,266.38	0.00	06/17/2014	2013.131 Well No 4		-	No		0000
601-494-9400-43030	Engineering Services									
	1219 Total:	17,266.38								
1220	05/31/2014	1,258.09	0.00	06/17/2014	2013.132 Pumphouse No 4		-	No		0000
601-494-9400-43030	Engineering Services									
	1220 Total:	1,258.09								
1221	05/31/2014	2,290.50	0.00	06/17/2014	2013.133 LE Ave Trunk Feas Study		-	No		0000
601-494-9400-43030	Engineering Services									
	1221 Total:	2,290.50								
1222	05/31/2014	413.00	0.00	06/17/2014	LE Ave Corridor		-	No		0000
409-480-8000-43030	Engineering Services									
	1222 Total:	413.00								
1223	05/31/2014	4,314.73	0.00	06/17/2014	2013.135 2014 Street Improv		-	No		0000
409-480-8000-43030	Engineering Services									
	1223 Total:	4,314.73								
1224	05/31/2014	2,793.76	0.00	06/17/2014	2014.127 Village East Trunk Sewer		-	No		0000
602-495-9450-43030	Engineering Services									
	1224 Total:	2,793.76								
1225	05/31/2014	827.32	0.00	06/17/2014	2014.129 Inwood Booster		-	No		0000
601-494-9400-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
1226	05/31/2014	827.32								
601-494-9400-43030	Engineering Services	220.00	0.00	06/17/2014	2014.130 Inwood Trunk Watermain		-			No 0000
1226 Total:		220.00								
1227	05/31/2014	4,505.25	0.00	06/17/2014	2014.131 39th Street - Street		-			No 0000
409-480-8000-43030	Engineering Services	4,505.25	0.00	06/17/2014	2012.130A Lennar I-94 West Corridor		-			No 0000
1227 Total:		4,505.25								
1228	05/31/2014	5,357.28	0.00	06/17/2014	2013.129 Hammes Estates		-			No 0000
203-490-9070-43030	Engineering Services	1,534.00	0.00	06/17/2014	2013.130 Landucci Property		-			No 0000
1228 Total:		1,534.00								
1229	05/31/2014	1,148.00	0.00	06/17/2014	2014.124 Diedrich-Reider		-			No 0000
803-000-0000-22910	Developer Payments	1,148.00	0.00	06/17/2014	2014.125 Gonyea Village		-			No 0000
1229 Total:		1,148.00								
1230	05/31/2014	605.50	0.00	06/17/2014	2014.126 Easton Village		-			No 0000
803-000-0000-22910	Developer Payments	605.50	0.00	06/17/2014	2014.127B Lakewood Crossing - Kwik Trip		-			No 0000
1230 Total:		605.50								
1231	05/31/2014	1,121.50	0.00	06/17/2014	2014.132 Sprint 2.5 Equipment Deployment		-			No 0000
803-000-0000-22910	Developer Payments	1,121.50	0.00	06/17/2014	2014.133 Gonyea - Parcel E		-			No 0000
1231 Total:		1,121.50								
1232	05/31/2014	1,506.00	0.00	06/17/2014			-			No 0000
803-000-0000-22910	Developer Payments	1,506.00	0.00	06/17/2014			-			No 0000
1232 Total:		1,506.00								
1233	05/31/2014	1,073.50	0.00	06/17/2014			-			No 0000
803-000-0000-22910	Developer Payments	1,073.50	0.00	06/17/2014			-			No 0000
1233 Total:		1,073.50								
1234	05/31/2014	147.50	0.00	06/17/2014			-			No 0000
803-000-0000-22900	Deposits Payable	147.50	0.00	06/17/2014			-			No 0000
1234 Total:		147.50								
1235	05/31/2014	354.00	0.00	06/17/2014			-			No 0000
803-000-0000-22910	Developer Payments	354.00	0.00	06/17/2014			-			No 0000
1235 Total:		354.00								
1236	05/31/2014	79,611.86	0.00	06/17/2014			-			No 0000
803-000-0000-22910	Developer Payments	79,611.86	0.00	06/17/2014			-			No 0000
1236 Total:		79,611.86								
	FOCUS Total:									
FREDJUL Frederickson Julie										
06/12/2014		5,000.00	0.00	06/17/2014	Refund Escrow #8749 3584 Kelvin Ct		-			No 0000
803-000-0000-22900	Deposits Payable	5,000.00	0.00	06/17/2014			-			No 0000
Total:		5,000.00								
FREDJUL Total:		5,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
GRAPHICR Graphic Resources Inc										
49211	06/06/2014	720.00	0.00	06/17/2014	Receipt Books		-		No	0000
101-410-1520-42030	Printed Forms									
	49211 Total:	720.00								
	GRAPHICR Total:	720.00								
<hr/>										
GUSTAF Gustafson Richard										
	06/09/2014	39.99	0.00	06/17/2014	Jeans		-		No	0000
101-430-3100-44170	Uniforms									
	Total:	39.99								
	GUSTAF Total:	39.99								
<hr/>										
HELKESTR Helke's Tree Service										
468501	05/18/2014	2,400.00	0.00	06/17/2014	Tree and Stump Removal Tablyn		-		No	0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	468501 Total:	2,400.00								
	HELKESTR Total:	2,400.00								
<hr/>										
JOHNSON& Johnson & Turner Attorneys										
36296	05/07/2014	4,512.50	0.00	06/17/2014	Legal Services - Prosecution		-		No	0000
101-420-2150-43045	Attorney Criminal									
	36296 Total:	4,512.50								
36405	05/07/2014	3,042.50	0.00	06/17/2014	Legal Services - Lennar		-		No	0000
803-000-0000-22910	Developer Payments									
	36405 Total:	3,042.50								
36428	05/07/2014	1,277.00	0.00	06/17/2014	Legal Services - WAC		-		No	0000
803-000-0000-22910	Developer Payments									
	36428 Total:	1,277.00								
36553	05/07/2014	5,460.00	0.00	06/17/2014	Legal Services - Civil		-		No	0000
101-410-1320-43040	Legal Services									
	36553 Total:	5,460.00								
	JOHNSON& Total:	14,292.00								
<hr/>										
JUNGEN TRASH IN NOW, LLC										
4271193	06/10/2014	1,150.00	0.00	06/17/2014	Property Maintenance 8350 38th St		-		No	0000
101-000-0000-11500	Accounts Receivable									
	4271193 Total:	1,150.00								
	JUNGEN Total:	1,150.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
kathfuel Kath Fuel Oil Service Co										
464545	05/29/2014	1,011.87	0.00	06/17/2014	Fuel		-		No	0000
101-430-3120-42120	Fuel, Oil and Fluids	1,011.87								
	464545 Total:	1,011.87								
	kathfuel Total:									
KORTHER KORTHERIC										
	06/10/2014	41.25	0.00	06/17/2014	Cable Operations - CC Workshop		-		No	0000
101-410-1450-43620	Cable Operations	41.25								
	Total:	41.25								
	KORTHER Total:	41.25								
Libraryl Library Ideas										
39130	05/31/2014	1.50	0.00	06/17/2014	Pay-as-you Go May		-		No	0000
206-450-5300-42500	Library Collection Maintenance	1.50								
	39130 Total:	1.50								
	Libraryl Total:	1.50								
Lillie Newspapers Inc. Lillie Suburban										
007148	05/30/2014	61.60	0.00	06/17/2014	5/14 - Bids		-		No	0000
101-410-1320-43510	Legal Publishing	30.80							No	0000
007148	05/30/2014	15.40	0.00	06/17/2014	5/14 - PC Shorelands		-		No	0000
101-410-1320-43510	Legal Publishing	26.40							No	0000
007148	05/30/2014	28.60	0.00	06/17/2014	5/14 - ORD 08-105		-		No	0000
101-410-1320-43510	Legal Publishing	22.00							No	0000
007148	05/30/2014	184.80	0.00	06/17/2014	5/14 - ORD 08-109		-		No	0000
101-410-1320-43510	Legal Publishing	184.80							No	0000
	007148 Total:	184.80								
	Lillie Total:	184.80								
LOFF Loffler Companies, Inc.										
1760600	06/02/2014	510.20	0.00	06/17/2014	Copy Machines Contract & Overage		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	510.20								
	1760600 Total:	510.20								
	LOFF Total:	510.20								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MENARDSO Menards - Oakdale 47438 101-420-2220-44010 Repairs/Maint Bldg 47438 Total: MENARDSO Total:	06/07/2014	119.61	0.00	06/17/2014	Door Project Stat2		-	No		0000
METCOU Metropolitan Council 1035168 602-495-9450-43820 Sewer Utility - Met Council 1035168 Total: METCOU Total:	06/04/2014	1,550.84	0.00	06/17/2014	Monthly Wastewater - May		-	No		0000
MILLEREX Miller Excavating, Inc. 18276 101-430-3120-43150 Contract Services 18276 Total: MILLEREX Total:	05/31/2014	330.00	0.00	06/17/2014	Grading gravel roads		-	No		0000
MINGERCO Minger Construction Inc No 7 602-495-9450-43030 Engineering Services No 7 Total: MINGERCO Total:	06/10/2014	100,989.82	0.00	06/17/2014	LE Avenue Sewer		-	No		0000
MSAPROF MSA Professional Services, Inc 4 601-494-9400-43030 Engineering Services 4 Total: MSAPROF Total:	05/22/2014	814.50	0.00	06/17/2014	2014.130 Inwood Trunk Main		-	No		0000
NICKLAY Nicklay Matt 101-430-3100-44170 Uniforms Total: NICKLAY Total:	06/09/2014	56.80	0.00	06/17/2014	Pants & Bandanas		-	No		0000
NYTIMES THE NEW YORK TIMES 890168271 206-450-5300-42500 Library Collection Maintenance 890168271 Total:	05/18/2014	63.40	0.00	06/17/2014	Subscription		-	No		0000

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	NYTIMES Total:	63.40								
OAKDRC Oakdale Rental Center										
95393	06/05/2014	160.00	0.00	06/17/2014	Compactor rental		-	No		0000
	101-430-3120-42240 Street Maintenance Materials									
	95393 Total:	160.00								
	OAKDRC Total:	160.00								
OLING Olinger Daniel										
	06/02/2014	2,500.00	0.00	06/17/2014	9057 Lake Jane Trail #2013-522		-	No		0000
803-000-0000-22900 Deposits Payable										
	Total:	2,500.00								
	OLING Total:	2,500.00								
ONECALL Gopher State One Call										
108402	05/31/2014	284.30	0.00	06/17/2014	FTP Tickets - May 2014		-	No		0000
	101-430-3100-43150 Contract Services									
	108402 Total:	284.30								
	ONECALL Total:	284.30								
OVERHEAD Overhead Door Company										
84535	06/10/2014	1,072.78	0.00	06/17/2014	Garage door Repair		-	No		0000
	101-430-3100-44010 Repairs/Maint Bldg									
	84535 Total:	1,072.78								
	OVERHEAD Total:	1,072.78								
PARTYPUT PARTY PUTT LLC										
	06/04/2014	100.00	0.00	06/17/2014	Mini Golf deposit July 16 event		-	No		0000
	206-450-5300-44300 Miscellaneous									
	Total:	100.00								
	PARTYPUT Total:	100.00								
PINKY Pinky's Sewer Service, Inc.										
68991	06/02/2014	100.00	0.00	06/17/2014	Pumped 2 tanks		-	No		0000
	206-450-5300-44010 Repairs/Maint Bldg									
	68991 Total:	100.00								
	PINKY Total:	100.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PIONEER Pioneer Press										
514520397	05/31/2014	849.40	0.00	06/17/2014	City Notices/Public Hearings		-	No		0000
101-410-1450-43510	Public Notices									
	514520397 Total:	849.40								
	PIONEER Total:	849.40								
REDSTONE Redstone Construction Co. Inc										
No 5	06/12/2014	117,057.14	0.00	06/17/2014	2013.126 Section 34 Water		-	No		0000
601-494-9400-43030	Engineering Services									
No 5	06/12/2014	175,585.70	0.00	06/17/2014	2013.126 Section 34 Sewer		-	No		0000
602-495-9450-43030	Engineering Services									
	No 5 Total:	<del>292,642.84</del>								
	REDSTONE Total:	292,642.84								
RIVRCOOP River Country Cooperative										
101-420-2220-42120	05/31/2014	392.61	0.00	06/17/2014	Fuel		-	No		0000
	Fuel, Oil and Fluids									
	Total:	392.61								
	RIVRCOOP Total:	392.61								
S&T S&T Office Products, Inc.										
01QK2539	06/03/2014	3.60	0.00	06/17/2014	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
01QK2539	06/03/2014	75.99	0.00	06/17/2014	Office Supplies - Planning		-	No		0000
101-410-1910-42000	Office Supplies									
01QK2539	06/03/2014	-5.54	0.00	06/17/2014	Office Supplies - Admin		-	No		0000
101-410-1320-42000	Office Supplies									
	01QK2539 Total:	74.05								
01QK2624	06/03/2014	23.75	0.00	06/17/2014	Supplies - Library		-	No		0000
206-450-5300-42000	Office Supplies									
	01QK2624 Total:	23.75								
	S&T Total:	97.80								
SAFEFAST Safe-Fast, Inc.										
139187	06/21/2014	95.40	0.00	06/17/2014	Gloves		-	No		0000
101-430-3100-44300	Miscellaneous									
	139187 Total:	95.40								
	SAFEFAST Total:	95.40								

*VOID; update received by Engineering after chs cut. CB 6/12/14*

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
SAMSClub Sam's Club										
867	05/28/2014	169.57	0.00	06/17/2014	Picnic Supplies - Arbor Day		-	No		0000
101-430-3100-44300	Miscellaneous									
	867 Total:	169.57								
	SAMSClub Total:	169.57								
SELFSCAP SELFSCAPES, INC										
803-000-0000-22900	06/09/2014	1,000.00	0.00	06/17/2014	10689 60th St N		-	No		0000
	Deposits Payable									
	Total:	1,000.00								
	SELFSCAP Total:	1,000.00								
SENSUS SENSUS USA										
ZA15001463	05/06/2014	1,524.60	0.00	06/17/2014	Yearly Renewal - Auto read software		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	ZA15001463 Total:	1,524.60								
	SENSUS Total:	1,524.60								
SMITHSCH Smith Schafer & Associates,LTD										
47151	05/28/2014	3,285.00	0.00	06/17/2014	Interim Billing - audit		-	No		0000
101-410-1520-43010	Audit Services									
	47151 Total:	3,285.00								
	SMITHSCH Total:	3,285.00								
SW/WC SW/WC Service Cooperatives										
C1210-20 7	05/28/2014	22,626.00	0.00	06/17/2014	Insurance Premiums		-	No		0000
101-000-0000-21706	Medical Insurance									
	C1210-20 7 Total:	22,626.00								
	SW/WC Total:	22,626.00								
TESSMAN Tessman Company Corp										
S195989-IN	06/04/2014	302.18	0.00	06/17/2014	Herbicide, seed and fertilizer		-	No		0000
101-450-5200-42250	Landscaping Materials									
	S195989-IN Total:	302.18								
	TESSMAN Total:	302.18								
TOWNCTRY Town & Country Cleaning Co										
614502	06/01/2014	230.00	0.00	06/17/2014	June Cleaning - City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	614502 Total:	230.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
614543	06/01/2014	175.00	0.00	06/17/2014	June Cleaning - Library		-	No		0000
206-450-5300-44010	Repairs/Maint Bldg									
	614543 Total:	175.00								
	TOWNCTRY Total:	405.00								
USPOST United States Postal Service										
	06/12/2014	559.87	0.00	06/17/2014	Postage for newsletter		-	No		0000
101-410-1320-43090	Newsletter/Website									
	Total:	559.87								
	USPOST Total:	559.87								
WASH TAX Washington County										
	06/12/2014	2,466.58	0.00	06/17/2014	Street Assessments - payments rec'd		-	No		0000
321-000-0000-12300	Special Assmts Rec - Deferred									
	Total:	2,466.58								
	WASH TAX Total:	2,466.58								
WASHWFC Election Washington County PR & TS										
78782	06/12/2014	3,300.00	0.00	06/17/2014	2014 Tax Petitions		-	No		0000
101-410-1320-43100	Assessing Services									
78782	06/12/2014	4,635.39	0.00	06/17/2014	2014 Assessing Fees - mobile homes		-	No		0000
101-410-1320-43100	Assessing Services									
	78782 Total:	7,935.39								
	WASHWFC Total:	7,935.39								
WEEKSEND Weeks-End Signs & Graphics										
1954	06/04/2014	410.00	0.00	06/17/2014	No Wake and NO Park signs		-	No		0000
101-430-3120-42260	Sign Repair Materials									
	1954 Total:	410.00								
	WEEKSEND Total:	410.00								
WHEATON Wheaton Joseph										
20140603	06/02/2014	422.17	0.00	06/17/2014	Electrical Inspection Service		-	No		0000
101-000-0000-20802	Building Permit Surcharge									
	20140603 Total:	422.17								
	WHEATON Total:	422.17								
Whiteani White Anita										
	06/03/2014	55.00	0.00	06/17/2014	Cable Operations 5/20/14 CC meeting		-	No		0000
101-410-1450-43620	Cable Operations									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
101-410-1450-43620	06/03/2014	25.00	0.00	06/17/2014	Bonus		-		No	0000
	Cable Operations									
	Total:	80.00								
	Whiteani Total:	80.00								
<hr/>										
WILKE WILKE BRIAN										
101-000-0000-32280	05/22/2014	22.25	0.00	06/17/2014	REfund Electrical Permit Receipt 8019B		-		No	0000
	Massage Therapy Licenses									
101-000-0000-20802	05/22/2014	66.75	0.00	06/17/2014	REfund Electrical Permit Receipt 8019B		-		No	0000
	Building Permit Surcharge									
	Total:	89.00								
	WILKE Total:	89.00								
<hr/>										
XCEL Xcel Energy										
05292014	05/29/2014	51.08	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	66.33	0.00	06/17/2014	Electrical Services		-		No	0000
602-495-9450-43810	Electric Utility									
05292014	05/29/2014	27.01	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	27.49	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	289.85	0.00	06/17/2014	Electrical Services		-		No	0000
101-420-2220-43810	Electric Utility									
05292014	05/29/2014	227.47	0.00	06/17/2014	Electrical Services		-		No	0000
101-410-1940-43810	Electric Utility									
05292014	05/29/2014	30.75	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	252.66	0.00	06/17/2014	Electrical Services		-		No	0000
101-410-1940-43810	Electric Utility									
05292014	05/29/2014	14.20	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	60.37	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	24.95	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	1,359.82	0.00	06/17/2014	Electrical Services		-		No	0000
601-494-9400-43810	Electric Utility									
05292014	05/29/2014	41.00	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	79.59	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	18.78	0.00	06/17/2014	Electrical Services		-		No	0000
602-495-9450-43810	Electric Utility									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
05292014	05/29/2014	16.55	0.00	06/17/2014	Electrical Services		-		No	0000
602-495-9450-43810	Electric Utility									
05292014	05/29/2014	248.84	0.00	06/17/2014	Electrical Services		-		No	0000
101-420-2220-43810	Electric Utility									
05292014	05/29/2014	40.27	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	1,802.35	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	26.27	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	12.92	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	220.56	0.00	06/17/2014	Electrical Services		-		No	0000
101-450-5200-43810	Electric Utility									
05292014	05/29/2014	863.11	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3100-43810	Electric Utility									
05292014	05/29/2014	45.32	0.00	06/17/2014	Electrical Services		-		No	0000
601-494-9400-43810	Electric Utility									
05292014	05/29/2014	11.88	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	19.02	0.00	06/17/2014	Electrical Services		-		No	0000
101-430-3160-43810	Street Lighting									
05292014	05/29/2014	439.64	0.00	06/17/2014	Electrical Services		-		No	0000
206-450-5300-43810	Electric Utility									
05292014	05/29/2014	182.88	0.00	06/17/2014	Electrical Services		-		No	0000
602-495-9450-43810	Electric Utility									
05292014	05/29/2014	15.21	0.00	06/17/2014	Electrical Services		-		No	0000
601-494-9400-43810	Electric Utility									
		6,516.17								
		6,516.17								
YELLOWST Yellowstone Track System, INC										
4564	05/06/2014	5,485.00	0.00	06/17/2014	XC Ski Groomer		-		No	0000
404-480-8000-45800	Other Equipment									
		5,485.00								
		5,485.00								
YELLOWST Total:										
ZAWADSKI Zawadski Homes, Inc										
803-000-0000-22900	06/12/2014	1,000.00	0.00	06/17/2014	REfund Escrow #8458 9445 Whistling		-		No	0000
		1,000.00			Valle					
		1,000.00								
ZAWADSKI Total:										

Invoice #      Inv Date      Amount      Quantity      Pmt Date      Description      Reference      Task      Type      PO #      Close POLine #

Report Total:

618,436.93

↳ 292,642.84 > VOID # 41438

\$ 325,794.09

CB 6/12/14

# Accounts Payable To Be Paid Proof List

User: patyb  
 Printed: 06/12/2014 - 3:27 PM  
 Batch: 005-06-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
REDSTONE Redstone Construction Co. Inc No 5	05/31/2014	78,601.14	0.00	06/17/2014	2013.126 Section 34 Water		-			No 0000
601-494-9400-43030 Engineering Services No 5	05/31/2014	117,901.70	0.00	06/17/2014	2013.126 Section 34 Sewer		-			No 0000
602-495-9450-43030 Engineering Services No 5 Total:		196,502.84								
REDSTONE Total:		196,502.84								
Report Total:		196,502.84								

*Reissue ch # 41459  
 Replaces ch # 41438*



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM#** 3

**AGENDA ITEM:** May 2014 Financial Reporting

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

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Finance Committee

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the May 2014 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 the comparative financial statements for the month of May 2014 reflecting the monthly and year to date detail, comparing the actual results to the 2014 Budget.

The most significant variances are highlighted below:

Revenues:

- Building Permit revenue for the month was 52% better than budget and the year to date results are at 10% better than budget. There were three new homes started in May which resulted in the increase in revenue.
- Plan check fees are 87% better than budget for the month and the year to date results are 10% better than budget. This is also is due to the three new homes started in May.
- The annual funds for the DNR trail grooming funds of \$4k and the Cable Franchise revenue of \$39.3k were received in May.
- The Lake Elmo Jaycees donated \$10k to the City in May. These funds will be put toward events and the downtown beautification project.

Expenses:

Most departments were at or below budget for the month.

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council accept the attached May Financial Report.

**ATTACHMENT:**

1. May Financial Reports

City of Lake Elmo  
 2014 By Month  
 6/17/2014

Budget to Actual Comparative  
 For the month ending May 31, 2014  
 101- General Fund Summary  
 By Department

	MONTH			YTD				
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
<b>DEPT 410 - GEN'L GOV'T</b>								
<b>REVENUE</b>								
Total Revenue	43,270.85	94,844.54	51,573.69	119.19%	249,345.08	251,454.90	2,109.82	0.85%
<b>EXPENSE</b>								
Total Mayor & Council	17,299.66	13,827.66	3,472.00	20.07%	30,041.66	17,947.08	12,094.58	40.26%
Total Administration	73,655.35	39,787.67	33,867.68	45.98%	187,527.11	196,393.67	(8,866.56)	-4.73%
Total Elections	350.00	0.00	350.00	100.00%	350.00	940.00	(590.00)	-168.57%
Total Communications	6,421.75	6,932.83	(511.08)	-7.96%	31,918.50	43,223.18	(11,304.68)	-35.42%
Total Finance	23,081.83	13,522.11	9,559.75	41.42%	74,441.82	66,353.20	8,088.62	10.87%
Total Planning & Zoning	28,512.60	27,136.76	1,375.84	4.83%	112,596.22	103,112.81	9,483.41	8.42%
Total Engineering Services	4,000.00	3,542.38	457.62	11.44%	20,000.00	17,387.15	2,612.85	13.06%
Total City Hall	2,233.32	1,815.49	417.83	18.71%	11,299.92	10,778.78	521.14	4.61%
<b>Total General Government</b>	<b>155,554.51</b>	<b>106,564.90</b>	<b>48,989.61</b>	<b>31.49%</b>	<b>468,175.23</b>	<b>456,135.87</b>	<b>12,039.36</b>	<b>2.57%</b>
<b>DEPT 420 - PUBLIC SAFETY</b>								
Total Police	0.00	0.00	0.00	0.00%	0.00	634.22	(634.22)	-100.00%
Total Prosecution	4,250.00	4,581.50	(331.50)	-7.80%	21,250.00	18,161.25	3,088.75	14.54%
Total Fire	41,429.15	24,823.71	16,605.44	40.08%	180,732.32	149,143.81	31,588.51	17.48%
Total Fire Relief	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Total Building Inspections	17,255.94	14,177.80	3,078.14	17.84%	68,684.57	69,752.13	(1,067.56)	-1.55%
Total Emergency Communications	0.00	3,745.00	(3,745.00)	-100.00%	0.00	3,373.08	(3,373.08)	-100.00%
Total Animal Control	842.08	464.00	378.08	44.90%	2,582.08	2,324.00	258.08	10.00%
<b>Total Public Safety</b>	<b>63,777.17</b>	<b>47,792.01</b>	<b>15,985.16</b>	<b>25.06%</b>	<b>273,248.97</b>	<b>243,388.49</b>	<b>29,860.48</b>	<b>10.93%</b>

	MONTH			YTD				
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
DEPT 430 - PUBLIC WORKS								
Total Public Works	57,190.25	34,275.48	22,914.77	40.07%	177,925.91	177,497.76	428.15	0.24%
Total Streets	1,600.00	1,418.06	181.94	11.37%	7,100.00	7,877.77	(777.77)	-10.95%
Total Ice & Snow Removal	500.00	0.00	500.00	100.00%	62,000.00	57,341.49	4,658.51	7.51%
Total Street Lighting	2,400.00	2,060.27	339.73	14.16%	12,000.00	8,522.16	3,477.84	28.98%
Total Recycling	3,400.00	1,158.40	2,241.60	65.93%	3,400.00	4,831.86	(1,431.86)	-42.11%
Total Tree Program	0.00	0.00	0.00	0.00%	3,750.00	950.00	2,800.00	74.67%
Total Public Works	<u>65,090.25</u>	<u>38,912.21</u>	<u>26,178.04</u>	<u>40.22%</u>	<u>266,175.91</u>	<u>257,021.04</u>	<u>9,154.87</u>	<u>3.44%</u>
DEPT 450 - CULTURE, RECREATION								
Total Parks & Recreation	25,767.99	22,083.85	3,684.14	14.30%	89,995.67	79,973.50	10,022.17	11.14%
DEPT 460 - COMP ADJ	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
DEPT 490 - CONTINGENCY FUND	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
DEPT 493 - OTH FINANCING	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
GRAND TOTAL ALL DEPTS	<u>310,189.92</u>	<u>215,352.97</u>	<u>94,836.95</u>	<u>30.57%</u>	<u>1,097,595.78</u>	<u>1,036,518.90</u>	<u>61,076.88</u>	<u>5.56%</u>
Net Income over Expenses	<u>(266,919.07)</u>	<u>(120,508.43)</u>	<u>146,410.64</u>	<u>54.85%</u>	<u>(848,250.70)</u>	<u>(785,064.00)</u>	<u>63,186.70</u>	<u>7.45%</u>

6/17/2014

City of Lake Elmo  
 2014 By Month  
 Budget to Actual Comparing  
 For the month ending May 31, 2014  
 101-General Fund Detail  
 By Department

	MONTH			YTD			YTD variance notes
	BUDGET	ACTUAL	Variance (\$)	BUDGET	ACTUAL	Variance (\$)	
	Month	Month	Month	YTD	YTD	YTD	
<b>REVENUE</b>							
Current Ad Valorem Taxes	0.00	0.00	0.00	0.00	0.00	0.00%	
Delinquent Ad Valorem Taxes	0.00	0.00	0.00	0.00	0.00	0.00%	
Mobile Home Tax	0.00	0.00	0.00	0.00	0.00	0.00%	
Fiscal Disparities	0.00	0.00	0.00	0.00	0.00	0.00%	
Penalty & Interest on Taxes	0.00	0.00	0.00	0.00	0.00	0.00%	
Liquor License	500.00	0.00	(500.00)	2,500.00	0.00	-100.00%	Prepaid in 2013 rather than early 2014
Wastewater License	0.00	0.00	0.00	0.00	840.00	100.00%	
General Contractor License	0.00	0.00	0.00	0.00	840.00	100.00%	
Heading Contractor License	200.00	610.00	410.00	3,150.00	2,210.00	-100.00%	
Blacktopping Contractor License	0.00	0.00	0.00	0.00	(940.00)	-29.84%	
Building Permits	10,000.00	15,235.00	5,235.00	58,000.00	63,424.05	9.35%	March was very busy; 4 new home starts
Heating Permits	2,000.00	2,395.00	395.00	6,500.00	6,435.00	-1.00%	
Plumbing Permits	1,500.00	720.00	(780.00)	5,500.00	5,345.00	-2.82%	
Sewer Permits	0.00	0.00	0.00	485.00	0.00	-100.00%	
Animal License	86.00	120.00	40.00	1,341.00	2,058.50	53.50%	
Utility Permits (ROW)	1,250.00	3,520.00	2,270.00	3,000.00	7,912.80	163.76%	Due to I-94 expansion
Burning Permit	500.00	180.00	(320.00)	1,600.00	780.00	-44.00%	
Massage Therapy Licenses	150.00	0.00	(150.00)	1,500.00	(38.50)	-100.00%	Permit refund
Electrical Permit	0.00	424.55	424.55	0.00	1,010.88	100.00%	City share only (25%)
Homestead Credit Aid	0.00	0.00	0.00	0.00	0.00	0.00%	
MSA-Maintenance	0.00	0.00	0.00	0.00	0.00	0.00%	
State Fire Aid	0.00	0.00	0.00	0.00	0.00	0.00%	
PERA Aid	0.00	0.00	0.00	0.00	0.00	0.00%	
Gravel Tax	0.00	0.00	0.00	0.00	0.00	0.00%	
Recycling Grant	15,500.00	0.00	(15,500.00)	0.00	0.00	-100.00%	Budgeted based on funds rec'd in 2013 for the fire relief assn
Misc State Grant/Surcharge Rev	0.00	4,064.00	4,064.00	15,500.00	55,018.68	9.68%	DNR trail grooming funds of \$4k
Cable Franchise Revenue	0.00	39,323.71	39,323.71	39,851.98	39,323.71	-1.33%	Cable franchise revenue received May 1st
Zoning & Subdivision Fees	0.00	0.00	0.00	0.00	0.00	-100.00%	
Plan Check Fees	7,000.00	13,098.44	6,098.44	250.00	0.00	-100.00%	
Sale of Copies, Books, Maps	95.85	24.50	(71.35)	35,000.00	38,621.69	10.35%	
Assessment Searches	195.00	105.00	(90.00)	206.10	161.25	-21.76%	
Clean Up Days	0.00	0.00	0.00	585.00	285.00	-51.28%	
Cable Operation Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00%	
Fines	4,000.00	4,612.34	612.34	0.00	0.00	0.00%	
Miscellaneous Revenue	200.00	350.00	150.00	20,500.00	16,417.71	-19.91%	
Internal Charges	100.00	62.00	(38.00)	1,000.00	1,139.13	13.91%	CUP permits
Interest Earnings	0.00	0.00	0.00	900.00	510.00	-43.33%	Fewer library card reimb than budgeted
Donations	0.00	10,000.00	10,000.00	0.00	0.00	0.00%	Donation from LE Jaycees
<b>Total Revenue</b>	<b>43,270.85</b>	<b>94,844.54</b>	<b>51,573.69</b>	<b>249,345.08</b>	<b>251,454.90</b>	<b>0.85%</b>	

EXPENSE	MONTH			YTD				
	BUDGET	ACTUAL	Variance (\$)	Variance (%)	BUDGET	ACTUAL	Variance (\$)	Variance (%)
	Month	Month	Month	Month	YTD	YTD	YTD	YTD
<b>1110 - Mayor &amp; Council</b>								
PT Salaries	12,845.00	12,845.00	0.00	0.00%	12,845.00	12,845.00	0.00	0.00%
FICA Contributions	796.39	796.39	0.00	0.00%	796.39	796.39	0.00	0.00%
Medicare Contributions	186.27	186.27	0.00	0.00%	186.27	186.27	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Mileage	75.00	0.00	75.00	100.00%	0.00	300.00	300.00	100.00%
Miscellaneous	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Dues & Subscriptions	3,397.00	0.00	3,397.00	100.00%	722.42	4,277.58	4,277.58	85.55%
Conferences & Training	0.00	0.00	0.00	0.00%	3,397.00	7,117.00	7,117.00	67.69%
<b>Total Mayor &amp; Council</b>	<b>17,299.66</b>	<b>13,827.66</b>	<b>3,472.00</b>	<b>20.07%</b>	<b>17,947.08</b>	<b>12,094.58</b>	<b>12,094.58</b>	<b>40.36%</b>
<b>1320 - Administration</b>								
FT Salaries	20,352.00	19,907.19	444.81	2.19%	72,574.25	72,574.25	2,049.75	2.75%
PERA Contributions	1,334.11	1,443.27	(109.16)	-8.18%	5,268.83	5,259.94	8.89	0.17%
ICMA Contributions	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
FICA Contributions	1,095.88	1,169.28	(73.40)	-6.70%	4,460.74	4,260.33	200.41	4.49%
Medicare Contributions	256.30	273.46	(17.16)	-6.70%	1,043.24	996.34	46.90	4.50%
Health/Dental Insurance	5,430.00	3,620.00	1,810.00	33.33%	19,910.00	18,100.00	1,810.00	9.09%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	1,000.00	0.00	1,000.00	100.00%
Office Supplies	500.00	652.66	(152.66)	-30.53%	2,500.00	3,033.52	(533.52)	-21.34%
Printed Forms	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Legal Services	5,000.00	4,977.50	22.50	0.45%	25,000.00	15,281.75	9,718.25	38.87%
Newsletter/Website	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Assessing Services	3,500.00	0.00	3,500.00	100.00%	11,500.00	9,500.00	2,000.00	17.39%
Information Technology	0.00	0.00	0.00	0.00%	0.00	3,201.02	(3,201.02)	-100.00%
Contract Services	0.00	5,000.00	(5,000.00)	-100.00%	0.00	25,000.00	(25,000.00)	-100.00%
Software Programs	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Telephone	337.06	117.00	220.06	65.29%	1,685.30	480.35	1,204.95	71.50%
Postage	0.00	0.00	0.00	0.00%	2,000.00	886.17	1,113.83	55.69%
Mileage	300.00	0.00	300.00	100.00%	600.00	100.51	499.49	83.25%
Legal Publishing	200.00	2,399.30	(2,199.30)	-1099.65%	1,000.00	3,148.47	(2,148.47)	-214.85%
Insurance	35,000.00	0.00	35,000.00	100.00%	35,000.00	24,808.00	10,192.00	29.12%
Cable Operation Expense	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Miscellaneous	50.00	88.74	(38.74)	-77.48%	250.00	882.56	(632.56)	-253.02%
Dues & Subscriptions	50.00	26.99	23.01	46.02%	250.00	232.96	17.04	6.82%
Books	0.00	42.28	(42.28)	-100.00%	0.00	42.28	(42.28)	-100.00%
Conferences & Training	230.00	70.00	180.00	72.00%	1,435.00	8,605.22	(7,170.22)	-499.67%
Staff Development	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
<b>Total Administration</b>	<b>73,655.35</b>	<b>39,787.67</b>	<b>33,867.68</b>	<b>45.98%</b>	<b>187,527.11</b>	<b>196,393.67</b>	<b>(8,866.56)</b>	<b>-4.73%</b>

Includes Memberships

Comp upgrades appr by CC  
Leg Lobbyist appr by CC

Due to notice increases due to development activities  
Annual ins prem; budgeted in May

Predictive Index; CC approved

**1410 - Elections**  
 PT Salaries  
 Office Supplies  
 Legal Publications/Notification  
 Election Equipment  
 Equipment Repair  
 County Election Fees  
 Printed Forms  
 Miscellaneous  
**Total Elections**

	MONTH			
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	350.00	0.00	350.00	100.00%
	<b>350.00</b>	<b>0.00</b>	<b>350.00</b>	<b>100.00%</b>

	YTD			
	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	350.00	0.00	350.00	100.00%
	<b>350.00</b>	<b>940.00</b>	<b>(590.00)</b>	<b>-168.57%</b>

WA Cty Ann Elect Mach Calibr  
 Not budgeted since no election scheduled; had to  
 recalibrate machines for special school election.

**1450 - Communications**  
 FT Salaries  
 PERA Contributions  
 FICA Contributions  
 Medicare Contributions  
 Health/Dental Insurance  
 Workers Compensation  
 Newsletter  
 Office Supplies  
 Info Technology/Web  
 Telephone  
 Mileage  
 Public Notices  
 Cable Operations  
 Conferences  
 Repair/Maint Equipment  
**Total Communications**

	MONTH			
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month
	1,545.00	2,317.85	(772.85)	-50.02%
	112.01	168.02	(56.01)	-50.00%
	95.79	139.45	(43.66)	-45.58%
	22.40	32.62	(10.22)	-45.63%
	360.00	272.00	88.00	24.44%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	56.55	0.00	56.55	100.00%
	3,500.00	2,635.58	864.42	24.70%
	130.00	62.13	67.87	52.21%
	0.00	0.00	0.00	0.00%
	300.00	820.80	(520.80)	-173.60%
	300.00	384.38	(84.38)	-28.13%
	0.00	0.00	0.00	0.00%
	0.00	100.00	(100.00)	-100.00%
	<b>6,421.75</b>	<b>6,932.83</b>	<b>(511.08)</b>	<b>-7.96%</b>

	YTD			
	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
	5,665.00	8,314.16	(2,649.16)	-46.76%
	410.71	602.75	(192.04)	-46.76%
	351.23	499.83	(148.60)	-42.31%
	82.14	116.90	(34.76)	-42.32%
	1,320.00	1,360.00	(40.00)	-3.03%
	0.00	0.00	0.00	100.00%
	2,000.00	3,830.06	(1,830.06)	-91.50%
	104.42	560.69	(456.27)	-436.96%
	17,500.00	23,857.97	(6,357.97)	-36.33%
	650.00	344.90	305.10	46.94%
	25.00	36.96	(11.96)	-47.84%
	2,100.00	1,632.40	467.60	22.27%
	1,500.00	1,966.56	(466.56)	-31.10%
	0.00	0.00	0.00	0.00%
	100.00	100.00	0.00	0.00%
	<b>31,918.50</b>	<b>43,223.18</b>	<b>(11,304.68)</b>	<b>-35.42%</b>

Due to timing of newsletters  
 Primarily due to Laserfiche upgrade approved by CC

Will be reimb by cable comm;  
 filed quarterly for reimb

**1520 - Finance**  
 FT Salaries  
 PERA Contributions  
 FICA Contributions  
 Medicare Contributions  
 Health/Dental Insurance  
 Unemployment Benefits  
 Workers Compensation  
 Office Supplies  
 Printed Forms  
 Audit Services  
 Contract Services  
 Software Programs  
 Telephone  
 Mileage  
 Miscellaneous  
 Dues & Subscriptions  
 Conferences & Training  
**Total Finance**

	MONTH			
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month
	10,140.00	9,387.17	752.83	7.42%
	735.15	680.57	54.58	7.42%
	628.68	549.53	79.15	12.59%
	147.03	128.51	18.52	12.60%
	2,256.00	1,088.00	1,168.00	51.77%
	0.00	456.86	(456.86)	-100.00%
	0.00	0.00	0.00	0.00%
	25.00	36.16	(11.16)	-44.64%
	0.00	0.00	0.00	0.00%
	9,000.00	0.00	9,000.00	100.00%
	0.00	1,167.81	(1,167.81)	-100.00%
	0.00	0.00	0.00	0.00%
	100.00	27.50	72.50	72.50%
	50.00	0.00	50.00	100.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	0.00	0.00	0.00	0.00%
	<b>23,081.86</b>	<b>13,522.11</b>	<b>9,559.75</b>	<b>41.42%</b>

	YTD			
	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
	37,180.00	37,373.09	(193.09)	-0.52%
	2,695.55	2,589.35	106.20	3.94%
	2,305.16	2,114.40	190.76	8.28%
	539.11	494.46	44.65	8.28%
	8,272.00	5,984.00	2,288.00	27.66%
	0.00	456.86	(456.86)	-100.00%
	600.00	0.00	600.00	100.00%
	125.00	155.57	(30.57)	-24.46%
	0.00	0.00	0.00	0.00%
	18,000.00	9,775.00	8,225.00	45.69%
	3,000.00	4,922.20	(1,922.20)	-64.07%
	150.00	1,874.54	(1,724.54)	-1149.69%
	500.00	137.50	362.50	72.50%
	50.00	0.00	50.00	100.00%
	800.00	15.38	784.62	98.08%
	0.00	0.00	0.00	0.00%
	225.00	460.85	(235.85)	-104.82%
	<b>74,441.82</b>	<b>66,353.20</b>	<b>8,088.62</b>	<b>10.87%</b>

Due to PTO payout to accounting clerk

Due to contractor cost savings

Installation pmt  
 See note above  
 Upgrades required, appr by CC

Ehlers conf recommended by City Admin Zuleger

	MONTH			YTD				
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
<b>1910 - Planning &amp; Zoning</b>								
FT Salaries	18,447.00	19,542.16	(1,095.16)	-5.94%	67,639.00	66,912.49	726.51	1.07%
PERA Contributions	1,337.41	1,430.34	(92.93)	-6.95%	4,903.83	5,213.18	(309.35)	-6.31%
FICA Contributions	1,143.71	1,174.45	(30.74)	-2.69%	4,193.62	4,228.29	(34.67)	-0.83%
Medicare Contributions	267.48	274.67	(7.19)	-2.69%	980.77	988.87	(8.10)	-0.83%
Health/Dental Insurance	4,017.00	2,678.00	1,339.00	33.33%	14,729.00	13,390.00	1,339.00	9.09%
Workers Compensation	0.00	0.00	0.00	0.00%	800.00	0.00	800.00	100.00%
Office Supplies	150.00	378.24	(228.24)	-152.16%	750.00	650.33	99.67	13.29%
Printed Forms	0.00	0.00	0.00	0.00%	250.00	456.00	(206.00)	-82.40%
Engineering Services	3,000.00	1,607.13	1,392.87	46.43%	15,000.00	10,730.08	4,269.92	28.47%
Contract Services	0.00	0.00	0.00	0.00%	2,500.00	0.00	2,500.00	100.00%
Information Technology	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Telephone	100.00	51.02	48.98	48.98%	500.00	209.51	290.49	58.10%
Postage	0.00	0.00	0.00	0.00%	50.00	54.64	(4.64)	-9.28%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Miscellaneous	50.00	0.75	49.25	98.50%	200.00	40.42	159.58	79.79%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	100.00	239.00	(239.00)	-100.00%
Books	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	100.00%
Conferences & Training	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
<b>Total Planning &amp; Zoning</b>	<b>28,512.60</b>	<b>27,136.76</b>	<b>1,375.84</b>	<b>4.83%</b>	<b>112,596.22</b>	<b>103,112.81</b>	<b>9,483.41</b>	<b>8.42%</b>
<b>1930 - Engineering Services</b>								
Engineering Services	4,000.00	3,542.38	457.62	11.44%	20,000.00	17,387.15	2,612.85	13.06%
<b>Total Engineering Services</b>	<b>4,000.00</b>	<b>3,542.38</b>	<b>457.62</b>	<b>11.44%</b>	<b>20,000.00</b>	<b>17,387.15</b>	<b>2,612.85</b>	<b>13.06%</b>
<b>1940 - City Hall</b>								
Cleaning Supplies	25.00	0.00	25.00	100.00%	25.00	0.00	25.00	100.00%
Building Repair Supplies	0.00	0.00	0.00	0.00%	25.00	163.97	(138.97)	-555.88%
Telephone	200.00	73.90	126.10	63.05%	1,000.00	523.23	474.77	47.48%
Utilities	1,100.00	836.01	263.99	24.00%	5,500.00	5,403.80	96.20	1.75%
Refuse	108.32	109.93	(1.61)	-1.49%	649.92	439.72	210.20	32.34%
Repairs/Maint Contractual Bldg	600.00	230.00	370.00	61.67%	3,000.00	2,275.29	726.71	24.22%
Repairs/Maint Contractual Equip	200.00	532.87	(332.87)	-166.44%	1,000.00	1,841.57	(841.57)	-84.16%
Miscellaneous	0.00	32.78	(32.78)	-100.00%	100.00	131.20	(31.20)	-31.20%
<b>Total City Hall</b>	<b>2,233.32</b>	<b>1,815.49</b>	<b>417.83</b>	<b>18.71%</b>	<b>11,299.92</b>	<b>10,778.78</b>	<b>521.14</b>	<b>4.61%</b>
<b>Total General Government</b>	<b>155,554.54</b>	<b>106,564.90</b>	<b>48,989.64</b>	<b>31.49%</b>	<b>468,175.23</b>	<b>456,135.87</b>	<b>12,039.36</b>	<b>2.57%</b>

Annex repairs - Yale Mech



	MONTH				YTD			
	BUDGET	ACTUAL	Variance (\$)	Variance (%)	BUDGET	ACTUAL	Variance (\$)	Variance (%)
	Month	Month	Month	Month	YTD	YTD	YTD	YTD
<b>2400 - Building Inspection</b>								
FT Salaries	11,076.00	10,339.38	736.62	6.65%	40,612.00	37,503.33	3,108.67	7.65%
PERA Contributions	803.01	749.58	53.43	6.65%	2,944.37	2,718.95	225.42	7.66%
FICA Contributions	686.71	602.46	84.25	12.27%	2,517.94	2,184.35	333.59	13.25%
Medicare Contributions	160.60	140.88	19.72	12.28%	588.87	510.82	78.05	13.25%
Health/Dental Insurance	2,727.00	1,414.00	1,313.00	48.15%	9,999.00	7,070.00	2,929.00	29.29%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	397.88	0.00	397.88	100.00%
Office Supplies	133.64	11.04	122.60	91.74%	747.44	94.80	652.64	87.32%
Printed Forms	0.00	0.00	0.00	0.00%	146.61	0.00	146.61	100.00%
Fuel, Oil & Fluids	51.36	57.76	(6.40)	-10.00%	106.04	109.42	(3.38)	-3.19%
Engineering	750.00	605.00	145.00	19.33%	3,750.00	2,663.05	1,086.95	28.99%
Suchcharge Pmts	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Inspector Contract Services	0.00	0.00	0.00	0.00%	0.00	270.00	(270.00)	-100.00%
Information Technology	0.00	0.00	0.00	0.00%	0.00	14,587.16	(14,587.16)	-100.00%
Software Programs	0.00	0.00	0.00	0.00%	5,061.50	0.00	5,061.50	100.00%
Telephone	45.66	51.93	(6.27)	-13.73%	228.30	286.70	(58.40)	-25.58%
Mileage	50.00	0.00	50.00	100.00%	250.00	74.58	175.42	70.17%
Insurance	340.00	0.00	340.00	100.00%	340.00	248.00	92.00	27.06%
Repairs/Maint Equip	0.00	0.00	0.00	0.00%	0.00	213.28	(213.28)	-100.00%
Uniforms	0.00	0.00	0.00	0.00%	86.38	121.98	(35.60)	-41.21%
Miscellaneous	300.00	0.00	300.00	100.00%	300.00	0.00	300.00	100.00%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	0.00	220.00	(220.00)	-100.00%
Books	6.96	96.77	(89.81)	-1290.37%	108.24	346.71	(238.47)	-220.32%
Conferences & Training	125.00	109.00	16.00	12.80%	500.00	529.00	(29.00)	-5.80%
<b>Total Building Inspections</b>	<b>17,255.94</b>	<b>14,177.80</b>	<b>3,078.14</b>	<b>17.84%</b>	<b>68,684.57</b>	<b>69,752.13</b>	<b>(1,067.56)</b>	<b>-1.55%</b>
<b>2500 - Emergency Communications</b>								
Contract Services	0.00	3,745.00	(3,745.00)	-100.00%	0.00	3,373.08	(3,373.08)	-100.00%
<b>Total Emergency Communications</b>	<b>0.00</b>	<b>3,745.00</b>	<b>(3,745.00)</b>	<b>-100.00%</b>	<b>0.00</b>	<b>3,373.08</b>	<b>(3,373.08)</b>	<b>-100.00%</b>
<b>2700 - Animal Control</b>								
Printed Forms	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Contract Services	842.08	500.00	342.08	40.62%	2,342.08	2,000.00	342.08	14.61%
Miscellaneous	0.00	(36.00)	36.00	100.00%	240.00	324.00	(84.00)	-35.00%
<b>Total Animal Control</b>	<b>842.08</b>	<b>464.00</b>	<b>378.08</b>	<b>44.90%</b>	<b>2,582.08</b>	<b>2,324.00</b>	<b>258.08</b>	<b>10.00%</b>
<b>Total Public Safety</b>	<b>63,777.17</b>	<b>47,792.01</b>	<b>15,985.16</b>	<b>25.06%</b>	<b>273,248.97</b>	<b>243,388.49</b>	<b>29,860.48</b>	<b>10.93%</b>

Erosion control conf

Budget vs actual timing issue

Animal impound fees; recovering funds where possible

DEPT 430 - PUBLIC WORKS

	MONTH			YTD				
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
<b>3100 - Public Works</b>	20,604.00	18,040.77	2,563.23	12.44%	75,548.00	74,062.47	1,485.53	1.97%
FT Salaries	0.00	2,587.18	(2,587.18)	-100.00%	0.00	7,274.77	(7,274.77)	-100.00%
PERA Contributions	1,493.79	1,495.53	(1.74)	-0.12%	5,477.23	5,894.67	(417.44)	-7.62%
FICA Contributions	1,277.45	1,210.99	66.46	5.20%	4,683.98	4,802.21	(118.23)	-2.52%
Medicare Contributions	298.76	283.22	15.54	5.20%	1,095.45	1,123.09	(27.64)	-2.52%
Health/Dental Insurance	4,920.00	2,899.00	2,021.00	41.08%	18,040.00	14,493.00	3,545.00	19.65%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	8,000.00	8,000.00	0.00	100.00%
Office Supplies	25.00	135.30	(110.30)	-441.20%	125.00	1,314.26	(1,189.26)	-951.41%
Shop Materials	50.00	0.00	50.00	100.00%	250.00	979.75	(729.75)	-291.90%
Building Repair Supplies	25.00	453.24	(428.24)	-1712.96%	125.00	455.24	(328.24)	-262.59%
Small Tools and Minor Equip	200.00	301.67	(101.67)	-50.84%	1,000.00	693.29	306.71	30.67%
Engineering Services	750.00	890.50	(140.50)	-18.73%	3,750.00	4,569.50	(819.50)	-21.85%
Contract Services	100.00	186.20	(86.20)	-86.20%	500.00	318.45	181.55	36.31%
Information Technology	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Telephone	638.43	581.01	57.42	8.99%	3,192.15	2,911.55	280.60	8.79%
Radio	0.00	0.00	0.00	0.00%	1,300.00	919.88	580.12	38.67%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	20,000.00	0.00	20,000.00	100.00%	20,000.00	16,085.00	3,915.00	19.58%
Electric Utility	2,000.00	2,457.30	(457.30)	-22.87%	10,000.00	13,691.02	(3,691.02)	-36.91%
Refuse	207.82	210.94	(3.12)	-1.50%	1,039.10	843.76	195.34	18.80%
Fuel, Oil, Fluids (ALL depts)	4,000.00	2,047.23	1,952.77	48.82%	20,000.00	22,882.76	(2,882.76)	-14.41%
Repair/Maint Bldg	100.00	319.37	(219.37)	-219.37%	500.00	1,926.77	(1,426.77)	-285.35%
Repair/Maint NOT Bldg	50.00	0.00	50.00	100.00%	250.00	448.00	(198.00)	-79.20%
Repair/Maint Equip (out)	300.00	0.00	300.00	100.00%	1,500.00	0.00	1,500.00	100.00%
Equipment Parts	0.00	1.04	(1.04)	-100.00%	0.00	155.24	(155.24)	-100.00%
Uniforms	100.00	174.99	(74.99)	-74.99%	500.00	673.68	(173.68)	-34.74%
Miscellaneous	50.00	0.00	50.00	100.00%	250.00	294.40	(44.40)	-17.76%
Landscaping Material	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Dues & Subscriptions	0.00	0.00	0.00	0.00%	100.00	185.00	(85.00)	-85.00%
Conferences & Training	0.00	0.00	0.00	0.00%	500.00	0.00	500.00	100.00%
Clean up Days	0.00	0.00	0.00	0.00%	0.00	500.00	(500.00)	-100.00%
<b>Total Public Works</b>	<b>57,190.25</b>	<b>34,275.48</b>	<b>22,914.77</b>	<b>40.07%</b>	<b>177,925.91</b>	<b>177,497.76</b>	<b>428.15</b>	<b>0.24%</b>

Extra staff for snow removal

Annual ins prem, budgeted in May

3120 - Streets

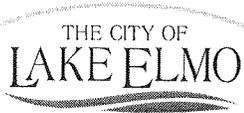
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
<b>3120 - Streets</b>	1,000.00	0.00	100.00	100.00%	5,000.00	865.17	(365.17)	-73.03%
Equipment Parts	1,000.00	1,418.06	(418.06)	-41.81%	5,000.00	5,189.82	(189.82)	-3.80%
Street Maintenance Materials	0.00	0.00	0.00	0.00%	0.00	968.60	(968.60)	-100.00%
Sign Repair Materials	300.00	0.00	300.00	100.00%	600.00	775.93	(175.93)	-29.32%
Contract Services	200.00	0.00	200.00	100.00%	1,000.00	78.25	921.75	92.18%
Repairs/Maint Equipment	1,600.00	1,418.06	181.94	11.37%	7,100.00	7,877.77	(777.77)	-10.95%

	MONTH				YTD					
	BUDGET		ACTUAL		BUDGET		ACTUAL		Variance (%)	
	Month	Month	Month	Month	YTD	YTD	YTD	YTD	YTD	YTD
<b>3125 - Ice &amp; Snow Removal</b>										
Landscaping Material	0.00	0.00	0.00	0.00	0.00	11.09	(11.09)	-100.00%		
Sand/Salt	0.00	0.00	0.00	0.00	55,000.00	45,416.16	9,583.84	17.43%		
Contract Services	0.00	0.00	0.00	0.00	4,500.00	9,660.00	(5,160.00)	-114.67%		
Repairs/Maint Equipment	500.00	0.00	0.00	500.00	2,500.00	2,254.24	245.76	9.83%		
<b>Total Ice &amp; Snow Removal</b>	<b>500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>500.00</b>	<b>62,000.00</b>	<b>57,341.49</b>	<b>4,658.51</b>	<b>7.51%</b>		
<b>3160 - Street Lighting</b>										
Street Lighting	2,400.00	2,060.27	2,060.27	339.73	12,000.00	8,522.16	3,477.84	28.98%		
<b>Total Street Lighting</b>	<b>2,400.00</b>	<b>2,060.27</b>	<b>2,060.27</b>	<b>339.73</b>	<b>12,000.00</b>	<b>8,522.16</b>	<b>3,477.84</b>	<b>28.98%</b>		
<b>3200 - Recycling</b>										
Recycling Supplies	3,400.00	1,158.40	1,158.40	2,241.60	3,400.00	3,290.85	109.15	3.21%		
Newsletter	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%		
Miscellaneous	0.00	0.00	0.00	0.00	0.00	1,541.01	(1,541.01)	-100.00%		CFL bulbs for residents
<b>Total Recycling</b>	<b>3,400.00</b>	<b>1,158.40</b>	<b>1,158.40</b>	<b>2,241.60</b>	<b>3,400.00</b>	<b>4,831.86</b>	<b>(1,431.86)</b>	<b>-42.11%</b>		
<b>3250 - Tree Program</b>										
Contract Services	0.00	0.00	0.00	0.00	3,750.00	950.00	2,800.00	74.67%		
<b>Total Tree Program</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3,750.00</b>	<b>950.00</b>	<b>2,800.00</b>	<b>74.67%</b>		
<b>Total Public Works</b>	<b>65,090.25</b>	<b>38,912.21</b>	<b>38,912.21</b>	<b>26,178.04</b>	<b>266,175.91</b>	<b>257,021.04</b>	<b>9,154.87</b>	<b>3.44%</b>		

DEPT 450 - CULTURE, RECREATION

	MONTH			YTD				
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
<b>5200 - Parks &amp; Recreation</b>								
FT Salaries	13,225.00	12,376.25	848.75	6.42%	54,825.00	47,707.44	7,117.56	12.98%
PT Salaries	0.00	1,762.00	(1,762.00)	-100.00%	0.00	3,168.30	(3,168.30)	-100.00%
PERA Contributions	1,103.81	897.29	206.52	18.71%	4,119.81	3,547.96	571.85	13.88%
FICA Contributions	943.95	843.09	100.86	10.68%	3,523.15	3,033.43	489.72	13.90%
Medicare Contributions	220.76	197.15	23.61	10.69%	823.96	709.39	114.57	13.90%
Health/Dental Insurance	1,324.00	290.16	1,033.84	78.08%	5,756.00	1,450.80	4,305.20	74.79%
Unemployment Benefits	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Workers Compensation	0.00	0.00	0.00	0.00%	4,500.00	0.00	4,500.00	100.00%
Shop Materials	1,000.00	0.00	1,000.00	100.00%	1,000.00	24.99	975.01	97.50%
Chemicals	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Equipment Parts	1,000.00	353.32	646.68	64.67%	1,023.50	2,913.28	(1,889.78)	-184.64%
Building Repair Supplies	0.00	814.89	(814.89)	-100.00%	0.00	814.89	(814.89)	-100.00%
Landscaping Materials	2,000.00	1,413.99	586.01	29.30%	2,000.00	1,413.99	586.01	29.30%
Small Tools and Minor Equip	0.00	249.73	(249.73)	-100.00%	1,609.01	803.87	805.14	50.04%
Telephone	0.00	74.55	(74.55)	-100.00%	331.49	425.35	(93.86)	-28.31%
Mileage	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
Insurance	3,683.00	0.00	3,683.00	100.00%	3,683.00	3,171.00	512.00	13.90%
Electric Utility	617.83	614.03	3.80	0.62%	3,704.15	3,283.90	420.25	11.35%
Refuse	207.82	210.94	(3.12)	-1.50%	831.28	843.76	(12.48)	-1.50%
Repair/Maint Bldg	0.00	370.00	(370.00)	-100.00%	246.25	397.64	(151.39)	-61.48%
Repair/Maint NOT Bldg	41.82	667.96	(626.14)	-1497.23%	69.07	2,438.07	(2,369.00)	-3429.85%
Repair/Maint Equip	0.00	0.00	0.00	0.00%	0.00	2,194.35	(2,194.35)	-100.00%
Rental Buildings	300.00	948.50	(648.50)	-216.17%	1,500.00	981.34	518.66	34.58%
Miscellaneous	100.00	0.00	100.00	100.00%	450.00	649.75	(199.75)	-44.39%
<b>Total Parks &amp; Recreation</b>	<b>25,767.99</b>	<b>22,083.85</b>	<b>3,684.14</b>	<b>14.30%</b>	<b>89,995.67</b>	<b>79,973.50</b>	<b>10,022.17</b>	<b>11.14%</b>
DEPT 460 - COMP ADJ	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
DEPT 490 - CONTINGENCY FUND	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
DEPT 493 - OTH FINANCING	0.00	0.00	0.00	0.00%	0.00	0.00	0.00	0.00%
<b>GRAND TOTAL ALL DEPTS</b>	<b>310,189.95</b>	<b>215,352.97</b>	<b>94,836.98</b>	<b>30.57%</b>	<b>1,097,595.78</b>	<b>1,036,518.90</b>	<b>61,076.88</b>	<b>5.56%</b>
Net Income over Expenses	(266,919.10)	(120,508.43)	146,410.67	54.85%	(848,250.70)	(785,064.00)	63,186.70	7.45%

	MONTH			YTD				
	BUDGET Month	ACTUAL Month	Variance (\$) Month	Variance (%) Month	BUDGET YTD	ACTUAL YTD	Variance (\$) YTD	Variance (%) YTD
Extra part time help								
480D radiator repair/service								
Annual ins premi; budgeted in May								
Light repairs at Lions field, trail grooming at Sunfish Lake Park								
Unforeseen repairs on 98 GMC								



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM #4**  
**MOTION**

**AGENDA ITEM:** New Single Family Home Permit Report

**SUBMITTED BY:** Rick Chase, Building Official

**THROUGH:** Rick Chase, Building Official

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

**SUGGESTED ORDER OF BUSINESS:**

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

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the monthly new single family home permit report for through May, 2014. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

	<u>2014</u>	<u>2013</u>	<u>2012</u>
New Homes	9	12	11
Total valuation	\$ 5,507,800	\$5,121,742	\$4,568,112
Average home value	611,977	426,811	415,282

- 2014 Pump house # 4 permitted but not included in valuation. (City Building)

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council accept the May, 2014 monthly building permit report.



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM#** 5

**AGENDA ITEM:** Monthly Assessor Report  
**SUBMITTED BY:** Dan Raboin, City Assessor  
**THROUGH:** Cathy Bendel, Finance Director  
**REVIEWED BY:** Finance Committee

**SUGGESTED ORDER OF BUSINESS:**

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

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to accept the monthly assessor report for through May 2014 outlining work performed on behalf of the City of Lake Elmo. No specific motion is needed as this is recommended as part of the *Consent Agenda*.

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Property splits/plats – 0  
Sales collected and viewed – 12  
Taxpayer and other inquiries – 27  
Inspections – Residential – 132; Commercial - 41  
Building permit reviews – 16  
Pictures taken – 181

Other work performed included:

- Monthly meeting with County residential and commercial supervisors
- 6 Appeal reviews with the County Board

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council accept the May 2014 monthly assessor report.



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM#** 6

**AGENDA ITEM:** Approval of Certificates for Municipal Entities and Municipal Bond Obligators

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

**THROUGH:** Cathy Bendel, Finance Director

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

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** Effective July 1, 2014, the SEC is requiring that all investment brokers disclose to its municipal clients if they are not a registered municipal bond advisor. Two of our advisors are not (Wells Fargo Advisors and Morgan Stanley) and as a result we need to complete and return the attached forms.

**BACKGROUND INFORMATION/STAFF REPORT:** In January each year, the City Council designates the official depositories of funds. This form is a disclosure requirement which does not impact the City since we do our bonding activity through Northland Securities. This item is being brought to the City Council to keep them informed of all banking regulatory updates.

**RECOMMENDATION:** It is recommended that the City Council approve completion of the attached forms by the City Finance Director.

**ATTACHMENT:**

1. Wells Fargo Advisors overview and Certificate of Bond Proceeds form
2. Morgan Stanley Certificate of Bond Proceeds form



CERTIFICATE OF BOND PROCEEDS  
FOR MUNICIPAL ENTITIES AND MUNICIPAL BOND OBLIGORS

I certify:

- (a) I am an official representative of the municipal entity or municipal obligated person listed below;
- (b) I am authorized to sign this certificate on behalf of the entity;
- (c) My job responsibilities are such that I am sufficiently knowledgeable as to the financial affairs of the municipal entity or municipal obligated person to make the representations contained herein;
- (d) Regarding the above referenced account that the entity has with Wells Fargo Advisors, LLC (hereinafter "the Firm"):
  - 1. For the purposes of Section 15B of the Securities Exchange Act of 1934 (Rule 15Ba1 et seq.)(the "Municipal Advisor Rule") relating to the registration of municipal advisors, none of the funds currently invested in or through the account(s) that entity has with the Firm, or that the entity seeks to invest in this account, constitute (i) proceeds of municipal securities or (ii) municipal escrow investments
  - 2. I have access to the appropriate information or have direct knowledge of the source of the funds in the account(s) that entity has with the Firm that enable me to make these representations
  - 3. For the purposes of the Municipal Advisor Rule and the Adopting Release:
    - a. The term "proceeds of municipal securities" means monies derived by a municipal entity from the primary offering of municipal securities, investment income derived from the investment or reinvestment of such monies, and any monies of a municipal entity or obligated person held in funds under legal documents for the municipal securities that are reasonably expected to be used as security or a source of payment for the payment of the debt service on the municipal securities, including reserves, sinking funds, and pledged funds created for such purpose, and the investment income derived from the investment or reinvestment of monies in such funds.
    - b. The term "municipal escrow investments" means proceeds of municipal securities and any other funds of a municipal entity [ or obligated person] that are deposited in an escrow account to pay the principal of, premium, if any, and interest on one or more issues of municipal securities.

I further certify that the entity will not invest any funds in or through this account that constitute proceeds of municipal securities or municipal escrow investments.

By:

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Title

Date: \_\_\_\_\_

0011451  
000002 CI 2015TA  
11MMNN NNNNNN NNNNNN  
148102515111  
000288 148102515111

**For Internal Use Only**

Branch No.

Account No.

FA/PWA No.

**Morgan Stanley**

# Certificate of Bond Proceeds For U.S. State and Local Governments and Municipal Bond Obligors

I certify:

(A) I am an official representative of the client entity listed in the signature line below, and am authorized to sign this certificate;

(B) Regarding all the account(s) the entity has with Morgan Stanley Smith Barney LLC or any of its affiliated companies (the "Firm"):

1. For the purposes of Section 15B of the Securities Exchange Act of 1934 (Rule 15Ba1 et seq.) (the "Municipal Advisor Rule") relating to the registration of municipal advisors, none of the funds currently invested in or through the account(s) that the entity has with the Firm, or that the entity seeks to invest in these accounts, constitute: (i) proceeds of municipal securities or (ii) municipal escrow investments;
2. I have access to the appropriate information or have direct knowledge of the source of the funds in the account(s) that the entity has with the Firm, that enable me to make these representations;
3. For the purposes of the Municipal Advisor Rule and the Adopting Release:
  - a. the term "proceeds of municipal securities" means monies derived by a municipal entity from the sale of municipal securities, investment income derived from the investment or reinvestment of such monies, and any monies of a municipal entity or obligated person held in funds under legal documents for the municipal securities that are reasonably expected to be used as security or a source of payment for the payment of the debt service on the municipal securities, including reserves, sinking funds, and pledged funds created for such purpose, and the investment income derived from the investment or reinvestment of monies in such funds.
  - b. the term "municipal escrow investments" means proceeds of municipal securities and any other funds of a municipal entity that are deposited in an escrow account to pay the principal of, premium, if any, and interest on one or more issues of municipal securities.

(C) I further certify that the entity will not invest any funds in or through the Firm that do not comply with the above.

DATE \_\_\_\_\_

BY (PRINT NAME) \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

ENTITY \_\_\_\_\_





# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM** #7  
**MOTION**

**AGENDA ITEM:** Request for approval of an abatement for street assessment levied in 2014

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

**THROUGH:** Cathy Bendel, Finance Director

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

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** As part of the Consent Agenda, the City Council is respectfully requested to consider approval to remove parcel 04.029.21.23.0010 from the 2014 assessment roll with Washington County.

**BACKGROUND INFORMATION/STAFF REPORT:** Residents have the option to either pay the City directly or to pay the County through their tax roll for street assessments. This parcel was sold and the assessment was collected as part of the closing process and forwarded to the City.

Since these payments were made before the street assessments were reported to the County, an abatement form needs to be filed with the County in order to update their file and remove these parcels from the on-going tax roll.

The outstanding balance should never have been assessed but the current staff was only recently made aware of those issues by the resident.

**RECOMMENDATION:** Based on the fact that two of the assessments have been paid in full, and the other never should have been assessed, it is recommended that the City Council approve Resolution 2014-51 so that an abatement of the assessment can be filed with Washington County.

**ATTACHMENTS:**

1. Washington County Abatement Form
2. Resolution No. 2014-51

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

Received: \_\_\_\_\_

Assessment Year: **2013**

Worksheet# \_\_\_\_\_

Payable Year: **2014**

**APPLICANT**

Owner's Name (please print or type) <b>Justin Hauer</b>			Soc. Sec. / Fed ID	Phone	Cell
Owner's Name			Soc. Sec. / Fed ID	Phone	Cell
Owner's Name			Soc. Sec. / Fed ID	Phone	Cell
Owner's Mailing Address <b>5787 Highlands Ct N</b>			Property Address (if different from mailing address)		
City <b>Lake Elmo</b>	State <b>MN</b>	Zip <b>55042</b>	City	State	Zip

**DESCRIPTION OF PROPERTY**

Property ID Number <b>04.029.21.23.0010</b>	Linked Group Number		
Legal Description of Property	City or Township <b>Lake Elmo</b>	School District # <b>834</b>	TAG

**ASSESSOR'S ESTIMATED MARKET VALUE**

**Original:**

Land EMV	Improvement EMV	Total	Class
		<b>0</b>	

**Revised:**

Land EMV	Improvement EMV	Total	Class
		<b>0</b>	

**Applicant's Statement of Facts:**

The City of Lake Elmo assessed this parcel for the 2012 street project assessment in error.  
Please remove this assessment from this parcel as payment was received in 2013 when the house was sold.  
the taxpayer got the tax statement in March 2014.

**Applicant's Request:**

Abate the special assessment and interest for Pay 2014 in the amount of \$327.00. (\$300 prin \$27 int)

Applicant's Signature: Carly Bendel Date: 6/13/14

**NOTE: M.S. §609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi**

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

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

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

**RESOLUTION NO. 2014-51**

**A RESOLUTION RELATED TO 2014 ASSESSMENTS  
TO WASHINGTON COUNTY**

BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, PID #04.029.21.23.0010 may be removed from the 2014 assessment roll due per the attached Washington County abatement forms.

APPROVED by the Lake Elmo City Council on this 17<sup>th</sup> day of June, 2014.

By: \_\_\_\_\_  
Mike Pearson  
Mayor

ATTEST:

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

# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014

**CONSENT**

**ITEM # 8**

**AGENDA ITEM:** Section 34 Water and Sewer Utility Extension Improvements – Pay Request No. 5

**SUBMITTED BY:** Ryan Stempki, Project Engineer

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

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

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

- 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

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:**

None. Partial payment is proposed in accordance with the Contract for the project. Payment remains within authorized contract amount and approved change orders for the project.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving Pay Request No. 5 for the Section 34 Water and Sewer Utility Extension Improvements. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Pay Request No. 5 to Redstone Construction Company, Inc. in the amount of \$196,502.84, for the Section 34 Water and Sewer Utility Extension Improvements.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Redstone Construction Company, Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 5 in the amount of \$196,502.84. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$84,316.15.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 5 for the Section 34 Water and Sewer Utility Extension Improvements. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Pay Request No. 5 to Redstone Construction Company, Inc. in the amount of \$196,502.84, for the Section 34 Water and Sewer Utility Extension Improvements.”***

**ATTACHMENT(S):**

1. Pay Request No. 5

**PROJECT PAY FORM**

PARTIAL PAY ESTIMATE NO. <u>5</u>	<b>FOCUS</b> ENGINEERING, inc.
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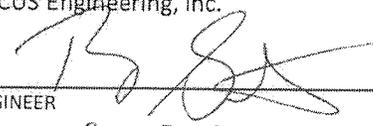
SECTION 34 WATER & SEWER UTILITY EXTENSION IMPROVEMENTS PROJECT NO. 2013.126	PERIOD OF ESTIMATE FROM <u>5/1/2014</u> TO <u>5/31/2014</u>
---	--

PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER	CONTRACTOR: REDSTONE CONSTRUCTION COMPANY INC. PO BOX 218 MORA, MN 55051 ATTN: DALE MANS, PROJECT MANAGER
--	---

CONTRACT CHANGE ORDER SUMMARY				PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount			
		Additions	Deductions		
1	11/6/2013	\$11,162.82	\$0.00	1. Original Contract Amount	\$1,701,884.50
2	1/6/2014	\$0.00	\$0.00	2. Net Change Order Sum	\$11,162.82
TOTALS				3. Revised Contract (1+2)	\$1,713,047.32
NET CHANGE				4. *Work Completed	\$1,686,322.90
				5. *Stored Materials	\$0.00
				6. Subtotal (4+5)	\$1,686,322.90
				7. Retainage* <u>5.0%</u>	\$84,316.15
				8. Previous Payments	\$1,405,503.92
				9. Amount Due (6-7-8)	<b>\$196,502.84</b>

\*Detailed Breakdown Attached

CONTRACT TIME					
START DATE:	<u>10/7/2013</u>	ORIGINAL DAYS	<u>235</u>	ON SCHEDULE	<input type="checkbox"/>
SUBSTANTIAL COMPLETION:	<u>5/19/2014</u>	REVISED DAYS	<u>        </u>	YES	<input type="checkbox"/>
FINAL COMPLETION:	<u>5/30/2014</u>	REMAINING	<u>-1</u>	NO	<input checked="" type="checkbox"/>

ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.	FOCUS Engineering, inc.  ENGINEER <u>6-12-14</u> DATE
--	---

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

APPROVED BY OWNER: <b>CITY OF LAKE ELMO, MINNESOTA</b>	BY _____
BY _____	BY _____
DATE _____	DATE _____

SECTION 34 WATER & SEWER UTILITY EXTENSION IMPROVEMENTS  
 CITY OF LAKE ELMO, MINNESOTA  
 PROJECT NO. 2013.126

**FOCUS** ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
<b>DIVISION 1 - GENERAL</b>									
1	MOBILIZATION	LS	1.00	\$48,000.00	\$48,000.00	0.10	\$4,800.00	1.00	\$48,000.00
2	TRAFFIC CONTROL	LS	1	\$6,300.00	\$6,300.00	0.00	\$0.00	1	\$6,300.00
3	CLEAR AND GRUB TREES	LS	1	\$19,000.00	\$19,000.00	0.00	\$0.00	1	\$19,000.00
4	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	2	\$1,100.00	\$2,200.00	0.00	\$0.00	0	\$0.00
5	STREET SWEEPING	HR	40	\$175.00	\$7,000.00	2.00	\$350.00	2	\$350.00
<b>SUBTOTAL - DIVISION 1</b>					\$82,500.00		\$5,150.00		\$73,650.00
<b>DIVISION 2 - SANITARY SEWER (GRAVITY SEWER - HUDSON BLVD.)</b>									
6	CONCRETE JERSEY BARRIERS	LF	900	\$21.00	\$18,900.00	0.00	\$0.00	900	\$18,900.00
7	REMOVE AND DISPOSE OF EXISTING BITUMINOUS DRIVEWAY	SY	500	\$2.20	\$1,100.00	778.00	\$1,711.60	778	\$1,711.60
8	REMOVE PIPE CULVERT	LF	245	\$5.50	\$1,347.50	156.00	\$858.00	235	\$1,292.50
9	REMOVE SANITARY SEWER PIPE	LF	13	\$6.55	\$85.15	0.00	\$0.00	13	\$85.15
10	SALVAGE AND REINSTALL 12" RCP, INCL APRONS	LF	50	\$22.10	\$1,105.00	0.00	\$0.00	50	\$1,105.00
11	PATCH BITUMINOUS DRIVEWAY	SY	500	\$35.00	\$17,500.00	678.00	\$23,730.00	678	\$23,730.00
12	PATCH GRAVEL DRIVEWAY	TN	100	\$15.00	\$1,500.00	391.00	\$5,865.00	600	\$9,000.00
13	29" X 42" ARCH CMP CULVERT	LF	69	\$51.90	\$3,581.10	69.00	\$3,581.10	133	\$6,902.70
14	30" CMP CULVERT	LF	71	\$44.20	\$3,138.20	52.00	\$2,298.40	67	\$2,961.40
15	36" CMP CULVERT	LF	35	\$51.90	\$1,816.50	35.00	\$1,816.50	35	\$1,816.50
16	42" CMP CULVERT	LF	64	\$76.20	\$4,876.80	0.00	\$0.00	0	\$0.00
17	29" X 42" ARCH CMP CULVERT	EA	2	\$498.00	\$996.00	2.00	\$996.00	4	\$1,992.00
18	30" CMP APRON	EA	3	\$989.00	\$1,167.00	2.00	\$778.00	3	\$1,167.00
19	36" CMP APRON	EA	2	\$573.00	\$1,146.00	2.00	\$1,146.00	2	\$1,146.00
20	42" CMP APRON	EA	2	\$1,110.00	\$2,220.00	0.00	\$0.00	0	\$0.00
21	CONNECT TO EXISTING SANITARY SEWER MH	EA	1	\$993.00	\$993.00	0.00	\$0.00	1	\$993.00
22	8" PVC SANITARY SEWER, SDR 35, 0' - 10' DEEP	LF	25	\$38.90	\$972.50	0.00	\$0.00	28	\$1,089.20
23	10" PVC SANITARY SEWER, SDR 26, 25' - 30' DEEP	LF	20	\$154.00	\$3,080.00	0.00	\$0.00	20	\$3,080.00
24	12" PVC SANITARY SEWER, SDR 35, 0' - 10' DEEP	LF	885	\$36.20	\$32,037.00	0.00	\$0.00	860	\$31,132.00
25	12" PVC SANITARY SEWER, SDR 35, 10' - 15' DEEP	LF	675	\$40.00	\$27,000.00	0.00	\$0.00	700	\$28,000.00
26	12" PVC SANITARY SEWER, SDR 35, 15' - 20' DEEP	LF	290	\$71.40	\$20,706.00	0.00	\$0.00	287	\$20,491.80
27	12" PVC SANITARY SEWER, SDR 35, 15' - 20' DEEP	LF	65	\$83.60	\$5,434.00	0.00	\$0.00	63	\$5,266.80
28	12" PVC SANITARY SEWER, SDR 26, 20' - 25' DEEP	LF	200	\$91.20	\$18,240.00	0.00	\$0.00	200	\$18,240.00
29	12" PVC SANITARY SEWER, SDR 26, 25' - 30' DEEP	LF	560	\$103.00	\$57,680.00	0.00	\$0.00	516	\$53,148.00
30	JACK 12" PVC SANITARY SEWER	LF	40	\$410.00	\$16,400.00	0.00	\$0.00	40	\$16,400.00
31	ROCK FOUNDATION BORROW	LF	1,300	\$0.01	\$13.00	0.00	\$0.00	0	\$0.00
32	INSULATION, 2" THICK	SY	150	\$19.90	\$2,985.00	0.00	\$0.00	188.3	\$3,747.17
33	PLACE FILL OVER SANITARY SEWER PIPE (LV)	CY	150	\$7.75	\$1,162.50	50.00	\$387.50	150	\$1,162.50
34	CROSS HIGH PRESSURE GAS PIPE LINE	LS	1	\$2,760.00	\$2,760.00	0.00	\$0.00	1	\$2,760.00
35	SANITARY SEWER MH, 4' DIAMETER	EA	8	\$2,530.00	\$20,240.00	0.00	\$0.00	8	\$20,240.00
36	EXCESS MANHOLE DEPTH, 4' DIAMETER	LF	56	\$97.20	\$5,443.20	0.00	\$0.00	45.98	\$4,469.26
37	TELEVISION SANITARY SEWER	LF	2,672	\$1.75	\$4,676.00	0.00	\$0.00	0	\$0.00
38	OFF ROAD STRUCTURE MARKER	EA	7	\$55.20	\$386.40	0.00	\$0.00	7	\$386.40
39	SEED MIX 250 & BLANKET	SY	5,000	\$1.10	\$5,500.00	5,000.00	\$5,500.00	5,000	\$5,500.00
40	SEED MIX 270 & BLANKET	SY	5,200	\$1.14	\$5,928.00	0.00	\$0.00	0	\$0.00
41	SEED MIX 250 & HYDROMULCH	SY	5,000	\$0.42	\$2,100.00	0.00	\$0.00	17,000	\$7,140.00
42	SEED MIX 270 & HYDROMULCH	SY	5,200	\$0.46	\$2,392.00	1,040.00	\$478.40	1,040	\$478.40
43	EROSION STABILIZATION MAT	SY	150	\$9.90	\$1,485.00	0.00	\$0.00	0	\$0.00
44	TEMPORARY SEED MIX 100 AND MULCH	AC	4	\$686.00	\$2,744.00	0.00	\$0.00	0	\$0.00
45	DITCH CHECK	EA	8	\$97.50	\$780.00	0.00	\$0.00	0	\$0.00
46	CULVERT INLET PROTECTION	EA	8	\$200.00	\$1,600.00	0.00	\$0.00	0	\$0.00
47	SILT FENCE	LF	1,500	\$1.71	\$2,565.00	0.00	\$0.00	1,352	\$2,311.92
<b>SUBTOTAL - DIVISION 2</b>					\$305,781.85		\$49,146.50		\$297,846.30

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
<b>DIVISION 3 - SANITARY SEWER (LIFT STATION SYSTEM)</b>									
48	REMOVE AND DISPOSE OF EXISTING BITUMINOUS DRIVEWAY	SY	570	\$2.75	\$1,567.50	473.00	\$1,300.75	818	\$2,249.50
49	REMOVE AND DISPOSE OF EXISTING CONCRETE DRIVEWAY	SY	40	\$8.75	\$350.00	40.00	\$350.00	40	\$350.00
50	REMOVE AND DISPOSE OF CONCRETE CURB AND GUTTER	LF	30	\$4.35	\$130.50	0.00	\$0.00	30	\$130.50
51	REMOVE PIPE CULVERT	LF	165	\$5.50	\$907.50	24.00	\$132.00	202	\$1,111.00
52	SALVAGE AND REINSTALL 18" RCP, INCL APRONS	LF	60	\$24.30	\$1,458.00	0.00	\$0.00	24	\$583.20
53	PATCH BITUMINOUS DRIVEWAY	SY	200	\$35.00	\$7,000.00	0.00	\$0.00	0	\$0.00
54	PATCH GRAVEL DRIVEWAY	TN	250	\$15.00	\$3,750.00	123.00	\$1,845.00	217	\$3,255.00
55	B618 CONCRETE CURB AND GUTTER	LF	30	\$30.00	\$900.00	0.00	\$0.00	0	\$0.00
56	12" CMP CULVERT	LF	30	\$20.50	\$615.00	5.00	\$102.50	45	\$922.50
57	18" CMP CULVERT	LF	52	\$26.80	\$1,393.60	24.00	\$643.20	116	\$3,108.80
58	21" CMP CULVERT	LF	40	\$31.00	\$1,240.00	0.00	\$0.00	41	\$1,271.00
59	12" CMP APRON	EA	1	\$131.00	\$131.00	0.00	\$0.00	1	\$131.00
60	18" CMP APRON	EA	2	\$157.00	\$314.00	2.00	\$314.00	5	\$785.00
61	21" CMP APRON	EA	2	\$187.00	\$374.00	0.00	\$0.00	2	\$374.00
62	8" DIP SANITARY SEWER, CLASS 52, 10' - 15' DEEP	LF	40	\$44.30	\$1,772.00	0.00	\$0.00	40	\$1,772.00
63	8" PVC SANITARY SEWER, SDR 35, 0' - 10' DEEP	LF	700	\$25.70	\$17,990.00	0.00	\$0.00	699	\$17,964.30
64	8" PVC SANITARY SEWER, SDR 35, 10' - 15' DEEP	LF	1,275	\$28.00	\$35,700.00	0.00	\$0.00	957	\$26,796.00
65	8" PVC SANITARY SEWER, SDR 35, 15' - 20' DEEP	LF	425	\$59.00	\$25,075.00	0.00	\$0.00	744	\$43,896.00
66	8" PVC SANITARY SEWER, SDR 35, 20' - 25' DEEP	LF	10	\$74.30	\$743.00	0.00	\$0.00	0	\$0.00
67	8" PVC SANITARY SEWER, SDR 26, 0' - 10' DEEP	LF	50	\$28.10	\$1,405.00	0.00	\$0.00	0	\$0.00
68	8" PVC SANITARY SEWER, SDR 26, 10' - 15' DEEP	LF	806	\$34.50	\$27,807.00	0.00	\$0.00	747	\$25,771.50
69	8" PVC SANITARY SEWER, SDR 26, 15' - 20' DEEP	LF	435	\$69.90	\$30,406.50	0.00	\$0.00	381	\$26,631.90
70	8" PVC SANITARY SEWER, SDR 26, 20' - 25' DEEP	LF	715	\$82.90	\$59,273.50	0.00	\$0.00	896	\$74,278.40
71	8" PVC SANITARY SEWER, SDR 26, 25' - 30' DEEP	LF	85	\$94.20	\$8,007.00	0.00	\$0.00	70	\$6,594.00
72	10" PVC SANITARY SEWER, SDR 26, 15' - 20' DEEP	LF	70	\$80.10	\$5,607.00	0.00	\$0.00	0	\$0.00
73	10" PVC SANITARY SEWER, SDR 26, 20' - 25' DEEP	LF	32	\$51.50	\$1,648.00	0.00	\$0.00	102	\$5,253.00
74	10" PVC SANITARY SEWER, SDR 26, 25' - 30' DEEP	LF	0	\$109.00	\$0.00	0.00	\$0.00	0	\$0.00
75	10" PVC SANITARY SEWER, SDR 26, 30' - 35' DEEP	LF	0	\$137.00	\$0.00	0.00	\$0.00	0	\$0.00
76	ROCK FOUNDATION BORROW	LF	5,000	\$0.01	\$50.00	0.00	\$0.00	0	\$0.00
77	8" DIP SANITARY SEWER OUTSIDE DROP	LF	27	\$162.00	\$4,374.00	0.00	\$0.00	12.1	\$1,960.20
78	8" DIP SANITARY SEWER BLIND OUTSIDE DROP	LF	29	\$151.00	\$4,379.00	0.00	\$0.00	29.3	\$4,424.30
79	SANITARY SEWER MH, 4' DIAMETER	EA	27	\$2,460.00	\$66,420.00	0.00	\$0.00	27	\$66,420.00
80	EXCESS MANHOLE DEPTH, 4' DIAMETER	LF	168	\$97.20	\$16,368.48	0.00	\$0.00	187.52	\$18,226.94
81	TELEWISE SANITARY SEWER	LF	4,733	\$1.75	\$8,282.75	0.00	\$0.00	0	\$0.00
82	OFF ROAD STRUCTURE MARKER	EA	29	\$55.20	\$1,600.80	1.00	\$55.20	28	\$1,545.60
83	8" PVC FORCE MAIN	LF	5,960	\$24.90	\$148,404.00	0.00	\$0.00	5,940	\$147,906.00
84	AIR RELEASE MH	EA	2	\$5,410.00	\$10,820.00	0.00	\$0.00	2	\$10,820.00
85	DIP FITTINGS	LB	186	\$5.95	\$1,106.70	16.00	\$95.20	202	\$1,201.90
86	LIFT STATION	LS	1	\$220,000.00	\$220,000.00	0.20	\$44,000.00	1.00	\$220,000.00
87	BITUMINOUS DRIVEWAY (LIFT STATION)	SY	317	\$33.00	\$10,461.00	331.00	\$10,923.00	331	\$10,923.00
88	SEED MIX 250 & BLANKET	SY	24,600	\$1.10	\$27,060.00	8,410.00	\$9,251.00	10,910	\$12,001.00
89	SEED MIX 250 & HYDROMULCH	SY	24,000	\$0.42	\$10,080.00	26,617.00	\$11,179.14	50,411	\$21,172.62
90	EROSION STABILIZATION MAT	SY	50	\$9.90	\$495.00	290.00	\$2,871.00	290	\$2,871.00
91	SEED MIX 250, MULCH, & DISC ANCHOR	AC	5	\$929.00	\$4,645.00	0.00	\$0.00	4.5	\$4,180.50
92	TEMPORARY SEED MIX 100 AND MULCH	AC	15	\$686.00	\$10,290.00	8.60	\$5,899.60	8.60	\$5,899.60
93	WETLAND RESTORATION WITH BWSR MIX 34-181	SY	80	\$9.91	\$792.80	0.00	\$0.00	0	\$0.00
94	DITCH CHECK	EA	17	\$97.50	\$1,657.50	25.00	\$2,437.50	25	\$2,437.50
95	CULVERT INLET PROTECTION	EA	9	\$200.00	\$1,800.00	0.00	\$0.00	4	\$800.00
96	SILT FENCE	LF	5,310	\$1.71	\$9,080.10	0.00	\$0.00	2,630	\$4,497.30
<b>SUBTOTAL - DIVISION 3</b>					<b>\$793,732.23</b>	<b>\$91,399.09</b>	<b>\$780,516.06</b>		
<b>DIVISION 4 - SANITARY SEWER (SERVICE TO CM PROPERTIES)</b>									
97	8" PVC SANITARY SEWER, SDR 35, 0' - 10' DEEP	LF	45	\$33.20	\$1,494.00	0.00	\$0.00	45	\$1,494.00
98	JACK 8" PVC SANITARY SEWER	LF	60	\$405.00	\$24,300.00	0.00	\$0.00	60	\$24,300.00
99	SEED MIX 250 & BLANKET	SY	300	\$1.10	\$330.00	0.00	\$0.00	0	\$0.00
100	SILT FENCE	LF	50	\$1.71	\$85.50	0.00	\$0.00	50	\$85.50
<b>SUBTOTAL - DIVISION 4</b>					<b>\$26,209.50</b>	<b>\$0.00</b>	<b>\$25,879.50</b>		
<b>DIVISION 5 - SANITARY SEWER (LENNAR AREA SERVICES)</b>									
101	8" X 4" PVC WYE, SDR 26	EA	11	\$127.00	\$1,397.00	0.00	\$0.00	11	\$1,397.00
102	4" PVC SANITARY SEWER SERVICE RISER	LF	130	\$7.75	\$1,007.50	0.00	\$0.00	148	\$1,147.00
<b>SUBTOTAL - DIVISION 5</b>					<b>\$2,404.50</b>	<b>\$0.00</b>	<b>\$2,544.00</b>		
<b>DIVISION 6 - WATERMAIN</b>									
103	CONNECT TO EXISTING 12" WATER MAIN	EA	1	\$404.00	\$404.00	0.00	\$0.00	1	\$404.00
104	6" DIP, CL. 52 WATER MAIN	LF	215	\$28.50	\$6,127.50	37.00	\$1,054.50	192	\$5,472.00
105	8" DIP, CL. 52 WATER MAIN	LF	40	\$35.90	\$1,436.00	0.00	\$0.00	44	\$1,579.60
106	12" DIP, CL. 52 WATER MAIN	LF	7,305	\$48.90	\$357,214.50	762.00	\$37,261.80	7,303	\$357,116.70
107	CROSS HIGH PRESSURE GAS PIPE LINE	LS	1	\$882.00	\$882.00	0.00	\$0.00	1	\$882.00
108	6" GATE VALVE AND BOX	EA	14	\$1,220.00	\$17,080.00	5.00	\$6,100.00	15	\$18,300.00
109	8" GATE VALVE AND BOX	EA	4	\$1,830.00	\$7,320.00	0.00	\$0.00	4	\$7,320.00
110	12" GATE VALVE AND BOX	EA	12	\$3,070.00	\$36,840.00	1.00	\$3,070.00	13	\$39,910.00
111	VALVE BOX EXTENSION	LF	15	\$55.40	\$831.00	5.00	\$277.00	7	\$387.80
112	VALVE NUT EXTENSION	LF	15	\$37.70	\$565.50	0.00	\$0.00	0	\$0.00
113	HYDRANT	EA	11	\$4,090.00	\$44,990.00	2.00	\$8,180.00	12	\$49,080.00

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
114	HYDRANT EXTENSION	LF	6	\$666.00	\$3,996.00	0.00	\$0.00	2	\$1,332.00
115	OFF ROAD STRUCTURE MARKER	EA	17	\$55.20	\$938.40	5.00	\$276.00	17	\$938.40
116	DUCTILE IRON FITTINGS	LB	3,000	\$4.95	\$14,850.00	996.00	\$4,930.20	3,496	\$17,305.20
<b>SUBTOTAL - DIVISION 6</b>					\$493,474.90	\$61,149.50	\$500,027.70		

**TOTALS - BASE CONTRACT** **\$1,704,102.98**      **\$206,845.09**      **\$1,680,463.56**

**CHANGE ORDER NO. 1**

CO1-1	CLEAR & GRUB TREES (LIFT STATION SITE ON CITY PROPERTY)	LS	1.0	\$3,500.00	\$3,500.00	0.00	\$0.00	0.71	\$2,485.00
CO1-2	EXTRA 8' OF DEPTH AT VALVE MH	LS	1.0	\$1,631.94	\$1,631.94	0.00	\$0.00	1.0	\$1,631.94
CO1-3	EXTRA DEPTH OF FORCEMAIN	LF	300.0	\$20.58	\$6,174.00	0.00	\$0.00	300.0	\$6,174.00
CO1-4	LIFT STATION GRAVEL DRIVEWAY	TN	138.0	\$15.00	\$2,070.00	0.00	\$0.00	0.0	\$0.00
CO1-5	DEDUCT FOR GRAVITY SANITARY SEWER TRACER WIRE	LF	7,386.0	-\$0.60	-\$4,431.60	0.00	\$0.00	7,386.0	-\$4,431.60
<b>TOTALS - CHANGE ORDER NO. 1</b>					<b>\$8,944.34</b>	<b>\$0.00</b>	<b>\$5,859.34</b>		

**TOTALS - REVISED CONTRACT** **\$1,713,047.32**      **\$206,845.09**      **\$1,686,322.90**



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014

**CONSENT**

**ITEM #** 9

**AGENDA ITEM:** Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street  
– Change Order No. 5

**SUBMITTED BY:** Ryan Stempki, Project Engineer

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

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

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

- 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

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:** \$10,507.50

This change order increases the Contract Amount by \$10,507.50. With this change order the revised contract amount increases by \$6,027.14 over the original authorized contract amount. With this revised contract amount, the project costs remain within the total authorized project amount.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving, *as part of the Consent Agenda*, Change Order No. 5 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup>, thereby increasing the contract amount by \$10,507.50. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve Change Order No. 5 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street in the amount of \$10,507.50.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

This change order includes the following additions to the original contract:

1. Install an enclosure to secure and cover the key pad and switch on the front of the automatic transfer switch at the Lisbon Avenue Lift Station.
2. Mill and re-pave the intersection of 30<sup>th</sup> Street North and Lake Elmo Avenue to improve rideability and facilitate drainage. The Contractor had previously paved this intersection to match the existing concrete curb and gutter and concrete valley gutter which met the minimum requirements of the Contract. At the City's request, the Contractor was directed reconstruct a larger area of pavement in order to soften the slope and transitions into and out of the concrete valley gutter to improve readability.
3. Install a permanent riprap channel along the Lisbon Avenue Lift Station access road to correct a significant reoccurring erosion issue. The riprap channel is required to prevent erosion from storm water runoff generated from the Elmo View Townhome parking lot adjacent to the Lift Station Site.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Change Order No. 5 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street, thereby increasing the Contract Amount by \$10,507.50. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Change Order No. 5 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street in the amount of \$10,507.50.”***

**ATTACHMENT(S):**

1. Change Order No. 5.

**CONTRACT CHANGE ORDER FORM**

CITY OF LAKE ELMO, MINNESOTA  
 LAKE ELMO AVE SEWER INFRASTRUCTURE IMPROVEMENTS  
 2013.123

**FOCUS** ENGINEERING, inc.

CHANGE ORDER NO. 5

DATE: June 17, 2014

TO: Minger Construction, Inc. 2471 Galpin Court, Suite 110, Chanhassen, MN 55317

This Document will become a supplement to the Contract and all provisions will apply hereto. The Contract Documents are modified as follows upon execution of this Change Order.

**CHANGE ORDER DESCRIPTION / JUSTIFICATION:**

This change order is being issued to (1) Provide a locking enclosure to cover the key pad and switch on the front of the automatic transfer switch located at the Lisbon Avenue Lift Station, (2) Mill and re-pave the intersection of 30th Street and Lake Elmo Avenue to improve rideability and facilitate drainage, and (3) Install a permanent riprap channel along the Lisbon Avenue Lift Station driveway to correct repeat erosion issues.

Attachments (list documents supporting change): \_\_\_\_\_

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
CO5-1	LOCKING COVER FOR AUTOMATIC TRANSFER SWITCH	LS	1	\$1,050.00	\$1,050.00
CO5-2	MILL AND REPAVE LE AVE AND 30TH ST INTERSECTION	LS	1	\$3,000.00	\$3,000.00
CO5-3	GRADING FOR RIPRAP CHANNEL ALONG LS DRIVEWAY	LS	1	\$1,400.00	\$1,400.00
CO5-4	INSTALL RIPRAP CHANNEL ALONG LS DRIVEWAY	TN	70	\$72.25	\$5,057.50
<b>NET CONTRACT CHANGE</b>					<b>\$10,507.50</b>

Amount of Original Contract	\$ 3,463,201.60
Sum of Additions/Deductions approved to date (CO # 1 -4)	\$ (4,480.36)
Contract Amount to date	\$ 3,458,721.24
Amount of this Change Order (ADD) ( <del>DEDUCT</del> ) ( <del>NO CHANGE</del> )	\$ 10,507.50
Revised Contract Amount	\$ 3,469,228.74

The Contract Period for Completion will be (UNCHANGED) (~~INCREASED~~) (~~DECREASED~~) 0 days

APPROVED BY ENGINEER: FOCUS Engineering, inc.

APPROVED BY CONTRACTOR

ENGINEER

BY

DATE

DATE

APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA

BY

BY

DATE

DATE



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM #** 10

**AGENDA ITEM:** Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street  
– Pay Request No. 7

**SUBMITTED BY:** Ryan Stempki, Project Engineer

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

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

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

- 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

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:**

None. Partial payment is proposed in accordance with the Contract for the project. Payment remains within authorized contract amount and approved change orders for the project.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving Pay Request No. 7 to Minger Construction, Inc. in the amount of \$100,989.82 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Pay Request No. 7 to Minger Construction, Inc. in the amount of \$100,989.82, for the Lake Elmo Avenue Infrastructure Improvements: I-94 to 30<sup>th</sup> Street.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Minger Construction Inc., the Contractor for the project, has submitted Partial Pay Estimate No. 7 in the amount of \$100,989.82. The request has been reviewed and payment is recommended in the amount requested. In accordance with the contract documents, the City has retained 5% of the total work completed. The amount retained is \$170,166.65.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, Pay Request No. 7 for the Lake Elmo Avenue Sewer Infrastructure Improvements: I-94 to 30<sup>th</sup> Street. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Pay Request No. 7 to Minger Construction, Inc. in the amount of \$100,989.82, for the Lake Elmo Avenue Infrastructure Improvements: I-94 to 30<sup>th</sup> Street.”***

**ATTACHMENT(S):**

1. Pay Request No. 7

**PROJECT PAY FORM**

PARTIAL PAY ESTIMATE NO. <u>7</u>		<b>FOCUS</b> ENGINEERING, inc.	
LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS PROJECT NO. 2013.123		PERIOD OF ESTIMATE FROM <u>3/2/2014</u> TO <u>5/31/2014</u>	
PROJECT OWNER: <b>CITY OF LAKE ELMO</b> 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, CITY ENGINEER		CONTRACTOR: <b>MINGER CONSTRUCTION, INC.</b> 2471 GALPIN COURT, SUITE 110, PO BOX 236 CHANHASSEN, MN 55317-0236 ATTN: AARON HOEFS, PROJECT MANAGER	
CONTRACT CHANGE ORDER SUMMARY		PAY ESTIMATE SUMMARY	
No.	Approval Date	Amount	
		Additions	Deductions
1	10/15/2013	\$0.00	\$19,603.70
2	11/6/2013	\$9,070.00	\$0.00
3	1/6/2014	\$0.00	\$0.00
4	2/5/2014	\$6,053.34	\$0.00
5	6/17/2014	\$10,507.50	\$0.00
TOTALS		\$25,630.84	\$19,603.70
NET CHANGE		\$6,027.14	
			*Detailed Breakdown Attached
CONTRACT TIME			
START DATE:	<u>9/9/2013</u>	ORIGINAL DAYS	<u>265</u>
SUBSTANTIAL COMPLETION:	<u>2/14/2014</u>	REVISED DAYS	<u>0</u>
FINAL COMPLETION:	<u>6/1/2014</u>	REMAINING	<u>1</u>
		ON SCHEDULE	YES <input type="checkbox"/>
			NO <input checked="" type="checkbox"/>
ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.		FOCUS Engineering, inc.  ENGINEER <u>6-10-2014</u> DATE	
CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.		CONTRACTOR  BY <u>6-10-2014</u> DATE	
APPROVED BY OWNER: <b>CITY OF LAKE ELMO, MINNESOTA</b>			
BY _____		BY _____	
DATE _____		DATE _____	

LAKE ELMO AVENUE SEWER INFRASTRUCTURE IMPROVEMENTS  
 CITY OF LAKE ELMO, MINNESOTA  
 PROJECT NO. 2013.123



ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
<b>DIVISION 1 - GENERAL</b>									
1	MOBILIZATION	LS	1	\$33,000.00	\$33,000.00	0.00	\$0.00	1	\$33,000.00
2	TRAFFIC CONTROL	LS	1	\$16,500.00	\$16,500.00	0.05	\$825.00	1.00	\$16,500.00
3	SILT FENCE	LF	3654	\$1.65	\$6,029.10	0.00	\$0.00	1,827	\$3,014.55
4	ROCK CONSTRUCTION ENTRANCE	EA	3	\$970.00	\$2,910.00	0.50	\$485.00	1.0	\$970.00
5	WATER FOR DUST CONTROL	MGAL	2	\$278.00	\$556.00	0.00	\$0.00	0	\$0.00
6	TREE REMOVAL	EA	206	\$266.00	\$54,796.00	0.00	\$0.00	209	\$55,594.00
7	CLEARING & GRUBBING	AC	1.9	\$4,160.00	\$7,904.00	0.00	\$0.00	1.9	\$7,904.00
8	INLET PROTECTION	EA	4	\$350.00	\$1,400.00	0.00	\$0.00	6	\$2,100.00
9	HYDRO MULCH W/ SEED & FERTILIZER	AC	9.49	\$3,700.00	\$35,113.00	5.04	\$18,648.00	9.34	\$34,558.00
10	SEEDING (WETLAND MIX)	AC	0.2	\$4,250.00	\$850.00	0.00	\$0.00	0	\$0.00
11	EROSION CONTROL BLANKET (WOOD FIBER)	SY	5625	\$1.10	\$6,187.50	5,270.00	\$5,797.00	5,270	\$5,797.00
12	TOPSOIL BORROW	CY	500	\$13.00	\$6,500.00	300.00	\$3,900.00	300	\$3,900.00
13	DITCH CHECK	LF	60	\$5.25	\$315.00	60.00	\$315.00	60	\$315.00
14	MODULAR BLOCK RETAINING WALL	SF	60	\$55.00	\$3,300.00	0.00	\$0.00	0	\$0.00
15	SALVAGE/SALVAGE AND REINSTALL EXISTING IRRIGATION PUMP HOUSE	LS	0	\$1,400.00	\$0.00	0.00	\$0.00	0	\$0.00
16	RAIN GARDEN	LS	1	\$11,500.00	\$11,500.00	1.00	\$11,500.00	1	\$11,500.00
<b>SUBTOTAL - DIVISION 1</b>					<b>\$186,860.60</b>	<b>\$41,470.00</b>	<b>\$175,152.55</b>		
<b>DIVISION 2 - SANITARY SEWER</b>									
1	CONNECT TO EXISTING MANHOLE	EA	1	\$11,600.00	\$11,600.00	0.00	\$0.00	1	\$11,600.00
2	SALVAGE & REINSTALL EXISTING SANITARY SEWER MANHOLE	EA	1	\$3,760.00	\$3,760.00	0.00	\$0.00	1	\$3,760.00
3	SALVAGE & REINSTALL EXISTING SANITARY SEWER	LF	100	\$84.00	\$8,400.00	0.00	\$0.00	52	\$4,368.00
4	LIFT STATION STRUCTURE, VALVE VAULT, AND PIPING	LS	1	\$187,000.00	\$187,000.00	0.00	\$0.00	1	\$187,000.00
5	LIFT STATION PUMPS AND ACCESSORIES	LS	1	\$66,750.00	\$66,750.00	0.05	\$3,337.50	1.00	\$66,750.00
6	LIFT STATION ELECTRICAL AND CONTROLS	LS	1	\$134,000.00	\$134,000.00	0.05	\$6,700.00	1.00	\$134,000.00
7	GENERATOR	LS	1	\$98,250.00	\$98,250.00	0.05	\$4,912.50	1.00	\$98,250.00
8	CHEMICAL FEED SYSTEM	LS	1	\$243,000.00	\$243,000.00	0.05	\$12,150.00	1.00	\$243,000.00
9	16" HDPE FORCEMAIN, INSTALLED BY HDD	LF	15649	\$81.00	\$1,267,569.00	0.00	\$0.00	15,619	\$1,265,139.00
10	16" HDPE FORCEMAIN, INSTALLED BY OPEN CUT	LF	399	\$57.00	\$22,743.00	0.00	\$0.00	438	\$24,966.00
11	8" PVC, SDR 35 SANITARY SEWER (10'-15' DEPTH)	LF	15	\$155.00	\$2,325.00	0.00	\$0.00	15	\$2,325.00
12	8" PVC, SDR 35 SANITARY SEWER (15'-20' DEPTH)	LF	15	\$155.00	\$2,325.00	0.00	\$0.00	15	\$2,325.00
13	8" PVC, SDR 35 SANITARY SEWER (20'-25' DEPTH)	LF	0	\$155.00	\$0.00	0.00	\$0.00	0	\$0.00
14	18" PVC, SDR 26 SANITARY SEWER (10-15' DEPTH)	LF	213	\$91.90	\$19,383.00	0.00	\$0.00	211	\$19,201.00
15	18" PVC, SDR 26 SANITARY SEWER (15-20' DEPTH)	LF	193	\$91.00	\$17,563.00	0.00	\$0.00	193	\$17,563.00
16	18" PVC, PS115 SANITARY SEWER (30-35" DEPTH)	LF	25	\$258.00	\$6,450.00	0.00	\$0.00	20	\$5,160.00
17	24" SANITARY SEWER (0-10' DEPTH)	LF	45	\$116.00	\$5,220.00	0.00	\$0.00	61	\$7,076.00
18	24" SANITARY SEWER (10-15' DEPTH)	LF	999	\$116.00	\$115,884.00	0.00	\$0.00	1,513	\$175,508.00
19	24" SANITARY SEWER (15-20' DEPTH)	LF	1353	\$116.00	\$156,948.00	0.00	\$0.00	934	\$108,344.00
20	24" SANITARY SEWER (20-25' DEPTH)	LF	583	\$116.00	\$67,628.00	0.00	\$0.00	486	\$56,376.00
21	24" SANITARY SEWER (25-30' DEPTH)	LF	213	\$116.00	\$24,708.00	0.00	\$0.00	202	\$23,432.00
22	24" SANITARY SEWER (30-35' DEPTH)	LF	92	\$116.00	\$10,672.00	0.00	\$0.00	153	\$17,748.00
23	24" SANITARY SEWER (35-40' DEPTH)	LF	169	\$116.00	\$19,604.00	0.00	\$0.00	105	\$12,180.00
24	6" PVC, SDR 26 SOLVENT WELD SERVICE PIPE	LF	20	\$82.00	\$1,640.00	0.00	\$0.00	120	\$9,840.00
25	6" ON 18" WYE BRANCH	EA	1	\$1,140.00	\$1,140.00	0.00	\$0.00	6	\$6,840.00
26	48" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	12	\$4,900.00	\$58,800.00	0.00	\$0.00	11	\$53,900.00
27	54" DIAMETER SAN. MANHOLE, TYPE 301 (0'-10' DEPTH)	EA	4	\$8,400.00	\$33,600.00	0.00	\$0.00	5	\$42,000.00
28	48" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	120.1	\$73.00	\$8,767.30	0.00	\$0.00	112.0	\$8,173.00
29	54" DIAMETER SAN. MANHOLE, TYPE 301 EXTRA DEPTH (>10' DEPTH)	VF	44.1	\$120.00	\$5,292.00	0.00	\$0.00	56.2	\$6,746.40
30	72" CLEANOUT MANHOLE	EA	5	\$10,400.00	\$52,000.00	0.00	\$0.00	5	\$52,000.00
31	72" AIR RELEASE MANHOLE	EA	4	\$13,500.00	\$54,000.00	0.00	\$0.00	4	\$54,000.00
32	6" DIP CLASS 50 SANITARY SEWER	LF	0	\$108.00	\$0.00	0.00	\$0.00	0	\$0.00
33	18" DIP CLASS 50 SANITARY SEWER	LF	18	\$138.00	\$2,484.00	0.00	\$0.00	20	\$2,760.00
34	24" DIP CLASS 50 SANITARY SEWER	LF	36	\$301.00	\$10,836.00	0.00	\$0.00	40	\$12,040.00
35	EXTERNAL MANHOLE DROP	EA	3	\$9,300.00	\$27,900.00	0.00	\$0.00	3	\$27,900.00
36	16" RES. SEAT GATE VALVE & BOX	EA	18	\$8,000.00	\$144,000.00	0.00	\$0.00	18	\$144,000.00
37	EXCAVATE, SALVAGE, AND STOCKPILE WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0.00	\$0.00	300	\$300.00
38	PLACE SALVAGED WETLAND SOIL (CV)	CY	803	\$1.00	\$803.00	0.00	\$0.00	300	\$300.00
39	TRENCH STABILIZATION ROCK	LF	300	\$32.00	\$9,600.00	0.00	\$0.00	0	\$0.00
40	TELEVISIONING	LF	4541	\$1.25	\$5,676.25	4,008.00	\$5,010.00	4,008	\$5,010.00
41	HORIZONTAL DIRECTIONAL DRILLING BORE PITS	LS	1	\$190,000.00	\$190,000.00	0.05	\$9,500.00	1.00	\$190,000.00
<b>SUBTOTAL - DIVISION 2</b>					<b>\$3,099,123.55</b>	<b>\$41,610.00</b>	<b>\$3,101,880.48</b>		

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
<b>DIVISION 3 - WATERMAIN</b>									
1	8"X6" WET TAP (INCLUDE SLEEVE AND VALVE)	EA	0	\$5,100.00	\$0.00	0.00	\$0.00	0	\$0.00
2	6" DIP, CL. 52 WATERMAIN	LF	100	\$41.00	\$4,100.00	0.00	\$0.00	153	\$6,273.00
3	6" RES. SEAT GATE VALVE & BOX	EA	1	\$1,300.00	\$1,300.00	0.00	\$0.00	1	\$1,300.00
4	6" HYDRANT (8'-6" BURY)	EA	1	\$4,600.00	\$4,600.00	0.00	\$0.00	1	\$4,600.00
<b>SUBTOTAL - DIVISION 3</b>					\$10,000.00		\$0.00		\$12,173.00
<b>DIVISION 4 - STREETS AND RESTORATION</b>									
1	SAWCUT BITUMINOUS PAVEMENT	LF	85	\$5.50	\$467.50	56.00	\$308.00	80	\$440.00
2	REMOVE PIPE CULVERT (ALL TYPES & SIZES)	LF	178	\$4.50	\$801.00	0.00	\$0.00	178	\$801.00
3	SALVAGE & REINSTALL WOOD WIER	EA	1	\$1,050.00	\$1,050.00	0.00	\$0.00	1.0	\$1,050.00
4	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, DRIVES	SY	120	\$2.90	\$348.00	0.00	\$0.00	135	\$391.50
5	REMOVE & DISPOSE OF EXIST. BITUMINOUS PAVEMENT, STREETS	SY	25	\$2.90	\$72.50	0.00	\$0.00	39	\$113.10
6	REMOVE & DISPOSE OF EXIST. CONCRETE CURB & GUTTER	LF	20	\$2.50	\$50.00	0.00	\$0.00	25	\$62.50
7	LIFT STATION SITE GRADING	LS	1	\$21,600.00	\$21,600.00	0.15	\$3,240.00	1	\$21,600.00
8	CL.5 AGGREGATE BASE	TN	1101	\$18.00	\$19,818.00	226.06	\$4,069.08	1,139	\$20,494.98
9	SPWEA240B BITUMINOUS WEAR COURSE, DRIVES	SY	120	\$44.00	\$5,280.00	107.00	\$4,708.00	107	\$4,708.00
10	SPNWB230B BITUMINOUS NON-WEAR COURSE, STREETS	TN	165	\$194.00	\$32,010.00	0.00	\$0.00	7	\$1,358.00
11	SPWEA240B BITUMINOUS WEAR COURSE, STREETS	TN	125	\$194.00	\$24,250.00	7.00	\$1,358.00	7	\$1,358.00
12	BITUMINOUS MATERIAL FOR TACK COAT	GA	69	\$4.25	\$293.25	0.00	\$0.00	0	\$0.00
13	CONCRETE CURB & GUTTER	LF	20	\$55.00	\$1,100.00	25.00	\$1,375.00	25	\$1,375.00
14	CL.5 AGGREGATE BASE, SHOULDER	TN	55	\$47.00	\$2,585.00	5.00	\$235.00	5	\$235.00
15	15" CMP PIPE CULVERT W/APRON	LF	178	\$47.00	\$8,366.00	0.00	\$0.00	286	\$13,442.00
16	CL. 3 RIP RAP W/ GEOTEXTLE FABRIC	CY	5	\$125.00	\$625.00	10.00	\$1,250.00	10	\$1,250.00
17	OFF ROAD STRUCTURE MARKER	EA	25	\$88.00	\$2,200.00	14.00	\$1,232.00	14	\$1,232.00
<b>SUBTOTAL - DIVISION 4</b>					\$120,916.25		\$17,775.08		\$69,911.08

**TOTALS - BASE CONTRACT** \$3,416,900.40 \$100,855.08 \$3,359,117.11

**CHANGE ORDER NO. 1**

CO1-1	8" PVC, SDR 23.5 SANITARY SEWER (25'-30' DEPTH)	LF	44.0	\$200.00	\$8,800.00	0.00	\$0.00	40.0	\$8,000.00
CO1-2	4" POLYSTYRENE INSULATION	SY	10.5	\$35.00	\$367.50	0.00	\$0.00	42.5	\$1,487.50

**TOTALS - CHANGE ORDER NO. 1** \$9,167.50 \$0.00 \$9,487.50

**CHANGE ORDER NO. 2**

CO2-1	COST FOR ADDITIONAL EASEMENT TO RELOCATE MH 0-1	LS	1.0	-\$3,500.00	-\$3,500.00	0.00	\$0.00	1.0	-\$3,500.00
CO2-2	8" X 8" WET TAP INCL. VALVE & SLEEVE	EA	1.0	\$5,500.00	\$5,500.00	0.00	\$0.00	1.0	\$5,500.00
CO2-3	12" DIP CL. 52 WATERMAIN INCL. FITTINGS	LF	328.0	\$75.00	\$24,600.00	0.00	\$0.00	283.0	\$21,225.00

**TOTALS - CHANGE ORDER NO. 2** \$26,600.00 \$0.00 \$23,225.00

**CHANGE ORDER NO. 4**

CO4-1	ADDITIONAL FILL & GRADING AT LS SITE	CY	699.0	\$8.66	\$6,053.34	0.00	\$0.00	699.0	\$6,053.34
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**TOTALS - CHANGE ORDER NO. 4** \$6,053.34 \$0.00 \$6,053.34

**CHANGE ORDER NO. 5**

CO5-1	LOCKING COVER FOR AUTOMATIC TRANSFER SWITCH	LS	1.0	\$1,050.00	\$1,050.00	1.00	\$1,050.00	1.0	\$1,050.00
CO5-2	MILL AND REPAVE LAKE ELMO AVE AND 30TH ST INTERSECTION	LS	1.0	\$3,000.00	\$3,000.00	1.00	\$3,000.00	1.0	\$3,000.00
CO5-3	GRADING FOR RIPRAP CHANNEL ALONG LS DRIVEWAY	LS	1.0	\$1,400.00	\$1,400.00	1.00	\$1,400.00	1.0	\$1,400.00
CO5-4	INSTALL RIPRAP CHANNEL ALONG LS DRIVEWAY	TN	70.0	\$72.25	\$5,057.50	0.00	\$0.00	0.0	\$0.00

**TOTALS - CHANGE ORDER NO. 5** \$10,507.50 \$5,450.00 \$5,450.00

**TOTALS - REVISED CONTRACT** \$3,469,228.74 \$106,305.08 \$3,403,332.95



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**CONSENT**  
**ITEM #** 11

**AGENDA ITEM:** Appointing 2014 Election Judges

**SUBMITTED BY:** Beckie Gumatz, Deputy Clerk

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Adam Bell, Assistant City Administrator/City Clerk

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Staff, MN Statutes

**FISCAL IMPACT:** There will be a cost for paying election judges, \$10.00 per hour for election judges and \$11.00 per hour for head judges.

**SUMMARY AND ACTION REQUESTED:** City Council is respectfully requested to approve Resolution No. 2014-41, Appointing 2014 Election Judges for the 2014 Primary and General Elections. As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

*“Move to approve Resolution No. 2014-41, Appointing 2014 Election Judges.”*

**LEGISLATIVE HISTORY:** Pursuant to Section 204B.21 of the Minnesota Election Laws, election judges shall be appointed by the municipality. The appointments shall be made at least 25 days before the election at which the judges will serve. The election judges are required to receive compensation equal to at least the prevailing Minnesota minimum wage for each hour spent carrying out duties at the polling place and attending training.

We recognize the City of Lake Elmo is dependent upon and appreciative of citizen assistance for conducting the local election process. The Lake Elmo 2014 Primary and General Election Judge appointments consist of individuals recommended by the City Clerk and require the approval by majority of the City Council. Staff is requesting the individuals listed on the attached Election Judges List be appointed to serve as election judges for the August 12, 2014 Primary Election and November 4, 2014 General and City Election at the hourly rate of \$10.00 for election judges and \$11.00 for head election judges.

The attached list of Election Judges is not conclusive and may be amended as needed by the City Clerk up to 25 days prior to the Primary and General elections.

**BACKGROUND INFORMATION (SWOT):**

<b>Strengths</b>	Appointing election judges now will allow City to notify those who will be judging sooner. It also helps with notifying folks of election judge training.
<b>Weaknesses</b>	NA
<b>Opportunities</b>	Appointing election judges is required by MN Election Law
<b>Threats</b>	NA

**RECOMMENDATION:** As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

*“Move to approve Resolution No. 2014-41, Appointing 2014 Election Judges.”*

**ATTACHMENTS:**

1. Resolution No. 2014-41
2. List of 2014 Election Judges

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

**RESOLUTION NO. 2014-41**

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2014 PRIMARY AND  
GENERAL ELECTION**

**WHEREAS**, pursuant to Section 2014B.21 of the Minnesota Election Laws, Election judges shall be appointed by the municipality; and

**WHEREAS**, the appointments shall be made at least 25 days before the election at which the judges will serve; and

**WHEREAS**, election judges and election judge trainees shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out duties at the polling place and attending training.

**WHEREAS**, the City of Lake Elmo is dependent upon and appreciative of citizen assistance for its election process and,

**WHEREAS**, the Lake Elmo 2014 Primary and General Election Judge appointments consist of individuals recommended by the City Clerk with the approval by majority of the City Council and,

**WHEREAS**, the list of Election Judges may be amended by the City Clerk as needed up to 25 days prior to the Primary or General Election.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Elmo that the individuals listed on the attached Election Judges List are appointed to serve as election judges for the August 12, 2014 Primary Election and the November 4, 2014 General and City Election at the hourly rate of \$10.00 for election judges and \$11.00 for head election judges.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS  
SEVENTEENTH DAY OF JUNE, 2014.**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

(SEAL)

## 2014 ELECTION JUDGES

Diane Allen

Jim Allen

Barbara Bjorkman

Keith Bogut

George Dege

Shirley Durand

Mary Grundeen

Nancy N. Hansen

Wil Hirsch

Jan Krueger

Wendy Tait Loos

Joyce Mehsikomer

Donald Meyer

JoAnne Meyer

Patricia O'Donnell

Phyllis K Paulson

Jackie Luella Pierre

James A Roth

Janice Roth

Robert Schumacher

Sallyann Wacker

Bill (William) Wacker

Linda Wagner

Abdallah M Battah

Michael J Burress

Shannon G D Hels

Christine L Hermanson

Tom R Hermanson

Donald Slinger

Mardell Kiner

Leah Smith

Ella Menendez

Dan O'Connell



# MAYOR & COUNCIL COMMUNICATION

DATE: 06/17/2014  
CONSENT  
ITEM # 12  
No SWOT Analysis

AGENDA ITEM: City Council Workshop Date Change  
SUBMITTED BY: Beckie Gumatz, Deputy Clerk  
THROUGH: Dean Zuleger, City Administrator  
REVIEWED BY: Adam Bell, Assistant City Administrator/City Clerk

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Staff, MN State Law

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** City Council is respectfully requested to move the City Council workshop from Tuesday, August 12, 2014 to Wednesday, August 13, 2014, due to the State Primary Election. As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

*“Move to approve moving the Tuesday, August 12, 2014 City Council Workshop Meeting to Wednesday, August 13, 2014, due to the State Primary Election.”*

**LEGISLATIVE HISTORY:** According to Minnesota State Statute 204C.03, no special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting if there is an election within the boundaries.

When the 2014 meeting calendar was presented and approved at the December 17, 2013 meeting, the date of the State Primary Election was overlooked. As stated above, state law prohibits cities from holding meetings between the hours of 6:00-8:00pm on the date of a State Primary Election. By moving the meeting to Wednesday, it will allow the city to hold its workshop.

**RECOMMENDATION:** As part of its consent agenda, no specific motion is required. If removed from the consent agenda, the recommended motion is as follows:

*“Move to approve moving the Tuesday, August 12, 2014 City Council Workshop Meeting to Wednesday, August 13, 2014, due to the State Primary Election.”*



# MAYOR & COUNCIL COMMUNICATION

**DATE: 06/17/2014**

**Consent**

**ITEM #: 13**

**AGENDA ITEM:** Perfecting Amendment for Lateral Benefit Charge Assessment Calculation

**SUBMITTED BY:** Adam Bell, City Clerk

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

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

Dean A. Zuleger, City Administrator

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... Staff
- Report/Presentation..... Staff
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** City Clerk

**FISCAL IMPACT:** No new impact

**SUMMARY AND ACTION REQUESTED:**

The City Council is requested to adopt perfecting Ordinance 50.17 of the Municipal Code to further clarify terms used in the recent adoption of the Lateral Benefit Charge Language. As part of the Consent Agenda, no specific motion is required. If the Council chooses to pull the item for discussion, the recommended motion for this action is as follows:

*“Move to approve Ordinance No. 08-108, perfecting previously approved language establishing a formula for levying lateral benefit charge assessments for building units (parcels) both in and out of utility areas designated by the Comprehensive Plan”*

**LEGISLATIVE HISTORY/ BACKGROUND INFORMATION ANALYSIS:**

On May 6, 2014, the City Council approved language establishing a formula for levying lateral benefit charge assessments for building unit (parcels) both in and out of utility areas designated by the Comprehensive Plan. In order for the newly approved ordinance to be consistent with the current code and the current terms used in the Comprehensive Plan, the language modifications proposed in this

version of Ordinance 08-108. Ultimately, the new language retains the intent of the recently passed policy.

The changes include:

- Adding definition of “municipal urban service area” as “an area guided for municipal sanitary sewer service.”
- Replacing the phrase “utility service area” with “municipal urban service area.” The MUSA language is what the current Comp Plan uses to describe areas planned for sewers, which is the intent of the original language.
- Added further clarification to the charges that are included to property owners outside of MUSA who elect to connect at a later date. The specific WAC/SAC language previously used was potentially too limiting. It did not include connection or meter costs. The new language covers all the potential costs associated with connection.
- Staff recommends changing Section 3 regarding the specific fee amount. It is recommended that the fee be similar all the other fees identified in the Code and not specified in the specific code section. The fee schedule, which Council amends from time to time as needed and has the opportunity every new year to review and approve or modify, is the proper place to list the fees. This makes it easier to locate and amend as it is already located in the fee schedule.

**(SWOT ANALYSIS):**

<b>Strengths</b>	Amending the recently approved Ordinance language will make the ordinance consistent with current terms and definitions while remaining true to the intention of the policy adopted by Council. This is necessary for consistent and clear application of the policy. This action will also allow the city to properly codify the language in the City Code.
<b>Weaknesses</b>	This code will possibly need to be amended again in the future when the language in the Comprehensive Plan is changed. Staff does expect to some terms used in the future to change.
<b>Opportunities</b>	Council will have the opportunity to amend the fee schedule as needed and be consistent with all other City Fees.
<b>Threats</b>	None

**RECOMMENDATION:**

Based on the aforementioned, the staff recommends adopting the perfecting amendment as Ordinance 08-108. As part of the Consent Agenda, no specific motion is required. If the Council chooses to pull the item for discussion, the recommended motion for this action is as follows:

*“Move to approve Ordinance No. 08-108, perfecting previously approved language establishing a formula for levying lateral benefit charge assessments for building units (parcels) both in and out of utility areas designated by the Comprehensive Plan”*

**ATTACHMENT(S):**

1. Ordinance 08-108, Lateral Benefit Assessments for Trunk Water Main and Trunk / Interceptor Sewer Improvements
2. Redlined Version of Ordinance 08-108

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-108

AN ORDINANCE RELATING TO THE ESTABLISHMENT  
OF LATERAL BENEFIT ASSESSMENTS FOR TRUNK WATER MAIN  
AND TRUNK/INTERCEPTOR SEWER IMPROVEMENTS

**SECTION 1.** The City Council of the City of Lake Elmo hereby ordains that Title V: General Provisions; Chapter 11: General Code Provisions, by adding the following language:

§ 50.17 Definitions

**MUNICIPAL URBAN SERVICE AREA.** An area guided for municipal sanitary sewer service.

**SECTION 2.** The City Council of the City of Lake Elmo hereby further ordains that Title V: Public Works; Chapter 50: Water, be amended by repealing City Code Section 50.17 in its entirety and by adding the following language:

**§ 50.17 LATERAL BENEFIT ASSESSMENTS FOR TRUNK WATER MAIN AND TRUNK / INTERCEPTOR SEWER IMPROVEMENTS**

- A. A full lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building unit resides in a municipal urban service area designated by the City of Lake Elmo Comprehensive Plan. The building unit must connect to the municipal utility service within two years of the installation of the trunk utility main.
- B. A lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building resides outside a municipal urban service area as designated by the City of Lake Elmo Comprehensive Plan. A stub shall be placed in front of the building unit and the building unit shall be levied at an equivalent of .5 lateral benefit assessment. If the building unit requests connection to water service subsequent to the completion of the utility main, the building unit shall be levied the remaining .5 lateral benefit assessment and charged all related connection and Availability Charges consistent with the City of Lake Elmo's current fee schedule and the cost of any restoration to the street, right of way, or water transmission infrastructure that results from the building unit connection.
- C. The Council shall set the fee from time to time by resolution, using the most recent project data.

**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 08-108 was adopted on this 17<sup>th</sup> day of June 2014, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

LAKE ELMO CITY COUNCIL

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell, City Clerk

This Ordinance 08-108 was published on the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

REDLINED ORDINANCE NO. 08-108

AN ORDINANCE RELATING TO THE ESTABLISHMENT  
OF LATERAL BENEFIT ASSESSMENTS FOR TRUNK WATER MAIN  
AND TRUNK/INTERCEPTOR SEWER IMPROVEMENTS

- 1) A full lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building unit resides in a municipal urban utility service area designated by the City of Lake Elmo Comprehensive Plan. The building unit must connect to the municipal utility service within two years of the installation of the trunk utility main.
- 2) A lateral benefit assessment shall be levied for any building unit which is directly served by a trunk utility main and therefore requires no lateral main, if the building resides outside a municipal urban ~~in a non-utility service~~ as designated by the City of Lake Elmo Comprehensive Plan. A stub shall be placed in front of the building unit and the building unit shall be levied at an equivalent of .5 lateral benefit assessment. If the building unit requests connection to water service subsequent to the completion of the utility main, the building unit shall be levied the remaining .5 lateral benefit assessment and charged all related connection and Availability Charges ~~a Water Accessibility Charge (WAC) and/or Sewer Accessibility Charge (SAC)~~ consistent with the City of Lake Elmo's current fee schedule and the cost of any restoration to the street, right of way, or water transmission infrastructure that results from the building unit connection.
- 3) The Council shall set the fee from time to time by resolution, ~~The base lateral benefit assessment is calculated at \$5800 using the most recent project data (circa 2014).~~

# MAYOR & COUNCIL COMMUNICATION

DATE: 06/17/2014  
CONSENT  
ITEM #: 14

**AGENDA ITEM:** Special Assessment Policy – Resolution to Adopt Minor Revisions

**SUBMITTED BY:** Adam Bell, City Clerk

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

**REVIEWED BY:** Jack Griffin, City Engineer  
Dean A. Zuleger, City Administrator

**SUGGESTED ORDER OF BUSINESS (if pulled from Consent):**

- Introduction of Item ..... Staff
- Report/Presentation..... Staff
- Questions from Council to Staff ..... Mayor Facilitates
- Open Public Improvement Hearing; Public Input ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:** None.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving Resolution No. 2014-42, adopting minor revisions to the City of Lake Elmo Special Assessment Policies and Procedures for Public Improvements. As part of the Consent Agenda, no specific motion is required. If the Council chooses to pull the item for discussion, the recommended motion for this action is as follows:

*“Move to approve Resolution No. 2014-42, adopting minor revisions to the City of Lake Elmo Special Assessment Policies and Procedures for Public Improvements.”*

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

On November 16, 2010, the City Council adopted the Special Assessment Policies and Procedures for Public Improvements. The policy was developed by an assessment policy review Subcommittee working with the City Administrator, City Engineer, and City Attorney to review and develop an updated policy based upon the goals and objectives established by the Council.

Over the course of the past year, and specifically two council meetings on April 23, 2014 and May 6, 2014, the City Council worked with staff to formalize a policy to calculate and apply the Lateral Benefit Charge for properties in and outside of the areas planned to receive municipal sewer utilities. On May 6, 2014, the Council passed ordinance language outlining the new procedure. As a result of the new ordinance language, the *Special Assessment Policies and Procedures for Public Improvements* language also needs to be updated to make it consistent with the ordinance language.

**Strengths** Amending the Assessment Policy will make the policy language consistent with the ordinance language. This is necessary for consistent and clear application of the policy.

**Weaknesses** None

**Opportunities** The language may need to be amended again as the policy or the comprehensive plan changes.

**Threats** None

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving Resolution No. 2014-42, adopting minor revisions to the City of Lake Elmo Special Assessment Policies and Procedures for Public Improvements. As part of the Consent Agenda, no specific motion is required. If the Council chooses to pull the item for discussion, the recommended motion for this action is as follows:

***“Move to approve Resolution No. 2014-42, adopting minor revisions to the City of Lake Elmo Special Assessment Policies and Procedures for Public Improvements.”***

**ATTACHMENT(S):**

1. City of Lake Elmo Special Assessment Policies and Procedures for Public Improvements; Amended June 17, 2014
2. Resolution 2014-42, A Resolution Adopting Minor Revisions to the City of Lake Elmo Special Assessment Policies and Procedures for Public Improvement

*Lateral Water Mains*

The costs for lateral water mains shall be fully assessed 100% to the benefiting properties. Commercial, institutional, industrial and multiple land uses, and undeveloped lands are converted into equivalent residential units for assessment purposes.

Any building unit in a municipal urban service area (those areas guided for municipal sanitary sewer service) which is served directly by a trunk water main and therefore requires no lateral water main, is levied a lateral benefit assessment which is equal to 1.0 times the Watermain Lateral Benefit Charge as set in the latest adopted City Fee Schedule. The building unit must connect to the municipal water system within two years of the service being made available.

Any building unit outside of a municipal urban service area (those areas not guided for municipal sanitary sewer service) which is served directly by a trunk water main and therefore requires no lateral water main, is levied a lateral benefit assessment which is equal to 0.5 times the Watermain Lateral Benefit Charge as set in the latest adopted City Fee Schedule and a service stub shall be installed for the building unit. An additional 0.5 times the Watermain Lateral Benefit Charge shall be charged with the permit at the time of connection to the water system if the property chooses to make a connection. The later charge shall be made using the Watermain Lateral Benefit Charge as set in the latest adopted City Fee Schedule at the time of the connection.

The replacement of existing water mains and service lines within the right-of-way will not be assessed, but rather financed from the Water Reserve Fund or other funding sources identified by the City Council. Each property shall pay for the replacement of the service line on their private property, from the right-of-way to the building/home.

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

**RESOLUTION NO. 2014-42**

**A RESOLUTION ADOPTING MINOR REVISIONS TO THE  
CITY OF LAKE ELMO SPECIAL ASSESSMENT POLICIES AND  
PROCEDURES FOR PUBLIC IMPROVEMENTS**

**WHEREAS**, the City undertakes public improvement projects from time to time, and may desire to defray all or a portion of the cost of the improvements against the benefiting properties; and

**WHEREAS**, on November 16, 2010, the City adopted the Special Assessment Policies and Procedures for Public Improvements manual, to serve as the general guide for a systematic assessment process for public improvements in Lake Elmo; and

**WHEREAS**, on May 6, 2014 the City Council adopted language clarifying how properties in areas intended to be sewerred and non-sewerred should be assessed for water improvements. That language was readopted and perfected in Ordinance 08-108 by Council on June 17, 2014; and

**WHEREAS**, City staff is recommending amendments to the policy in order to bring the assessment policy in line with the recently adopted lateral benefit charge ordinance language.

**NOW, THEREFORE, BE IT RESOLVED,**

1. The Special Assessment Policies and Procedures for Public Improvements manual, amended June 17, 2014, a copy of which is attached hereto and made a part hereof, is hereby approved and adopted.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTEENTH DAY OF  
JUNE 2014.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**REGULAR** \$\$  
**ITEM #** 16

**AGENDA ITEM:** Authorization for sale of \$6,235,000 General Obligation Improvement Bonds Series 2014A

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

**THROUGH:** Tammy Omdal, Senior Vice President, Northland Securities

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

**SUGGESTED ORDER OF BUSINESS:**

- Questions from Council to Staff ..... Mayor Facilitates
- Report/Presentations.....City Staff, Northland Securities
- 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

**POLICY RECOMMENDER:** Finance Committee

**FISCAL IMPACT:**

The City will have the responsibility for the debt service on the issuance of \$6,235,000 of new debt as presented in the Financing Plan.

**SUMMARY AND ACTION REQUESTED:**

On June 3, 2014, the City Council authorized the issuance and sale of \$6,235,000 in General Obligation Improvement Bonds, Series 2014A. Resolution No. 2014-44 awards the sale, prescribes the forms and details and provides for the payment of \$6,235,000 to the City of Lake Elmo. The recommended motion for this action is as follows:

***“Move to approve Resolution No. 2014-44 awarding the sale, prescribing the form and details and providing for the payment of \$6,235,000 General Obligation Bonds, Series 2014A.”***

**STAFF REPORT:** Tammy Omdal, Senior Vice President with Northland Securities will present the report and respond to inquiries.

**BACKGROUND INFORMATION (SWOT):**

<b>Strengths</b>	Provides funding for infrastructure projects at a low rate. Water projects allow for the completion of the water “loop” in 2015 resulting in better water pressure and quality for all residents.
<b>Weaknesses</b>	Large increases to debt service payments in the enterprise funds. Cash flow assumptions reviewed by the Finance Committee and represent best case scenarios and assume all developers follow through on timing as presented to Planners and Engineers.
<b>Opportunities</b>	Ability to complete the water “loop” in 2015 and provide water and sewer to new development areas of the City.
<b>Threats</b>	If developments are delayed or do not materialize, the enterprise fund may not be able to independently fund the debt service payments on the infrastructure bonding.

**RECOMMENDATION:**

It is recommended that the City Council approve Resolution No. 2014-44 authorizing the issuance and sale of \$6,235,000 in General Obligation Bonds, Series 2014A.

***“Move to approve Resolution No. 2014-44 awarding the sale, prescribing the form and details and providing for the payment of \$6,235,000 General Obligation Bonds, Series 2014A.”***

**ATTACHMENTS:**

1. Resolution No. 2014-44

CERTIFICATION OF MINUTES RELATING TO  
\$6,235,000 GENERAL OBLIGATION BONDS, SERIES 2014A

Issuer: City of Lake Elmo, Minnesota

Governing body: City Council

Kind, date, time and place of meeting: A regular meeting held June 17, 2014, at 7:00 p.m., at the City offices.

Members present:

Members absent:

Documents attached:

Minutes of said meeting (including):

RESOLUTION AWARDDING SALE, PRESCRIBING THE  
FORM AND DETAILS AND PROVIDING FOR THE  
PAYMENT OF \$6,235,000 GENERAL OBLIGATION BONDS,  
SERIES 2014A

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on \_\_\_\_\_, 2014.

\_\_\_\_\_  
City Clerk

It was reported that \_\_\_\_\_ ( ) proposals for the purchase of \$6,235,000 General Obligation Bonds, Series 2014A were received prior to 11:30 a.m., Central time, pursuant to the Preliminary Official Statement distributed to potential purchasers of the Bonds by Northland Securities, Inc., financial consultants to the City. The proposals have been publicly opened, read and tabulated and were found to be as follows:

SEE ATTACHED

Councilmember \_\_\_\_\_ introduced the following resolution (the "Resolution") and moved its adoption, which motion was seconded by Councilmember \_\_\_\_\_:

### RESOLUTION #2014-44

#### RESOLUTION AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$6,235,000 GENERAL OBLIGATION BONDS, SERIES 2014A

BE IT RESOLVED by the City Council of the City of Lake Elmo, Minnesota (the "City"), as follows:

#### SECTION 1. AUTHORIZATION, SALE AND AWARD

##### 1.01. Authorization

This Council has previously, by resolution adopted June 3, 2014, determined it to be in the best interests of the City to issue its General Obligation Bonds, Series 2014A (the "Bonds"), pursuant to Minnesota Statutes, Chapters 475, 444, 429 and 412.301, for the purpose of (a) financing various street improvements in the City (the "Street Project"), (b) financing various water and sewer improvement in the City (the "Utility Project"), (c) financing various items of capital equipment (the "Equipment") and (d) funding costs of issuance of the Bonds (collectively, the "Project"). The principal amount of the portion of the Bonds, \$ \_\_\_\_\_, allocable to the Equipment (the "Equipment Bonds") does not exceed 0.25 percent of the market value of taxable property in the City.

##### 1.02. Sale

Pursuant to the Notice of Sale and the Preliminary Official Statement prepared on behalf of the City by Northland Securities, Inc., financial consultants to the City, sealed or electronic proposals for the purchase of the Bonds were received at or before the time specified for receipt of proposals. The proposals have been opened and publicly read and considered and the purchase price, interest rates and net interest cost under the terms of each proposal have been determined. The most favorable proposal received is that of \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_ (the "Purchaser"), to purchase the Bonds issued in the principal amount of \$ \_\_\_\_\_ at a price of \$ \_\_\_\_\_ plus accrued interest, if any, on all Bonds to the day of delivery and payment, on the further terms and conditions hereinafter set forth. The principal amount of the portion of the Bonds, \$ \_\_\_\_\_, allocable to the Street Project shall be designated as the "Street Bonds," and the principal amount of the portion of the Bonds allocable to the Utility Project, \$ \_\_\_\_\_, shall be designated as the "Utility Bonds."

##### 1.03. Award

The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Administrator are hereby authorized and directed to execute a contract on the part of the City with the Purchaser for the sale of the Bonds in accordance with the Preliminary Official

Statement. The good faith deposit of the Purchaser shall be retained and deposited by the City until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement.

**SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY**

2.01. Issuance of Bonds

All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment

The Bonds shall be originally dated as of the date of issuance thereof, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on January 15 in the years and amounts stated below, and shall bear interest from date of original issue until paid or duly called for redemption at the annual rates set forth opposite such years and amounts, as follows:

<u>Year</u>	<u>Rate (%)</u>	<u>Amount</u>	<u>Year</u>	<u>Rate (%)</u>	<u>Amount</u>	<u>Year</u>	<u>Rate (%)</u>	<u>Amount</u>
2016		\$	2021		\$	2026		\$
2017			2022			2027		
2018			2023			2028		
2019			2024			2029		
2020			2025			2030		

<u>Maturity</u>	<u>Equipment Bonds</u>	<u>Street Bonds</u>	<u>Utility Bonds</u>
2016			
2017			
2018			
2019			
2020			
2021			
2022			
2023			
2024			
2025			
2026			
2027			
2028			
2029			
2030			

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond at the principal office of the Registrar (as hereinafter defined), the principal amount thereof, shall be payable by check or draft issued by the Registrar; provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates

Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable each January 15 and July 15, commencing July 15, 2015 (each such date, an "Interest Payment Date"), to the person in whose name the Bonds are registered on the Bond Register (as hereinafter defined) at the Registrar's close of business on the first day of the calendar month in which such Interest Payment Date occurs, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption

Bonds maturing in 2023 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on January 15, 2022, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law and, at least thirty days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bond to be redeemed at their addresses as they appear on the Bond Register described in Section 2.06 hereof, provided that notice shall be given to any securities depository in accordance with its operational arrangements. No defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS -  
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on January 15, 20\_\_ and 20\_\_ (the "Term Bonds") shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on January 15 in each of the following years the following stated principal amounts of such Bonds:

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$\_\_\_\_\_ stated principal amount of such Bonds shall be paid at maturity on January 15, 20\_\_.

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$\_\_\_\_\_ stated principal amount of such Bonds shall be paid at maturity on January 15, 20\_\_.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.05. Appointment of Initial Registrar

The City hereby appoints Northland Trust Services Inc., in Minneapolis, Minnesota, as the initial bond registrar, transfer agent and paying agent (the "Registrar"). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon thirty days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

2.06. Registration

The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

- (a) Register. The Registrar shall keep at its principal corporate trust office a Bond Register (the "Bond Register") in which the Registrar shall provide for the

registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the first day of the month in which Interest Payment Date occurs and until such Interest Payment Date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the Bond Register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on the Bond and for all other purposes; and all payments made to any registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost,

upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, subd. 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

#### 2.07. Execution, Authentication and Delivery

The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and City Administrator, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Administrator shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

#### 2.08. Securities Depository

For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC’s Operational Arrangements.

(a) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this Resolution, registering the transfer of Bonds, and for all other purposes whatsoever, and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the Bond Register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC’s Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(b) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (d) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (d) hereof.

(c) The execution and delivery of the Representation Letter to DTC by the Mayor or City Administrator, if not previously filed, is hereby authorized and directed.

(d) In the event that any transfer or exchange of Bonds is permitted under paragraph (a) or (b) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

#### 2.09. Form of Bonds

The Bonds shall be prepared in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
CITY OF LAKE ELMO

GENERAL OBLIGATION BOND,  
SERIES 2014A

No. R- \$

<u>Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
	January 15,	July __, 2014	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

THE CITY OF LAKE ELMO, MINNESOTA (the "City"), acknowledges itself to be indebted and hereby promises to pay to the registered owner named above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual rate specified above, payable on January 15 and July 15 of each year, commencing July 15, 2015 (each such date, an "Interest Payment Date"), all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the first day (whether or not a business day) of the month in which such Interest Payment Date occurs. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the principal office of the Registrar described below, the principal hereof are payable in lawful money of the United States of America drawn on Northland Trust Services Inc., in Minneapolis, Minnesota, as bond registrar, transfer agent and paying agent (the "Registrar"), or its successor designated under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue in the aggregate principal amount of \$6,235,000 issued pursuant to a resolution adopted by the City Council on June 17, 2014 (the "Resolution"), to finance various street improvements in the City, various water and sewer improvement in the City, and various items of capital equipment and to fund costs of issuance of the Bonds. This Bond is issued by authority of and in strict accordance with the provisions of the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Chapters 429, 444, 412.301 and 475. For the full and prompt payment of the principal of and interest on the Bonds as the same become due, the full faith, credit and taxing power of the City have been and are hereby irrevocably pledged. The Bonds are issuable only in fully registered form, in denominations of \$5,000 or any integral multiple thereof, of single maturities.

Bonds maturing in 2023 and later years are each subject to redemption and prepayment at the option of the City, in whole or in part, and if in part in such order of maturity dates as the City may select and by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000 as to Bonds maturing on the same date, on January 15, 2022, and on any date thereafter, at a price equal to the principal amount thereof plus accrued interest to the date of redemption. Prior to the date specified for the redemption of any Bond prior to its stated maturity date, the City will cause notice of the call for redemption to be published if and as required by law, and, at least thirty days prior to the designated redemption date, will cause notice of the call to be mailed by first class mail (or, if applicable, provided in accordance with the operational arrangements of the bond depository), to the registered owner of any Bond to be redeemed at the owner's address as it appears on the Bond Register maintained by the Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of such Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS -  
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20\_\_ and 20\_\_ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on January 15 in each of the years shown below, in an amount equal to the following principal amounts:

<u>Term Bonds Maturing in 20--</u>		<u>Term Bonds Maturing in 20--</u>	
<u>Sinking Fund</u>	<u>Aggregate</u>	<u>Sinking Fund</u>	<u>Aggregate</u>
<u>Payment Date</u>	<u>Principal Amount</u>	<u>Payment Date</u>	<u>Principal Amount</u>
	\$		\$

Notice of redemption shall be given as provided in the preceding paragraph.]

The Bonds have been designated as "qualified tax-exempt obligations" pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City has by the Resolution covenanted and agreed to collect and apply to payment of the Bonds ad valorem taxes levied on all taxable property in the City, certain net revenues of its municipal water and sewer systems and special assessments upon property specially benefited by the local improvements financed by the Bonds, which taxes, revenues and special assessments are estimated to be collectible in years and amounts sufficient to produce sums not less than five percent in excess of the principal of and interest on the Bonds when due, and has appropriated such taxes, revenues and special assessments to its General Obligation Bonds, Series 2014A Bond Fund for the payment of principal and interest; that if necessary for the payment of such principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City, without limitation as to rate or amount; that all proceedings relative to the improvements financed by this Bond have been or will be taken according to law and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Lake Elmo, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile signatures of the Mayor and City Administrator.

CITY OF LAKE ELMO, MINNESOTA

(Facsimile Signature City Administrator)

(Facsimile Signature Mayor)

\_\_\_\_\_

CERTIFICATE OF AUTHENTICATION

Dated \_\_\_\_\_

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

NORTHLAND TRUST SERVICES INC.,  
as Registrar

By \_\_\_\_\_  
Authorized Representative

\_\_\_\_\_

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

- |   |   |
|---|---|
| TEN COM — as tenants in common  | UTMA ..... as Custodian for .....           |
|   | (Cust) (Minor)                              |
| TEN ENT — as tenants by the entireties  | under Uniform Transfers to Minors Act ..... |
|   | (State)                                     |
| JT TEN — as joint tenants with right of survivorship and not as tenants in common |   |

Additional abbreviations may also be used.

\_\_\_\_\_

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The assignor’s signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed: \_\_\_\_\_

Signature(s) must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other “signature guaranty program” as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

\_\_\_\_\_

[END OF BOND FORM]

**SECTION 3. USE OF PROCEEDS; PROJECT FUND**

Upon payment for the Bonds by the Purchaser, the City Administrator shall deposit and apply the proceeds of the Bonds as follows:

3.01. Project Fund

There is hereby created a special bookkeeping fund to be designated as the “General Obligation Bonds, Series 2014A Project Fund” (the “Project Fund”), to be held and administered by the City Administrator separate and apart from all other funds of the City. Within the Project Fund are established the following accounts:

- (a) Street Improvements Account. The Street Improvements Account shall be credited with (i) \$ \_\_\_\_\_ from the proceeds from the Bonds and (ii) all special assessments collected with respect to the street improvements until all costs of such improvements have been fully paid. The City Administrator shall maintain the Street

Improvements Account until payment of all costs and expenses incurred in connection with the construction of the street improvement portion of the Project have been paid.

(b) Water Improvements Account. The Water Improvements Account shall be credited with \$ \_\_\_\_\_ from the proceeds of the Bonds. The City Administrator shall maintain the Water Improvements Account until all costs and expenses incurred by the City in connection with the construction of the water improvement portion of the Project have been paid.

(c) Sewer Improvements Account. The Sewer Improvements Account shall be credited with \$ \_\_\_\_\_ from the proceeds of the Bonds. The City Administrator shall maintain the Sewer Improvements Account until all costs and expenses incurred by the City in connection with the construction of the sewer improvement portion of the Project have been paid.

(d) Equipment Account. The Equipment Account shall be credited with \$ \_\_\_\_\_ from the proceeds of the Bonds. The City Administrator shall maintain the Equipment Account until all costs and expenses incurred by the City in connection with capital equipment portion of the Project have been paid.

From the Project Fund there shall be paid all costs and expenses related to the construction and acquisition of the Project. After payment of all such costs and expenses, the Project Fund shall be terminated. All funds on hand in the Project Fund when terminated shall be credited to the Bond Fund described in Section 4 hereof, unless and except as such proceeds may be transferred to some other fund or account as to which the City has received from bond counsel an opinion that such other transfer is permitted by applicable laws and does not impair the exemption of interest on the Bonds from federal income taxes.

#### **SECTION 4. GENERAL OBLIGATION BONDS, SERIES 2014A BOND FUND**

The Bonds shall be payable from a separate General Obligation Bonds, Series 2014A Bond Fund (the "Bond Fund") of the City, which shall be created and maintained on the books of the City as a separate debt redemption fund until the Bonds, and all interest thereon, are fully paid. Into the Bond Fund shall be paid (a) any funds received from the Purchaser upon delivery of the Bonds in excess of the amounts specified in Section 3 above; (b) special assessments levied and collected in accordance with this Resolution except as otherwise provided in Section 3.01, clause (a) hereof; (c) net revenues of the municipal water and sewer systems, such revenues to be distributed ratably with respect to the portion of the Bonds payable therefrom and any other obligations of the City payable from the same source; (d) any taxes collected pursuant to Section 7 hereof; and (e) any other funds appropriated by this Council for the payment of the Bonds. The principal of and interest on the Bonds shall be payable from the Bond Fund, and the money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. On or before each principal and interest payment date for the Bonds, the City Administrator is directed to remit to the Registrar from funds on deposit in the Bond Fund the amount needed to pay principal and interest on the Bonds on the next succeeding principal and interest payment date.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount set forth in clause (a) above. Thereafter, during each bond year (each twelve month period commencing on January 16 and ending on the following January 15, a "Bond Year"), as monies are received into the Bond Fund, the City Administrator shall first deposit such monies into the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Administrator shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

If the balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable therefrom, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Surplus Account when the balance therein is sufficient, and the City covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation.

#### **SECTION 5. SPECIAL ASSESSMENTS**

The City hereby covenants and agrees that, for the payment of the costs of the street improvement portion of the Project, the City has done or will do and perform all acts and things necessary for the final and valid levy of special assessments in the principal amount of \$614,125, which is not less than 20% of the cost of the Street Project. The principal of and interest on such special assessments are estimated to be levied and collected in the years and amounts shown on Exhibit A attached hereto. The principal of the assessments shall be made payable in annual installments, with interest as established by this Council in accordance with law on unpaid installments thereof from time to time remaining unpaid. In the event any special assessment shall at any time be held invalid with respect to any lot or tract of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or by this Council or by any of the officers or employees of the City, either in the making of such special assessment or in the performance of any condition precedent thereto, the City hereby covenants and agrees that it will forthwith do all such further things and take all such further proceedings as shall be required by law to make such special assessment a valid and binding lien upon said property.

**SECTION 6. PLEDGE OF NET REVENUES**

It is hereby found, determined and declared that the City owns and operates its municipal water and sewer systems as revenue-producing utilities and as a convenience, and that the net operating revenues of the systems, after deducting from the gross receipts derived from charges for the service, use and availability of the systems the normal, current and reasonable expenses of operation and maintenance thereof, will be sufficient, together with any other pledged funds, for the payment when due of the principal of and interest on the Utility Bonds and on any other bonds to which such revenues are pledged.

Pursuant to Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the registered owners from time to time of the Bonds that until the Bonds and the interest thereon are discharged as provided in Section 8 or paid in full, the City will impose and collect reasonable charges in accordance with said Section 444.075 for the service, use and availability of its municipal water and sewer systems according to schedules sufficient to produce net revenues sufficient, with other funds pledged to payment of the Utility Bonds, to pay the Utility Bonds and any other bonds to which said net revenues have been pledged; and the net revenues, to the extent necessary, are hereby irrevocably pledged and appropriated to the payment of the Bonds and interest thereon when due. Nothing herein shall preclude the City from hereafter making further pledges and appropriations of the net revenues of its municipal water and sewer systems for payment of additional obligations of the City hereafter authorized if the Council determines before the authorization of such additional obligations that the estimated net revenues of the systems will be sufficient, together with any other sources pledged to the payment of the outstanding and additional obligations, for payment of the outstanding bonds and such additional obligations. Such further pledges and appropriations of net revenues may be made superior or subordinate to or on a parity with, the pledge and appropriation herein made.

**SECTION 7. PLEDGE OF TAXING POWERS**

For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively become due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In order to produce aggregate amounts which, together with the collections of other amounts as set forth in Section 4, will produce amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City, the taxes to be levied and collected in the following years and amounts:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
		See attached levy calculation

The taxes shall be irrevocable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the tax levies from other legally available funds, in accordance with the provisions of Minnesota Statutes, Section 475.61.

## **SECTION 8. DEFEASANCE**

When all of the Bonds have been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the registered owners of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms by depositing with the Registrar on or before that date an amount equal to the principal, redemption premium, if any, and interest then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or trust company qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such time and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or earlier designated redemption date, provided, however, that if such deposit is made more than ninety days before the maturity date of the Bonds to be discharged, the City shall have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates.

## **SECTION 9. TAX COVENANTS, ARBITRAGE MATTERS AND CONTINUING DISCLOSURE**

### **9.01. General Covenant**

The City covenants and agrees with the owners from time to time of the Bonds, that it will not take, or permit to be taken by any of its officers, employees or agents, any action which would cause the interest on the Bonds to become includable in gross income of the recipient under the Code and applicable Regulations, and covenants to take any and all affirmative actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and applicable Regulations. The City represents and covenants that all improvements financed from the proceeds of the Bonds are and will be owned and operated by the City and available for use by members of the general public on a substantially equal basis. The City has not and will not enter into any lease, management contract, operating agreement, use agreement or other contract relating to the use, operation or maintenance of the City facilities financed by the Bonds which would cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

#### 9.02. Arbitrage Certification

The Mayor and City Administrator being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code and applicable Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and the applicable Regulations.

#### 9.03. Arbitrage Rebate

The City acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations unless the Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no "gross proceeds" of the Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof.

#### 9.04. Qualified Tax-Exempt Obligations

The City Council hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code, and hereby finds that the reasonably anticipated amount of tax-exempt obligations which are not private activity bonds (not treating qualified 501(c)(3) bonds under Section 145 of the Code as private activity bonds for the purpose of this representation) and are not excluded from this calculation by Section 265(b)(3)(C)(ii) of the Code and which will be issued by the City and all subordinate entities during calendar year 2014 does not exceed \$10,000,000.

#### 9.05. Reimbursement

The City certifies that the proceeds of the Bonds will not be used by the City to reimburse itself for any expenditure with respect to the Project which the City paid or will have paid more than 60 days prior to the issuance of the Bonds unless, with respect to such prior expenditures, the City shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations, provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Project meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Project as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

#### 9.06. Continuing Disclosure

(a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other

participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the "Rule"), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. The City has complied in all material respects with any undertaking previously entered into by it under the Rule. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this Resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the Bond Register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, "Beneficial Owner" means, in respect of a Bond, any person or entity which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) On or before 365 days after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2013, the following financial information and operating data in respect of the City (the "Disclosure Information"):
  - (A) the audited financial statements of the City for such fiscal year, prepared in accordance with generally accepted accounting principles in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
  - (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most

recently available of the type contained in the Official Statement under headings: Economic and Financial Information; Summary of Debt and Debt Statistics; General Information: Major Employers.

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been filed with the SEC or have been made available to the public on the Internet Web site of the Municipal Securities Rulemaking Board ("MSRB"). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect, provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events (each, a "Material Fact"):
- (A) Principal and interest payment delinquencies;
  - (B) Non-payment related defaults, if material;
  - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
  - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
  - (E) Substitution of credit or liquidity providers, or their failure to perform;
  - (F) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
  - (G) Modifications to rights of security holders, if material;
  - (H) Bond calls, if material, and tender offers;
  - (I) Defeasances;
  - (J) Release, substitution, or sale of property securing repayment of the securities, if material;

- (K) Rating changes;
- (L) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (M) The consummation of a merger, consolidation, or acquisition involving the obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (N) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

As used herein, for those events that must be reported if material, an event is “material” if it is an event as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, an event is also “material” if it is an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

For the purposes of the event identified in (L) hereinabove, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governmental body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

- (3) In a timely manner, notice of the occurrence of any of the following events or conditions:
  - (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
  - (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
  - (C) the termination of the obligations of the City under this section pursuant to subsection (d);
  - (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
  - (E) any change in the fiscal year of the City.

(c) Manner of Disclosure.

(1) The City agrees to make available to the MSRB, in an electronic format as prescribed by the MSRB from time to time, the information described in subsection (b).

(2) All documents provided to the MSRB pursuant to this subsection (c) shall be accompanied by identifying information as prescribed by the MSRB from time to time.

(d) Term; Amendments; Interpretation.

(1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.

(2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(2) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

(3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

## SECTION 10. CERTIFICATION OF PROCEEDINGS

### 10.01. Registration and Levy of Taxes

The City Administrator is hereby authorized and directed to file a certified copy of this Resolution in the records of Washington County, together with such additional information as required, and to request a certificate that the Bonds have been duly entered upon the County Auditor's bond register and the tax required by law has been levied.

### 10.02. Authentication of Transcript

The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

### 10.03. Official Statement

The Preliminary Official Statement relating to the Bonds, dated as of \_\_\_\_\_, prepared and distributed by Northland Securities, Inc., is hereby approved. Northland Securities, Inc., is hereby authorized on behalf of the City to prepare and distribute to the Purchaser within seven business days from the date hereof, a Final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

### 10.04. Authorization of Payment of Certain Costs of Issuance of the Bonds.

The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to the Registrar on the closing date for further distribution as directed by Northland Securities, Inc.

Upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

EXHIBIT A

**Special Assessments and Levies**

Levy Years

Collection Years

Principal—Special  
Assessments

Levies

CERTIFICATE OF WASHINGTON COUNTY AUDITOR  
AS TO REGISTRATION AND TAX LEVY

The undersigned, being the duly qualified and acting County Auditor of Washington County, Minnesota, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on June 17, 2014, by the City Council of the City of Lake Elmo, Minnesota, setting forth the form and details of an issue of \$6,235,000 General Obligation Bonds, Series 2014A, dated as of July 15, 2014, and levying taxes for the payment thereof.

I further certify that the issue has been entered on my bond register and the tax required by law for their payment has been levied and filed as required by Minnesota Statutes, Sections 475.61 through 475.63.

WITNESS my hand and official seal on \_\_\_\_\_, 2014.

\_\_\_\_\_  
County Auditor

(SEAL)



MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**REGULAR**  
**ITEM** #17  
**MOTION**

**AGENDA ITEM:** 2013 Comprehensive Annual Financial Report & Management Letters Presentation

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

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator  
Finance Committee  
Jason Miller, Smith Schafer & Associates

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation..... City Staff, Smith Schafer & Assoc.
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Finance

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** The City has retained the services of Smith, Schafer & Associates to audit the financial statements for 2013. The 2013 Comprehensive Annual Financial Report and Management Letters will be presented to the Council. The City Council is asked to review and accept the 2013 reports.

**BACKGROUND INFORMATION:** Annually the City engages the services of an independent outside audit firm to review the financial statements. The accountants are asked to assure that the financial statements are free from material misstatement to the extent possible. They also review to ensure that proper internal controls are in place. This is the first year that the City of Lake Elmo has presented the report in the Comprehensive Annual Financial Report (CAFR) layout which is a notable accomplishment.

**STAFF REPORT:** Jason Miller from Smith, Schafer & Associates will present the report and respond to inquiries.

**RECOMMENDATION:** It is recommended that the City Council accept the 2013 Year End Comprehensive Annual Financial Report and Management Letters.

***“Move to accept the 2013 Comprehensive Annual Financial Report and Management Letters”***

**TO BE DISTRIBUTED AT THE MEETING:**

1. 2013 Comprehensive Annual Financial Report
2. 2013 Management Letters
  - Governance Letter
  - Internal Control Matters Letter

# RatingsDirect®

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## Summary:

# Lake Elmo, Minnesota; General Obligation

### Primary Credit Analyst:

Anna Uboytseva, Chicago (1) 312-233-7067; [anna.uboytseva@standardandpoors.com](mailto:anna.uboytseva@standardandpoors.com)

### Secondary Contact:

Kathryn A Clayton, Chicago (1) 312-233-7023; [kathryn.clayton@standardandpoors.com](mailto:kathryn.clayton@standardandpoors.com)

### Research Contributor:

Ashrin Anand, CRISIL Global Analytical Center, an S&P affiliate, Mumbai

## Table Of Contents

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Rationale

Outlook

Related Criteria And Research

## Summary:

# Lake Elmo, Minnesota; General Obligation

### Credit Profile

Lake Elmo GO

*Long Term Rating*

AA+/Stable

Upgraded

## Rationale

Standard & Poor's Ratings Services raised its long-term rating to 'AA+' from 'AA' on Lake Elmo, Minn.'s series 2009A and 2009B general obligation (GO) bonds, based on the application of its local GO criteria released Sept. 12, 2013. The outlook is stable.

The city's unlimited-tax GO pledge secures payment of debt service on the bonds with special assessments as a partial source of payment.

The 'AA+' rating reflects our assessment of the following factors:

- Lake Elmo's economy is, in our opinion, very strong, with projected per capita effective buying income at 163% of the national average and per capita market value at roughly \$134,600. The city serves an estimated population of 8,200 in Washington County and is located approximately 14 miles east of St. Paul. Residents have access to employment throughout the broad and diversified Minneapolis-St. Paul metropolitan statistical area, which we consider a credit strength. According to the Bureau of Labor Statistics, the county's unemployment rate averaged 4.6% in 2013, well below the national average.
- Budgetary flexibility is very strong, with available reserves exceeding 50% of operating expenditures for the past several years. As of fiscal year-end 2012 (Dec. 31), available general fund reserves were \$2.4 million, or 88% of expenditures. We understand that general fund has loaned money, totaling \$1.6 million in fiscal 2012, to cover capital spending and negative reserves in other governmental funds. Although management expects to settle these loans by fiscal 2014, we believe that available reserves could somewhat weaken, while remaining very strong, if most of the interfund loans were written off without repayment. Still, we believe budgetary flexibility will remain very strong for the next couple of years because management plans to maintain available reserves in excess of the policy level of 50% of budgeted tax revenue.
- We consider the city's budgetary performance strong overall. Excluding one-time capital projects financed with bond proceeds, the city ended fiscal 2012 with a surplus of 19.1% for the general fund and a surplus of 1.4% for the total governmental funds. Despite supporting the capital spending in other funds, the city reported consecutive general fund surpluses for the past several years, supported by improving operating revenue. For fiscal 2013, management anticipates a surplus of \$200,000 for the general fund and stable operations for total governmental funds. We believe that budgetary performance will remain strong for fiscal years 2014 and 2015 based on city's expectations of at least balanced operations for the general fund and total governmental funds.
- Supporting the city's finances is very strong liquidity, with total government available cash at 136% of adjusted total governmental funds expenditures and at 7.9x debt service. Based on past issuance of debt, we believe that the city has strong access to capital markets to provide for liquidity needs if necessary.
- The city's management conditions are, in our view, strong with "good" financial practices under our Financial

Management Assessment (FMA) methodology, indicating that financial practices exist in most areas, but that governance officials might not formalize or monitor all of them on a regular basis. We revised the FMA score to "good" from "standard" because the city adopted a formal fund balance policy and a debt management policy.

- We view the city's debt and contingent liability profile is adequate. Total governmental funds debt service accounts for 17.3% of adjusted total governmental funds expenditures and net direct debt, excluding debt partially paid from utility revenue, translates to 282.6% of total governmental funds revenue. The overall net debt burden, excluding utility-supported debt, equals 2.9% of economic market value. Officials plan to retire 66% of direct debt in 10 years; we consider these positive credit factors. However, management plans to issue \$2.85 million in GO debt that could increase the debt burden to more than 3% of market value and worsen the debt profile to a weak level.
- All full-time and certain part-time employees are covered by defined-benefit plans administered by the Public Employees' Retirement Association of Minnesota (PERA). PERA administers the General Employees' Retirement Fund, a cost-sharing, multiple-employer retirement plan. The city made contributions as required by state statute in fiscal 2012 of \$65,000, or 1.6% of adjusted total governmental fund expenditures. It also made pass-through payments received from the state to the Lake Elmo Firemen's Relief Association, which is a single-employer defined-benefit pension plan. The city does not pay for any portion of retiree health care premiums, but allows retirees to stay on its health insurance plan at their own expense, as mandated by state law. As such, a portion of the city's contributions to the health care plan for active employees constitutes an implicit subsidy contribution on behalf of its retirees.
- We consider the Institutional Framework score for Minnesota cities with population greater than 2,500 strong.

## Outlook

The stable outlook indicates that we do not expect significant changes in the city's very strong budgetary flexibility, liquidity, and economy. We do not anticipate lowering the rating in the two-year outlook period based on management's projections of at least stable operations for fiscal years 2014 and 2015. An upgrade is unlikely given the city's high direct debt as a percentage of total governmental funds revenue and plans for additional debt, which could weaken the debt profile.

## Related Criteria And Research

### Related Criteria

USPF Criteria: Local Government GO Ratings Methodology And Assumptions, Sept. 12, 2013

### Related Research

S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013

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# MOODY'S

## INVESTORS SERVICE

### New Issue: Moody's assigns Aa2 to Lake Elmo's (MN) \$6.2M GO Bonds, Ser. 2014A

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Global Credit Research - 10 Jun 2014

#### Maintains Aa2 on \$21.1M of GO debt post-sale

LAKE ELMO (CITY OF) MN  
Cities (including Towns, Villages and Townships)  
MN

#### Moody's Rating

ISSUE	RATING
General Obligation Bonds, Series 2014A	Aa2
<b>Sale Amount</b>	\$6,235,000
<b>Expected Sale Date</b>	06/17/14
<b>Rating Description</b>	General Obligation

#### Moody's Outlook NOO

#### Opinion

NEW YORK, June 10, 2014 --Moody's Investors Service has assigned a Aa2 rating to the City of Lake Elmo's (MN) \$6.2 million General Obligation Bonds, Series 2014A. Concurrently, Moody's maintains the Aa2 rating on \$21.1 million of the city's post-sale general obligation debt. The series 2014A bonds are secured by the city's general obligation unlimited tax pledge, and proceeds of the bonds will finance street, water, and sewer improvements within the city.

#### SUMMARY RATING RATIONALE

The Aa2 rating reflects the city's moderately-sized but affluent tax base located in the Twin Cities metro region; strong finances supported by conservative budgeting and healthy unassigned fund balance; moderate direct debt burden; and modest exposure to unfunded pension liabilities.

#### STRENGTHS

- Affluent tax base favorably located in Twin Cities metropolitan area
- Strong financial operations and healthy General Fund reserves and liquidity

#### CHALLENGES

- Small tax base size relative to others in the rating category
- Above average fixed costs

#### DETAILED CREDIT DISCUSSION

#### MODERATELY-SIZED AND AFFLUENT TAX BASE NEAR THE TWIN CITIES

The city's tax base is expected to grow in the medium term due to its favorable location within the Twin Cities metropolitan area and large amount of land available for development. Located in Washington County (Aaa stable), the city lies along the eastern edge of the metropolitan region, and is one of only a few communities in the area with a large amount of land available for development. The city's full value of \$1.1 billion experienced three years of large declines during the recent economic downturn, largely attributable to residential housing depreciation.

However, housing values have stabilized and the area has experienced modest growth in the past two years with full value increasing by 0.1% in 2013 and 1.3% in 2014. City officials report that approximately 45% of the city's land is available for development and, of that available land, 60% will be developed within the next 5 to 10 years. Major development areas include a mixed use development along I-94, the "Old Village" section of the city, and the northern edge of the city along Highway 36. Recent estimates show approximately 1,200 new homes being built in the 1-94 area over the next 5 years as well as 1,600 new residences in the Old Village area between 2013 and 2030. Given the planned development for the area, it is expected that the tax base will experience substantial growth in the medium term. The city is in the process of constructing substantial water and sewer improvements throughout the city in order to accommodate the planned development. The city has an Infrastructure Debt Participation Policy in place that requires infrastructure for private development to be funded by the developer or benefiting parties. The city collects fees and special assessments at preliminary plat mitigating the risk of non-payment.

Lake Elmo is primarily a bedroom community with the majority of residents commuting to employment opportunities throughout the Twin Cities area. Based upon net tax capacity, the city is 77% residential and 17% commercial and industrial. The largest employer of city residents is 3M Company (Aa2 stable), which is headquartered in nearby Maplewood (Aa1) and employs approximately 10,000. The city was party to a lawsuit along with the State of Minnesota seeking damages from 3M for allowing perfluorochemicals (PFCs) to leach into groundwater in Washington County over several decades. The city has entered a tolling agreement through December 2014, which allows the city to negotiate with 3M and puts on hold the statute of limitations should the city decide to return to litigation. Conservatively, the city has not included any potential settlement money in its budget projections, and will use any such funds for one time expenditures or to pay debt service. Management reports that the city's other major employers and taxpayers remain stable.

The city has experienced ongoing population growth in recent decades, including 17.6% growth between 2000 and 2010, and the Metropolitan Council (Aaa stable) estimates that the city's 2010 population of 8,069 could grow to 20,500 by 2040. Washington County's unemployment rate of 4.7% in March of 2014 remained below the national (6.8%) and state (5.4%) levels for same period. Lake Elmo's resident income levels significantly exceed those of the nation, with median family income equivalent to 194.1% and of the nation.

#### STABLE FINANCIAL OPERATIONS SUPPORTED BY HEALTHY RESERVES

The city's financial operations are expected to remain stable given its history of sound financial management and maintenance of healthy General Fund liquidity and reserves. The city has demonstrated conservative financial management, having closed the past six fiscal years with modest operating surpluses. Management attributes the surpluses to conservative budgeting of both revenues and expenditures. The city closed fiscal 2012 with a \$525,000 operating surplus and a General Fund balance of \$3.4 million, or a substantial 105.3% of revenues. Approximately \$1 million of the city's fund balance is reserved for an advance to the city's Old Village Fund. The advance was made several years ago to finance the initial planning for the Old Village redevelopment project, but the project stalled during the economic downturn. The development has restarted and the planning and surveying have been completed. Because some of the initial planning could not be repaid by the developers, the city internally repaid \$200,000 of the advance in fiscal 2012 and fiscal 2013 using unbudgeted General Fund revenues. The city plans to repay an additional \$200,000 in fiscal 2014. At the end of fiscal 2014, a total of \$600,000 of the advance will remain, which is expected to be repaid by environmental impact fees paid by the developers by fiscal 2016. Despite the advance, General Fund liquidity remains healthy, with 2012 unrestricted cash and investments totaling \$2.1 million, or 65.1% of revenues. Likewise, the city's fiscal 2012 unassigned fund balance of \$2.4 million, which is equivalent to 73.9% of revenues, remains healthy and above the city's policy of maintaining unassigned fund balance of 35% to 50% of budgeted operating revenues. Draft financial statements for fiscal 2013 indicate that the unassigned General Fund Balance decreased by \$100,000 to \$2.3 million, or approximately 64% of revenues primarily due to weather related costs and staffing additions in the city's Planning Department. For fiscal 2014, the city passed a balanced budget and officials report that revenues and expenditures are tracking to budget. Management expects no significant change in fund balance.

Property taxes comprise 78% of Lake Elmo's revenues, and the city's collection rate is high with few appeals. The city does not receive any local government aid; therefore, it is not subject to any risk associated with budgetary pressures at the state. The state implemented property tax limits for 2014 only, but the cap did not impact Lake Elmo as the city had planned to keep its levy flat.

#### MODERATE DEBT BURDEN WITH MODEST ADDITIONAL BORROWING PLANNED

The city's direct debt burden is a moderate 0.8% of full value, and though some additional borrowing is planned, the debt burden is expected to remain manageable given the city's expected growth. The city's net direct debt

does not include \$12.1 million of GO debt that is expected to be repaid by the city's self-supporting water enterprise. The city's gross debt burden, inclusive of the self-supporting debt, is a more substantial 1.9% of full value. The city's fixed costs related to debt service, inclusive of the GO debt supported by the water enterprise, are above average at 18.8% of operating expenditures in 2012. The city expects to issue an additional \$2 million to \$3 million of GO debt for water and sewer improvements over the next few years. Amortization of existing debt is average, with 66.8% of principal expected to be retired within ten years. All of the city's outstanding debt is fixed rate, and the city is not a party to any interest rate swap agreements.

#### MODEST EXPOSURE TO UNFUNDED PENSION LIABILITIES

The city has a moderate employee pension burden, based on unfunded liabilities for its share of two multiple-employer cost sharing plans, the General Employees Retirement Fund (GERF) and the Public Employees Police and Fire Fund (PEPFF), and one single employer plan administered by the Lake Elmo Volunteer Firefighter's Relief Association. Moody's has allocated liabilities of state cost-sharing plans in proportion to its contributions to each plan for analytic purposes. The city's share of unfunded pension liabilities allocated by Moody's on a reported basis is an estimated \$868,000 across the three plans. The actuarial valuation dates for the state plans are as of June 30, 2012. The city's annual contribution to the three retirement plans in fiscal 2012 was \$104,000 equal to 3.1% of operating expenditures (General Fund and Debt Service Fund).

Moody's adjusted combined net pension liability (ANPL) for the city as of fiscal 2013, under our methodology for adjusting reported pension data, is \$3.0 million. The city's three-year average ANPL is equal to 0.57 times operating revenues and 0.20% of full value. Moody's ANPL reflects certain adjustments we make to improve comparability of reported pension liabilities. The adjustments are not intended to replace the city's reported liability information, but to improve comparability with other rated entities.

#### WHAT COULD CHANGE THE RATING - UP

- Growth in the city's tax base to levels consistent with higher-rated entities
- Maintenance of healthy financial reserves and liquidity

#### WHAT COULD CHANGE THE RATING - DOWN

- Deterioration of the tax base or weakening of the demographic profile
- Material declines in the city's financial reserves
- A significant increase in the city's net direct debt burden

#### KEY STATISTICS

Tax Base Size - 2014 Full Value (economic market): \$1.1 billion

Full Value Per Capita: \$137,327

Socioeconomic Indices - MFI: 194.1% of the US

Fiscal 2012 Available Operating Funds Balance: 62.7% of revenues

5-Year Dollar Change in Available Operating Fund Balance as % of Revenues: 30.4%

Fiscal 2013 Operating Funds Cash Balance: 55.0% of revenues

5-Year Dollar Change in Cash Balance as % of Revenues: 14.4%

Institutional Framework: Aa

Operating History: 5-Year Average of Operating Revenues / Operating Expenditures: 1.12x

Net Direct Debt / Full Value: 0.79%

Net Direct Debt / Operating Revenues: 2.26x

3-Year Average of Moody's Adjusted Net Pension Liability / Full Value: 0.20%

3-Year Average of Moody's Adjusted Net Pension Liability / Operating Revenues: 0.57x

#### PRINCIPAL METHODOLOGY

The principal methodology used in this rating was US Local Government General Obligation Debt published in January 2014. Please see the Credit Policy page on [www.moodys.com](http://www.moodys.com) for a copy of this methodology.

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# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/14  
**REGULAR**  
**ITEM #** 19

**AGENDA ITEM:** Wildflower at Lake Elmo PUD Concept Plan and Comprehensive Plan Amendment

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner  
Jack Griffin, City Engineer

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission reviewed the PUD Concept Plan and Comprehensive Plan Amendment at its June 9, 2014 meeting and recommended approval of both requests with conditions. The applicant had previously submitted a sketch plan for review, but decided to formally request PUD Concept Plan consistent with the City’s Planned Development review procedures.

**FISCAL IMPACT:** TBD – The applicant will be responsible for extending sewer and water to the proposed development, and will be paying both SAC and WAC charges for the new development (145 residential units). The developer has agreed to participate in the Eastern Village gravity sewer project that will bring sewer service to the northern part of the Village Planning Area. The project will require a developer’s agreement related to the construction of the public improvements within the subdivision.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request for a Planned Unit Development (PUD) Concept Plan for a proposed residential subdivision to be called Wildflower at Lake Elmo. This application has been submitted by

Robert Engstrom Companies 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN and is a follow-up to a previous submission for a subdivision sketch plan that was tabled by the Planning Commission earlier this spring. Rather than resubmitting a revised sketch plan for this subdivision, the developer has instead decided to address the Comments as part of a request for a PUD Concept Plan

The City Council is also asked to take action on an additional related request to amend the City's Comprehensive Plan to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that are currently guided for RAD – Rural Area Development and Open Space. During the Planning Commission's review of the sketch plan, these amendments were identified as necessary for moving the project forward.

The Planning Commission is recommending approval of both requests. The suggested motions to adopt the Planning Commission recommendations are as follows:

***“Move to adopt Resolution No. 2014-045 approving a PUD Concept Plan for Wildflower at Lake Elmo.”***

***“Move to adopt Resolution No. 2014-046 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to LDR and MDR.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached staff report to the Planning Commission provides an overview of the request and a list of comments from Staff. The Planning Commission considered the application for a PUD Concept Plan and Comprehensive Plan Amendment at its June 9, 2014 meeting and conducted a public hearing on both of the applicant's requests at this time. At the hearing, the following individuals addressed the Planning Commission:

- John Hodler, President of the Fields of St. Croix HOA, stated that the Fields HOA had worked out an agreement with the developer in order to address the HOA's concerns regarding the proposed land use and open space changes. The most significant element of the agreement is that the Fields HOA would be named as a party to all existing conservation easements in the Fields of St. Croix development. In addition to the agreement, the HOA is also asking that the eastern cul-de-sac be removed from the plans in order to maximize the buffer area between existing homes and the proposed development.
- Neil Krueger, 4452 Lake Elmo Avenue North, stated his opposition to the platting of additional lots across from their farm on Lake Elmo Avenue. He asked that the developer give consideration to the preservation of the ridge line and encouraged the trail system to connect into adjacent neighborhoods.
- Bob Eischen, 11674 Stillwater Boulevard North, pointed out that all of Outlot P was set aside as permanent open space and that he was assured that the outlots within Fields of

St. Croix would remain open space when this development was platted several years ago. He questioned how the easement could legally be removed and swapped for other land.

- Richard Smith, 11514 Stillwater Boulevard, stated that buffering between his property to the north and the proposed residential homes is his primary concern with the proposed development. He noted that when the Village Planning Area was set, he and the other existing residential property owners specifically requested to remain outside of the planning area in order avoid having residential development immediately adjacent to their properties.
- Deb Kreuger, 4452 Lake Elmo Avenue North, expressed concern over the potential visibility of home along the ridge line. She supported the proposed trails and encouraged the connection of these trails to other properties to the east. She also asked that all new homes abide by the City's dark sky ordinance.

In addition to the statements made above, the Planning Commission received written correspondence from Robert and Marcy Eischen, Mary Jean Dupuis, Richard Smith and the Fields of St. Croix Association, which are attached to this report.

Bob Engstrom also addressed the Commission, and stated that he had met with Richard Smith, Mary Jean Dupuis, and the Eischens to discuss their concerns. As a result of these meetings, he has agreed to make minor revisions to the concept plat in order to provide more buffering around the Smith Property and to remove the eastern cul-de-sac that extends out into Outlot P. The proposed buffer amendments adjacent to the Smith property are attached to this report. Plans depicting the removal of the cul-de-sac on Outlot P will be presented at the City Council meeting.

The Planning Commission discussed the request, and unanimously recommended approval of the comprehensive plan amendment as presented with the one condition as recommended by Staff. The Commission also recommended additional conditions of approval in order to require that the Fields of St. Croix Associated be added as a party to existing conservation easements within their development and to require that the concept plans be revised to incorporate the proposed amendments for the buffer area adjacent to the Smith property and Outlot P. The conditions of approval as amended by the Planning Commission are incorporated into the draft resolution.

The Planning Commission adopted a motion to recommend approval of the PUD Concept Plan with the findings and conditions as noted in the attached Resolution 2014-045. The motion passed unanimously.

#### **BACKGROUND INFORMATION (SWOT):**

##### **Strengths**

- The PUD Concept Plan is consistent with the City's Comprehensive Plan for the Village Planning Area (with the exception of the plan amendments requested by the developer).
- The project has been designed to comply with the City's zoning regulations and development standards for the Village Medium

- Density district.
- The project addresses several of the Village Planning Principles adopted as part of the Comprehensive Plan.
- Weaknesses**
- The concept plan will require the removal of a portion of the existing conservation easement over Outlot P of the Fields of St. Croix Second Addition.
- Opportunities**
- The development will include 145 REC units and will pay connection fees for sewer and water service.
  - The project includes a large conservation area that will ensure the permanent protection of a large portion of the planned Village Open Space/Buffer area.
  - The development will bring sewer to the extreme northeastern portion of the Village Planning Area and will be designed to allow for future connections in this part of the City.
- Threats**
- The developer will need to work with the City on establishing a plan for management and oversight of the conservation area in a manner that will not overburden the City.

**RECOMMENDATION:** Based upon the above report and analysis, Staff and the Planning Commission are recommending that the City Council approve the request from Robert Engstrom Companies for a Comprehensive Plan Amendment and Planned Unit Development (PUD) Concept Plan related to a residential subdivision to be called Wildflower at Lake Elmo. The suggested motions to adopt the Planning Commission recommendation are as follows:

*“Move to adopt Resolution No. 2014-045 approving a PUD Concept Plan for Wildflower at Lake Elmo.”*

*“Move to adopt Resolution No. 2014-046 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to LDR and MDR.”*

**ATTACHMENTS:**

1. Resolution No. 2014-045 (PUD Concept Plan)
2. Legal Description
3. Resolution No. 2014-046 (Comprehensive Plan Amendment)
4. Proposed Comprehensive Plan Amendments
5. Planning Commission Staff Report – 6/9/14
6. Application Form
7. Concept Plan Overview
8. Contact Information
9. Wildflower Lot Size and Design Summary
10. City Acknowledgements

11. Layton Avenue Wetland Delineation Report Summary
12. Existing Conditions Surveys (4)
13. Wildflower at Lake Elmo Concept Plan
14. Typical Courtyard Homes Block
15. City Engineer Comments – June 2, 2014
16. Comment Letters:
  - a. Robert and Marcy Eischen and Mary Jean Dupuis
  - b. Richard Smith
  - c. Fields of St. Croix Association Agreement

## CITY OF LAKE ELMO

### RESOLUTION NO. 2014-45

#### *A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT CONCEPT PLAN FOR WILDFLOWER AT LAKE ELMO*

**WHEREAS**, Robert Engstrom Companies, 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a Planned Unit Development (PUD) Concept Plan, a copy of which is on file in the Lake Elmo Planning Department; and

**WHEREAS**, the proposed PUD Concept Plan is to allow the development of a 145-unit residential subdivision to be called Wildflower at Lake Elmo that will be located within the northern portion of the Village Planning Area, and will incorporate exceptions from the City’s Zoning Regulations as noted below; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on June 9, 2014 to consider the PUD Concept Plan; and

**WHEREAS**, on June 9, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the PUD Concept Plan with conditions; and

**WHEREAS**, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated June 17, 2014; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission concerning the PUD Concept Plan at its regular meeting on June 17, 2014.

**NOW, THEREFORE**, based upon the testimony elicited and information received, the City Council makes the following:

#### FINDINGS

- 1) That the procedure for obtaining approval of said PUD Concept Plan is found in the Lake Elmo City Code, Section 154.800.
- 2) That all the requirements of said City Code Section 154.800 related to the PUD Concept Plan have been met by the Applicant.
- 3) That the proposed PUD Concept Plan would allow the development of 145 single-family lots on a total site area of approximately 117 acres, roughly half of which would be preserved as open space. The Concept Plan includes the construction of a new parkway

entrance from 39<sup>th</sup> Street and would allow for the re-platting of a portion of Outlot P within the Fields of St. Croix Second Addition.

- 4) That the PUD Concept Plan would be located on property legally described in the attached Exhibit A.
- 5) That the proposed PUD Concept Plan includes the following exceptions from the underlying MDR – Urban Medium Density Residential Zoning District requirements:
  - a) The construction of streets that are 18 feet in width (and less than the City standard of 28 feet) to serve the rear portion of the courtyard homes in the southern portion of the subdivision.
  - b) The establishment of a minimum lot size of 6,000 square feet for the courtyard homes.
- 6) That the proposed General Concept Plan for a PUD:
  - a) Is consistent with the goals, objectives, and policies of the Comprehensive Plan and that the uses proposed are consistent with the V-MDR Village Medium Density Residential land use designation shown for the area on the official Comprehensive Land Use Plan.
  - b) Is consistent with the purpose of Section 150.800 et seq. of the City Code.
  - c) Complies with the development standards of Section 150.800 et seq. of the City Code.
- 7) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land than if the applicant was required to conform to the standards of the existing zoning districts on this property.
- 8) That the uses proposed in the PUD will not have an adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- 9) That the PUD is of sufficient size, composition, and arrangement that construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and open space are balanced and coordinated.
- 10) That the PUD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the development.
- 11) That the PUD is designed in such a manner as to form a desirable and unified environment within its own boundaries.

## CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's PUD Concept Plan for the development of a 145-unit residential subdivision to be called Wildflower at Lake Elmo is hereby approved, subject to the following:
  - a. The applicant shall submit a formal request to the City to remove the existing conservation easements over Outlot P of the Fields of St. Croix Second Addition. The concept plan must be revised if the City Council does not agree to the requested removal.
  - b. The proposed road providing a connection to 39th Street shall be included as part of the improvement plans for Wildflower at Lake Elmo.
  - c. The preliminary plat shall include landscape plans that incorporate additional screening and buffering of residential properties located to the east and northeast of Wildflower at Lake Elmo.
  - d. The Preliminary Plat will address all comments from the City Engineer in a letter to the City dated June 2, 2014. In particular, the preliminary development plans shall address the provision of public sewer and water to the subdivision.
  - e. The Comprehensive Plan Amendments related to Wildflower at Lake Elmo must be approved before the City can take action on a preliminary plat.
  - f. All storm water retention and infiltration areas must be dedicated to the City and platted as outlots on the preliminary plat unless otherwise directed by the City Engineer.
  - g. The developer shall define the purpose and use of the proposed streets, and specifically for those streets that do not meet current City engineering and design standards. All streets shall be dedicated for public use subject to any parking restrictions as recommended by the City Engineer.
  - h. The most southerly street running east and west shall be designed in accordance with the recommendations of the City Engineer.
  - i. A public trails must be located outside of wetland buffer zones.
  - j. The small residential area and cul-de-sac immediately east of Lake Elmo Avenue shall be provided with public sanitary sewer service.
  - k. The applicant shall secure all necessary permits from Washington County for the proposed access off of Lake Elmo Avenue North.
  - l. The developer shall work with the property owner immediately to the south of Wildflower at Lake Elmo concerning the proposed expansion of the existing Layton

Avenue right-of-way. The developer will also give consideration to adding a second access point to 39th Street.

- m. The developer shall submit a PUD plan as part of any future preliminary development plans. The City of Lake Elmo agrees to a reduced road right-of-way to serve the rear yards of the courtyard homes. The PUD Plan shall include all requested departures from City ordinances and development standards.
- n. The developer shall prepare a plan for ownership and management of the proposed conservation areas as part of preliminary PUD plans.
- o. The Fields of St. Croix Association will be added a party to all existing conservation easements within the Fields of St. Croix Second Addition as described in Open Space Easement documents associated with this subdivision dated February 28, 2000 and December 6, 2002.
- p. The Concept Plan shall be amended to incorporate all revisions proposed by the developer and presented at the June 9, 2014 Planning Commission meeting for additional screening and road adjustments immediately south of the Richard Smith property and to remove the eastern cul-de-sac within Outlop P of the Fields of St. Croix Second Addition near the Eischen property.

Passed and duly adopted this 17<sup>th</sup> day of June 2014 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Adam Bell, City Clerk

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

**RESOLUTION NO. 2014-46**

*RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO  
COMPREHENSIVE PLAN*

**WHEREAS**, the City of Lake Elmo has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, Robert Engstrom Companies, 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN, (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) to amend the Lake Elmo Comprehensive Plan, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the request to amend the Comprehensive Plan was submitted along with a Planned Unit Development concept plan for a proposed single-family residential subdivision to be called Wildflower at Lake Elmo; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on June 9, 2014 to consider the request to amend the Comprehensive Plan; and

**WHEREAS**, on June 9, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the request to amend the Comprehensive Plan; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at a meeting on June 17, 2014; and.

**NOW, THEREFORE**, based upon the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

- 1) That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.

- 2) That the request to is to amend the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) and Village Planned Land Use Map (Map 3-5 in Chapter III – *Land Use Plan*) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use designation of a portion of two parcels of land located within the Wildflower at Lake Elmo development as depicted in the attached Exhibit A and described as follows:
  - a) To change the western portion of Outlot P of the Fields of St. Croix Second Addition from RAD – Rural Area Development to V-MDR Village Urban Medium Density Residential (a portion of PID 12.029.21.43.0013).
  - b) To change the approximately eight acres immediately east of the intersection of 43<sup>rd</sup> Street North and Lake Elmo Avenue (the area depicted for the westernmost single family residential lots on the Wildflower at Lake Elmo PUD Concept Plan approved by the City Council on June 9, 2014) from RAD – Rural Area Development and Village Open Space Overlay to V-LDR Village Urban Low Density Residential (a portion of PID 12.029.21.32.0001).
- 3) That the proposed area impacted by the proposed amendment is relatively small and will not have a significant impact on the City’s 2030 household and population forecasts.
- 4) That the proposed amendments are consistent with the overall goals and objectives of the Village Land Use Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that based on the foregoing, the Lake Elmo City Council hereby approves the Applicant’s request to amend the Lake Elmo Comprehensive Plan, subject to and contingent upon the following:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 17<sup>th</sup> day of June 2014 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Adam Bell, City Clerk

EXHIBIT A  
LEGAL DESCRIPTION OF THE PROPERTY

The North 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof: All that part of the Northeast 1/4 of the Southwest 1/4 of Section 12, Township 29, Range 21, Washington County Minnesota, described as follows: Beginning at the center of said Section 12; thence due South along the East line of said Northeast 1/4 of Southwest 1/4 a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55°00" West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast 1/4 of Southwest 1/4; thence Easterly along the North line of said Northeast 1/4 of Southwest 1/4 a distance of 274.17 feet to the place of beginning.

AND

That part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows: Commencing at the Northeast corner of said Northeast 1/4 of Northwest 1/4 of said Section 13, thence West on the North line thereof 35 feet to a point, thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.

EXCEPTING THEREFROM all of the following described real property: The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.

NOTE: The precise legal description of the Property is to be confirmed by an updated Title Commitment (defined herein). It is the intent of the parties that the Property consists of the real property owned by the Seller as identified as PID Nos. 12.029.21.32.0001, 12.029.21.34.0001 and 13.029.21.21.0001, consisting of approximately 101 acres. In the event that the correct description of the Property established in the Title Commitment should differ from the description set forth herein, the description set forth in the Title Commitment shall be deemed to automatically replace the description set forth herein.

AND

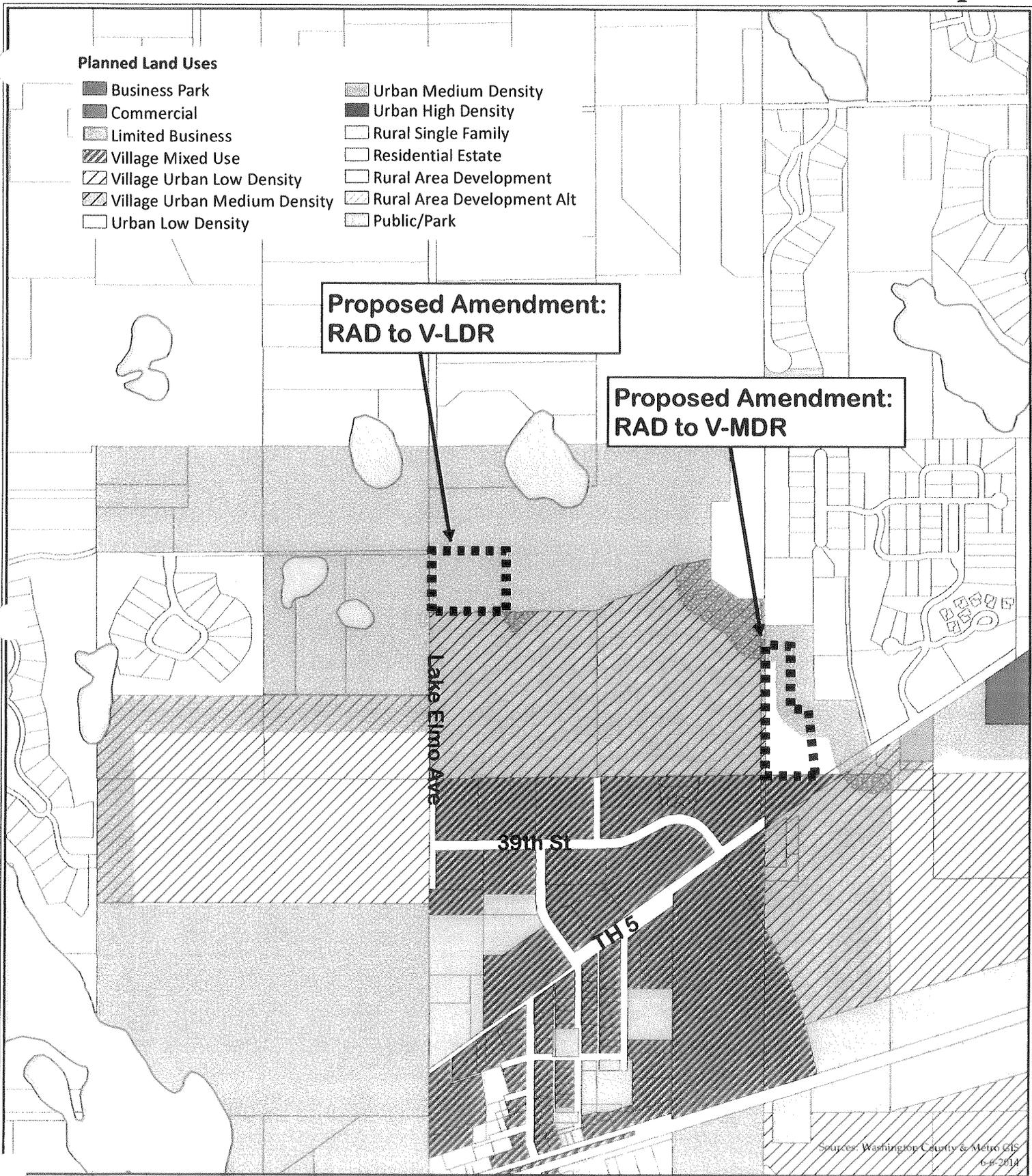
OUTLOTS O AND P, THE FIELDS OF ST. CROIX

**Planned Land Uses**

- |  |  |
|--|--|
|  Business Park                |  Urban Medium Density       |
|  Commercial                   |  Urban High Density         |
|  Limited Business             |  Rural Single Family        |
|  Village Mixed Use            |  Residential Estate         |
|  Village Urban Low Density    |  Rural Area Development     |
|  Village Urban Medium Density |  Rural Area Development Alt |
|  Urban Low Density            |  Public/Park                |

**Proposed Amendment:  
RAD to V-LDR**

**Proposed Amendment:  
RAD to V-MDR**



Sources: Washington County & Metro GIS  
6-8-2014



PLANNING COMMISSION  
DATE: 6/9/14  
AGENDA ITEM: 4A – PUBLIC HEARING  
CASE # 2014-17

ITEM: Wildflower at Lake Elmo PUD Concept Plan and Comprehensive Plan Amendment

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner  
Jack Griffin, City Engineer

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#### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to review a request for a Planned Unit Development (PUD) Concept Plan for a proposed residential subdivision to be called Wildflower at Lake Elmo. This application has been submitted by Robert Engstrom Companies, and is a follow-up to a previous submission for a subdivision sketch plan that was tabled by the Planning Commission earlier this spring. Rather than resubmitting a revised sketch plan for this subdivision, the developer has instead decided to address the Comments as part of a request for a PUD Concept Plan. The application has therefore moved into the City's formal review process, and should be considered as a new application. As noted in the following report, the developer has been working to address the comments he received as part of the sketch plan review.

The Planning Commission is also asked to take action on an additional related request to amend the City's Comprehensive Plan to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that are currently guided for RAD – Rural Area Development and Open Space. During the Planning Commission's review of the sketch plan, these amendments were identified as necessary for moving the project forward.

The proposed subdivision would be located immediately north of the Brookfield Addition along 39<sup>th</sup> Street and would extend to the northern limits of the Village area boundary. The concept plan includes 145 (up two from the previous sketch plan) single-family lots on a total site area of approximately 117 acres, roughly half of which would be preserved as open space. The PUD Concept Plan does require a public hearing and Staff is recommending that the Planning Commission recommend approval of both the Concept Plan and the requested Comprehensive Plan amendments.

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#### **GENERAL INFORMATION**

*Applicant:* Robert Engstrom Companies; 4801 West 81<sup>st</sup> Street, #101, Bloomington, MN

*Property Owners:* Premier Bank, 2866 White Bear Avenue, Maplewood, MN

*Location:* Part of Sections 12 and 13, Township 29 North, Range 21 West in Lake Elmo, north of 39<sup>th</sup> Street, west of Lake Elmo Avenue, and south of the northern Village Planning Area boundary line. PID Numbers 13.029.21.32.00001, 12.029.21.34.0001, 13.029.21.21.0001 and 12.029.21.43.0013.

<i>Request:</i>	PUD Concept Plan and Comprehensive Plan Amendment
<i>Existing Land Use:</i>	Agriculture, Woods/Natural Vegetation, Wetlands, Open Space
<i>Existing Zoning:</i>	RT – Rural Transitional Zoning
<i>Surrounding Land Use:</i>	North – vacant/agricultural land, rural residential; west – agricultural land (future Village residential); south – offices, business park land; open space/ Field of St. Croix II subdivision
<i>Surrounding Zoning:</i>	RT – Rural Transitional; RR – Rural Residential, GB – General Business
<i>Comprehensive Plan:</i>	Village Medium Density Residential (3-4 units per acre)/Village Open Space Overlay
<i>Proposed Zoning:</i>	MDR – Urban Medium Density Residential
<i>History:</i>	Property was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Site has historically been used for farming activities, including the growing of agricultural crops. A large portion of the site is located in a Flood District. A small number of the residential lots and Outlots O and P are located on part of the open space land associated with the Fields of St. Croix second addition.
<i>Deadline for Action:</i>	Application Complete – 5/23/14 60 Day Deadline – 7/23/14 Extension Letter Mailed – No 120 Day Deadline – 9/23/14
<i>Applicable Regulations:</i>	Article 10 – Urban Residential Districts (MDR) Article 16 – Planned Unit Development (PUD) Regulations Chapter 153 – Subdivision Regulations

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## REQUEST DETAILS

The City of Lake Elmo is in receipt of a Planned Unit Development (PUD) Concept plan from Robert Engstrom Companies concerning a proposed residential subdivision to be located within the northern portion of the Village Planning Area as defined in the Comprehensive Plan. The subdivision would be located on land formerly known as the Heritage Farm and Premier Bank property, which consists of 101 acres within the Village Planning Area. In addition to the 101 acres that Mr. Engstrom has agreed to purchase from Premier Bank, the proposed development also includes land that was previously included as part of the open space dedication for the Fields of St. Croix second addition. Because this land was included in the open space calculations for this Open Space development, the applicant will need to modify the terms of an existing conservation easement in order to develop this area as shown on the sketch plan for Wildflower at Lake Elmo.

A second component of the proposal, and a critical element of the application in front of the Planning Commission, is a request to amend the City's Comprehensive Plan to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that are currently guided for RAD – Rural Area Development and Village Open Space Overlay. These amendments would be split between two portions of the Village Planning Area as follows:

- 12 lots that would be platted on land immediately north of the Schiltgen Farms “Parcel B” development and immediately east of Lake Elmo Avenue. This land is guided both for RAD – Rural Area Development and as part of the Village Open Space Overlay. The proposed amendment would remove these designations for the area to be subdivided and establish a new land use designation of V-LDR (Village Urban Low Density Residential).
- Outlot P of Fields of St. Croix Second Addition. The proposed amendment would change the future land use designation of the western portion of this outlot from RAD – Rural Area Development to V-MDR (Village Urban Medium Density Residential). If approved, the amendment would allow the platting of roughly 17 lots that encroach into this outlot (which would then be replatted as part of the Wildflower subdivision). Outlot P is also subject to a conservation easement held by the City of Lake Elmo that would need to be vacated in order for any portion of this outlot to be replatted into residential building sites.

The entire development site is slightly over 117 acres, which includes the 101-acre Premier Bank land, the 15 acres of open space associated with the Fields of St. Croix Second Addition development, and a smaller strip of land that provides access to the Smith farmstead property to the north of the applicant’s site. Of the 117 acres, roughly half would be used for residential development, while the remainder would be preserved as open space or used for storm water infiltration and retention. As noted in the attached project narrative, the applicant is proposing to use the open space for natural habitat restoration and creation, with a focus on providing a landscape that is friendly towards bees, butterflies, and other pollinators. This philosophy would be carried forward into the residential areas, where the developer will work to incorporate pollinator-friendly plants within these areas.

Overall, the project will include 145 single-family residential lots, the majority of which will be located on the higher portion of the property directly north of the Brookman Addition commercial area along 39<sup>th</sup> Street. A small number of lots are proposed on the lower part of the site along Lake Elmo Avenue, and the applicant has indicated that he will be providing public sanitary sewer services to these lots in order to address previous review comments. The primary access into the subdivision will be provided over an existing right-of-way that was previously platted within the Brookman Addition south of the applicant’s site. The access through the Brookman Addition will follow the common boundary between the Engstrom property and land immediately to the west now owned by the Gonyea development company. The proposed development plans call for an expansion of this right-of-way in order to accommodate an enhanced wider parkway-style entrance into the subdivision.

In addition to cooperating over the future location of the 39<sup>th</sup> Street access that will serve their residential developments the Gonyea and Engstrom Companies have also been coordinating the siting of a smaller park area to be shared by both developments. This park area would be located essentially in the middle of the two developments and accessible via roads from either development. With the significant amount of open space being set aside within Wildflower at Lake Elmo, the applicant is not proposing any additional land dedication for parks. The sketch plan was previously reviewed by the Park Commission, and the Commission was open to the idea of the City participating in the long-term maintenance and preservation of the proposed conservation land. The City will need to work with the applicant to define the City’s responsibilities for this open space, and to establish an appropriate plan for ownership and upkeep of this area.

The proposed internal street pattern follows a fairly rigid grid system, with larger lots located further to the north. Within the southern half of the residential area, the applicant is proposing a unique lot layout that incorporates small green courtyards surrounded by homes on smaller lots. This layout

will allow the homes to face the front of the streets around the block, while moving all garages and vehicular accesses to a secondary road around the courtyard. These courtyard homes are intended to serve a different market than has typically been served in Lake Elmo, and would provide for a traditional streetscape and environment that is very attractive for pedestrians.

Other major features of the plan being presented include the creation of larger storm water facilities to the east of the residential areas along State Highway 5 and the development of an extensive trail and path system providing access to the conservation areas and to the rest of the Village Planning Area. The applicant is no longer proposing to construct any community/commercial buildings within the common open space areas adjacent to Highway 5.

One of the reasons the applicant has elected to pursue a Planned Development is that the development proposal includes certain elements that do not conform to City requirements, including the following:

- The applicant is proposing to construct streets that are 18-feet in width to serve the rear portions of the courtyard homes. The City's street standard is 28 feet for public streets. Staff is recommending approval of this exception because these lots are also served by a street meeting standards in the front of all of these lots (with one additional exception noted below).
- The extreme southern street within the project area is shown at 18-feet. As per the City Engineer's comments, Staff is willing to accept a 24-foot road within a 50-foot right-of-way under the terms decreed in the City's Engineer's comments.
- While the courtyard homes will average 7,000 square feet in size, these lots will include several that are 6,000 square feet. The minimum lot size in the MDR zoning district is 7,000 square feet.

By recommending approval of the PUD Concept Plan, the Planning Commission would also be recommending approval of the exceptions described above. In addition, the developer has prepared a list of additional setback requirements for the design features associated with these homes as noted in the attached submission materials. Staff is suggesting that all requested exceptions and any additional development requirements be included in a separate PUD planning document at the preliminary platting stage of the project.

Staff has completed an internal review of the concept plan, and general comments from Staff and recommended conditions of approval are included in this memorandum.

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## **BACKGROUND**

The proposed sketch plan is located within the Village Planning Area and is therefore located within the one of the City's future sewer service areas. The Comprehensive Plan guides this area as urban medium density residential at a density of 3 to 4 units per acre, which is consistent with the residential land use classification used for areas closer to the core of the Village. When considering the entire area of 117 acres, the overall gross density proposed is very low at only 1.2 units per acre; however, the net density calculation (which removes wetlands, floodplains, steep slopes, and other undevelopable areas) is closer to the low end of the medium density range at roughly 3 units per acre (approximately 135 homes on 45 acres).

Given its location within the Village Planning Area, there are several issues and details that will need to be resolved for the proposed project to move forward. Most critically, the project falls under the scope of the AUAR Mitigation Plan, and the components of this plan that may be relevant to the

applicant's project must be addressed at the preliminary platting stage. As noted below, Staff is recommending approval of the PUD concept plan and Comprehensive Plan Amendments with several conditions of approval to address the most significant outstanding issues, and more critically, to ensure that the development as proposed cannot move forward with the conservation easement over Outlot P of the Fields of St. Croix still in place.

Staff has provided comments where appropriate in following section to identify elements of the plan that need to be further addressed by the applicant.

The applicant's submission to the City includes the following components:

- *Concept Plan Overview.* The attached narrative includes a general overview of the project with additional details concerning some of the unique aspects of the Wildflower at Lake Elmo development.
- *Existing Conditions.* The applicant has provided detailed surveys depicting the existing conditions in and around the project area.
- *Concept Plan.* The PUD Concept Plan includes a proposed configuration of roads, lots, and other public spaces on the applicant's site. While the plan provides initial dimensions for many of the various lots and streets, some details are still missing and will need to be further reviewed for compliance with the City's standards and regulations. The general lot sizes of 7,200 to 11,200 square feet meet the City's requirements for the MDR – Medium Density Residential zoning district (7,000 square feet is the minimum allowed in this district), with the exceptions notes above for the courtyard homes.
- *Color Plan Rendering.* The applicant has provided a colored drawing that highlights the conservation areas, green space and wetland areas within the development.
- *Typical Courtyard Homes Block.* The applicant has submitted a sketch of a typical block within the courtyard home area. The developer is proposing to establish a homeowners association for the development that will be responsible for the maintenance of the areas between and around homes and the common "courtyard park" areas internal to the lots.

The Staff review comments that follow are all based on conducting a high level review of the concept plan since there is not a lot of detailed information that is required at this stage in the development process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan, Village AUAR Mitigation Plan, or the City Code.

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#### STAFF REVIEW COMMENTS:

Members of the Community Development, Public Works, Engineering, and Fire Departments have previously reviewed the sketch plan, while the City Engineer has provided an additional review of the PUD Concept Plans. The Staff comments for this project are as follows:

- *Land Use:* The proposed residential development is consistent with the future land use map, which guides this area for Village Urban Medium Density and open space. Using the City's recently adopted definition for "net density", the project falls right at three units per acre, which is at the low end of the MDR land use range.

- **Buffer Areas/Green Belt.** A minimal open space/green belt buffer is preserved as part of the Wildflower development. Because residential lots now encroach closer to adjacent residential sites that were excluded from the Village Planning Area, Staff is recommending that the developer provide additional details concerning the buffering techniques that will be used to ensure the spirit and intent of the City's village open space buffer is met as part of a future preliminary plat submission.
- **Comprehensive Plan Amendments.** The following amendments have been requested as part of the application to the City:
  - A Comprehensive Plan amendment to change the western portion of Outlot P of Fields of St. Croix Second Addition from RAD – Rural Area Development to V-MDR (Village Urban Medium Density Residential).
  - A Comprehensive Plan Amendment to change roughly eight acres immediately east of Lake Elmo Avenue and north of the Schiltgen Farms – Parcel “B” area from RAD – Rural Area Development and Village Open Space Overlay to V-LDR (Village Urban Low Density Residential).
- **Zoning Map Amendments.** The following amendments will be necessary to move this project forward. Please note that such rezoning area typically requested as part of a preliminary plat submission:
  - A Zoning Map Amendment to change the zoning of this development area from RT – Rural Transitional to MDR – Medium Density Residential or LDR – Low Density Residential (for the smaller 12-lot area). Some form of public or open space zoning may be appropriate for the conservation areas depending how this land is owned and managed.
- **Density:** The net density calculation for the site is right at three units per acre, which at the minimum end of the MDR range of three to four units per acre.
- **Village Guiding Principles.** The Village Land Use Plan incorporated the 13 guiding principles from the Village Master Plan. Of these principles, the proposed Wildflower at Lake Elmo will implement several of them, including:
  - Principle 1 - Evoke a sense of place: Build on existing assets to preserve the small town, rural character of Lake Elmo, maintaining the Old Village as the heart of the city.
  - Principle 2 - Balance natural and built systems: Integrate development within a green framework of parks, trails and the open space greenbelt.
  - Principle 7 - Improve connectivity: Provide a balanced network for movement that links local neighborhoods and Village Area attractions with city-wide and regional systems, paying equal attention to cars, bicycles, pedestrians and transit.

- Principle 11 - Become a great model: Encourage other communities to 'raise the bar' by demonstrating low impact development, best practices and sustainability.
- **Lake Elmo Theming Study.** As Robert Engstrom Companies move forward with the preparation of a preliminary plat, Staff is strongly encouraging the applicant to incorporate elements from the Lake Elmo Theming Study into the design of the project. The inclusion of various theming elements would help augment the implementation of several of the guiding principles noted above.
- **Zoning.** The City recently adopted new urban development districts, including urban low density, medium density, and high-density residential zoning districts. In general, the concept plan has been designed to comply with the medium density district standards in regards to lot area, setbacks, and other dimensional standards. The smallest lots that average 7,000 square feet are consistent with the MDR district requirements. The City has not adopted any special zoning for the Village Residential areas, and Staff is recommending that the City rezone applicant's site to LDR/MDR at the time of preliminary plat review. Zoning changes as noted above will be necessary for the project to move forward as proposed.
- **Land Use and Zoning Flexibility.** Proposed lot layouts and street widths in some cases do not meet minimum zoning requirements. The City's PUD Ordinance allows for some flexibility from zoning and subdivision requirements. Single family homes are permitted in the underlying MDR zoning, and exceptions have only been requested for the courtyard home areas.
- **Conservation Easements.** The developer is proposing to trade additional open space to the north of the development in exchange for being able to develop land that is currently subject to a conservation easement. There are approximately 17 lots that would be platted across the Premier Bank parcel on to land that is presently owned by Robert Engstrom Companies, but currently encumbered by said easement. This land would also be used for some of the subdivision's storm water facilities. The applicant has met with the Fields of St. Croix Homeowner's Association to discuss the land use change on this parcel, and both parties have indicated to Staff that there is a general agreement to allow the easement vacation to move forward. The developer will need to submit a formal request to the City to eliminate these easements as the City is the sole easement holder.

**Natural Resource Areas.** The Village AUAR included an analysis of ecologically sensitive areas within the planning area, and a portion of the primary ecological areas are found on the northern portions of the applicant's property. These ecologically sensitive areas are all located with the proposed conservation areas. The applicant's plan for habitat restoration is very much in line with the mitigation plan adopted as part of the AUAR.

**Wetlands.** The ecologically sensitive areas discussed above include wetlands, but will be protected from impacts through the platting process as part of the open space preservation areas within the development.

- **Parks and Open Space.** The proposed plans include the creation of a shared park with the neighboring development. The Park Commission will need to continue to work with the applicant at developing a long-rang plan for the conservation area.

- ***Sidewalks and Trails.*** The sketch plans include an extensive series of paths and trails. The developer will need to work with the City to establish which are private and which are public. Trails around storm water facilities should be public since they will likely be located on storm water outlots dedicated to the City.
- ***Subdivision Review Process.*** In order to proceed with the subdivision of the land included in the concept plan area the applicant will need to prepare a preliminary plat application. At this stage there is much more information required as part of the submission process, which also requires a public hearing.
- ***Public Utilities.*** The applicant has been cooperating with other property owners within the Village to extend sanitary sewer services to the site from the south. The City has also been coordinating with these owners to run the eventual sewer service line under 39<sup>th</sup> Street. The sewer would then follow the 39<sup>th</sup> Street connection road into both the Engstrom and Gonyea North developments. The City Engineers comments include multiple references concerning the developer's need to properly plan for the extension of public services to the site.
- ***Landscaping.*** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of preliminary plat submission. The applicant will also need to submit a tree preservation and protection plan as part of this application. The plan as submitted avoids any significant impacts to the portions of the site covered with trees and other vegetation.
- ***City Street Standards.*** The roads as proposed do not meet the minimum requirements and standards for residential streets, and in particular, the City's typical cross section for such streets. The streets as depicted on the sketch plan range in size from 28 feet wide to 18 feet wide; the City's typical section calls for a 28 foot wide street. Since the submission of the sketch plan for the project, the developer has revised the streets so that all streets with the exception of streets internal to the courtyard homes comply with the City's minimum standards.
- ***State Highway 5 Access.*** The project no longer includes any access to Highway 5, and the main entrance is located off of 39<sup>th</sup> Street. The sketch plan does eliminate an existing access driveway that connects directly to Highway 5. This driveway would be routed to one of the local streets within Wildflower at Lake Elmo.
- ***39<sup>th</sup> Street Access.*** The developer will need to construct the new road connecting the development with 39<sup>th</sup> Street as part of the public improvements associated with the project. The developer is encouraged to work with the neighboring property owner to build this road (Gonyea will have a similar requirement with its Gonyea North development). Engstrom Companies has requested that the City consider expanding the existing 60-foot right-of-way through the Brookman Addition to 90 feet on order to provide additional room for a trail and enhanced landscaping.
- ***Environmental Review.*** The proposed Easton Subdivision is located within the area covered by the Village AUAR. As such, the City and the developer will need to comply with the

AUAR Mitigation plan that was adopted with the Final AUAR. The most critical elements of the Mitigation Plan that must be addressed include the following:

- *Floodplain Management.* While the northern portion of the applicant's site includes a large floodplain area, there is no development proposed within these areas.
- *Storm Water Management.* The storm water management plan for Wildflower at Lake Elmo will need to meet the AUAR requirements in addition to City ordinances and Valley Branch Watershed District standards.
- *Natural Resource Areas.* Preservation of the primary ecological areas is one of the goals of this development.
- *Transportation.* The developer is proposing a new access to Highway 5 that was not identified in the AUAR. As noted above, Staff is recommending that a transportation engineer be retained to provide recommendations concerning this proposed connection. In general, Staff does not believe that the proposed Highway 5 access would substantially alter the findings and conclusions from the AUAR; however, there are potential safety concerns associated with this connection that warrant further study before this access can be shown on a preliminary plat.
- *Potential Environmental Hazard Sites.* There are no identified hazard sites on this property.
- *Storm Water Ponds.* In accordance with the City's Engineering and Design Standards, all storm water facilities must be located on an outlot dedicated to the City. The developer will need to provide access to these ponds to allow for future maintenance.
- *City Engineer Review.* The City Engineer's has submitted comments as outlined in the attached letter. The Engineer has previously noted that he would need to see additional details before commenting on any proposed storm water management plan, and in particular, questioned how storm water runoff would be directed by applicant.
- *Fire Chief Review.* The Fire Chief has previously asked that the roads within the development be designed in accordance with Minnesota Fire Code standards. He did express concern that the proposed roads interior to the courtyard homes would be difficult to maneuver through, especially if parking were allowed on these streets.

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#### **PROPOSED FINDINGS:**

Based on the above comments and analysis, Staff is recommending that the Planning Commission recommend approval of the PUD Concept Plan and the Comprehensive Plan amendments described above. Staff has also found that the PUD plans, including the creation of a larger conservation area in exchange for a reduction of the existing conservation easements within the Fields of St. Croix second addition is warranted and consistent with the objectives of a PUD listed as follows:

- 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.

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**RECCOMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the PUD Concept plan for Wildflower at Lake Elmo subject to the following conditions:

- 1) The applicant shall submit a formal request to the City to remove the existing conservation easements over Outlot P of the Fields of St. Croix Second Addition. The concept plan must be revised if the City Council does not agree to the requested removal.
- 2) The proposed road providing a connection to 39<sup>th</sup> Street shall be included as part of the improvement plans for Wildflower at Lake Elmo.
- 3) The preliminary plat shall include landscape plans that incorporate additional screening and buffering of residential properties located to the east and northeast of Wildflower at Lake Elmo.
- 4) The Preliminary Plat will address all comments from the City Engineer in a letter to the City dated June 2, 2014. In particular, the preliminary development plans shall address the provision of public sewer and water to the subdivision.
- 5) The Comprehensive Plan Amendments related to Wildflower at Lake Elmo must be approved before the City can take action on a preliminary plat.
- 6) All storm water retention and infiltration areas must be dedicated to the City and platted as outlots on the preliminary plat unless otherwise directed by the City Engineer.
- 7) The developer shall define the purpose and use of the proposed streets, and specifically for those streets that do not meet current City engineering and design standards. All streets shall be dedicated for public use subject to any parking restrictions as recommended by the City Engineer.
- 8) The most southerly street running east and west shall be designed in accordance with the recommendations of the City Engineer.
- 9) A public trails must be located outside of wetland buffer zones.
- 10) The small residential area and cul-de-sac immediately east of Lake Elmo Avenue shall be provided with public sanitary sewer service.

- 11) The applicant shall secure all necessary permits from Washington County for the proposed access off of Lake Elmo Avenue North.
- 12) The developer shall work with the property owner immediately to the south of Wildflower at Lake Elmo concerning the proposed expansion of the existing Layton Avenue right-of-way. The developer will also give consideration to adding a second access point to 39<sup>th</sup> Street.
- 13) The developer shall submit a PUD plan as part of any future preliminary development plans. The City of Lake Elmo agrees to a reduced road right-of-way to serve the rear yards of the courtyard homes. The PUD Plan shall include all requested departures from City ordinances and development standards.
- 14) The developer shall prepare a plan for ownership and management of the proposed conservation areas as part of preliminary PUD plans.

Staff is further recommending that the Planning Commission recommend approval of amendments to the Comprehensive Plan to change the western portion of Outlot P of Fields of St. Croix Second Addition from RAD – Rural Area Development to V-MDR (Village Urban Medium Density Residential) and to change roughly eight acres immediately east of Lake Elmo Avenue and north of the Schiltgen Farms – Parcel “B” area from RAD – Rural Area Development and Village Open Space Overlay to V-LDR (Village Urban Low Density Residential) subject to the following condition:

- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

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**ATTACHMENTS:**

1. Application Form
2. Concept Plan Overview
3. Contact Information
4. Wildflower Lot Size and Design Summary
5. Legal Description
6. City Acknowledgements
7. Layton Avenue Wetland Delineation Report
8. Existing Conditions Surveys (4)
9. Wildflower at Lake Elmo Concept Plan
10. Typical Courtyard Homes Block
11. City Engineer Comments – June 2, 2014
12. Proposed Comprehensive Plan Amendments

**ORDER OF BUSINESS:**

- Introduction ..... Community Development Director
- Report by Staff ..... Community Development Director
- Questions from the Commission ..... Chair & Commission Members
- Open the Public Hearing ..... Chair
- Close the Public Hearing..... Chair

- Discussion by the Commission ..... Chair & Commission Members
- Action by the Commission ..... Chair & Commission Members

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

### LAND USE APPLICATION

- Comprehensive Plan    Zoning District Amend    Zoning Text Amend    Variance\*(see below)    Zoning Appeal
- Conditional Use Permit (C.U.P.)    Flood Plain C.U.P.    Interim Use Permit (I.U.P.)    Excavating/Grading
- Lot Line Adjustment    Minor Subdivision    Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan    PUD Preliminary Plan    PUD Final Plan

Applicant: ROBERT ENGSTROM COMPANIES  
Address: 4801 W. 81ST ST. #101 BLOOMINGTON, MN. 55437  
Phone #: 952-898-1001  
Email Address: ROBERTENGSTROM@GMAIL.COM

Fee Owner: PREMIER BANK  
Address: 2866 WHITE BERRY AVE MAPLEWOOD 55109  
Phone #: 651-895-1114  
Email Address: DNATH@PREMIERBANKS.COM

Property Location (Address and Complete (long) Legal Description):  
WILDFLOWER AT LAKE ELMO  
A 39K AVE NO.  
(LEGAL ATTACHED)

Detailed Reason for Request: SEE ATTACHED

\*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 5/22/14

Signature of fee owner: \_\_\_\_\_ Date: \_\_\_\_\_

## **Wildflower at Lake Elmo Concept Overview**

Robert Engstrom Companies has acquired a 101-acre site from Premier Bank. The site is located immediately west of the second phase of The Fields of St. Croix and in close proximity to the Old Village of Lake Elmo. The developable land conforms with the medium density designation of the City of Lake Elmo Comprehensive Plan.

Approximately 60 acres, when combined with an out-lot from The Fields of St. Croix, will be dedicated to Natural Habitat restoration and creation, along with surface water management.

A preliminary site plan has been prepared, which indicates four different types of residential housing products. 67 lots are approximately 60x120' in a Garden Court setting that has interior park-like features in the center of the block, similar to our long-lasting Summit Place development in the Cathedral Hill district of St. Paul. This product would have association-maintained exterior grounds and be attractive to baby-boomers, singles, and busy two-income families. Target price range is estimated at \$300-400,000. The second product is 80 and 90 foot wide lots of 135', suitable for custom homes. Another grouping of nine lots overlooks a proposed wetland area and prairie. Another product is ten high-value sites on the bluff overlooking the Nature Conservancy. The last product is 11 lots at a lower level, adjacent to Lake Elmo Avenue and adjoining the Natural Conservancy. Wildflower is intended to capitalize on the national Healthy Communities movement. The sidewalks and pathways, will be convenient walking and biking opportunities and most of the pathway design will be bituminous and a lesser amount will be mowed grass paths through the prairie. The landscape philosophy is to include some bee and pollinator-friendly plants as part of each homeowner's landscape. Public art might include distinctive benches, street signs, mailboxes, and sculpture. Dark-skies street and home lighting will be friendly to pollinators and people alike.

Our company has successfully developed two landmark developments within a 1/2 mile of this site--Cloverdale Farm and The Fields of St. Croix, 1st and 2nd Addition. The Fields of St. Croix, 2nd Addition is contiguous to this property. Both of these neighborhoods have significant prairie installations, thereby helping to create a synergistic impact with the new natural habitat, which will feature native plants, trees, shrubs, and prairie. Our thought given to innovative land plans, landscape architecture, architectural control, and respect for the land itself will make Wildflower at Lake Elmo a distinctive addition to the Lake Elmo Village Center.

### **Legal Description Attached**

**Staging**-The initial development will be one of the 22-lot courtyard clusters and approximately 25 larger, detached lots on the easterly portion of the site. We selected the east side in order to minimize construction traffic through completed areas.

**The Fields of St. Croix Agreement-**In order to help with the conversion of the farmland into natural habitat and surface water management, an agreement has been reached to facilitate the development depicted on the attached site plan. A green-space buffer and driveway access is designed to be complementary to the existing ten-acre Smith residence and grounds. Similarly, the land plan is friendly to the two existing residential parcels.

**The Wildflower Conservancy-**The 60-acres devoted to natural habitat will be installed by the developer. The prairie and play field area will be owned by the Wildflower Community Association. The major conservancy area will be a separate entity with bituminous trails and passive areas open to the public. It is intended that the Conservancy will be covered by a Conservation Easement to the City of Lake Elmo. The long-term finances and maintenance responsibilities still need discussion with the City of Lake Elmo. This area more than covers the park dedication requirement, therefore, any help from other developments would be appreciated.

**Public Art-**The development will have distinctive landscape designs, such as benches, lighting fixtures, mailboxes, and free-standing sculptural features. The grand two-lane, divided streets with a 20' median will lend itself to interesting landscape design, as well as some bio-retention areas for surface water management. Any cooperative art-scape ideas with the City of Lake Elmo would be welcomed.

**Architectural Review Process** - We will maintain the same process used at pas REC projects located in Lake Elmo. The process requires builders, home owners and designers to submit preliminary plans for our review and approval. Plans will be guided to meet the architectural parameters established by REC and our consultant team to comply with good practices for style, architectural character and finishes.

# Wildflower at Lake Elmo

## Planned Unit Development (PUD) General Concept Plan Application

Landowner: Robert Engstrom Companies  
4801 W 81st Street, Suite 101  
Bloomington, MN 55436  
952-893-1001  
(Contract Purchaser)

Applicant: Robert E. Engstrom  
(Address & contact information above)  
[robteengstrom@gmail.com](mailto:robteengstrom@gmail.com)

Consultants Gerald Mazzara  
Design Forum, Architecture & Landscape Architecture  
4801 W 81st Street  
Bloomington, MN 55437  
612-618-7406

Paul Thomas  
Pioneer Engineering & Surveying  
2422 Enterprise Dr  
Mendota Hts, MN 55120  
651-251-06605

Kelly Bopray  
Bopray Environmental Services  
N7831 920th St  
River Falls, WI 54022  
715-307-4577

Braun Intertec  
Soils Engineers  
Erik Johnson  
11001 Hampshire Ave S  
Minneapolis, MN 55438  
952-995-2426

Netzell Legal Services, LLC  
Tim Netzell  
7900 International Dr, Suite 300  
Bloomington, MN 55425  
952-851-7877

# **WILDFLOWER**

## **LOT PROFILE ( SFD )**

	BLUFF LOTS	CONSERVANCY LOTS	LARGE LOTS	COURTYARD LOTS
QUANTITY	10	12	56	67
AVG DIMENSION	VARIABLE	VARIABLE	85'x145' +/-	61'x115' +/-
AVG SIZE (S.F.)	18,585	21,600	12,325 +/-	7,015 +/-

## **SETBACKS**

	BLUFF LOTS	CONSERVANCY LOTS	LARGE LOTS	COURTYARD LOTS
FRONT YD.	25'	25'	25'	20'
SIDE YD.	25' ( 10' & 15' )	25' ( 10' & 15' )	15' ( 5' & 10' )	15' ( 5' & 10' or 7 ½' & 7 ½' )
REAR YD.	VARIABLE To maintain bluff vegetation and slope erosion	VARIABLE To maintain bluff vegetation and slope erosion	30'	22'

## **COURTYARD LOTS:**

**SPECIFIC CONDITIONS FOR SETBACK DESIGN FEATURES, FRONT, REAR & SIDE YARDS,  
TO ALLOW FOR OVERLAPPING ARCHITECTURA AND LANDSCAPE ELEMENTS IN SETBACK AREAS.**

A.	FIREPLACE BUILD OUTS (CHIMNEY & VENT BOXES)	2'-0" MAX.
B.	WINDOW BAYS OR BOX OUT FEATURES (CANTILEVERED)	2'-0" MAX.
C.	CANTILEVERED FLOOR AREAS (1 & 2 STORIES)	2'-0" MAX.
D.	FRONT PORCHES	10'-0" MAX. OR 6'-0" INSIDE FRONT P.L.
E.	ROOF OVERHANGS, ALL SIDES	3'-6" MAX.
F.	HIGH FENCES – NOT ATTACHED TO HOUSE (MAX. HT. - 5'- 6' )	3'-0" MAX. SIDE YD.
G.	LOW FENCES (30"- 36" HT.) – FRONT & REAR YD - ALLOWED, CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS AND GARDEN AREAS.	FRONT YD OR 6'-0" INSIDE FRONT P.L. REAR YD: NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE.
H.	DECKS & PATIOS – FRONT YD.	6'-0" INSIDE FRONT P.L.
I.	DECKS & PATIOS – SIDE YD.	3'-0" MAX.
J.	DECKS & PATIOS – REAR YD.	NOT TO EXCEED 12'-0" PAST GARAGE DOOR WALL FACE.
K.	TRELLIS, ARBORS, GATEWAYS & FEATURES	LOCATION & SIZE TO BE CONSISTENT WITH SIZE OF PRIVATE PATIOS, DECKS & GARDEN AREAS.



Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

### ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

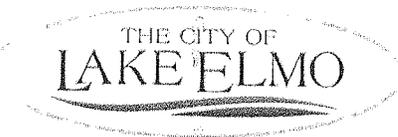
I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Robert Engstrom Date 5/22/14

Name of applicant Robert Engstrom Phone 952-893-1001  
(Please Print) Companies

Name and address of Contact (if other than applicant) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant Robert E Engstrom  
(Please Print)

Street address/legal description of subject property \_\_\_\_\_  
WILDFLOWER AT LAKE ELMO  
ACCESS OFF 39 1/2 AVE. NO.  
LEGAL ATTACHED

Robert E Engstrom  
Signature

5/22/14  
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



Bopray  
Environmental

N7831 920th St. River Falls, WI 54022  
(715)425-8969 kjbopray@yahoo.com

# Memorandum

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To: Bob Engstrom, Robert Engstrom Companies  
Kyle Klatt, City of Lake Elmo  
John Hanson, Valley Branch Watershed District

From: Kelly Bopray

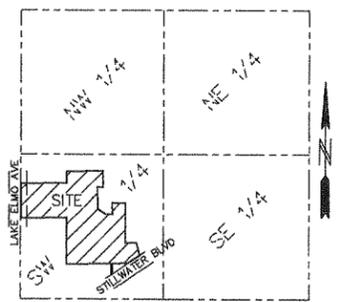
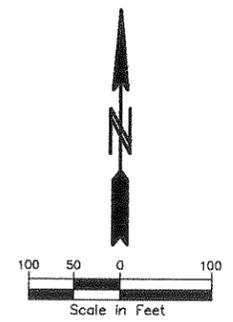
Subject: Layton Ave. N. Wetland Delineation Report

Date: October 21, 2013

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Attached please a copy of the wetland delineation report for the unimproved section of Layton Avenue N., north of 38<sup>th</sup> Street in Lake Elmo. This site was not included in the original wetland report for "The Conservancy/Wildflower at Lake Elmo" site. This area will be the access route to the site and at the request of the City Engineer was reviewed for potential wetlands. The site location map is in the wetland delineation report. I have concluded there are no wetlands on the site.

If you have any questions please feel free to call me at 715-307-4577.



SECTION 12, TWP. 029, RGE. 21  
LOCATION MAP  
NO SCALE

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li> Denotes concrete</li> <li> Denotes gravel</li> <li> Denotes bituminous</li> <li> Denotes culvert</li> <li> Denotes tree line</li> <li> Denotes storm sewer line</li> <li> Denotes sanitary sewer line</li> <li> Denotes water line</li> <li> Denotes overhead utility lines</li> <li> Denotes underground television line</li> <li> Denotes underground telephone line</li> <li> Denotes underground fiber optic line</li> <li> Denotes underground electric line</li> <li> Denotes underground gas line</li> <li> Denotes fence (barbed wire)</li> <li> Denotes fence (chain link)</li> <li> Denotes fence (wood)</li> </ul> | <ul style="list-style-type: none"> <li> Denotes catch basin</li> <li> Denotes catch basin beehive</li> <li> Denotes cast iron monument</li> <li> Denotes electric box</li> <li> Denotes flored end section</li> <li> Denotes flag pole</li> <li> Denotes natural gas meter</li> <li> Denotes gate valve</li> <li> Denotes hand hole</li> <li> Denotes semaphore</li> <li> Denotes service</li> <li> Denotes telephone box</li> <li> Denotes test hole</li> <li> Denotes television box</li> <li> Denotes water well</li> <li> Denotes monitoring well</li> <li> Denotes mailbox</li> <li> Denotes control point</li> <li> Denotes found iron pipe</li> <li> Denotes judicial land mark</li> <li> Denotes light pole</li> <li> Denotes manhole other than sanitary or storm</li> <li> Denotes pk nail</li> <li> Denotes utility pole</li> <li> Denotes lawn sprinkler valve</li> <li> Denotes lawn sprinkler head</li> <li> Denotes sanitary or storm manhole</li> <li> Denotes hydrant</li> <li> Denotes spike</li> <li> Denotes sign</li> <li> Denotes cleanout</li> <li> Denotes tree</li> </ul> |
|---|--|

**LEGAL DESCRIPTION PER TITLE COMMITMENT**

The real estate being located in the County of Washington, State of Minnesota, and legally described as follows:  
 The North Half of Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, save and except the following described part thereof: All that part of the Northeast Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota, described as follows: Beginning at the center of said Section 12; thence due South along the East line of said Northeast Quarter of Southwest Quarter a distance of 1240.5 feet; thence at right angles due West a distance of 200 feet; thence North 55 degrees 00 minutes 00 seconds West a distance of 270 feet; thence due North a distance of 617 feet; thence at right angles due East a distance of 147 feet; thence at right angles due North a distance of 466 feet more or less to the North line of said Northeast Quarter of Southwest Quarter; thence Easterly along the North line of said Northeast Quarter of Southwest Quarter a distance of 274.17 feet to the place of beginning.  
 AND  
 That part of the Northeast Quarter of the Northwest Quarter of Section 13, Township 29, Range 21, Washington County, Minnesota, described as follows: Commencing at the Northeast corner of said Northeast Quarter of Northwest Quarter of said Section 13, thence West on the North line thereof 35 feet to a point; thence South and parallel to the East line of said quarter section to the North line of Trunk Highway No. 212; thence Northeast on the North line of said Highway to the East line of said quarter section; thence North on the East line of said quarter section to the place of beginning.  
 Excepting therefrom all of the following described real property, The North 330.88 feet of the Northwest Quarter of the Southwest Quarter of Section 12, Township 29, Range 21, Washington County, Minnesota.  
 AND  
 Outlets O and P THE FIELDS OF ST. CRQIX 2ND ADDITION according to the plat thereof, Washington County, Minnesota.

**PIONEER**engineering  
 CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS  
 2422 Enterprise Drive  
 Mendota Heights, MN 55120  
 (651) 681-1914  
 Fax: 681-9488  
 www.pioneereng.com

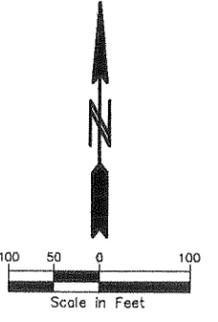
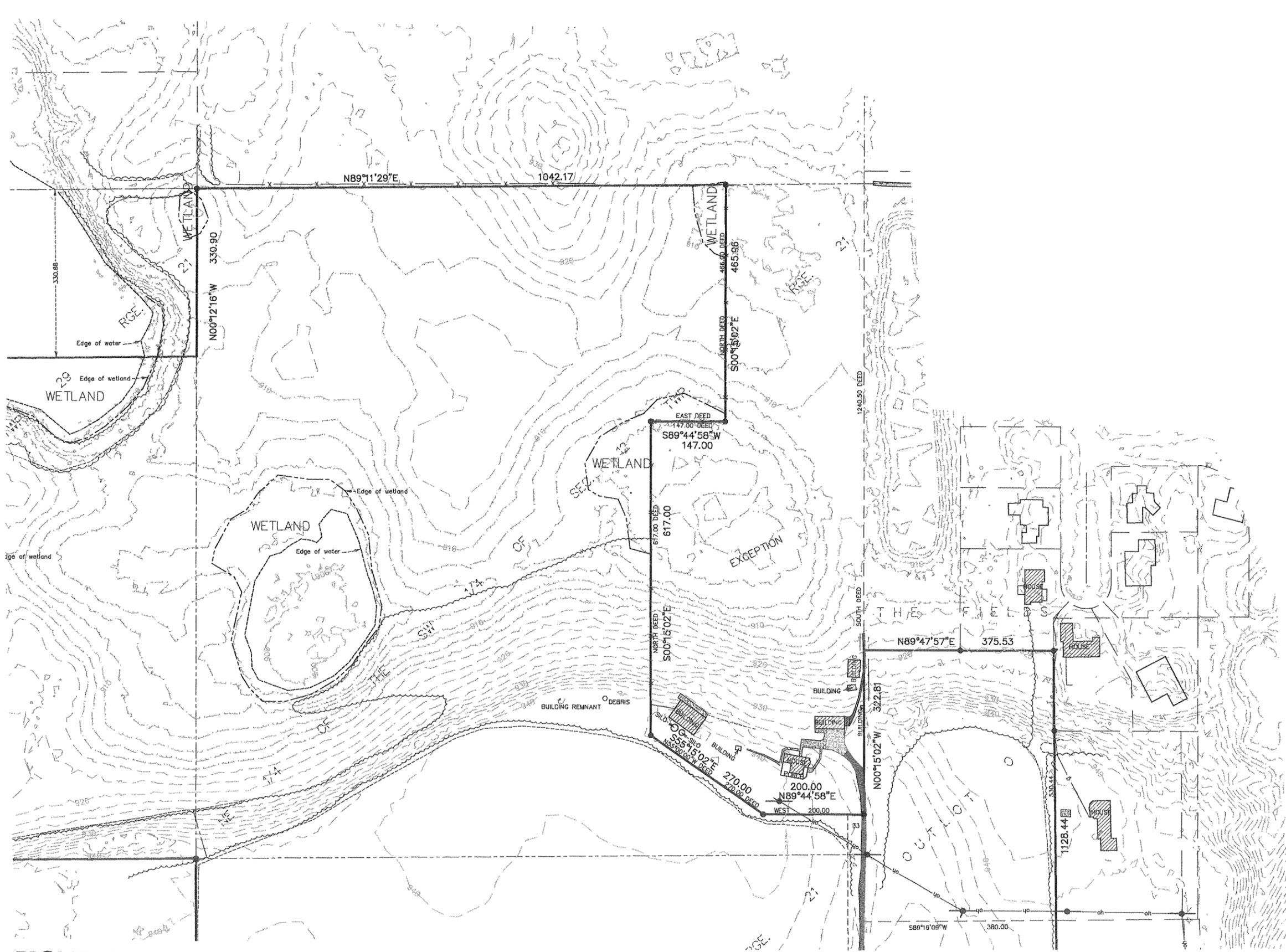
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota.  
 Name: Peter J. Hawkins  
 Reg. No. 42299 Date: 05-23-2014

Revisions:  
 Date: 5-22-14  
 Designed:  
 Drawn: KTH

EXISTING CONDITIONS

ROBERT ENGSTROM  
COMPANIES

WILDFLOWER AT LAKE ELMO  
LAKE ELMO, MINNESOTA



- Denotes concrete
- Denotes gravel
- Denotes bituminous
- Denotes culvert
- Denotes tree line
- Denotes storm sewer line
- Denotes sanitary sewer line
- Denotes water line
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- Denotes electric box
- Denotes flared end section
- Denotes flag pole
- Denotes natural gas meter
- Denotes gate valve
- Denotes hand hole
- Denotes semaphore
- Denotes services
- Denotes telephone box
- Denotes test hole
- Denotes television box
- Denotes water well
- Denotes monitoring well
- Denotes mailbox
- Denotes control point
- Denotes found iron pipe
- Denotes judicial land mark
- Denotes light pole
- Denotes manhole other than sanitary or storm
- Denotes pick nail
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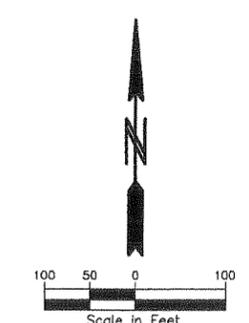
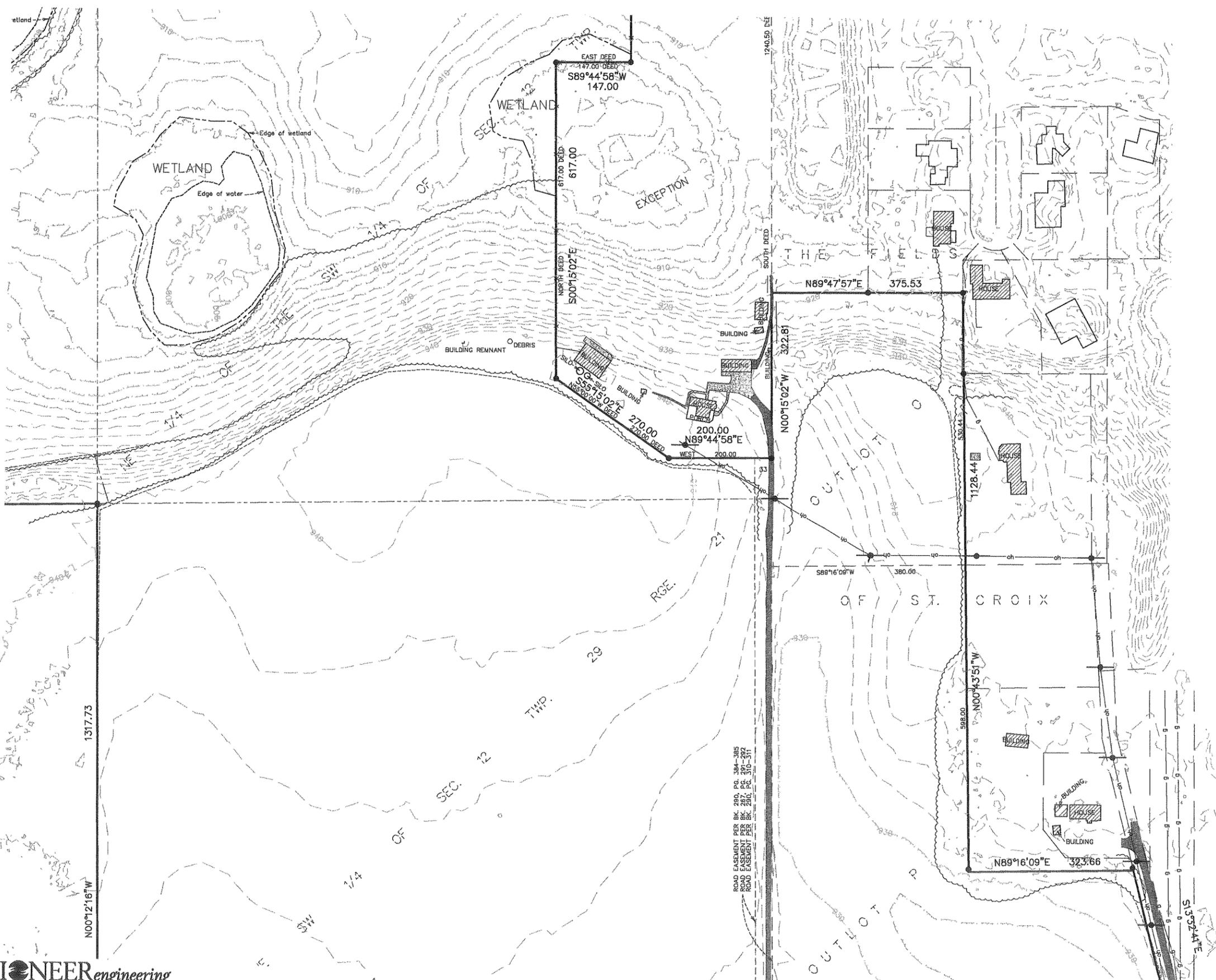
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 Name: *Peter J. Hawkins*  
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 Reg. No. 42299 Date 05-22-2014

Revisions:  
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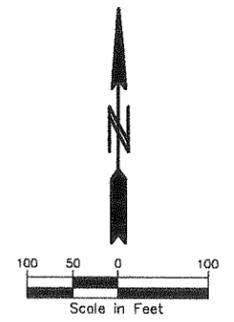
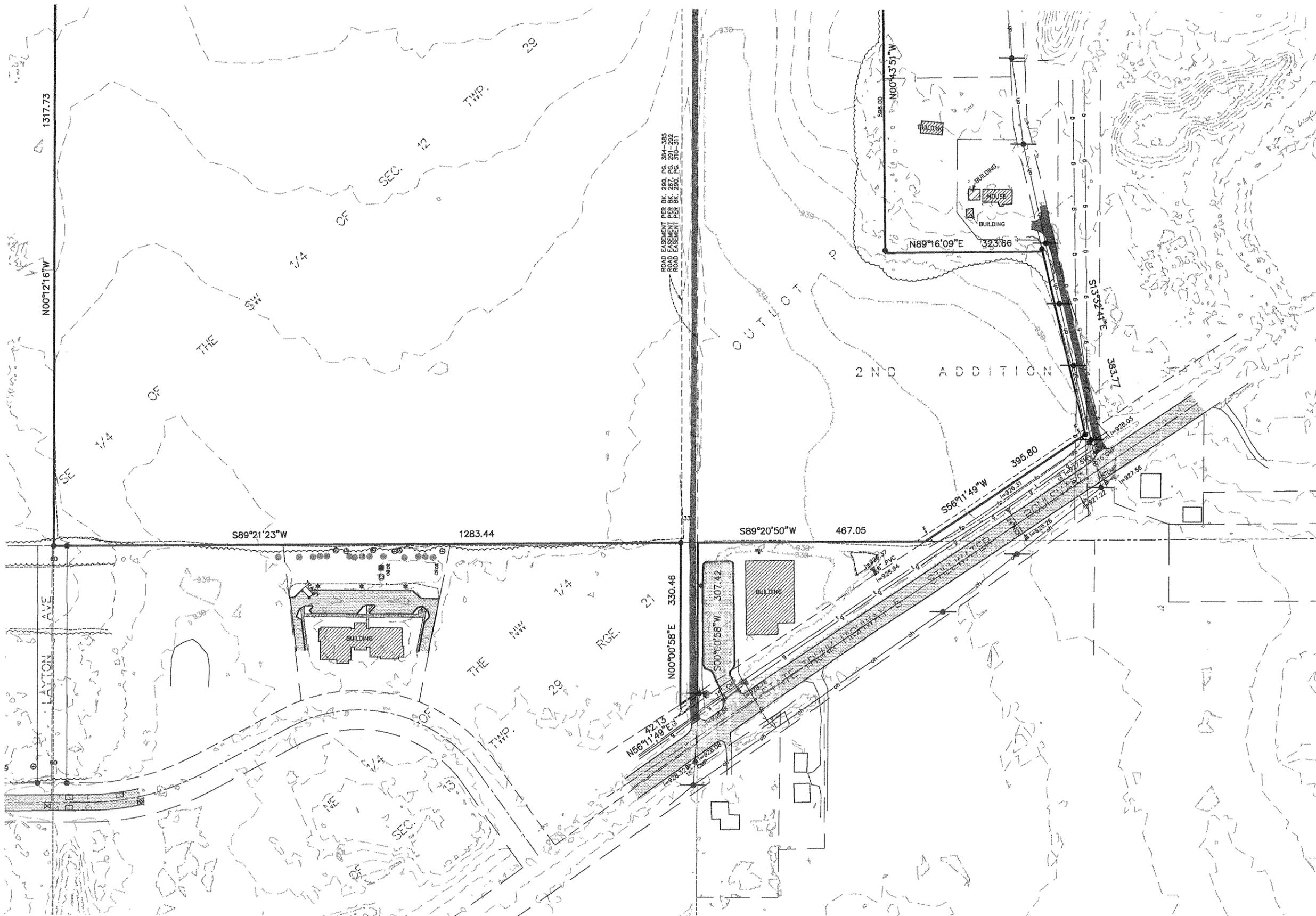
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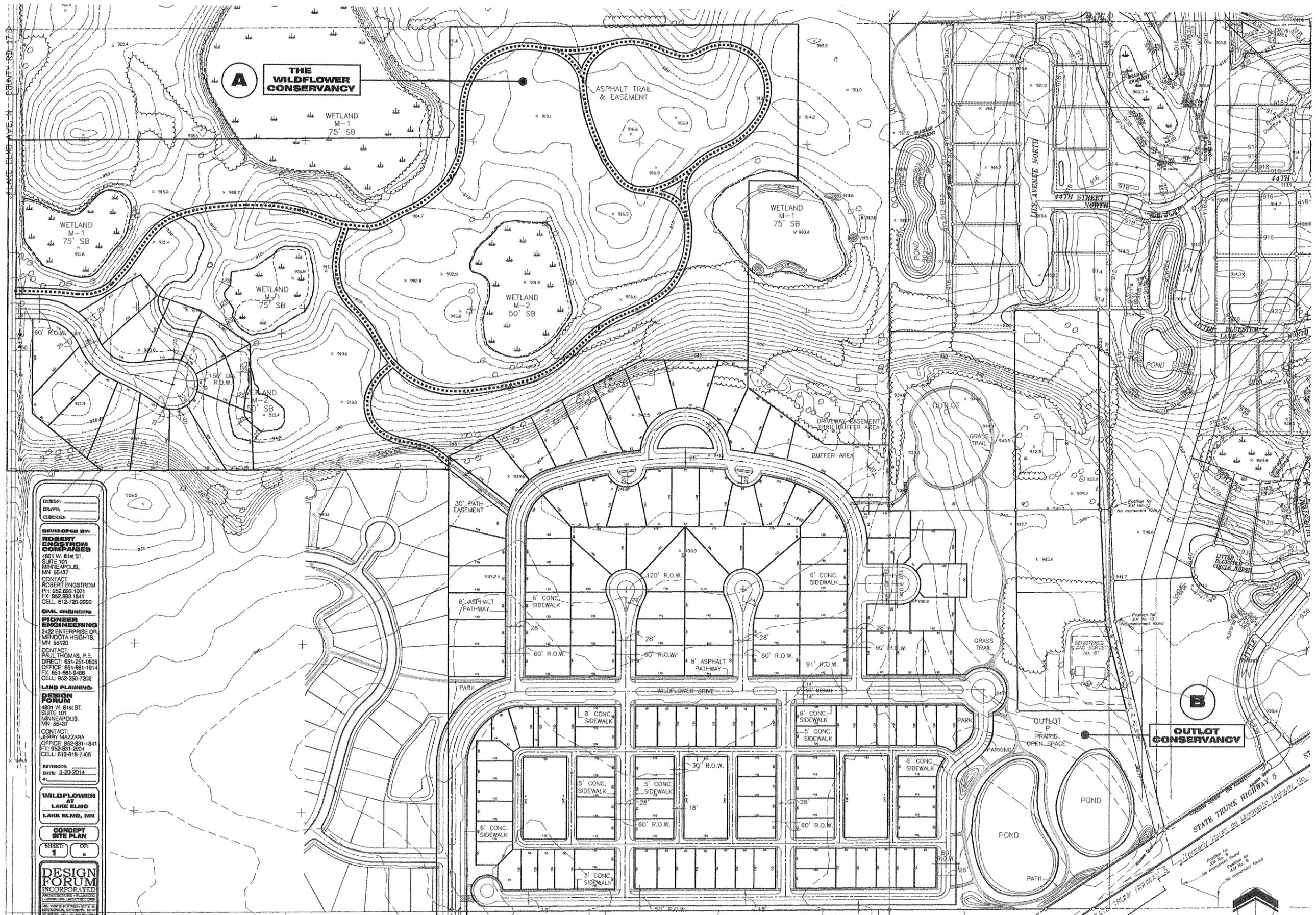
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 LAKE ELMO, MINNESOTA



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- Denotes cleanout
- Denotes tree



DESIGN: \_\_\_\_\_  
 DRAWN: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_

**DEVELOPED BY:**  
**ROBERT ENGSTROM COMPANIES**  
 4801 W. 81st ST.  
 SUITE 101  
 MINNEAPOLIS, MN 55437  
 CONTACT: ROBERT ENGSTROM  
 PH: 952.892.1001  
 FX: 952.893.1811  
 CELL: 612.720.9950

**CIVIL ENGINEER:**  
**PIONEER ENGINEERING**  
 2422 ENTERPRISE DR.  
 MENDOTA HEIGHTS, MN 55120  
 CONTACT: PAUL THOMAS, P.E.  
 DIRECT: 651.251.0605  
 OFFICE: 651.681.1914  
 FX: 651.691.9489  
 CELL: 652.250.7202

**LAND PLANNING:**  
**DESIGN FORUM**  
 4801 W. 81st ST.  
 SUITE 101  
 MINNEAPOLIS, MN 55437  
 CONTACT: JERRY MAZZARA  
 OFFICE: 652.831.8411  
 FX: 652.831.2904  
 CELL: 612.518.7406

REVISIONS:  
 DATE: 5-20-2014

**WILDFLOWER AT LAKE ELMO**  
 LAKE ELMO, MN

**CONCEPT SITE PLAN**

SHEET: 1 OF 1



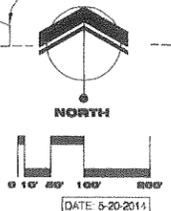
TOTAL ADDRESS	66.18 AC.
COMBINED CONSERVANCY AREAS (A & B)	89.08 AC.
SINGLE FAMILY AREAS	117.04 AC.
TOTAL AREA	272.30 AC.
OPEN SPACE AREA CONSERVANCY A + B	89.18 AC.
RESIDENTIAL OPEN SPACE	4.89 AC.
SINGLE FAMILY HOMES	148 LOTS

NOTE: CALCULATIONS ARE SUBJECT TO ADJUSTMENT BASED ON FINAL APPROVED PLANS.

**PATHWAY LEGEND**

6" W. CONCRETE SIDEWALK	GRASS TRAIL CUT THRU PRAIRIE
5" W. CONCRETE SIDEWALK	8" W. ASPHALT PATH
5" W. ASPHALT TRAIL & EASEMENT	

# WILDFLOWER AT LAKE ELMO





DESIGN: \_\_\_\_\_  
 DRAWN: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_

**DEVELOPED BY:**  
**ROBERT ENGSTROM COMPANIES**  
 4801 W. 81st ST.  
 SUITE 101  
 MINNEAPOLIS, MN 55437  
 CONTACT: ROBERT ENGSTROM  
 PH: 952-893-1001  
 FX: 952-893-1841  
 CELL: 612-720-9990

**CIVIL ENGINEER:**  
**PIONEER ENGINEERING**  
 2422 ENTERPRISE DR  
 MENOTA HEIGHTS, MN 55120  
 CONTACT: PAUL THOMAS, P.E.  
 DIRECT: 612-231-0535  
 OFF. CE: 612-681-1914  
 FX: 612-681-9489  
 CELL: 952-250-7202

**LAND PLANNING:**  
**DESIGN FORUM**  
 4801 W. 81st ST.  
 SUITE 101  
 MINNEAPOLIS, MN 55437  
 CONTACT: JERRY MAZZARA  
 OFFICE: 952-891-4941  
 FX: 952-631-2904  
 CELL: 612-618-7400

REVISIONS:  
 DATE: 5-20-2014  
 R. \_\_\_\_\_

**WILDFLOWER AT LAKE ELMO**  
 LAKE ELMO, MN

**CONCEPT SITE PLAN**  
 SHEET 1 OF 1

**DESIGN FORUM INCORPORATED**  
 ARCHITECTURE • PLANNING • LANDSCAPE ARCHITECTURE  
 4801 W. 81st ST., SUITE 101  
 MINNEAPOLIS, MN 55437  
 TEL: 952-891-4941 FAX: 952-631-2904  
 WWW.DESIGNFORUMINC.COM



<b>TOTAL ACREAGE:</b>	59.18 AC.
<b>DESIGNATED CONSERVANCY AREAS (A &amp; B):</b>	59.06 AC.
<b>SINGLE FAMILY AREAS:</b>	117.94 AC.
<b>TOTAL AREA:</b>	177.12 AC.
<b>OPEN SPACE AREA:</b>	58.18 AC.
<b>CONSERVANCY A &amp; B:</b>	4.80 AC.
<b>RESIDENTIAL OPEN SPACE:</b>	
<b>SINGLE FAMILY HOMES:</b>	148 LOTS

NOTE: CALCULATIONS ARE SUBJECT TO ADJUSTMENT BASED ON FINAL APPROVED PLAN

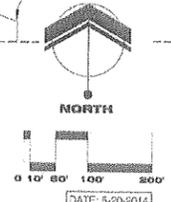
**PATHWAY LEGEND**

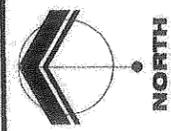
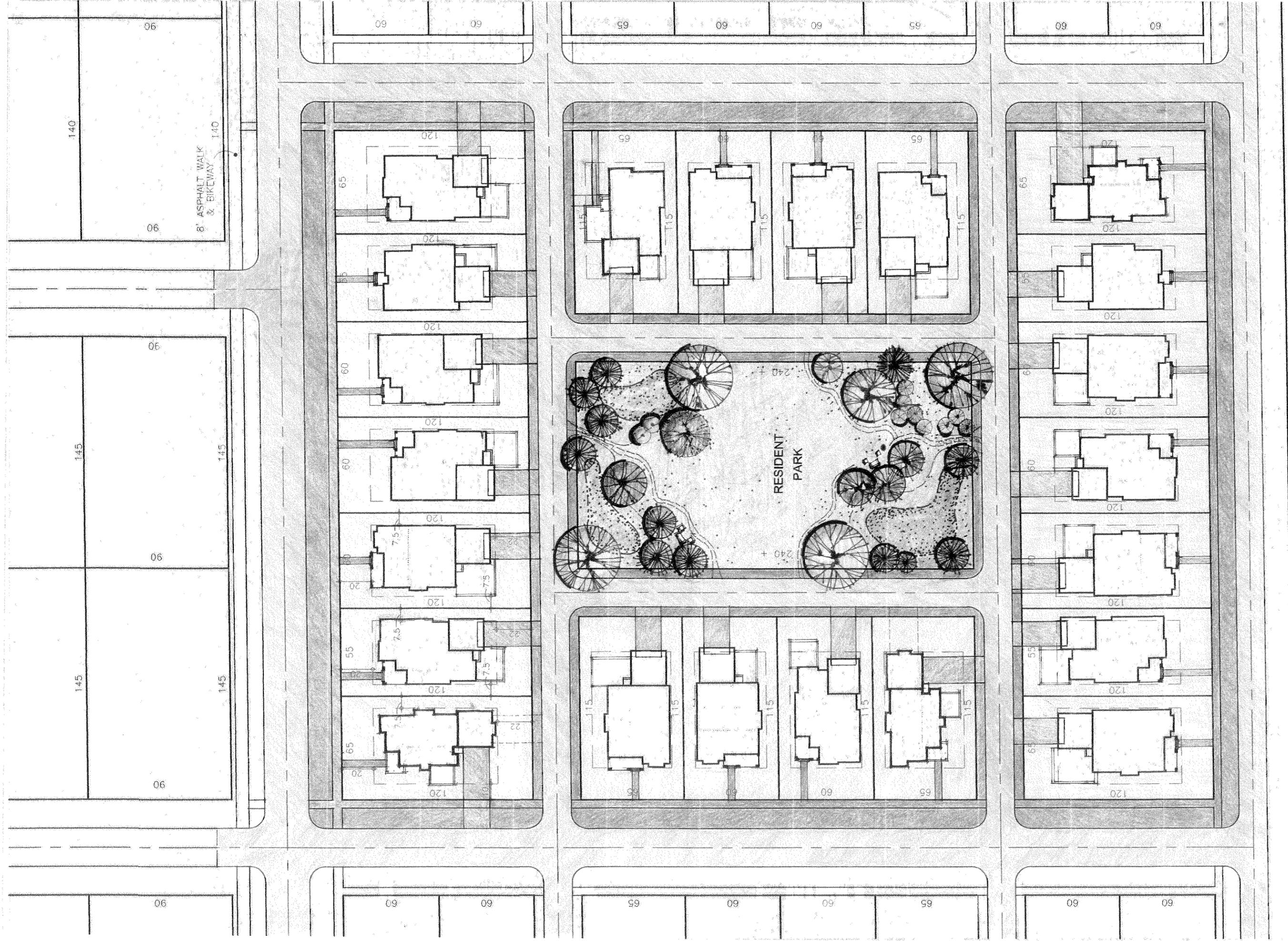
6" W. CONCRETE SIDEWALK	GRASS TRAIL CUT THRU FINISH
8" W. ASPHALT PATH	6" W. ASPHALT TRAIL & EASEMENT
5' W. CONCRETE SIDEWALK	

EMERGENCY EXIT  
 PROPOSED 91' R.O.W.

# WILDFLOWER AT LAKE ELMO

15' BUFFER





NORTH



0 15' 30'

# TYPICAL COURTYARD HOMES BLOCK

# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: June 2, 2014

To: Kyle Klatt, Planning Director  
Cc: Nick Johnson, City Planner

Re: Wildflower at Lake Elmo  
Sketch Plat Engineering Review

From: Jack Griffin, P.E., City Engineer

We have received a Concept Plan submittal for the above referenced development proposal consisting of the following exhibits/documentation received on May 29, 2014.

- Concept Plan Narrative and application dated May 22, 2014.
- Concept Site Plan dated May 20, 2014, Sheet 1, prepared by Design Forum Incorporated.
- Existing Conditions dated May 22, 2014, prepared by Pioneer Engineering.

We have the following review comments:

## COMMENTS

- The phasing plan indicates the first phase to begin on the east side of the development. With street access, sewer and water all coming from the west, it should be noted that the preliminary plans and construction plans must evolve to near completion for the entire development to facilitate this phasing strategy; providing assurance to allow utility installation within future R/W.

## MUNICIPAL WATER SUPPLY

- The project narrative and plans do not address water service for the development. As part of the Village municipal urban service area, the development must be served by the Lake Elmo municipal water system.
- Municipal water supply is available along 39<sup>th</sup> Street North and along State Highway 5. Connections to both locations will be required as well as a stub to the adjacent property to the west.
- The applicant is responsible to extend the municipal water supply to the development site at developers cost. Watermain distribution lines will need to be looped wherever reasonably possible. The proposed site plan facilitates watermain looping very well.

## MUNICIPAL SANITARY SEWER

- The project narrative and plans do not address sewer service for the development. As part of the Village municipal urban service area, the development must be served by the Lake Elmo municipal sanitary sewer system.
- A sanitary sewer lift station will be required to provide municipal sewer service for the 12 lots proposed with access from CSAH 17. This lift station is not a part of the City's comprehensive sewer plan and would therefore be added infrastructure.

- Municipal sanitary sewer is not currently available to the development. The applicant is responsible to extend the municipal sanitary sewer to the development site at developers cost. We understand that the developer is part of a collaborative group pursuing a trunk sanitary sewer extension project to route the sewer along the east side of the Village from the Reid Park lift station to State Highway 5. The applicant has also submitted an escrow to partially secure and support the sanitary sewer improvement project along 39<sup>th</sup> Street North. In addition the applicant will be responsible for the extension of municipal sewer from 39<sup>th</sup> Street N. to the property to be developed. Preliminary Plat approval should be conditioned upon sewer service being brought to the development.
- Consideration should be given to stubbing municipal sanitary sewer to the northeast of this development for a future potential extension for relief of failing wastewater management systems. A 10-inch sewer line will need to be extended through this development to the northeast corner.

#### STORMWATER MANAGEMENT

- Stormwater facilities shall be in accordance with the requirements listed in the City of Lake Elmo Engineering Design Standards in addition to the requirements of the Valley Branch Watershed District.
- All storm water ponds, infiltration basins and other facilities that are constructed with the purpose to fulfill the rate and volume control requirements of the VBWD rules must be placed within Outlots dedicated to the City for operation and maintenance purposes and with no other restrictions on the City. The Outlots must contain the entire facility including the HWL elevation together with maintenance access roads and graded areas that allow safe access to all storm sewer outfalls and structures.
- The proposed trails adjacent to the ponds must be placed such that the trail subgrade is 1 foot above the pond HWL at all points.
- The minimum 25 foot wetland buffer width must be placed fully outside of any proposed lots. Additional buffering may encroach on lots if contained within a defined easement. The current plan shows wetland buffer encroachments on 3 of the 12 lots located in the northwest part of the plan.
- No utility piping is shown on the drawings. However, it should be noted that all easements for City utilities must be a minimum of 30 feet with the pipe centered on the easement. Wider easements may be required for deep pipes to meet OSHA excavation requirements.

#### STREETS AND TRANSPORTATION

- It is recommended that a second access connection be pursued along 39<sup>th</sup> Street North or the development access is combined with the Fields of St. Croix entrance. The development proposes 133 lots with one access. Secondary access may be completed with later phases for the development but should be accommodated as part of the overall development plan.
- The access to Lake Elmo Avenue requires Washington County approval. Improvements along CSAH 17 (Lake Elmo Avenue) as required by Washington County will be the responsibility of the developer. Improvements should be included as part of the preliminary plat.
- Some streets are proposed with 30 foot R/W and 18 foot paved streets. The project narrative does not define the use and purpose for these streets. A clearly defined purpose and use for these streets must be provided to allow further review on the minimum required widths and potential additional requirements. Because these streets appear to act more like "Alleys" the following considerations are recommended:
  - Consideration should be given to requiring these streets to be privately owned and maintained.
  - If publically owned and maintained, minimum widths for both R/W and pavement section must be further reviewed by all City staff to establish minimums for the defined purposes.
  - Example restrictions that must apply to accept less than standard minimums:
    - Less than standard minimums should be considered only when acting as secondary street to any given lot. The primary street must always meet the City standard.

- No public utilities, except minimal storm sewer necessary to facilitate drainage will be allowed within these R/W, and storm sewer can be allowed only when centered within the 30 foot R/W.
  - No private utilities will be allowed within these R/W.
  - No parking can be allowed. No parking signs must be installed to designate the no parking zones.
- The remaining proposed “primary” streets do not all comply with City minimum design standards. The following considerations are recommended:
  - The street along the southern part of the plat requires a minimum 60-foot R/W and 28 foot street width since this street serves as the primary street access to several proposed residential lots. If private utilities are allowed within the 15 foot buffer area, the 50 foot R/W may be acceptable. The Street should be centered within the “60 foot area (R/W plus first 10 feet of Buffer)” to meet the minimum City boulevard areas on each side.
  - Since this street is single sided by residential properties a reduced pavement width may be considered if appropriately signed. A 24 foot minimum pavement width could be allowed if the street is signed “No Parking” along one side.
  - The proposed emergency exit should be eliminated by connecting the road as a full intersection.
  - All streets must be centered within the proposed R/W.
  - The proposed parking near Outlot P must be parallel parking or a bump out design be utilized that extends further into Outlot P.
  - The two smaller “eyebrows” located on the northern loop street should be eliminated since they require increased maintenance while adding no additional lot potential.
  - Consideration should be given to extending the 8-foot trail along the northern loop street to connect to the trail at Outlot O.
  - Some sidewalks are proposed at 5 foot widths instead of the City standard 6 foot sidewalk. A 5 foot sidewalk seems appropriate when sidewalk is provided along both sides of the street, otherwise the City standard 6 foot sidewalk should be provided.
- All streets must include concrete curb and gutter on both sides of the road.

*Robert & Marcy Eischen*  
*Mary Jean Dupuis*

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Date: June 4, 2014  
To: Kyle Klatt & Lake Elmo Planning Commission  
Subject: Wildflower Proposal

Please consider this letter as our written comments in reference to the recently received Notice of Public Hearing from the City of Lake Elmo scheduled for June 9<sup>th</sup> 2014 at the Lake Elmo City Hall for the Wildflower Planned Unit Development Concept Plan by Robert Engstrom Companies.

In the initial planning of the Fields of St Croix II development, we were personally contacted by Bob Engstrom, the developer for our support. Perhaps he didn't need our support at that time but he was gracious enough to have meetings with us. In addition, we attended council meetings dealing with FOSC II proposals. There was also a meeting with Washington County dealing with Land Trusts.

The west side of our properties is adjacent to the Engstrom Outlots O & P. Lots O & P go west to Richard Smith's (our neighbor) driveway. Bob & Marcy Eischen have lived in their Lake Elmo home since 1969 ~ some 45 years. Mary Jean Dupuis has lived in her home since 1973 ~ 41 years.

During the planning and review process for the FOSC II all three of us neighbors understood by our meetings with Bob Engstrom and from the City Council meetings that the land to the immediate west and south of our properties would be part of the open space for FOSC II. That section of land was required as open space for the development to proceed. This property was also a part of the natural flow of water or water shed and part of it held large amounts of runoff water during early spring & after heavy rains.

We were assured by Mr. Engstrom that those outlots would never be developed for homes and would always remain open space exclusively for farming, perhaps a tree farm or wildflowers. We all understood that this adjacent property to ours was in a long term agricultural land trust or conservation easement. Plus ~ we do not understand taking lots from an existing development and re-allocating them for a new development.

Mr. Engstrom did a very nice job with FOSC II. Our support for that development was all based on the fact that it would never be developed for home building.

When we moved here ~ 45 & 41 years ago there was nothing except open fields which was part of our life style. We did know however that someday some of this area would be developed. We have a lot of history with Lake Elmo and view it as a proud developing community with rural roots. We don't know if there are legal issues regarding the development of the outlots but there are certainly ethical and verbal commitments by the developer to consider. Any housing on those outlots would be very unsatisfactory to us on land that was never supposed to be developed.

We anticipate that the Planning Commission and ultimately the Council will support the rural tradition and history of this land and most importantly represent the residents of Lake Elmo in dealing with the Wildflower proposal.

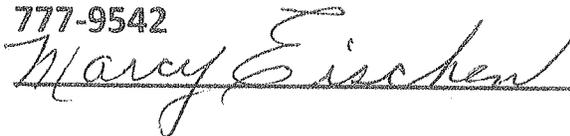
In conclusion we would like to add that Mr. Engstroms's property development history is exemplary including the proposed Wildflower development of which we support except for the afore mentioned exceptions. We ask that the original intention of the outlots be preserved and honored by the City and Mr. Engstrom.

Cordially

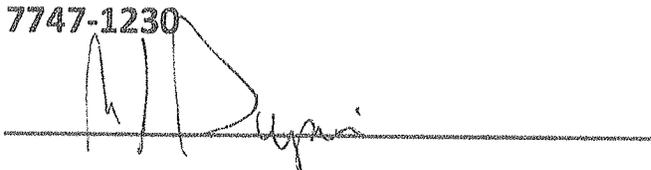
Robert Eischen  
11674 Stillwater Blvd N  
Lake Elmo MN 55042  
777-9542



Marcy Eischen  
11674 Stillwater Blvd N  
Lake Elmo MN 55042  
777-9542



Mary Jean Dupuis  
11676 Stillwater Blvd N  
Lake Elmo MN 55042  
7747-1230



Date: June 7, 2014  
To: Kyle Klatt & Lake Elmo Planning Commission  
RE: Planned Unit Development Concept Plan  
From: Richard Smith

The following are written comments regarding the concept plan being submitted by Robert Engstrom Companies named, Wildflower at Lake Elmo.

I have been a homeowner in Lake Elmo for more than 27 years. I own the property to the north of the proposed housing in the sketch plan that was submitted to the Planning Commission by Robert Engstrom Companies earlier this spring. In that sketch, the housing on the northeast corner of the proposed development abuts the south edge of my property.

Approximately 10 yrs ago the City of Lake Elmo embarked on an amendment to the Comprehensive Plan, creating the Village Master Plan. At that time, October 2003, the City honored the decision Mary Jean Dupuis, Robert and Marcy Eischen and myself made to have our properties removed from the Village Planning Area. We had our properties removed because the Village envisioned green corridors/buffers surrounding the Village. Had we not, our properties would have been subjected to having housing directly abutting our properties.

In the summer of 2005, the City of Lake Elmo retained a team led by Robert Engstrom Companies to prepare a Master Plan to guide anticipated development within the Village Planning Area. This study focused on techniques that could be used by the City to help preserve the character of the Village. One of the guiding principles was the "Promotion of open space and green corridors", part of the Lake Elmo Comprehensive Plan, (chapter III, page 3).

Although the master plan submitted in 2005 was not adopted it was my understanding that it would be used as guidance as the City grew. In the Village Plan (maps 3-3 and 3-5, circa 12/30/2013 and 10/8/2013 respectively) there is property referenced as the Village Open Space Overlay that I interpret as a buffer to the adjacent homeowners.

I have met with Mr. Engstrom on several occasions since he submitted his sketch plan to the planning commission. I have reviewed numerous

iterations subsequent to this plan and have discussed my concerns regarding the lack of buffer that he originally proposed in 2005.

I have also made some suggestions regarding connectivity with respect to the trails proposed in the Wildflower Conservancy, the Tanna Ridge and Fields of St. Croix II developments, as all three are adjacent to me.

That said, I cannot think of another developer that I would rather have involved in the design and implementation of this project. Mr. Engstrom is nationally respected for having designed and developed communities focused on their vision for future growth. Having been involved in other developments that Mr. Engstrom has done (FOSCII) I have always been impressed with his willingness to work with the adjacent property owners, conservation community leaders and city to arrive at a fair, equitable and workable arrangement. I trust that in this project he will do the same and that all parties will be satisfied with the final plan.

Respectfully,  
Richard Smith

Cc Mary Jean Dupuis  
Cc Robert and Marcy Eischen  
Cc Robert Engstrom

Date: October 18, 2003  
To: Lake Elmo City Council & Administrator  
Lee Hunt  
Steve DeLapp  
Sue Dunn  
Dean Johnson  
Chuck Siedow  
Chuck Dillerud

In referring to the map and plan of the proposed amendment to the Lake Elmo comprehensive plan, we are recommending the following modifications:

- 1) Exclude the properties of Marcy & Bob Eischen and Mary Jean Dupuis from permanent open space designation (approximately 3.5 acres). This would then be consistent with the present exclusion on the map of their neighbors, Onie Jacobson, Bill & Gerri Bartholomew and the property in front of Bill & Gerri.
- 2) Extend the connected greenway designated directly in front of the property (south) of Richard Smith a minimum of 300 feet which will give him an additional buffer from the newly proposed homes in front of his house and exclude any proposed roadway immediately adjoining his property to the south.

We propose that these modifications will not adversely affect the proposed plan amendment and will contribute as our input and overall satisfaction to the plan. Thank you for your consideration.

Robert & Marcy Eischen  
11674 Stillwater Blvd N  
Lake Elmo, MN 55042

Robert Eischen  
Marcy Eischen

Mary Jean Dupuis  
11676 Stillwater Blvd N  
Lake Elmo, MN 55042

MJ Dupuis

Richard Smith  
11514 Stillwater Blvd N  
Lake Elmo, MN 55042

Richard Smith

June 9, 2014

*The following is a summary of a tentative agreement between the Fields of St Croix Community Association (FoSC) and Robert Engstrom Companies (RECo) regarding RECo's proposed Wildflower development. This summary is provided for summary purposes only and is not meant to be a complete statement of the proposed agreement and is subject to change.*

Subject: The Fields of St Croix Community Association (FoSC) and Robert Engstrom Companies (RECo) Wildflower development

Background: The Open Space Agreement(s) is/are key to this discussion because it explicitly prohibits the Wildflower development proposed for Outlots O & P, which are part of the FoSC. The express intent of the Open Space Agreement is in summary to:

- Permanently retain the protected land in its predominately natural, scenic, agricultural, forested and open space condition;
- Prevent or remedy action or use that significantly impairs or interferes with the Conservation Values of the land;
- Expressly prohibits the Owner (RECo) from subdividing all or part of the protected lands for residential, commercial or industrial development;
- Prohibits construction of roads, driveways and the alteration of the surface of the protected land, including excavation.

FoSC Homeowners

- Purchased lots and built homes understanding FoSC was a conservation community with Open Space Agreement protection.
- Do not want development on Outlot O & Outlot P, but will support *limited* residential development on part of Outlot P in turn for "additional" legal protection preventing development on the other Outlots associated with FoSC.
- Requested that representatives of FoSC conduct negotiations with RECo. Tentative agreement between FoSC and RECo was reached, pending City approval to allow limited residential development on Outlot P, given the terms of the agreement, which are attached.

The FoSC Community Association requests this agreement become part of Wildflower's development plan, and its terms enforced by the City of Lake Elmo.

Respectfully submitted on behalf of the FoSC Association homeowners:

John W. Hodler  
Fields of St Croix Board President

The following are highlights of the tentative agreement:

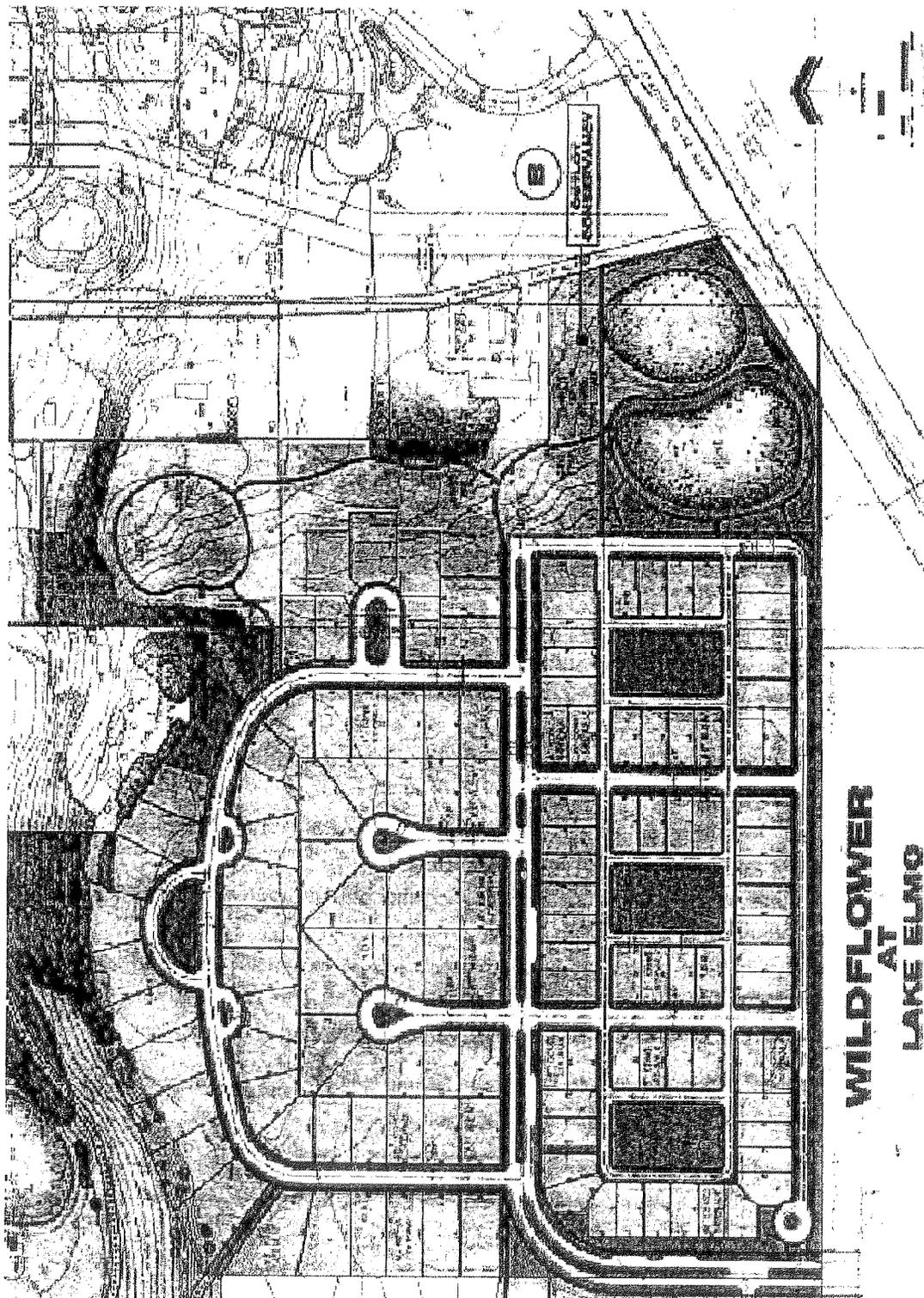
- No development will occur on Outlot O.
  - Retain the existing Open Space Easement condition;
  - Fields of St Croix Community Association (FoSC) will be added as a party to the easement, thereby requiring FoSC's approval for any future changes thereto.
  
- Outlot P will have *limited* development on its west boundary (plan on page #4):
  - Includes small number of RECo-constructed homes along the west boundary of Outlot P;
  - No coffee shop or other retail/commercial facilities located on Outlot P;
  - RECo will install a path around part of the storm water system on Outlot P. This path will not connect to the FoSC pathways;
  - FoSC will have easement access rights for pedestrian and bicycles to Outlots O & P, and any Outlot created out of Outlot P for the storm water system;
  - FoSC will be added as a party to the existing easement on the title to the section of Outlot P not included in the new development's homes;
  - The exact boundary of the re-sized Outlot P will be defined by a survey (paid by RECo).
  
- The City of Lake Elmo will ensure the design of the Wildflower development's storm water system does not include a storm water retention basin on Outlot O; and will not increase the current flow of storm water drained onto Outlot O or any FoSC II Outlot (exception Outlot P):
  - The storm water design will not allow drainage to adversely affect any FoSC II homeowner;
  - Lake Elmo City will ensure the contractor and developer install the storm water system as designed;
  - The City of Lake Elmo will be responsible for maintenance of any portion of the Wildflower storm water system installed on Outlot P, or any Outlot created from Outlot P for the storm water system.
  
- Road access to Wildflower development:
  - The existing FOOSC, phase II, entry will remain "as is". This access road will not connect to the Wildflower development;
  - No access road for the new development will be constructed that connects to highway #5 through any Outlot.

- Ensure FoSC has the right to object to or modify any future development requests involving any one or more of the Outlots located in the Fields of St Croix development (see Outlots page #5).
  - FoSC will be added as a party to all Open Space Easements now in place for Phase II Outlots;
  - FOSC will be added as a party to the Minnesota Land Trust Conservation Easement now in place for Phase I Outlots.
- Phase I Outlots A & E's Minnesota Land Trust Conservation Easement revisions.
  - Rescind the right to construct a farm home;
  - Livestock operation or use of temporary farm buildings will only be granted if all parties to the easement (including FoSC) agree.
- RECo will transfer ownership of the Bluestem Village Green property (PIN1202921440009) if it is not under a 'public right of way restriction'.
- All easement updates or amendments and Outlot ownership transfers will be completed prior to approval of the new development's plans by the City of Lake Elmo.
- RECo's creation of the storm water system, path, natural setting, and plantings on Outlots O and P will be completed in the beginning stage of the new development. The "beginning stage" is defined as a date equal to the completion of the first home.
- RECo coordinates with Lake Elmo City & FoSC during the design and installation of Wildflower's sewer pipe
  - Ensure adequate capacity to handle the wastewater from FoSC's phase I, phase II (including Bluestem) and Tana Ridge homes;
  - Sewer easement across the Northeast corner of the new development and Outlots O & P will be granted to FoSC;
  - Final connection, if and when completed, between the Lake Elmo City sewer system and the FoSC wastewater system (currently serving the above homes) will be coordinated by the FoSC Association at a later time.

It is understood, that any agreements between RECo and FOSC will be subject to approval by the Lake Elmo City Council and other regulatory bodies.

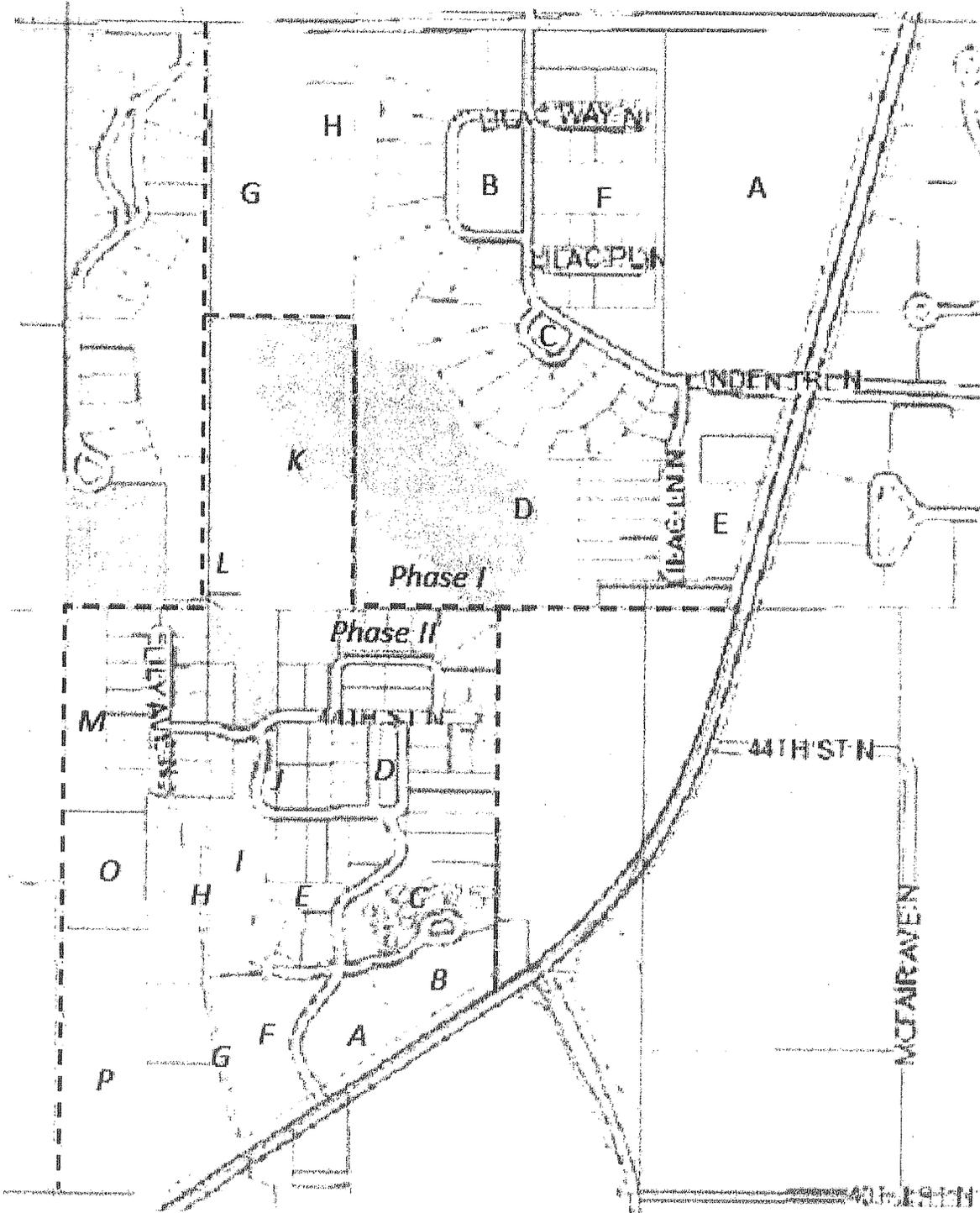
The final agreement will include a provision that neither party may assign the agreement to any other person without the express prior written consent of the other party or its successor in interest.

Revised 6/05/2014 RECo and FoSC



**WILDFLOWER  
AT  
LAKE ELMO**

FOSC Phase I & II outlots



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**REGULAR**  
**ITEM #** 20

**AGENDA ITEM:** 2014 Street Improvements – Accept Bids and Award Contract

**SUBMITTED BY:** Ryan Stempiski, Project Engineer

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

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

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**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Engineer
- Report/Presentation..... City Engineer
- 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

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:** \$1,469,015.70

Approval of this resolution commits the council to entering into a construction contract for the project. The 2014 Street Improvements construction contract amount is \$1,469,015.70. With this construction contract the total project costs remain within the total estimated feasibility project cost of \$1,811,000. As part of the 2014-2018 Street Capital Improvement Plan, the project will be funded through a combination of bonds and special assessments.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider accepting contractor bids as presented and award a contract for the 2014 Street Improvements. The recommended motion for this action is as follows:

***“Move to approve Resolution No. 2014-47, Accepting Bids and Awarding a Contract to Hardrives, Inc., in the Adjusted Total Base Bid amount of \$1,469,015.70 for the 2014 Street Improvements.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Bids were received, publicly opened, and read aloud on Thursday, June 5, 2014. The City’s design consultant has prepared and attached the Tabulation of Bids and a letter of recommendation for the award of the contract. The City received four bids for this project, with Hardrives, Inc. providing the lowest base bid in the amount of \$1,465,770.70. Three bid alternatives were also received to obtain unit pricing for use of a higher oil content in the asphalt mix design for each neighborhood. The higher oil content would reduce the mixture air voids to address the surface segregation issues being experienced throughout the metro area. In evaluating the Bid results, any combination of Bid Alternatives can be selected without affecting the low bid contractor. It is recommended to award all 3 alternatives in the Adjusted Total Base Bid amount of \$1,469,015.70. The Engineer’s feasibility construction cost estimate for the project was \$1,380,000. In addition a 7% contingency, for a total construction budget of \$1,476,600, was reserved in the feasibility report project costs to address the variability of market bids. With the report contingencies the project, if awarded, remains within the project budget.

Hardrives, Inc. is an experienced contractor for the type of work to be performed under this contract and has successfully completed several street improvement projects for the City of Lake Elmo. We therefore consider Hardrives, Inc. to be the lowest responsible bidder.

The City Council approved the Plans and Specifications for the 2014 Street Improvements on May 6, 2014, and authorized staff to advertise the Project for bids. The Project was advertised on QuestCDN.com and in the Oakdale-Lake Elmo Review in accordance with the Minnesota Competitive Bidding requirements. The improvements include:

- Street reclamation with concrete curb and gutter for the Packard Park neighborhood including 24<sup>th</sup> Street North from Lake Elmo Avenue to Legion Avenue, 24<sup>th</sup> Street Court North, Lansing Avenue North and 20<sup>th</sup> Street Court North;
- Street reconstruction with gravel shoulders along Manning Trail North from Manning Avenue to 18<sup>th</sup> Street (368 feet from the City limits to 18<sup>th</sup> Street to be paid by West Lakeland Township, which is estimated at approximately \$47,000 in construction cost);
- Street reconstruction with concrete curb and gutter along Deer Pond Trail North from Hidden Bay Trail to Jack Pine Trail and Deer Pond Court North;
- Micro Surface along 20<sup>th</sup> Street North, from Lake Elmo Avenue to Manning Trail.

**RECOMMENDATION:**

Staff is recommending that the City Council approve Resolution No. 2014-47, thereby accepting bids and awarding a contract to Hardrives, Inc., in the amount of \$1,469,015.70, for the 2014 Street Improvements. The recommended motion for this action is as follows:

*“Move to approve Resolution No. 2014-47, Accepting Bids and Awarding a Contract to Hardrives, Inc. in the Adjusted Total Base Bid amount of \$1,469,015.70 for the 2014 Street Improvements.”*

**ATTACHMENT(S):**

1. Resolution No. 2014-47 Accepting Bids and Awarding a Contract.
2. Tabulation of Bids and Engineer’s Letter of Award Recommendation.
3. Project Schedule.

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

**RESOLUTION NO. 2014-47**

**A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT  
FOR THE 2014 STREET IMPROVEMENTS**

**WHEREAS**, pursuant to an advertisement for bids for the 2014 Street Improvements, bids were received, opened, and tabulated according to law, and bids were received complying with the advertisement; and

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

**WHEREAS**, the project engineer reviewed the bids and has provided a letter recommending the award of the contract to the lowest responsible bidder, Hardrives, Inc., in the amount of \$1,469,015.70.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,**

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

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTEENTH DAY OF  
JUNE, 2014.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk



# BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2035 County Road D East • Suite B • Maplewood, MN 55109-5314

Phone (651) 704-9970 • Fax (651) 704-9971

www.bolton-menk.com

June 6, 2014

Mr. Ryan Stempksi, P.E.  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Re: Bid Results  
2014 Street Improvements  
City Project No. 2013.135  
BMI Project No. N15.107906

Dear Mr. Stempski:

Bids for the 2014 Street Improvements project were opened on Thursday, June 5, 2014. Four (4) bids were received and ranged from \$1,465,770.70 to \$1,566,561.32. A detailed Bid Abstract has been included. The following is a summary of the Bids received:

<u>Contractor</u>	<u>Total Base Bid</u>	<u>Bid Alternate #1</u>	<u>Bid Alternate #2</u>	<u>Bid Alternate #3</u>
Hardrives, Inc	\$1,465,770.70	\$1,905.00	\$520.00	\$820.00
North Valley, Inc.	\$1,490,708.56	\$952.50	\$260.00	\$410.00
T.A. Schifsky & Sons, Inc.	\$1,526,606.40	\$190.50	\$52.00	\$82.00
Park Construction Co.	\$1,566,561.32	\$762.00	\$208.00	\$328.00

The low Bidder on the Project was Hardrives, Inc. with a Total Base Bid amount of \$1,465,770.70. This is approximately 3% lower than the feasibility report construction cost estimate including 10% contingencies amount of \$1,517,900. Any combination of Bid Alternates can be selected without affecting the low bidder. It is our recommendation to award all 3 alternates. The 3 alternates were for a different asphalt pavement mix design proposed to assist with some of the pavement issues occurring throughout the metro area. If the City Council decides to award all 3 alternates, the Adjusted Total Base Bid amount would be **\$1,469,015.70**.

If you have any questions, please feel free to contact me at 651-728-3172.

Sincerely,

BOLTON & MENK, INC.

Michael Warner, P.E.  
Senior Project Engineer

Enclosure

**BID OPENING: JUNE 5, 2014**

ABSTRACT OF BIDS  
2014 STREET IMPROVEMENTS  
PROJECT NO. 2013-135

= TOTALS CORRECTED FROM THE SUBMITTED BID

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

1  
HARDORIVES, INC.

2  
NORTH VALLEY, INC.

3  
T.A. SCHIFSKY & SONS, INC.

4  
PARK CONSTRUCTION CO.

No.	Item	Units	Qty	Unit Price	Total Price						
<b>PART 1 - PACKARD PARK AREA</b>											
1	MOBILIZATION	LS	1	\$34,750.00	\$34,750.00	\$13,732.57	\$13,732.57	\$25,000.00	\$25,000.00	\$30,500.00	\$30,500.00
2	TRAFFIC CONTROL	LS	1	\$2,162.47	\$2,162.47	\$2,112.70	\$2,112.70	\$20,000.00	\$20,000.00	\$2,000.00	\$2,000.00
3	SILT FENCE, TYPE MACHINE SLUCED	LS	3,188	\$2.03	\$6,471.64	\$2.11	\$6,726.68	\$2.10	\$6,694.80	\$1.50	\$4,782.00
4	INLET PROTECTION	EA	14	\$74.93	\$1,049.02	\$142.61	\$1,996.54	\$105.00	\$1,470.00	\$131.00	\$1,834.00
5	BIOROLL DITCH CHECK	EA	14	\$80.28	\$1,123.92	\$52.82	\$739.48	\$78.75	\$1,102.50	\$75.00	\$1,050.00
6	STREET SWEEPING	HR	95	\$151.26	\$5,294.10	\$126.76	\$4,436.60	\$110.00	\$3,850.00	\$120.00	\$4,200.00
7	TREE TRIMMING	LS	1	\$5,352.13	\$5,352.13	\$5,281.76	\$5,281.76	\$5,250.00	\$5,250.00	\$5,910.00	\$5,910.00
8	SALVAGE MAILBOX	EA	24	\$32.44	\$778.56	\$31.69	\$760.56	\$36.75	\$882.00	\$30.00	\$720.00
9	INSTALL SALVAGED MAILBOX	EA	24	\$37.84	\$908.16	\$36.97	\$887.28	\$105.00	\$2,520.00	\$35.00	\$840.00
10	SAWCUT BITUMINOUS PAVEMENT	LF	720	\$2.12	\$1,526.40	\$3.17	\$2,282.40	\$3.00	\$2,160.00	\$2.50	\$1,800.00
11	SAWCUT CONCRETE PAVEMENT	LF	130	\$3.13	\$406.90	\$5.28	\$686.40	\$3.00	\$390.00	\$4.00	\$520.00
12	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	410	\$5.35	\$2,193.50	\$5.28	\$2,164.80	\$3.68	\$1,508.80	\$4.95	\$2,029.50
13	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT (DRIVEWAYS)	SY	150	\$8.56	\$1,284.00	\$8.45	\$1,267.50	\$5.25	\$787.50	\$10.40	\$1,560.00
14	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT	SY	10	\$32.11	\$321.10	\$31.69	\$316.90	\$15.75	\$157.50	\$88.30	\$883.00
15	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	230	\$10.81	\$2,486.30	\$10.56	\$2,428.80	\$5.25	\$1,207.50	\$14.30	\$3,285.00
16	SUBGRADE EXCAVATION - RECLAIM AREAS (CV)	CY	1,000	\$9.10	\$9,100.00	\$9.51	\$9,510.00	\$9.98	\$9,980.00	\$11.80	\$11,800.00
17	SELECT GRANULAR BORROW (CV)	CY	250	\$14.13	\$3,532.50	\$14.79	\$3,697.50	\$14.70	\$3,675.00	\$26.20	\$6,550.00
18	RECLAIM EXISTING BITUMINOUS AND BASE MATERIALS, 8" DEPTH	SY	21,500	\$9.91	\$19,565.00	\$9.89	\$19,135.00	\$9.89	\$19,135.00	\$9.72	\$15,480.00
19	HAUL EXCESS RECLAIMED MATERIAL OFF SITE (LV)	CY	300	\$8.62	\$2,586.00	\$11.26	\$3,378.00	\$7.00	\$2,100.00	\$11.00	\$3,300.00
20	SURGRADE PREPARATION OF RECLAIMED SURFACE	RS	61	\$324.76	\$19,690.20	\$208.75	\$12,656.51	\$250.00	\$15,157.50	\$104.00	\$6,305.52
21	TYPE SP 9.5 BITUMINOUS NON WEARING COURSE MIXTURE (2.B) [SP9W42]	TN	1,905	\$60.76	\$115,747.80	\$60.24	\$114,757.20	\$64.00	\$121,920.00	\$61.60	\$117,348.00
22	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (2.B) [SP9W4240B]	TN	1,905	\$61.64	\$117,424.20	\$60.24	\$114,757.20	\$63.00	\$120,015.00	\$61.10	\$116,395.50



48	JOINT REPAIR	SY	228	\$20.00	\$4,560.00	\$28.41	\$6,477.48	\$15.75	\$3,591.00	\$23.60	\$5,380.80
49	PATCH BITUMINOUS STREET (PARTIAL DEPTH)	SY	285	\$20.00	\$5,700.00	\$40.88	\$11,650.80	\$15.00	\$4,275.00	\$25.90	\$7,381.50
50	PATCH BITUMINOUS STREET (FULL DEPTH)	SY	100	\$38.64	\$3,864.00	\$62.75	\$6,275.00	\$30.00	\$3,000.00	\$36.60	\$3,660.00
51	REMOVE PAVEMENT MARKINGS - 4" LINES	LF	7,500	\$0.65	\$4,875.00	\$0.63	\$4,725.00	\$1.05	\$7,875.00	\$1.60	\$12,000.00
52	3/4" OVERLAY	TN	200	\$68.06	\$13,612.00	\$73.38	\$14,676.00	\$75.00	\$15,000.00	\$68.40	\$13,680.00
53	3/8" MICROSURFACE	SY	12,267	\$3.21	\$39,377.07	\$4.29	\$52,625.43	\$5.25	\$64,401.75	\$4.05	\$49,681.35
54	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMEROCK	TN	100	\$21.39	\$2,139.00	\$26.41	\$2,641.00	\$25.00	\$2,500.00	\$38.60	\$3,860.00
55	4" DOUBLE SOLID YELLOW LINE - LATEX	LF	4,860	\$0.22	\$1,069.20	\$0.29	\$1,409.40	\$0.32	\$1,555.20	\$0.28	\$1,360.80
56	4" SOLID WHITE LINE - LATEX	LF	9,720	\$0.11	\$1,069.20	\$0.15	\$1,458.00	\$0.32	\$3,110.40	\$0.14	\$1,360.80
	<b>TOTAL PART 2 - 20TH STREET NORTH</b>				<b>\$96,488.45</b>		<b>\$106,321.96</b>		<b>\$114,108.35</b>		<b>\$105,515.25</b>
<b>PART 3 - DEER POND TRAIL &amp; COURT</b>											
57	MOBILIZATION	LS	1	\$21,000.00	\$21,000.00	\$8,450.81	\$8,450.81	\$19,000.00	\$19,000.00	\$16,000.00	\$16,000.00
58	TRAFFIC CONTROL	LS	1	\$1,621.85	\$1,621.85	\$1,584.53	\$1,584.53	\$18,000.00	\$18,000.00	\$1,500.00	\$1,500.00
59	SILT FENCE, TYPE MACHINE SLICED	LF	2,150	\$2.03	\$4,364.50	\$2.11	\$4,536.50	\$2.00	\$4,300.00	\$1.50	\$3,225.00
60	INLET PROTECTION	EA	12	\$74.93	\$899.16	\$142.61	\$1,711.32	\$100.00	\$1,200.00	\$131.00	\$1,572.00
61	STREET SWEEPING	HR	10	\$151.26	\$1,512.60	\$132.04	\$1,320.40	\$110.00	\$1,100.00	\$120.00	\$1,200.00
62	BIOROLL DITCH CHECK	EA	5	\$80.28	\$401.40	\$52.82	\$264.10	\$75.00	\$375.00	\$75.00	\$375.00
63	CLEAR AND GRUB TREE	EA	6	\$588.73	\$3,532.38	\$528.18	\$3,169.08	\$525.00	\$3,150.00	\$591.00	\$3,546.00
64	GRUB EXISTING STUMP	EA	5	\$214.09	\$1,070.45	\$211.27	\$1,056.35	\$157.50	\$787.50	\$236.00	\$1,180.00
65	SALVAGE MAILBOX	EA	22	\$32.44	\$713.68	\$31.69	\$697.18	\$30.00	\$660.00	\$30.00	\$660.00
66	INSTALL SALVAGED MAILBOX	EA	22	\$37.84	\$832.48	\$36.97	\$813.34	\$100.00	\$2,200.00	\$35.00	\$770.00
67	SAWCUT BITUMINOUS PAVEMENT	LF	375	\$2.17	\$813.75	\$3.17	\$1,188.75	\$3.00	\$1,125.00	\$2.50	\$937.50
68	SAWCUT CONCRETE PAVEMENT	LF	100	\$4.07	\$407.00	\$5.28	\$528.00	\$3.00	\$300.00	\$4.00	\$400.00
69	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	6,680	\$2.91	\$19,438.80	\$1.90	\$12,692.00	\$1.58	\$10,554.40	\$3.85	\$25,718.00
70	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	250	\$5.35	\$1,337.50	\$5.28	\$1,320.00	\$3.68	\$920.00	\$6.85	\$1,712.50
71	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT (DRIVEWAYS)	SY	110	\$8.56	\$941.60	\$8.45	\$929.50	\$5.25	\$577.50	\$14.60	\$1,606.00
72	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	190	\$10.81	\$2,053.90	\$10.56	\$2,006.40	\$5.25	\$997.50	\$14.50	\$2,755.00

73	EA	2	\$492.50	\$865.00	\$516.91	\$633.82	\$420.00	\$840.00	\$251.00	\$502.00
74	CY	3,575	\$8.56	\$30,602.00	\$8.98	\$32,103.50	\$9.45	\$33,783.75	\$15.20	\$54,340.00
75	CY	325	\$8.56	\$2,782.00	\$8.98	\$2,918.50	\$10.50	\$3,412.50	\$18.40	\$5,980.00
76	CY	2,390	\$12.31	\$29,420.90	\$12.68	\$30,305.20	\$10.50	\$25,095.00	\$18.50	\$44,215.00
77	TN	2,600	\$10.17	\$26,442.00	\$13.48	\$35,048.00	\$10.00	\$26,000.00	\$0.01	\$26.00
78	TN	690	\$62.38	\$43,042.20	\$64.69	\$44,636.10	\$67.00	\$46,230.00	\$61.60	\$42,504.00
79	TN	520	\$62.49	\$32,494.80	\$65.68	\$34,153.60	\$66.00	\$34,320.00	\$61.60	\$32,032.00
80	GAL	405	\$1.96	\$793.80	\$2.64	\$1,069.20	\$2.50	\$1,012.50	\$2.85	\$1,154.25
81	SY	250	\$20.55	\$5,137.50	\$17.21	\$4,302.50	\$25.00	\$6,250.00	\$21.70	\$5,425.00
82	SY	110	\$46.03	\$5,063.30	\$46.27	\$5,089.70	\$47.00	\$5,170.00	\$40.10	\$4,411.00
83	TN	20	\$27.54	\$550.80	\$36.97	\$739.40	\$25.00	\$500.00	\$44.50	\$890.00
84	LF	1,300	\$2.61	\$3,393.00	\$2.83	\$3,679.00	\$2.63	\$3,419.00	\$2.45	\$3,185.00
85	EA	2	\$584.98	\$1,169.96	\$792.27	\$1,584.54	\$882.50	\$1,365.00	\$704.00	\$1,408.00
86	LF	4,500	\$9.10	\$40,950.00	\$9.15	\$41,175.00	\$10.50	\$47,250.00	\$9.10	\$40,950.00
87	SF	2	\$42.82	\$85.64	\$43.04	\$86.08	\$10.50	\$21.00	\$7.15	\$14.30
88	LF	1,155	\$9.10	\$10,510.50	\$11.62	\$13,421.10	\$6.30	\$7,276.50	\$12.60	\$14,553.00
89	EA	12	\$160.56	\$1,926.72	\$316.91	\$3,802.92	\$525.00	\$6,300.00	\$121.00	\$1,452.00
90	EA	2	\$540.62	\$1,081.24	\$1,056.35	\$2,112.70	\$525.00	\$1,050.00	\$794.00	\$1,588.00
91	EA	2	\$1,838.10	\$3,676.20	\$2,112.70	\$4,225.40	\$1,785.00	\$3,570.00	\$1,890.00	\$3,780.00
92	EA	1	\$1,838.10	\$1,838.10	\$3,169.06	\$3,169.06	\$2,310.00	\$2,310.00	\$1,730.00	\$1,730.00
93	EA	6	\$2,108.41	\$12,650.46	\$3,169.06	\$19,034.36	\$2,310.00	\$13,860.00	\$2,180.00	\$13,080.00
94	EA	3	\$2,919.34	\$8,758.02	\$3,591.59	\$10,774.77	\$3,223.50	\$9,670.50	\$2,550.00	\$7,650.00
95	LF	382	\$42.17	\$16,108.94	\$33.80	\$12,911.60	\$31.50	\$12,033.00	\$30.20	\$11,536.40
96	LF	235	\$45.41	\$10,671.35	\$38.03	\$8,937.05	\$33.60	\$7,896.00	\$32.80	\$7,708.00
97	EA	2	\$1,245.42	\$2,486.84	\$792.27	\$1,584.54	\$882.00	\$1,764.00	\$925.00	\$1,850.00
98	EA	1	\$1,297.48	\$1,297.48	\$1,056.36	\$1,056.36	\$1,470.00	\$1,470.00	\$980.00	\$980.00
99	CY	15	\$162.19	\$2,432.85	\$105.64	\$1,584.60	\$120.75	\$1,811.25	\$79.30	\$1,189.50
100	LF	100	\$10.70	\$1,070.00	\$10.56	\$1,056.00	\$12.60	\$1,260.00	\$6.70	\$670.00

101	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	300	\$15.00	\$4,500.00	\$31.69	\$9,507.00	\$5.25	\$1,575.00	\$38.20	\$11,460.00
102	SODDING	SY	5,000	\$4.28	\$21,400.00	\$4.23	\$21,150.00	\$4.20	\$21,000.00	\$4.25	\$21,250.00
103	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	400	\$2.94	\$1,176.00	\$2.11	\$864.00	\$2.36	\$944.00	\$2.20	\$880.00
104	4" DOUBLE SOLID YELLOW LINE - EPOXY	LF	1,440	\$0.79	\$1,137.60	\$0.76	\$1,094.40	\$1.05	\$1,512.00	\$0.72	\$1,036.80
105	REMOVE SIGN	EA	1	\$27.03	\$27.03	\$26.41	\$26.41	\$26.25	\$26.25	\$25.00	\$25.00
106	SIGN PANEL, TYPE C	SF	9	\$54.06	\$486.54	\$52.82	\$475.38	\$42.00	\$378.00	\$50.00	\$450.00
107	SALVAGE SIGN	EA	6	\$27.03	\$162.18	\$26.41	\$158.46	\$57.75	\$346.50	\$25.00	\$150.00
108	INSTALL SALVAGED SIGN	EA	6	\$124.34	\$746.04	\$132.04	\$792.24	\$131.25	\$787.50	\$125.00	\$750.00
	<b>TOTAL PART 3 - DEER POND TRAIL &amp; COURT</b>				<b>\$387,878.04</b>		<b>\$397,490.75</b>		<b>\$396,756.15</b>		<b>\$403,562.25</b>
<b>PART 4 - MANNING TRAIL NORTH</b>											
109	MOBILIZATION	LS	1	\$3,500.00	\$3,500.00	\$8,450.81	\$8,450.81	\$21,000.00	\$21,000.00	\$23,500.00	\$23,500.00
110	TRAFFIC CONTROL	LS	1	\$2,324.66	\$2,324.66	\$2,271.15	\$2,271.15	\$25,000.00	\$25,000.00	\$2,150.00	\$2,150.00
111	SILT FENCE, TYPE MACHINE SLICED	LF	6,600	\$2.03	\$13,398.00	\$2.11	\$13,926.00	\$1.94	\$12,804.00	\$1.45	\$9,570.00
112	STREET SWEEPING	HR	25	\$151.26	\$3,781.50	\$132.04	\$3,301.00	\$110.25	\$2,756.25	\$120.00	\$3,000.00
113	BIOROLL DITCH CHECK	EA	20	\$80.28	\$1,605.60	\$52.82	\$1,056.40	\$1.94	\$38.80	\$75.00	\$1,500.00
114	CLEAR AND GRUB TREE	EA	15	\$588.73	\$8,830.95	\$528.18	\$7,922.70	\$525.00	\$7,875.00	\$591.00	\$8,865.00
115	SALVAGE MAILBOX	EA	12	\$32.44	\$389.28	\$31.69	\$380.28	\$26.25	\$315.00	\$30.00	\$360.00
116	INSTALL SALVAGED MAILBOX	EA	12	\$37.84	\$454.08	\$36.97	\$443.64	\$89.75	\$1,071.00	\$35.00	\$420.00
117	SAWCUT BITUMINOUS PAVEMENT	LF	375	\$2.17	\$813.75	\$3.17	\$1,188.75	\$2.63	\$986.25	\$2.50	\$937.50
118	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT	SY	8,970	\$2.71	\$24,308.70	\$1.90	\$17,043.00	\$1.58	\$14,172.60	\$5.30	\$47,541.00
119	REMOVE AND DISPOSE OF EXISTING BITUMINOUS PAVEMENT (DRIVEWAYS)	SY	130	\$5.35	\$695.50	\$5.28	\$686.40	\$3.68	\$478.40	\$8.80	\$1,144.00
120	REMOVE AND DISPOSE OF EXISTING STORM SEWER PIPE	LF	53	\$10.81	\$572.93	\$10.56	\$559.68	\$5.25	\$278.25	\$14.70	\$779.10
121	COMMON EXCAVATION (P)	CY	5,205	\$8.56	\$44,554.80	\$8.98	\$46,740.90	\$9.45	\$49,187.25	\$13.00	\$67,665.00
122	SUBGRADE EXCAVATION - RECONSTRUCT AREAS (CV)	CY	500	\$8.56	\$4,280.00	\$8.98	\$4,490.00	\$10.50	\$5,250.00	\$13.90	\$6,950.00
123	SELECT GRANULAR BORROW (CV)	CY	3,290	\$12.31	\$40,499.90	\$12.68	\$41,717.20	\$10.50	\$34,545.00	\$23.20	\$76,328.00
124	AGGREGATE BASE CLASS 5	TN	4,820	\$10.17	\$49,019.40	\$13.19	\$63,575.80	\$10.00	\$48,200.00	\$0.01	\$48.20
125	TYPE SP 12.5 BITUMINOUS NON-WEARING COURSE MIXTURE (2.8) (SPNWE	TN	1,360	\$55.64	\$75,670.40	\$60.47	\$82,239.20	\$64.00	\$87,040.00	\$56.90	\$77,384.00

126	TYPE SP 9.5 BITUMINOUS WEARING COURSE MIXTURE (Z.B) [SPWFA240B]	TN	820	\$60.67	\$49,749.40	\$60.78	\$49,839.60	\$63.00	\$51,660.00	\$62.90	\$51,578.00
127	BITUMINOUS MATERIAL FOR TACK COAT	GAL	640	\$1.96	\$1,254.40	\$2.64	\$1,689.60	\$2.50	\$1,600.00	\$3.05	\$1,952.00
128	PATCH BITUMINOUS DRIVEWAY	SY	130	\$20.27	\$2,635.10	\$17.21	\$2,237.30	\$25.00	\$3,250.00	\$63.50	\$8,255.00
129	PATCH GRAVEL DRIVEWAY	TN	30	\$27.02	\$810.60	\$36.97	\$1,109.10	\$25.00	\$750.00	\$24.30	\$729.00
130	CLASS 2 AGGREGATE SHOULDERING - 100% CRUSHED LIMESTONE	TN	345	\$20.84	\$7,189.80	\$26.41	\$9,111.45	\$26.25	\$9,056.25	\$39.30	\$13,558.50
131	4" PVC PERFORATED DRAIN W/BACKFILL & WRAP	LF	3,000	\$11.77	\$35,310.00	\$11.62	\$34,860.00	\$6.00	\$18,000.00	\$14.90	\$44,700.00
132	PRECAST CONCRETE HEADWALL (DRAIN TILE)	EA	8	\$535.21	\$4,281.68	\$528.18	\$4,225.44	\$1,459.50	\$11,676.00	\$2,690.00	\$2,152.00
133	18" RCP STORM SEWER, CLASS 5	LF	48	\$62.71	\$3,010.08	\$88.03	\$1,825.44	\$36.75	\$1,764.00	\$35.80	\$1,718.40
134	18" RCP FLARED END SECTION INCL TRASH GUARD	EA	2	\$1,297.49	\$2,594.98	\$1,056.35	\$2,112.70	\$1,470.00	\$2,940.00	\$1,080.00	\$2,160.00
135	CLASS 3 RIP RAP WITH FABRIC	CY	5	\$162.19	\$810.95	\$105.63	\$528.15	\$120.75	\$603.75	\$87.30	\$436.50
136	IMPORT AND PLACE TOPSOIL BORROW (LV)	CY	500	\$15.00	\$7,500.00	\$31.69	\$15,845.00	\$5.25	\$2,625.00	\$37.40	\$18,700.00
137	SEEDING, FERTILIZER, AND EROSION CONTROL BLANKET	SY	7,850	\$2.94	\$23,079.00	\$2.11	\$16,563.50	\$2.36	\$18,526.00	\$2.25	\$17,662.50
138	4" DOUBLE SOLID YELLOW LINE - EPOXY	LF	3,300	\$0.79	\$2,607.00	\$0.76	\$2,508.00	\$0.79	\$2,607.00	\$0.72	\$2,376.00
139	4" SOLID WHITE LINE - EPOXY	LF	6,600	\$0.48	\$3,168.00	\$0.38	\$2,508.00	\$0.28	\$1,848.00	\$0.36	\$2,376.00
140	REMOVE SIGN	EA	5	\$27.03	\$135.15	\$26.41	\$132.05	\$26.25	\$131.25	\$25.00	\$125.00
141	SIGN PANEL, TYPE C	SF	21	\$54.06	\$1,108.23	\$52.82	\$1,082.81	\$42.00	\$881.00	\$50.00	\$1,025.00
142	SALVAGE SIGN	EA	14	\$27.03	\$378.42	\$26.41	\$368.74	\$26.25	\$367.50	\$25.00	\$350.00
143	INSTALL SALVAGED SIGN	EA	14	\$124.34	\$1,740.76	\$132.04	\$1,848.56	\$89.25	\$1,249.50	\$125.00	\$1,750.00
TOTAL PART 4 - MANNING TRAIL NORTH				\$422,063.00		\$444,389.35			\$444,513.05		\$499,745.70
BASE BID:											
TOTAL PART 1 - PARKARD PARK AREA				\$559,391.21		\$542,506.50			\$571,228.85		\$557,338.12
TOTAL PART 2 - 20TH STREET NORTH				\$96,438.45		\$106,321.96			\$114,108.35		\$105,515.25
TOTAL PART 3 - DEER POND TRAIL & COURT				\$387,878.04		\$397,490.75			\$396,756.15		\$403,962.25
TOTAL PART 4 - MANNING TRAIL NORTH				\$422,063.00		\$444,389.35			\$444,513.05		\$499,745.70
TOTAL BASE BID				\$1,465,770.70		\$1,490,708.56			\$1,526,606.40		\$1,566,561.32

<b>ALTERNATE NO. 1:</b>											
BITUMINOUS MIXTURE SPWEA230B IN LIEU OF SPWEA240B -											
1	PACKARD PARK (ADD / DEDUCT TO BASE BID ITEM 22)	TN	1,905	\$1.00	\$1,905.00	\$0.50	\$952.50	\$0.10	\$190.50	\$0.40	\$762.00
<b>ALTERNATE NO. 2</b>											
BITUMINOUS MIXTURE SPWEA230B IN LIEU OF SPWEA240B -											
1	DEER POND TRAIL & COURT (ADD / DEDUCT TO BASE BID ITEM 79)	TN	520	\$1.00	\$520.00	\$0.30	\$156.00	\$0.10	\$52.00	\$0.40	\$208.00
<b>ALTERNATE NO. 3</b>											
BITUMINOUS MIXTURE SPWEA230B IN LIEU OF SPWEA240B -											
1	MANNING TRAIL NORTH (ADD / DEDUCT TO BASE BID ITEM 126)	TN	820	\$1.00	\$820.00	\$0.50	\$410.00	\$0.10	\$82.00	\$0.40	\$328.00

PROJECT SCHEDULE  
CITY OF LAKE ELMO  
2014 STREET IMPROVEMENTS  
PROJECT NO. 2013.135

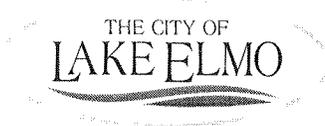
**FOCUS** ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

*APRIL 2014*

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October 1, 2013	Council authorizes Feasibility Report.
January 6, 2014	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
January 23, 2014	Property owner meeting. Presentation of Report findings and recommendations.
February 5, 2014	Public Improvement Hearing. Council orders Preparation of plans and specifications.
May 6, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
June 5, 2014	Receive Contractor Bids.
June 17, 2014	Council accepts bids and awards Contract.
July 8, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
October 10, 2014	Substantial completion (estimated 12-15 weeks).
November 21, 2014	Final completion.



**MAYOR & COUNCIL COMMUNICATION**

**DATE:** 06/17/2014  
**REGULAR**  
**ITEM #** 21

**AGENDA ITEM:** Village East Trunk Sanitary Sewer Improvements: Trunk Highway 5 to south of the Union Pacific Railroad – Resolution Ordering Feasibility Report, Receiving Feasibility Report, Calling Hearing on Improvement, Approve Plans and Specifications, and incorporate Plans and Specifications into 39<sup>th</sup> Street North: Street and Sanitary Improvements

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

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

**REVIEWED BY:** Adam Bell, City Clerk  
Cathy Bendel, Finance Director  
Chad Isakson, Project Engineer

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Engineer
- Report/Presentation..... City Engineer
- 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

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:** None.

The impact to the City for this request includes procedures to recover all costs as the improvements proceed forward. The trunk sewer improvements are being implemented as a joint venture between the City, property owners and developers. This report addresses an improvement project already imitated by the City Council. However, the request amends the portion of the improvements to be directly led by the City, thereby altering the project delivery process and incorporating additional improvements and properties to be assessed.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider adopting Resolution No. 2014-48 for the Village East Trunk Sanitary Sewer Improvements: TH 5 to UP Railroad, thereby Ordering Feasibility Report, Receiving Feasibility Report, Calling Hearing on Improvements to be held on July 15, 2014, Approve Plans and Specifications, and incorporate Plans and Specifications into 39<sup>th</sup> Street North: Street and Sanitary Improvements. The recommended motion for this action is as follows:

***“Move to adopt Resolution No. 2014-48 for the Village East Trunk Sanitary Sewer Improvements: TH 5 to UP Railroad, thereby Ordering Feasibility Report, Receiving Feasibility Report, Calling Hearing on Improvement, Approve Plans and Specifications, and incorporate Plans and Specifications into 39<sup>th</sup> Street North: Street and Sanitary Improvements.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

At the request of several property owners in the Village area the City of Lake Elmo, property owners and developers are working collaboratively to complete the extension of trunk sanitary sewer from the new lift station in Reid Park to the intersection of 39<sup>th</sup> Street North and Trunk Highway 5, then along 39<sup>th</sup> Street North to CSAH 17 (Lake Elmo Avenue) with the sanitary sewer stubbed to the west side of the County Road.

To pursue this improvement, the project was split into two separate improvement projects, one to be completed as a public improvement project led by the City (the 39<sup>th</sup> Street: Street and Sanitary Sewer Improvements) and the other to be constructed privately by developers (the Village East Trunk Sanitary Sewer Improvements). In both cases the City would cover pipe oversize charges funded through the City sewer Enterprise Fund. The City initiated the 39<sup>th</sup> Street: Street and Sanitary Sewer Improvements by authorizing the feasibility report on March 18, 2014. A public improvement hearing was then held on May 6, 2014 and the council ordered the preparation of plans and specifications.

Subsequent to the direction to proceed with the 39<sup>th</sup> Street: Street and Sanitary Sewer Improvements, two of the property owners, representing three parcels, requested to have a portion of the Village East Trunk Sanitary Sewer Improvements, that portion from Trunk Highway 5 to the south side of the Union Pacific Railroad tracks, to be publicly bid and constructed as a part of the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements with the costs to be assessed to the benefiting properties.

To accommodate this request, a feasibility report had to be prepared to meet state statutory requirements for public improvement projects and a public improvement hearing must be scheduled. The report identifies the necessary improvements, the estimated project costs, the assessment methodology and preliminary assessment amounts to be levied against properties adjacent to and benefitting from the proposed improvements. The improvements consist of the installation of over 2,000 feet of 15-inch diameter trunk sanitary sewer from Trunk Highway 5 to the south side of the Union Pacific Railroad Tracks.

To incorporate this project as part of the City's 39<sup>th</sup> Street: Street and Sanitary Sewer construction project in 2014, plans and specifications must be approved and bid together with the 39<sup>th</sup> Street: Street and Sanitary Sewer Improvement project. The Village East Trunk Sanitary Sewer Improvements: Trunk

Highway 5 to the UP Railroad, will be added as an alternate add bid item so that the Council may elect to award one or both projects. In addition, it is recommended that the Council schedule the public improvement hearing for July 15, 2014, and following the hearing will then be asked to consider ordering the improvement and awarding the construction contract.

The total estimated project cost for the additional improvements is \$288,000. The total estimated project costs to bring sanitary sewer from the lift station through 39th Street will be paid in full by all properties benefitting from the extension less trunk oversizing costs, which will be paid through the City's sewer enterprise fund. Project costs were apportioned based on the Residential Equivalent (REC) Units method. Three parcels are being specially assessed for the portion of the trunk sewer improvements being added to the City's project. Assessments are levied over 15 years. The City will bond for the project as the interim funding source, and repay the bonds using the assessment revenue collected each year. The feasibility report findings and recommendations will be further presented at the meeting.

The plans and specifications for the Village East Trunk Sanitary Sewer Improvements: TH 5 to UP Railroad have been completed by Bolton and Menk, Inc. the City's design consultant, with the assistance of the developer's design consultant, Sathre-Bergquist. It is recommended that these plans are incorporated with the 39th Street North: Street and Sanitary Sewer Improvements project as an alternate bid. This allows the City to proceed with the bidding process and keep the project moving forward, but it does not commit the City to build the improvements until further financial security is obtained from the benefitting properties.

**RECOMMENDATION:**

Staff is recommending that the City Council adopt Resolution No. 2014-48 for the Village East Trunk Sanitary Sewer Improvements: TH 5 to UP Railroad, thereby Ordering Feasibility Report, Receiving Feasibility Report, Calling Hearing on Improvements to be held on July 15, 2014, Approve Plans and Specifications, and incorporate Plans and Specifications into 39<sup>th</sup> Street North: Street and Sanitary Improvements. The recommended motion for this action is as follows:

***“Move to adopt Resolution No. 2014-48 for the Village East Trunk Sanitary Sewer Improvements: TH 5 to UP Railroad, thereby Ordering Feasibility Report, Receiving Feasibility Report, Calling Hearing on Improvement, Approve Plans and Specifications, and incorporate Plans and Specifications into 39<sup>th</sup> Street North: Street and Sanitary Improvements.”***

**ATTACHMENT(S):**

1. Resolution 2014-48
2. Notice of Hearing on Improvement.
3. Location Map.
4. Project Schedule.
5. Feasibility Report *(available for review at City Hall)*

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

**RESOLUTION NO. 2014-48**

**A RESOLUTION ORDERING FEASIBILITY REPORT, RECEIVING A  
FEASIBILITY REPORT, CALLING HEARING ON IMPROVEMENT,  
APPROVE PLANS AND SPECIFICATIONS, AND INCORPORATE  
PLANS AND SPECIFICATIONS INTO 39<sup>TH</sup> STREET NORTH: STREET  
AND SANITARY IMPROVEMENTS FOR THE  
VILLAGE EAST TRUNK SANITARY SEWER IMPROVEMENTS**

**WHEREAS**, sanitary sewer improvements are necessary to connect the 39<sup>th</sup> Street North sanitary sewer improvements by installing 2,000 feet of trunk sewer from Trunk Highway 5 to south of the Union Pacific Railroad tracks; and

**WHEREAS**, there are three developable benefiting properties adjacent to said improvements;  
and

**WHEREAS**, a feasibility report has been prepared by FOCUS Engineering, Inc. for the Village East Trunk Sanitary Sewer Improvements; and

**WHEREAS**, the feasibility report recommends that benefiting properties along the project route be assessed all or a portion of the cost of the improvements pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429; 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; and

**WHEREAS**, the City Engineer, together with Bolton and Menk, Inc. has prepared plans and specifications for the Village East Trunk Sanitary Sewer Improvements: TH 5 to UP Railroad and has presented such plans and specifications to the Council for approval.

**NOW, THEREFORE, BE IT RESOLVED,**

1. The City Council directs the City Engineer and FOCUS Engineering, Inc., to complete a feasibility report in accordance with Minnesota Statues, Chapter 429 for the proposed improvements, and to report to the council with all convenient speed advising the council in a preliminary way as to 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 improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.
2. 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 \$288,000 for the sanitary sewer improvements.

3. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.
4. A public hearing shall be held on such proposed improvements on the 15th day of July, 2014, 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.
5. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall and made a part hereof, are hereby approved. The plans and specifications shall be incorporated with the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements project and bid as an add alternative.
6. The City Clerk shall prepare and cause to be inserted in the official paper and posted online with Quest Construction Data Network (QuestCDN.com) an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SEVENTEENTH DAY OF JUNE, 2014.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk

CITY OF LAKE ELMO  
NOTICE OF HEARING ON IMPROVEMENT  
VILLAGE EAST TRUNK SANITARY SEWER IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, July 15, 2014, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvements will consist of the extension of municipal sanitary sewer service along the property line of PID 13.029.21.12.0001 and PID 13.029.21.24.001 between Trunk Highway 5 and the Union Pacific Railroad Tracks.

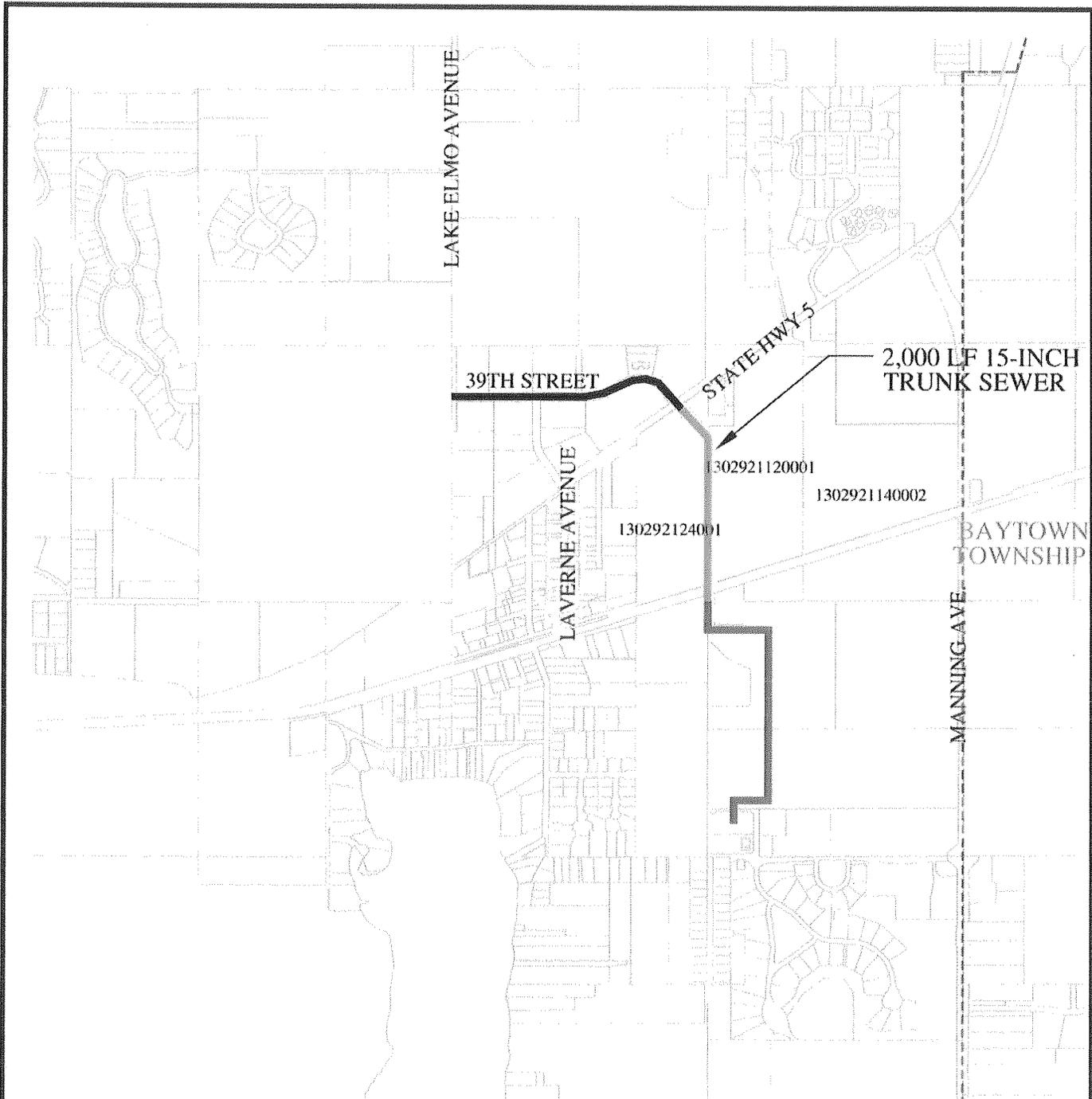
The area proposed to be assessed for these improvements include the two properties referenced above along with PID 13.029.21.14.0002. The estimated total cost of the sanitary sewer improvements is \$288,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desiring to be heard with reference to the proposed improvements will be heard at this meeting.

**DATED:** June 17, 2014

**BY ORDER OF THE LAKE ELMO CITY COUNCIL**

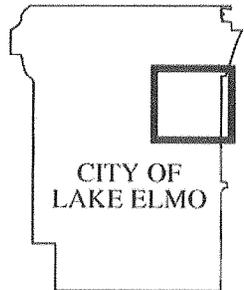
**Mike Pearson, Mayor**

*(Published in the Oakdale-Lake Elmo Review on June 25, 2014 and July 2, 2014)*



**LEGEND**

-  VILLAGE EASTERN TRUNK SEWER IMPROVEMENTS (PUBLIC)
-  VILLAGE EASTERN TRUNK SEWER IMPROVEMENTS (PRIVATE)
-  39TH STREET - SANITARY SEWER IMPROVEMENTS (PUBLIC)



**FOCUS  
ENGINEERING**

VILLAGE EAST SANITARY SEWER  
IMPROVEMENTS: TRUNK HIGHWAY  
5 TO UNION PACIFIC RAILROAD  
PROJECT NO. 2014.127  
JUNE, 2014

FIGURE NO. 1  
**LOCATION MAP**  
VILLAGE EAST TRUNK SANITARY  
SEWER IMPROVEMENTS

PROJECT SCHEDULE  
CITY OF LAKE ELMO

**FOCUS** ENGINEERING, inc.

VILLAGE EAST TRUNK SANITARY SEWER IMPROVEMENTS  
PROJECT NO. 2014.131

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

JUNE 2014

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June 17, 2014	Council Orders Preparation of Feasibility Report. Presentation of Feasibility Report. Council accepts Report and Calls Hearing. Council approves Plans and Specifications; Orders Advertisement for Bids. (project is added to the 39 <sup>th</sup> Street: Street and Sanitary Sewer Improvements as an add alternate bid).
July 10, 2014	Receive Contractor Bids
July 15, 2014	Public Improvement Hearing. Council Orders the Improvement, accepts bids and awards Contract.
July 28, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
November 28, 2014	Substantial completion (estimated 17 weeks).
December 16, 2015	Final Completion.



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**REGULAR**  
**ITEM #** 22

**AGENDA ITEM:** 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements – Approve Plans and Specifications and Order Advertisement for Bids

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

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

**REVIEWED BY:** Adam Bell, Assistant City Administrator/ City Clerk  
Cathy Bendel, Finance Director

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Engineer
- Report/Presentation..... City Engineer
- 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

**POLICY RECOMMENDER:** Engineering.

**FISCAL IMPACT:** None.

The total estimated project cost for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements is \$1,247,000 and the total estimated project cost for the add alternate bid packed consisting of the Village East Trunk Sanitary Sewer Improvements from TH5 to the UP Railroad is \$288,000. These improvements are scheduled for construction in 2014 and will be funded through the issuance of general obligation bonds and by levying special assessments against the 13 benefitting properties identified in the Feasibility Reports for each improvement.

Approval of this resolution does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving the plans and specifications and ordering the advertisement for bids for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements including the ad alternate bid package for the Village East Trunk Sanitary Sewer improvements: from TH 5 to the UP Railroad. The recommended motion for this action is as follows:

*“Move to approve Resolution No. 2014-49, approving the plans and specifications and ordering the advertisement for bids for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements including the ad alternate bid package for the Village East Trunk Sanitary Sewer improvements: from TH 5 to the UP Railroad.”*

**LEGISLATIVE HISTORY:**

The City of Lake Elmo received a Petition, pursuant to Minnesota Statue 429, requesting street and sanitary sewer improvements along 39<sup>th</sup> Street North from State Highway 5 to Lake Elmo Avenue (CSAH 17). On May 6, 2014, the council authorized the preparation of plans and specifications for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements.

Two property owners along the Village East Trunk Sewer corridor (between Highway 5 and the Union Pacific Railroad Tracks) requested the sanitary sewer through their property be included in the public project. Staff has included this scope of improvements as a part of the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements construction documents.

In accordance with the project schedule, the plans and specifications for the improvements have been completed and are ready to be advertised for contractor bids.

**BACKGROUND INFORMATION:**

Plans and Specifications have been completed for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements. The total estimated project cost is \$1,247,000. Plans and Specifications for an add alternate bid packed consisting of the Village East Trunk Sanitary Sewer Improvements from TH5 to the UP Railroad has also been completed with a total estimated project cost of \$288,000. The improvements include:

- Reconstruction of 39<sup>th</sup> Street North from State Highway 5 to CSAH 17. The street improvements are proposed to be an extension of the Village Parkway street section as envisioned in the Village area plan.
- The improvement includes an 8-foot bituminous trail along the north boulevard and a 6-foot sidewalk along the south boulevard in order to maintain the extension of Village Parkway.
- Replacement of the existing storm sewer conveyance system along 39<sup>th</sup> Street North.
- Extension of 10 and 12-inch diameter trunk sanitary sewer in connection with the Village East Trunk Sanitary Sewer extension.
- Installation of 11 service stubs to existing properties along 39<sup>th</sup> Street North to provide owners with the opportunity to hook up to municipal sewer.
- An add alternate bid package that includes the Village East Trunk Sanitary Sewer Improvements: Trunk Highway 5 to south of the Union Pacific Railroad; consisting of the installation of 2,000-foot of 15-inch trunk sanitary sewer.

The project will be partially funded by imposing special assessments against 11 benefitting properties abutting the improvements along 39<sup>th</sup> Street North. Eighty percent (80%) of the street, storm sewer and sidewalk improvements will be specially assessed on the basis of front footage with the remaining twenty percent (20%) paid through the general City tax levy. The bituminous trail costs will be funded through Park Dedication.

The total estimated project costs to bring sanitary sewer from the lift station through 39<sup>th</sup> Street will be paid in full by all properties benefitting from the extension with the City sewer enterprise fund paying the pipe oversize costs. Project costs were apportioned based on the Residential Equivalent (REC) Unit method. Benefitting properties along 39<sup>th</sup> Street are proposed to be specially assessed for their proportionate share of the trunk sanitary sewer extension.

**RECOMMENDATION:**

Staff is recommending that the City Council approve the plans and specifications and order the advertisement for bids for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements including the ad alternate bid package for the Village East Trunk Sanitary Sewer improvements: from TH 5 to the UP Railroad.. The recommended motion for this action is as follows:

*“Move to approve Resolution No. 2014-49, approving the plans and specifications and ordering the advertisement for bids for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements including the ad alternate bid package for the Village East Trunk Sanitary Sewer improvements: from TH 5 to the UP Railroad..”*

**ATTACHMENT(S):**

1. Resolution No. 2014-49 Approving Plans and Specifications and Ordering Advertisement for Bids.
2. Location Map.
3. Project Schedule.
4. 39<sup>th</sup> Street North: Street and Sanitary Improvements Plans and Specifications (*available for review at City Hall*).

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

**RESOLUTION NO. 2014-49**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS FOR THE  
39<sup>TH</sup> STREET NORTH: STREET AND SANITARY SEWER  
IMPROVEMENTS INCLUDING AN ADD ALTERANTE BID PACKAGE  
FOR THE VILLAGE EAST TRUNK SANITARY SEWER  
IMPROVEMENTS: TRUNK HIGHWAY 5 TO THE UP RAILROAD**

**WHEREAS**, pursuant to a resolution passed by the City Council on the 6<sup>th</sup> day of May, 2014, the City Engineer, together with Bolton and Menk, Inc. has prepared plans and specifications for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements and has presented such plans and specifications to the Council for approval, and

**WHEREAS**, pursuant to a resolution passed by the City Council on the 17<sup>th</sup> day of June, 2014, the City Engineer, together with Bolton and Menk, Inc., has prepared plans and specifications for the Village East Trunk Sanitary Sewer Improvements: Trunk Highway 5 to UP Railroad, and said plans have been incorporated as an add alternate bid package for the 39<sup>th</sup> Street North: Street and Sanitary Sewer Improvements.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,**

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

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON SEVENTEENTH DAY OF JUNE 2014.**

**CITY OF LAKE ELMO**

By: \_\_\_\_\_  
Mike Pearson  
Mayor

(Seal)  
ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk



PROJECT SCHEDULE  
CITY OF LAKE ELMO

**FOCUS** ENGINEERING, inc.

39<sup>th</sup> STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS  
PROJECT NO. 2014.131

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

~~MARCH 2014~~: REVISED JUNE 2014

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March 18, 2014	Council Declares Adequacy of Petition and Orders Preparation of Feasibility Report.
April 15, 2014	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
April 29, 2014	Property owner meeting. Presentation of Report findings and recommendations.
May 6, 2014	Public Improvement Hearing. Council orders Preparation of plans and specifications.
June 17, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
July 10, 2014	Receive Contractor Bids.
July 15, 2014	Council accepts bids and awards Contract.
July 28, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
November 28, 2014	Substantial completion (estimated 17 weeks).
Summer, 2015	Final Completion.



# MAYOR & COUNCIL COMMUNICATION

**DATE:** 06/17/2014  
**REGULAR** \$\$  
**ITEM #** 23

**AGENDA ITEM:** Approval for Fund Transfers and Fund Closures for 2013

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

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Dean Zuleger, City Administrator  
Jason Miller, Smith Schafer & Associates

**SUGGESTED ORDER OF BUSINESS:**

- Questions from Council to Staff ..... Mayor Facilitates
- Report/Presentations ..... City Staff, Smith Schafer
- 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

**POLICY RECOMMENDER:** Finance/Auditors

**FISCAL IMPACT:** (\$400,000 to the General Fund)

To finalize the December 31, 2013 general ledger and close it down for the year some final transactions/transfers are necessary and were incorporated into the final audit report presented.

**SUMMARY AND ACTION REQUESTED:**

As of December 31, 2013, four funds were identified as no longer being necessary. As a result, the balances need to be transferred so that the account can be closed in the general ledger. The specific reason is listed below. There is no financial impact from these transactions and no impact to the General Fund.

In addition, to account for the internal loan repayments properly, a fund transfer is needed for 2012 and 2013. In 2012, the loan repayment was authorized but the transfer was not made to fund the repayment. The motion for this action is as follows:

***“Move to approve Resolution No. 2014-50 to close out inactive funds and process a fund transfer of \$400,000 needed to make the annual internal loan repayments for 2012 and 2013”***

**STAFF REPORT:**

The following transfers need to be made to be able to close unnecessary funds as of December 31, 2013:

- Project fund 418 (2011 street fund) needs to be closed into fund 319 (2011 street fund debt svc)
- Project fund 419 (2012 street fund) needs to be closed into fund 321 (2012 street fund debt svc)
- Debt svc fund 313 (2004 bond debt svc) needs to be closed into fund 318 (2011A refinanced bond debt svc)
- Project fund 420 (South of 10<sup>th</sup>) needs to be closed into fund 409 (general infrastructure project account) as there is no need to segregate.

In addition, the following fund transfer needs to be made from the General Fund (101) to the Village (413) fund to make the funds available to make the annual loan repayments approved and budgeted. On March 18<sup>th</sup> the City Council approved Resolution 2014-17 authorizing the loan repayment installment of \$200,000 from the Village Fund to the General Fund for 2013.

**RECOMMENDATION:**

It is recommended that the City Council approve Resolution No. 2014-50 authorizing the balance transfers between funds to allow closure of the mentioned funds as well as the separate fund transfer to be able to fund the 2012 and 2013 loan repayments as budgeted.

***“Move to approve Resolution No. 2014-50 to close out inactive funds and process a fund transfer of \$400,000 needed to make the annual internal loan repayments for 2012 and 2013.”***

**ATTACHMENTS:**

1. Resolution No. 2014-50

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

**RESOLUTION NO. 2014-50**

**A RESOLUTION RELATED TO 2013 YEAR END CLOSURE/AUDIT  
TO WASHINGTON COUNTY**

WHEREAS, the City of Lake Elmo desires to close the accounting records as of December 31, 2013,

BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, that the following transfers may be made effective December 31, 2013:

- Close fund 418 into fund 319
- Close fund 419 into fund 321
- Close fund 313 into fund 318
- Close fund 420 into fund 409
- \$400,000 from the General Fund (101) to the Village fund (413) so that funds are available to make the annual loan repayments approved by City Council for 2012 (\$200,000) and 2013 (\$200,000).

APPROVED by the Lake Elmo City Council on this 17<sup>th</sup> day of June, 2014.

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

Mike Pearson  
Mayor

ATTEST:

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