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PUBLIC NOTICES

STATE OF MINNESOTA
 COUNTY OF SCOTT
 DISTRICT COURT
 PROBATE DIVISION
 SECOND JUDICIAL DISTRICT
 Court File No. 70-PR-12-10423
 Estate of Janet M. Strunk

Decedent.
NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE, AND NOTICE TO CREDITORS (INTESTATE)
 Notice is given that an application for informal appointment of personal representative has been filed with the Registrar. No will has been presented for probate. The application has been granted.

Notice is also given that the Registrar has informally appointed Ann Marie King whose address is 415 5th Avenue West, Shakopee, MN 55379 as personal representative of the Estate of the Decedent. Any heir or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative. Unless objections are filed with the Court (pursuant to Minn. Stat. 524.3-3-607) and the Court otherwise orders, the personal representative has full power to administer the Estate including, after 30 days for the date of issuance of letters, the power to sell, encumber, lease or distribute real estate.

Any objections to the probate of the will or appointment of the Personal Representative must be filed with this Court and will be heard by the Court after the filing of an appropriate petition and proper notice of hearing.

Notice is also given that (subject to Minn. Stat. 524.3-801) all creditors having claims against the Estate are required to present the claims to the personal representative or to the Court Administrator within four months after the date of this Notice or the claims will be barred.
 Dated: 5/24/12

Kellie K Schleis
Registrar

Greg Ess
Court Administrator

(Published in the Prior Lake American on Saturday, June 2 and 9, 2012; No. 7712)

**DRAFT AGENDA
 SPRING LAKE TOWNSHIP
 MONTHLY MEETING
 THURSDAY, JUNE 14, 2012
 at 7:00 P.M.
 SPRING LAKE TOWNSHIP
 TOWN HALL,
 20381 FAIRLAWN AVENUE
 PRIOR LAKE, MN 55372**

7:00 Call to Order
 Changes to and approval of agenda

Approval of May 9, 2012 monthly meeting minutes
 7:05 Public Commentary
 Agenda Items

7:10 Request for variance for second driveway access to property at 17620 Sunrise Ct. SW
 7:20 Larry Mueller drain tile issue

7:40 Consideration of Stantec planning services
 8:10 Consideration of a resolution certifying assessments for the Hickory Hills Trail/213th Street Road Improvement Project

8:20 Consideration of a resolution adopting procedures for special assessment payoffs
 8:25 Approval of pay request for Blake Loop project
 8:30 Consideration of quotes for miscellaneous road maintenance

8:40 Consideration of quotes for miscellaneous town hall repairs
 8:50 Engineer's Report
 9:10 Road Report
 9:20 Parks Report
 9:30 Water Resources Report
 9:40 Treasurer's Report

New Business/Old Business
 Approval of disbursements
 Kathy Nielsen, Clerk
 952-492-7030

kathynielsen@springlaketownship.com
 (Published in the Prior Lake American on Saturday, June 9, 2012; No. 7714)

NOTICE OF PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT WITH LIQUOR IN THE C-2 ZONING DISTRICT

You are hereby notified that the Prior Lake Planning Commission will hold a public hearing at Prior Lake City Hall, located at 4646 Dakota Street SE, on: Monday, June 25, 2012 at 6:00 p.m. or as soon thereafter as possible. Nan Zetzman is requesting a Conditional Use Permit to allow a restaurant, Artisan Coffee Bistro, with liquor in the C-2 Zoning District.

The property is legally described as follows:

Section 02 Township 114 Range 022
 SubdivisionName SOUTH LAKE VILLAGE Lot 001 Block 001, Scott County, Minnesota

Address: 16731 Hwy 13 S. Suite 104
 PID: 25-470-001-0

Prepared this 5th day of June, 2012.
 Peter Aldritt, Community Development Assistant
 City of Prior Lake
 (Published in the Prior Lake American on Saturday, June 9, 2012; No. 7715)

**CITY OF PRIOR LAKE
 ORDINANCE NO. 112-03
 AN ORDINANCE REPLACING
 SECTION 605.1000
 OF THE PRIOR LAKE CITY
 CODE RELATED TO NOISE**

The City Council of the City of Prior Lake does hereby ordain that Section 605.1000 is deleted in its entirety and replaced with a new Section 605.1000 as provided below.
605.1000. NOISE: The purpose of this Section is to restrict noise by establishing maximum allowable levels of noise that may occur in the outdoor atmosphere; and to restrict or prevent certain activities that constitute a public nuisance because they emit noise which unreasonably annoys, disturbs, injures or endangers health, peace, safety, order or the general welfare, or which interferes with the enjoyment of public or private property.

To accomplish the purpose of this Section, the City hereby adopts and incorporates herein Minnesota Statute Section 116.07, Minnesota Rules Parts 7030.0010 to 7030.0080, and Minnesota Statute Section 412.221, Subdivisions 23, 24 and 32, as they may be amended from time to time. These statutes and rules deal with the regulation of sound and the public welfare.

605.1001 City Responsibility for Noise Control.

(1) The City is responsible, pursuant to Minnesota Statute Section 116.07, Subdivisions 2 and 4 and Minnesota Rules Part 7030.0030, for taking "reasonable measures" to prevent the establishment of land use activities listed in Noise Area Classifications (NAC) 1, 2, or 3 in any location where the standards established in Part 7030.0040 will be "violated immediately" upon establishment of the land use.

(2) The City may not establish noise standards which are more stringent than those set out in Minnesota Rule Part 7030.0040.

605.1002 City Authority to Define Nuisances. In addition to the responsibility of the City pursuant to Minnesota Statute Section 116.07, Subdivisions 2 and 4, the City Council has the power provided for in Minnesota Statute Section 412.221, Subdivisions 23, 24 and 32, to adopt ordinances which:

(1) Define nuisances and provide for their prevention and abatement;

(2) Regulate noise or other disorder; and

(3) Protect public and private property and promote health, safety, order, convenience, and the general welfare.

605.1003 Definitions. The definitions provided below, defined elsewhere in this Subsection, and defined in Minnesota Rules § 7030.0020, shall apply to the terms used in Section 605.

(1) A-weighted: "A-weighted" means a specific weighting of sound pressure level for the purpose of determining the human response to sound.

(2) Daytime: The hours between 7:00 a.m. to 10:00 p.m.

(3) dB (A): "dB (A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

(4) Decibel: "Decibel" means a unit of sound pressure level, abbreviated as dB.

(5) Impulsive noise: "Impulsive noise" means either a single sound pressure peak (with either a rise time of less than 20 milliseconds or total duration less than 200 milliseconds) or multiple sound peaks (with either rise times less than 200 milliseconds or total durations less than 200 milliseconds) spaced at least by 200 millisecond pauses.

(6) L10: "L10" means the sound level, expressed in dB(A), which is exceeded 10 percent of the time in a one hour survey.

(7) L50: "L50" means the sound level, expressed in dB(A), which is exceeded 50 percent of the time in a one hour survey.

(8) Nighttime: The hours between 10:00 p.m. to 7:00 a.m.

(9) Noise Area Classification: "Noise Area Classification" (NAC) is a matrix that groups land use activities into four (4) categories based on the land use activity at the location of the receiver and determines the noise standards applicable to that

land use activity.

(10) Noise Standards: "Noise standards" are the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. The noise standards established in Minnesota Rules Part 7030.0040 are consistent with speech, sleep, annoyance, and hearing conversation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in Minnesota Rules Part 7030.0050.

(11) Person: "Person" means any human being, any municipality or other governmental or political subdivision or other department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receivership, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing.

(12) Public Nuisance: "Public nuisance" has the same meaning in this Subsection as it has in Subsection 605.100.

605.1004 Noise Level Standards and Measurement Procedures.

(1) Noise Levels. The noise level standards established in Minnesota Rule Part 7030.40 consider the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health and welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property.

The standards are objective rather than subjective.

(2) The Measurement Procedures. The City will use the noise measurement procedure described in Minnesota Rule Part 7030.0060 when it conducts a noise test. The procedure sets out criteria for conducting sound measurement tests; including:

- Measurement location;
- Equipment specifications;
- Calibration;
- Measurement procedures; and
- Data documentation.

(3) Sound is measured within the applicable NAC (Neighborhood Area Classification) at the point of human activity which is nearest to the noise source. All measurements are made outdoors.

605.1005 Impulsive or Intermittent Noise. The City will not conduct noise tests on impulsive noises or on non-stationary noise sources (trucks, motorcycles, snow mobiles, and other motorized vehicles) that operate on streets and roads within the City.

605.1006. Nuisance Noise. A nuisance or nuisance noise is a noise from a human activity or non-stationary source that occurs at an inappropriate time of day, is loud, raucous, unnecessarily long, or inconsistent with a reasonable person's expectation regarding the use and enjoyment of his or her property. The following activities are a nuisance or create a nuisance noise:

(1) Unnecessary Noise:

(a) No person, in any public or private place, may make or assist in making, by any manner or means, any loud, unpleasant, or raucous noise disturbing to others, unless the noise is reasonably necessary to the preservation of life, health, safety or property.

(b) No person may use operate, or permit the use or operation of, any radio, television, musical instrument, musical device, sound-amplifying equipment, or other device for producing or reproducing sound when it creates noise so loud and unnatural in its time, place, use, or operation as to annoy, injure, or endanger the safety, health, comfort, or repose of a reasonable person.

(2) Noisy Assembly:

(a) A Noisy Assembly is a gathering of two or more persons assembled in a residential or commercial area or building therein between the hours of 10:00 P.M. and 7:00 A.M. that produces or causes noise, regardless of the source that unreasonably disturbs the peace, quiet, repose or enjoyment of property.

(b) Prohibition: It is unlawful for a person to:

1) Participate in, visit, or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly, except persons who have come to the gathering for the sole purpose of abating the disturbance.

2) Knowingly permit real estate under their care or control to be used for a noisy assembly.

(c) Exception: Outdoor Event Permit - any event or gathering which has obtained an Outdoor

Event Permit, as provided for in Section 307 of the City Code, is exempted from this section.

(3) Excessive Vehicle Noise:

(a) For purposes of this subsection, the term "vehicle" shall mean any motor boat; car, truck or other motor vehicle; motor cycle; all-terrain vehicle (ATV); snowmobile; or personal water craft.

(b) Prohibition: The following uses, which are declared to be nuisances affecting public health, safety, peace, or welfare, shall be unlawful:

1) The discharging of the exhaust or permitting the discharge of the exhaust of any internal combustion engine or of any vehicle, except through a muffler or other device that effectively prevents loud or explosive noise therefrom and complies with all applicable state laws and regulations.

2) The use of a vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other excessive noise.

3) Any unreasonably loud or excessive noise in the loading, unloading, or unpacking of any vehicle.

4) Applying an engine brake or using an exhaust brake system (a practice commonly known as "Jake Braking") when operating a vehicle when that use of brakes results in unreasonably loud or excessive noise.

605.1007. Equipment and Construction Activity Noise Regulations.

(1) The following activities are only allowed on public or private property between the hours of 7:00 A.M. and 7:00 P.M., Mondays through Saturdays, and between the hours of 8:00 A.M. and 7:00 P.M. on Sundays and legal holidays:

(a) Construction activity, including but not limited to: operation, repair, servicing and engine start-up/warm-up of heavy construction equipment; loading and unloading of heavy equipment; and delivery of supplies;

(b) The use of any power tools for construction activity including, but not limited to: saws jackhammers, nail drivers, impact wrenches, and air compressors; and

(c) Commercial repair and servicing of motor vehicles, recreational vehicles or other vehicles or equipment.

(2) Earlier Start-Time Permit. The City Manager or Manager's designee may grant a permit to allow construction activity to begin before 7 a.m., where it is determined that to do so would be in the best interest of the public or City. The application shall include, together with other information requested by the City: a work plan outline, a narrative explaining why an earlier start time is needed to adhere to an accelerated or established project schedule, an assurance that an early start time permit is not being requested for the mere convenience of the contractor, and an explanation of the types of activities that will occur before 7 a.m.

(3) Exemptions. The following activities are specifically exempted from the prohibitions under this Subsection 605.1007:

(a) Snow removal activities on public or private property;

(b) Parking lot maintenance or sweeping; and

(c) Public Improvement projects. In order to be exempt, an early start time permit in accordance with 605.1007(2) must be approved in advance and the City or other municipality responsible for the public improvement project must provide homes within the scope of the project area with notice of the project schedule.

605.1008 Exceptions for Residential Maintenance.

(1) The use of power lawn or landscape maintenance equipment, including but not limited to: lawn mowers, hedge clippers, grass/weed trimmers, garden tillers, chainsaws, leaf blowers, or wood chippers by individual homeowners or occupants is permitted between the hours of 7:00 A.M. and 9:00 P.M., Mondays through Saturdays, and between the hours of 8:00 A.M. and 7:00 P.M. on Sundays and legal holidays.

(2) The repair and servicing of personal motor vehicles, recreational vehicles or other vehicles or equipment by individual homeowners or occupants, in a manner consistent with the provisions of Sections 803.900 through 803.905 of the City Code, is permitted between the hours of 7 a.m. and 9 p.m., Mondays through Saturdays, and between the hours of 8 a.m. and 7 p.m. on Sundays and legal holidays.

605.1009 Emergency Exceptions. Emergency situations are exempt from the operational limits of this ordinance when immediate

work is necessary to restore property to a safe condition or when immediate work is required to protect persons or property from imminent exposure to danger are exempt from operational limits.

605.1010 Complaints and Violations.

(1) Investigation of noise complaints. The City will investigate noise complaints as follows:

(a) The Prior Lake Code Enforcement Officer will have the primary responsibility for investigating complaints pertaining to noise from land uses and stationary sources.

(b) The Prior Lake Police Department will have the primary responsibility for investigating complainants pertaining to nuisance noise.

(2) Exception. The Chief of Police, or designee, shall determine if the Police Department has available resources to investigate a noise complaint at a given time. The City may not be able to investigate all noise complaints.

605.1011. Noise Testing:

(1) The following criteria will be used to determine if and under what circumstances the City will conduct a noise study:

(a) The source of the noise, the number of times the noise has occurred, the day of the week and time of day the noise occurs, the duration of the noise, the number of times the City has received a complaint concerning the noise, the number of individuals that have complained about the noise, whether the City has investigated or conducted a test for the same noise at the same location within the preceding twelve (12) months, whether the City can obtain written permission to enter the property of the complainant, and such other factors as the City Manager determines are prudent.

(b) Based on an analysis of the criteria set out above, the City may elect to conduct a noise test to determine whether the land use activity at the location of the receiver is within the noise standards allowed by Minnesota Rules §7030.40 based on the applicable Noise Area Classification.

(c) Noise tests will comply with the Measurement Methodology set out in Minnesota Rules §7030.0060.

(d) To the extent that it is possible, and insofar as it is consistent with the above provisions, including the methodology set out in Minnesota Rules § 7030.0060, the City will conduct noise tests at the same location and at the same time of day as the complained-of noise, the City will seek to secure the complainants confirmation that the test is being performed at the same location and time of day as the complained-of noise.

The results of the City's noise test shall be deemed accurate. If the complainant or the owner or operator of the property emitting the noise disputes the results of the City's noise test, the burden shall be on the complainant, owner or operator to provide the City with a noise test, conducted at their sole cost and expense, by an individual who has the requisite credentials to conduct the test as determined by the City, using the measurement methodology set out in Minnesota Rule Part 7030.0060.

If the City is provided with the results of a noise test that shows that a violation of the noise standards has occurred when the City's test showed that one had not, or if the City is provided with the results of a noise test that shows that a violation of the noise standards has not occurred when the City's noise showed that one had, the City may cause a third noise test to be performed, at City expense, by an independent third party, which may be a consultant, an official from another city or county in the Greater Twin Cities metropolitan area or the Minnesota Pollution Control Agency. The results of the third test shall be conclusive. The City will reimburse a complainant, owner, or operator who provides a test, but only if one of the following circumstances applies:

(a) the finding of the provided test—that a violation of the noise standards has or has not occurred—is confirmed by the third test; or

(b) as a result of the provided test, the City reverses its initial determination that a violation of the noise standards has or has not occurred.

The City will not offer reimbursement where the findings of the provided test confirm the City's determination; nor will it offer reimbursement where the findings of the third test confirm the City's initial determination. In addition, the City will not offer reimbursement to a complainant, owner, or operator for more than one test. The

amount of reimbursement offered shall not exceed the actual cost to the complainant, owner, or operator of the provided test; nor shall it exceed the amount that the City would generally pay for such a test and in any case shall not exceed \$1500.

(2) The owner or operator of the property where the land use activity is exceeding the NAC noise standards must, within thirty (30) days written notice of the noise standard violation, submit an abatement plan and schedule to the City identifying the remedial actions the property owner or operator will take to bring the noise level of the land use activity into compliance with the applicable noise standard.

(a) If the property owner fails to submit an abatement plan and schedule acceptable to the City, the City may proceed with enforcement of this Subsection as provided for in Subsection 605.1100.

(3) The City will not investigate subsequent complaints concerning the same source of a noise at the same location within twelve (12) months of a previous investigation unless the facts and circumstances relating to the subsequent noise complaint demonstrate a significant change in circumstances.

This ordinance shall become effective from and after its passage and publication.

Passed by the City Council of the City of Prior Lake this 4th Day of June 2012.

ATTEST:
 City Manager
 Mike Myser, Mayor
 (Published in the Prior Lake American on Saturday, June 9, 2012; No. 7716)

**ADVERTISEMENT FOR BIDS
 STREET OVERLAYS IN THE
 CITY OF PRIOR LAKE, MN**

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the City Council of the City of Prior Lake, Minnesota at the Prior Lake Maintenance Center located at 17073 Adelmann Street SE, Prior Lake, MN 55372, until 11:00 a.m. local time on Thursday, the 28th day of June 2012, and will be publicly opened at said time and place by two or more designated officers or agents of the City of Prior Lake, said proposals for the furnishing of all labor and materials for the construction of street overlays.

APPROXIMATE MAJOR QUANTITIES FOR SAND POINT AREA OVERLAY

Bituminous Mix (1.5")	1,637 Ton
Mill Bituminous Surface (1.5")	9668 SY
Tack	964.25 Gallons

ALTERNATE

Bituminous Mix (1.5")	750 Ton
Mill Bituminous Surface (1.5")	5412 SY
Tack	455 Gallons

Proposals arriving after the designated time will be returned unopened.

The bids must be submitted on the proposal forms provided in accordance with contract documents, plans and specifications as prepared by the Maintenance Supervisor, City of Prior Lake, 17073 Adelmann Street SE, Prior Lake, MN 55372. Contract documents, plans and specifications may be obtained from the City of Prior Lake Maintenance Center at 17073 Adelmann Street SE.

No bids will be considered unless sealed and filed with the City Manager of Prior Lake and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to Manager of the City of Prior Lake, for five (5%) percent of the amount bid to be forfeited as liquidated damages in the event that the bid be accepted and the bidder shall fail to enter promptly into a written contract and furnish the required bond.

The City Council reserves the right to reject any and all bids and to waive any bids received without explanation. No bid may be withdrawn for a period of sixty (60) days.
 Dated: June 6, 2012

Jake Theisen
Maintenance Supervisor
City of Prior Lake, Minnesota

(Published in the Prior Lake American on Saturday, June 9 and 16, 2012; No. 7717)

**Early Public Notice
 deadline for the
 Prior Lake American
 is at Noon on
 Monday, July 2,
 for the July 7th,
 Saturday edition.
 Faxes are not
 accepted.**