

EXPANDED AGENDA



CITY COUNCIL AGENDA

Monday, August 9, 2021

6:30 p.m.

(Scheduled to be broadcast on Channel 16)

*City Council: Mayor Rafferty, Councilmembers Cavegn, Lyden, Ruhland and Stoesz
City Administrator: Sarah Cotton*

COUNCIL WORK SESSION, 6:00 P.M.

Community Room (not televised)

1. Review Regular Agenda

CITY COUNCIL MEETING, 6:30 P.M.

- Call to Order and Roll Call - **Councilmembers Stoesz, Lyden, Cavegn, Ruhland and Mayor Rafferty were present**
- Pledge of Allegiance
- Open Mike / Public Comment *(in person or received in writing prior to meeting)*
There were no comments.
- Setting the Agenda: Addition or Deletion of Agenda Items
The agenda was approved as presented.

SPECIAL PRESENTATION

American Legion Post 566, Presentation of Awards:

- Lino Lakes Police Officer of the Year: Nathan Hamann
- Lino Lakes Firefighter of the Year: Paul Kartman

1. CONSENT AGENDA

- A) Consideration of Expenditures:
 - i) August 9, 2021, (Check No. 114781 - 114869) in the amt of \$931,935.53
- B) Consider Approval of July 26, 2021 Work Session Minutes
- C) Consider Approval of July 26, 2021 Council Meeting Minutes
- D) Consider Approval of July 26, 2021 Special Work Session Minutes

Action Taken: Motion by Stoesz, seconded by Ruhland, to approve Consent Agenda Items 1A through 1D as presented, was adopted

2. FINANCE DEPARTMENT REPORT

None

3. ADMINISTRATION DEPARTMENT REPORT

- A) Consider Appointment of Communications Specialist, Meg Sawyer

Action Taken: Motion by Stoesz, seconded by Lyden, to approve the appointment of Andrea Turner, was adopted

- B) Compensation Plan for Paid On-Call Fire Personnel, Meg Sawyer

- i) Consider Resolution No. 21-84 Compensation Plan for Paid On-Call Fire Personnel

Action Taken: Motion by Cavegn, seconded by Ruhland, to approve Resolution No. 21-84 as presented, was adopted

4. PUBLIC SAFETY DEPARTMENT REPORT

None

5. PUBLIC SERVICES DEPARTMENT REPORT

None

6. COMMUNITY DEVELOPMENT REPORT

- A) Public Hearing, Consider First Reading of Ordinance No. 07-21, Establishing a Storm Water Utility, Michael Grochala

Action Taken: Motion by Lyden, seconded by Ruhland, to approve the first reading of Ordinance No. 07-21 as presented, was adopted

- B) Butler Addition, Jessica Eller

- a. Consider Resolution No. 21-75 Approving Final Plat

Action Taken: Motion by Cavegn, seconded by Stoesz, to approve Resolution No. 21-75 as presented, was adopted

- b. Consider Resolution No. 21-76 Approving Development Agreement

Action Taken: Motion by Cavegn, seconded by Stoesz, to approve Resolution No. 21-76 as presented, was adopted

- C) 426 Pine Street, Katie Larsen

- a. Consider Resolution No. 21-67 Approving a Conditional Use Permit for Commercial Stables

Applicant withdrew CUP Application

- b. Consider Resolution No. 21-68 Denying a Variance to Double the Number of Allowed Animal Units

Action Taken: Motion by Stoesz, seconded by Cavegn, to approve Resolution No. 21-68 as presented, was adopted

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

None




Adjournment

Motion by Ruhland, seconded by Cavegn, to adjourn at 8:00 p.m., was adopted

Following adjournment of the regular council meeting, the City Council will reconvene for a special work session to discuss the 2022 Budget

Community Calendar – A Look Ahead

August 9, 2021 through August 23, 2021

 Wednesday, August 11	6:30 pm, Council Chambers	Planning & Zoning Board
 Monday, August 23	6:00 pm, Community Room	Council Work Session
 Monday, August 23	6:30 pm, Council Chambers	City Council Meeting



CITY COUNCIL AGENDA

Monday, August 9, 2021

6:30 p.m.

(Scheduled to be broadcast on Channel 16)

*City Council: Mayor Rafferty, Councilmembers Cavegn, Lyden, Ruhland and Stoesz
City Administrator: Sarah Cotton*

COUNCIL WORK SESSION, 6:00 P.M.

Community Room (not televised)

1. Review Regular Agenda

CITY COUNCIL MEETING, 6:30 P.M.

- Call to Order and Roll Call
- Pledge of Allegiance
- Open Mike / Public Comment (*in person or received in writing prior to meeting*)
- Setting the Agenda: Addition or Deletion of Agenda Items

SPECIAL PRESENTATION

American Legion Post 566, Presentation of Awards:

- Lino Lakes Police Officer of the Year: Nathan Hamann
- Lino Lakes Firefighter of the Year: Paul Kartman

1. CONSENT AGENDA

- A) Consideration of Expenditures:
 - i) August 9, 2021, (Check No. 114781 - 114869) in the amt of \$931,935.53
- B) Consider Approval of July 26, 2021 Work Session Minutes
- C) Consider Approval of July 26, 2021 Council Meeting Minutes
- D) Consider Approval of July 26, 2021 Special Work Session Minutes

2. FINANCE DEPARTMENT REPORT

None

3. ADMINISTRATION DEPARTMENT REPORT

- A) Consider Appointment of Communications Specialist, Meg Sawyer
- B) Compensation Plan for Paid On-Call Fire Personnel, Meg Sawyer
 - i) Consider Resolution No. 21-84 Compensation Plan for Paid On-Call Fire Personnel

4. PUBLIC SAFETY DEPARTMENT REPORT

None

5. PUBLIC SERVICES DEPARTMENT REPORT

None

6. COMMUNITY DEVELOPMENT REPORT

- A) Public Hearing, Consider First Reading of Ordinance No. 07-21, Establishing a Storm Water Utility, Michael Grochala
- B) Butler Addition, Jessica Eller
 - i. Consider Resolution No. 21-75 Approving Final Plat
 - ii. Consider Resolution No. 21-76 Approving Development Agreement
- C) 426 Pine Street, Katie Larsen
 - i. Consider Resolution No. 21-67 Approving a Conditional Use Permit for Commercial Stables
 - ii. Consider Resolution No. 21-68 Denying a Variance to Double the Number of Allowed Animal Units

7. UNFINISHED BUSINESS




None

8. NEW BUSINESS

None

Adjournment

Following adjournment of the regular council meeting, the City Council will reconvene for a special work session to discuss the 2022 Budget

<i>Community Calendar – A Look Ahead</i>		
August 9, 2021 through August 23, 2021		
 Wednesday, August 11	6:30 pm, Council Chambers	Planning & Zoning Board
 Monday, August 23	6:00 pm, Community Room	Council Work Session
 Monday, August 23	6:30 pm, Council Chambers	City Council Meeting



Expenditures

August 9, 2021

Check #114781 to #114869

\$931,935.53

Accounts Payable

Check Detail

User: katie.christofferson
Printed: 08/05/2021 - 12:52PM



Check Number	Check Date	Check Description	Amount
2 - 1st Choice Document Destruction			
114786	08/09/2021		
	Inv 21-2127	July 2021 Recycled paper and cardboard -	600.00
114786 Total:			600.00
2 - 1st Choice Document Destruction Total:			600.00
4 - A&L Superior Quality Sod, Inc.			
114787	08/09/2021		
	Inv 9390	Town Center Landscape	146.00
114787 Total:			146.00
4 - A&L Superior Quality Sod, Inc. Total:			146.00
1402 - A.X. Lino Lakes L.P.			
114788	08/09/2021		
	Inv 2021	TIF Note - 1st Half 2021 Tax Settlement	102,095.00
114788 Total:			102,095.00
1402 - A.X. Lino Lakes L.P. Total:			102,095.00
13 - AFLAC 101-000-2040-000			
114789	08/09/2021		
	Inv 516815	July Insurance Premiums	232.74
114789 Total:			232.74
13 - AFLAC Total:			232.74
14 - AFSCME Council #5 101-000-2040-000			
114783	08/06/2021	PR Batch 00002.08.2021 Union Dues A	
	Inv	PR Batch 00002.08.2021 Union Dues AFSCME PR Batch 00002.08.2021 Union Dues AFSCME	524.70
114783 Total:			524.70
14 - AFSCME Council #5 Total:			524.70
1595 - Allied Oil & Supply, Inc.			

Check Number	Check Date	Check Description	Amount
114790	08/09/2021		
		Inv 565665-00 0W-20 Engine Oil - 10 gallons	144.46
114790 Total:			144.46
1595 - Allied Oil & Supply, Inc. Total:			144.46
1020 - Allina Health System			
114791	08/09/2021		
		Inv CI00006429 Q1 2021 Education	960.00
		Inv CI00006430 Q2 2021 Education	960.00
114791 Total:			1,920.00
1020 - Allina Health System Total:			1,920.00
1017 - American Test Center			
114792	08/09/2021		
		Inv 2211026 Annual Test #622, 5 year test#611, Dept	2,289.00
114792 Total:			2,289.00
1017 - American Test Center Total:			2,289.00
44 - Anoka County Treasury Office			
114793	08/09/2021		
		Inv AR018403 May 2021 - Language Line	106.09
		Inv AR018408 June 2021 - Language Line	60.77
		Inv AR018418 2nd Qtr 2021 State Access Fee	900.00
		Inv AR018422 2-APX Shoulder Mic	199.50
114793 Total:			1,266.36
114794	08/09/2021		
		Inv B210719L Site 117 Aug 2021 Cac Fiber	225.00
114794 Total:			225.00
44 - Anoka County Treasury Office Total:			1,491.36
54 - Aspen Mills, Inc.			
114795	08/09/2021		
		Inv 271034 Dept Uniform Allowance	46.85
		Inv 272628 Uniform Allowance - K. Leibel	9.85
		Inv 274786 Uniform Allowance - W. Owens	17.85
		Inv 275656 New Hire Uniform Allowance - D. Swenson	2,149.50
		Inv 277677 New Hire Uniform Allowance - E. Heu	109.60
114795 Total:			2,333.65
54 - Aspen Mills, Inc. Total:			2,333.65

Check Number	Check Date	Check Description	Amount
85 - Bluetarp Financial, Inc.			
114796	08/09/2021	Inv 203685 Water pump	99.99
114796 Total:			99.99
85 - Bluetarp Financial, Inc. Total:			99.99
864 - Boulder Contracting LLC			
114797	08/09/2021	Inv 2021-00104 Escrow Release - 1915 Red OakLn	900.00
114797 Total:			900.00
864 - Boulder Contracting LLC Total:			900.00
1773 - Builders Lot Group, LLC			
114798	08/09/2021	Inv 6/30/2021 Escrow Closure - Burque Property	1,659.30
114798 Total:			1,659.30
1773 - Builders Lot Group, LLC Total:			1,659.30
115 - Centennial Utilities			
114799	08/09/2021	Inv 127 3rd Qtr 2021 Utilities	681.70
114799 Total:			681.70
115 - Centennial Utilities Total:			681.70
117 - Central Pension Fund 101-000-2040-000			
114781	07/23/2021	July 2021 Inv July 2021 July 2021 July 2021	4,992.00
114781 Total:			4,992.00
117 - Central Pension Fund Total:			4,992.00
120 - Century Fence Company, Inc.			
114800	08/09/2021	Inv 218778101 Culvert crossing fence repair	1,702.00
114800 Total:			1,702.00
120 - Century Fence Company, Inc. Total:			1,702.00
121 - CenturyLink 101-432-4321-503			

Check Number	Check Date	Check Description	Amount
114801	08/09/2021		
		Inv 7638619015785 July phone services	55.69
114801 Total:			55.69
121 - CenturyLink Total:			55.69
122 - CES Imaging 101-432-4410-503			
114802	08/09/2021		
		Inv INV129506 July Plotter/Scanner Maintenance	80.00
114802 Total:			80.00
122 - CES Imaging Total:			80.00
129 - City of Blaine			
114803	08/09/2021		
		Inv 6123 3rd Qtr 2021 Utilities	2,558.30
114803 Total:			2,558.30
129 - City of Blaine Total:			2,558.30
167 - Dalco, Inc.			
114804	08/09/2021		
		Inv 3807578 Toilet tissue, paper towels, and garbage	553.13
114804 Total:			553.13
167 - Dalco, Inc. Total:			553.13
170 - Davis Equipment Corporation			
114806	08/09/2021		
		Inv J161141 Spindle repair kits #409	190.91
114806 Total:			190.91
170 - Davis Equipment Corporation Total:			190.91
1757 - Davis, Phillip			
114805	08/09/2021		
		Inv 7/29/2021 Mileage Reimbursement	78.96
114805 Total:			78.96
1757 - Davis, Phillip Total:			78.96
175 - Delta Dental of Minnesota			
114807	08/09/2021	105	
		Inv August 2021 145 Dental Insurance Premiums	4,066.26

Check Number	Check Date	Check Description	Amount
114807 Total:			4,066.26
175 - Delta Dental of Minnesota Total:			4,066.26
192 - Emergency Apparatus Maintenance			
114808	08/09/2021		
	Inv 119063	Bolt repair, oil leak repair,new hose #	3,724.58
	Inv 119264	Primer valve rebuild #620	2,011.38
114808 Total:			5,735.96
192 - Emergency Apparatus Maintenance Total:			5,735.96
204 - Factory Motor Parts Company			
114809	08/09/2021		
	Inv 159-053444	0W-20 Oil #308	31.92
	Inv 159-053525	0W-20 Oil #803	31.92
	Inv 159-053735	Battery #317	123.96
114809 Total:			187.80
204 - Factory Motor Parts Company Total:			187.80
1458 - Fidelity Security Life Insurance Co. 101-000-2048-000			
114810	08/09/2021		
	Inv 164903606	August Vision Insurance	119.38
114810 Total:			119.38
1458 - Fidelity Security Life Insurance Co. Total:			119.38
1302 - Fire Instruction Rescue Education			
114811	08/09/2021		
	Inv 5128	9 - Training Sessions	7,400.00
114811 Total:			7,400.00
1302 - Fire Instruction Rescue Education Total:			7,400.00
225 - Frattallone's/Circle Pines Ace			
114812	08/09/2021		
	Inv 075490/G	Garden sprayer, adapter, hose, bloom boo	46.14
114812 Total:			46.14
225 - Frattallone's/Circle Pines Ace Total:			46.14
227 - Freimuth Enterprises, LLC			
114813	08/09/2021		

Check Number	Check Date	Check Description	Amount
Inv June2021	08/09/2021	Recycling Saturday June 2021 - Total pou	375.00
114813 Total:			375.00
227 - Freimuth Enterprises, LLC Total:			375.00
233 - GDO Law 101-414-4303-000			
114814	08/09/2021		
Inv 6904		July Forfeiture	409.50
Inv 6905		August Prosecutor Contract	8,500.00
114814 Total:			8,909.50
233 - GDO Law Total:			8,909.50
1042 - Gerten Greenhouses & Garden Center, Inc.			
114815	08/09/2021		
Inv 21173/30		Town Center Landscape	338.40
Inv 506997/1		Town Center Landscape	97.16
Inv 507112/1		Town Center Landscape	116.98
114815 Total:			552.54
1042 - Gerten Greenhouses & Garden Center, Inc. Total:			552.54
1659 - Haugo Geo Technical Services, LLC			
114869	08/09/2021		
Inv 10109		Street Rehabilitation Project - Material	3,583.00
114869 Total:			3,583.00
1659 - Haugo Geo Technical Services, LLC Total:			3,583.00
271 - Hawkins, Inc.			
114817	08/09/2021		
Inv 4986855		Chlorine & Hydrofluosilicic	10,002.78
Inv 4987026		Nozzle and O-ring	130.08
Inv 4989778		Chemicals	30.00
Inv 4993187		Sodium Hypochlorite	573.90
114817 Total:			10,736.76
271 - Hawkins, Inc. Total:			10,736.76
306 - Image Printing & Graphics, Inc			
114818	08/09/2021		
Inv 159350		1,000 - #10 Envelopes, 1,000 - Letterhea	470.20
Inv 159368		500 - Shipping labels	86.00
114818 Total:			556.20

Check Number	Check Date	Check Description	Amount
306 - Image Printing & Graphics, Inc Total:			556.20
1765 - InSite Contracting, Inc			
114819	08/09/2021	Inv 2734 Guardrail repair - W Shadow Lake Dr	6,000.00
114819 Total:			6,000.00
1765 - InSite Contracting, Inc Total:			6,000.00
312 - International Union 101-000-2040-000			
114784	08/06/2021	PR Batch 00002.08.2021 Union Dues 4	
		Inv PR Batch 00002.08.2021 Union Dues 49ers PR Batch 00002.08.2021 Union Dues 49ers	560.00
114784 Total:			560.00
312 - International Union Total:			560.00
1697 - Isaac Sports Group, LLC			
114820	08/09/2021	Inv 1019 Final rec center consultation	3,451.58
114820 Total:			3,451.58
1697 - Isaac Sports Group, LLC Total:			3,451.58
1717 - Jacon, LLC			
114821	08/09/2021	Inv 013084-000-7 NE Drainage Area Improvements	38,668.32
114821 Total:			38,668.32
1717 - Jacon, LLC Total:			38,668.32
757 - Jimmy's Johnnys 101-450-4410-000			
114822	08/09/2021	Inv 186546 Toilet Rental - City Hall Park	60.00
		Inv 186547 Toilet Rental - Marshan Park	60.00
		Inv 186548 Toilet Rental - Sunrise Park	180.00
		Inv 186549 Toilet Rental - Birch Park	60.00
		Inv 186550 Toilet Rental - Clearwater Creek Park	60.00
		Inv 186551 Toilet Rental - Lino Park	60.00
		Inv 186552 Toilet Rental - Behm's Park	60.00
		Inv 186553 Toilet Rental - Highland Meadows	60.00
		Inv 186554 Toilet Rental - Sunset Oaks Park	60.00
114822 Total:			660.00
757 - Jimmy's Johnnys Total:			660.00

Check Number	Check Date	Check Description	Amount
338 - Kennedy & Graven, Chartered			
114823	08/09/2021		
		Inv 162205 Lyngblomsten TIF	20.50
		Inv 7/15/2021 2021A Bond Counsel	9,000.00
114823 Total:			9,020.50
338 - Kennedy & Graven, Chartered Total:			9,020.50
344 - KLM Engineering, Inc.			
114824	08/09/2021		
		Inv 8369 T-Mobile Tower No. 1 - Antenna Drawing	1,500.00
114824 Total:			1,500.00
344 - KLM Engineering, Inc. Total:			1,500.00
782 - L.T.G. Power Equipment			
114825	08/09/2021		
		Inv 260656 Clutch wire repair kit #405	48.81
114825 Total:			48.81
782 - L.T.G. Power Equipment Total:			48.81
359 - Landform			
114826	08/09/2021		
		Inv 31886 Zoning Ordinance and Map Update	2,731.00
114826 Total:			2,731.00
359 - Landform Total:			2,731.00
1597 - Landmark Structures I, LP			
114827	08/09/2021		
		Inv 013091-000-14 Water Tower No. 3	180,647.25
		Inv 013091-000-15 Water Tower No. 3	55,756.45
114827 Total:			236,403.70
1597 - Landmark Structures I, LP Total:			236,403.70
365 - Law Enforcement Labor Services 101-000-2040-000			
114785	08/06/2021	PR Batch 00002.08.2021 Union Dues L	
		Inv PR Batch 00002.08.2021 Union Dues LELS PR Batch 00002.08.2021 Union Dues LELS	1,397.00
114785 Total:			1,397.00
365 - Law Enforcement Labor Services Total:			1,397.00

Check Number	Check Date	Check Description	Amount
381 - Lincoln National Life Ins Co			
114828	08/09/2021	145 Inv August 2021 135 Disability Insurance Premiums	1,489.93
114828 Total:			1,489.93
114829	08/09/2021	155 Inv August 2021 145 Life Insurance Premiums	1,389.35
114829 Total:			1,389.35
381 - Lincoln National Life Ins Co Total:			2,879.28
394 - Macqueen Equipment, Inc.			
114830	08/09/2021	Inv P05391 Hoses and adapter	339.66
114830 Total:			339.66
394 - Macqueen Equipment, Inc. Total:			339.66
399 - Mansfield Oil Company 101-431-4212-000			
114831	08/09/2021	Inv 22469832 Gasoline - 2,000 gallons	5,416.26
		Inv 22469840 Diesel Fuel - 1,000 gallons	2,712.71
		Inv 22504285 Diesel Fuel - 799 gallons	2,182.09
		Inv 22504308 Gasoline - 2,000 gallons	5,369.66
114831 Total:			15,680.72
399 - Mansfield Oil Company Total:			15,680.72
1668 - Marsden Bldg Maintenance, LLC			
114832	08/09/2021	Inv 341116 Janitorial Services	413.30
		Inv 347524 August Janitorial Services	3,856.00
		Inv 347525 August Janitorial Services	1,044.60
		Inv 347526 August Janitorial Services	631.58
		Inv 347527 August Janitorial Services	691.82
		Inv 347542 August Janitorial Services	1,969.47
114832 Total:			8,606.77
1668 - Marsden Bldg Maintenance, LLC Total:			8,606.77
404 - Martin-McAllister			
114833	08/09/2021	Inv 13984 Public Safety Assessments - S. Bergeron,	1,100.00
114833 Total:			1,100.00

Check Number	Check Date	Check Description	Amount
404 - Martin-McAllister Total:			1,100.00
416 - Medica			
114834	08/09/2021	160 Inv August 2021 250 Health Insurance Premiums	43,900.68
114834 Total:			43,900.68
416 - Medica Total:			43,900.68
421 - Metro Sales Incorporated			
114835	08/09/2021		
		Inv INV1845751 Copier Maintenance Contract Ricoh/IM C25	208.49
		Inv INV1859606 Copier Maintenance Contract Ricoh/MP 600	413.60
		Inv INV1859768 Copier Maintenance Contract Ricoh/MP C30	89.66
114835 Total:			711.75
421 - Metro Sales Incorporated Total:			711.75
639 - MN Department of Transportation - Commissioner			
114836	08/09/2021		
		Inv P00013395 Concrete Plant Inspections	114.49
114836 Total:			114.49
639 - MN Department of Transportation - Commissioner Total:			114.49
455 - MN Metro North Tourism Board 101-415-4900-000			
114837	08/09/2021		
		Inv June 2021 June 2021 Tourism Tax	5,881.00
114837 Total:			5,881.00
455 - MN Metro North Tourism Board Total:			5,881.00
1677 - MNSPECT, LLC			
114838	08/09/2021		
		Inv 8696 Field Inspections	8,160.00
114838 Total:			8,160.00
1677 - MNSPECT, LLC Total:			8,160.00
UB*00096 - MOHLER, TOM			
114839	08/09/2021		
		Inv Refund Check 013717-000, 6591 CLEARWATE	164.31
114839 Total:			164.31

Check Number	Check Date	Check Description	Amount
UB*00096 - MOHLER, TOM Total:			164.31
471 - Muellner Blacktop Inc.			
114840	08/09/2021	Inv 2951 Overlay Road to City Utilities	7,000.00
114840 Total:			7,000.00
471 - Muellner Blacktop Inc. Total:			7,000.00
477 - NAC Mechanical & Electrical			
114841	08/09/2021	Inv 186442 Condensing unit repair in PD	937.05
		Inv 186446 Condensing unit repair in NewCreations	554.00
		Inv 186628 Technology alert updates	366.00
114841 Total:			1,857.05
477 - NAC Mechanical & Electrical Total:			1,857.05
480 - NCPERS Group Life Insurance 101-000-2040-000			
114782	07/23/2021	July 2021 Life Insurance Premiums	
		Inv July 2021 July 2021 Life Insurance Premiums July 2021 Life Insurance Premiums	240.00
114782 Total:			240.00
480 - NCPERS Group Life Insurance Total:			240.00
509 - O'Reilly Automotive Stores			
114842	08/09/2021	Inv 5914-166338 Air filters, oil filters, fuel filters	344.44
		Inv 5914-166376 Police headlight bulbs	23.90
		Inv 5914-167353 Brake house & 2 brake clamps #398	302.94
		Inv 5914-167484 Brake caliper core return #398	-90.00
114842 Total:			581.28
509 - O'Reilly Automotive Stores Total:			581.28
1775 - Perry and Sons Excavating Inc			
114843	08/09/2021	Inv 2021-01039 Permit refund #2021-01039	200.00
114843 Total:			200.00
1775 - Perry and Sons Excavating Inc Total:			200.00
552 - Press Publications, Inc.			
114844	08/09/2021	Inv 708686 Notice of Candidate Filings for Office	51.20

Check Number	Check Date	Check Description	Amount
114844 Total:			51.20
552 - Press Publications, Inc. Total:			51.20
1451 - Ritter & Ritter Sewer Service, Inc.			
114845	08/09/2021		
		Inv 173114 Lift Station cleaning	1,457.50
114845 Total:			1,457.50
1451 - Ritter & Ritter Sewer Service, Inc. Total:			1,457.50
579 - Rock Gardens, Inc.			
114846	08/09/2021		
		Inv 132805 Well 3 Landscaping	320.15
114846 Total:			320.15
579 - Rock Gardens, Inc. Total:			320.15
1410 - Rupp, Anderson, Squires & Waldspurger, P.A.			
114847	08/09/2021		
		Inv 13291 Legal Nadeau Acres 2nd Addition	3,601.15
		Inv 13310 Legal 6367 Ware Road	192.00
114847 Total:			3,793.15
1410 - Rupp, Anderson, Squires & Waldspurger, P.A. Total:			3,793.15
585 - Rydlund, Brian A.			
114848	08/09/2021		
		Inv 7/28/2021 Escrow Closure - 842 Lois Lane - Varianc	37.56
114848 Total:			37.56
585 - Rydlund, Brian A. Total:			37.56
588 - Safety-Kleen Systems, Inc.			
114849	08/09/2021		
		Inv CN13138990 Solvent	50.42
114849 Total:			50.42
588 - Safety-Kleen Systems, Inc. Total:			50.42
1777 - Schuhbauer, Leslie & Benno			
114850	08/09/2021		
		Inv 7/27/2021 Escrow Closure - 7020 W Shadow Lk Dr - C	174.40

Check Number	Check Date	Check Description	Amount
114850 Total:			174.40
1777 - Schuhbauer, Leslie & Benno Total:			174.40
1593 - Shred-it, c/o Stericycle, Inc.			
114851	08/09/2021	Inv 8182388162 Document destruction	125.31
114851 Total:			125.31
1593 - Shred-it, c/o Stericycle, Inc. Total:			125.31
1465 - St. Cloud State University			
114852	08/09/2021	Inv 629430-8711 Tuition - Riehm, Thill, Owens, Paulson,	2,730.00
		Inv 629430-8731 Tuition - M. Carlson	600.00
114852 Total:			3,330.00
1465 - St. Cloud State University Total:			3,330.00
635 - Star Tribune			
114853	08/09/2021	Inv 3426484 Newspaper Subscription 7/10/21-10/9/21 -	146.90
114853 Total:			146.90
635 - Star Tribune Total:			146.90
1774 - Stone Creek Homes Inc			
114854	08/09/2021	Inv 2018-03748 Escrow Closure - 7554 Leonard	4,400.00
114854 Total:			4,400.00
1774 - Stone Creek Homes Inc Total:			4,400.00
794 - Street Smart Rental			
114855	08/09/2021	Inv 1068640 8 - Type II Barricades	777.80
114855 Total:			777.80
794 - Street Smart Rental Total:			777.80
645 - Streicher's, Inc.			
114856	08/09/2021	Inv I1513544 12ga Projectile: Drag Stabilization	61.40

Check Number	Check Date	Check Description	Amount
114856 Total:			61.40
645 - Streicher's, Inc. Total:			61.40
651 - T.A. Schifsky and Sons, Inc.			
114857	08/09/2021	Inv 017006-000-5 2021 Street Improvement Projects	301,096.13
114857 Total:			301,096.13
651 - T.A. Schifsky and Sons, Inc. Total:			301,096.13
659 - Tessman Company			
114858	08/09/2021	Inv S331633-IN 2 - 50lb bags of herbicide	147.05
114858 Total:			147.05
659 - Tessman Company Total:			147.05
1778 - Thayer, Kathleen			
114859	08/09/2021	Inv 7/27/2021 Escrow Closure - 7831 Lake Dr- Variance	644.63
114859 Total:			644.63
1778 - Thayer, Kathleen Total:			644.63
1761 - T-Mobile USA Inc			
114860	08/09/2021	60 Inv July 2021 10 Cell Phone/Wi-Fi Service	488.23
114860 Total:			488.23
1761 - T-Mobile USA Inc Total:			488.23
681 - Twin Cities Transport & Recovery			
114861	08/09/2021	Inv 21-0709-54634 ICR #21-150002	85.00
		Inv 21-0712-54947 ICR #21-152584	85.00
114861 Total:			170.00
681 - Twin Cities Transport & Recovery Total:			170.00
695 - UPS/United Parcel Service			
114862	08/09/2021	Inv 0000A91R28291 Postage	57.66

Check Number	Check Date	Check Description	Amount
114862 Total:			57.66
695 - UPS/United Parcel Service Total:			57.66
698 - Valley-Rich Co., Inc.			
114863	08/09/2021	Inv 29663 Hydrant repair	4,223.00
114863 Total:			4,223.00
698 - Valley-Rich Co., Inc. Total:			4,223.00
1104 - Walters Recycling & Refuse			
114864	08/09/2021	Inv 5491401 July 2021 Trash & Recycling	1,084.55
114864 Total:			1,084.55
114865	08/09/2021	Inv 5491306 July 2021 Trash & Recycling	162.56
114865 Total:			162.56
1104 - Walters Recycling & Refuse Total:			1,247.11
1447 - Wheeler Hardware Company			
114866	08/09/2021	Inv SPI117377 Relay sockets	580.00
		Inv SPI117378 Transformer and Rectifier at Senior Cent	145.00
		Inv SPI117380 Touchless switches to exterior of garage	510.00
		Inv SPI117381 White paneling installation	1,470.00
		Inv SPI117384 Material for media room	210.00
		Inv SPI117719 Labor for invoice #SPI117384 - Media roo	760.00
		Inv SPI119298 Added inter changeable cores for restroo	940.00
114866 Total:			4,615.00
1447 - Wheeler Hardware Company Total:			4,615.00
1779 - WS & D Permit Service Inc			
114867	08/09/2021	Inv 2021-01396 Permit refund 2021-01396	126.40
114867 Total:			126.40
1779 - WS & D Permit Service Inc Total:			126.40
734 - Xcel Energy			
114868	08/09/2021	110-Street Lights	
		Inv July 2021-1 110-Street Lights Electric	4,074.06

Check Number	Check Date	Check Description	Amount
		Inv July 2021-2 125 Electric	34,865.14
		114868 Total:	38,939.20
		734 - Xcel Energy Total:	38,939.20
		Total:	931,935.53

City of Lino Lakes
Activity Codes

<u>Code</u>	<u>Description</u>	<u>Code</u>	<u>Description</u>
401	Mayor/Council	817	Spring Fling
402	Administration	818	Winter Festival
403	Elections	819	Community Gardens
404	Cable TV	822	Family Corn Roast
405	Charter Administration	827	Gobbler Games
407	Finance	830	Adult Golf Lessons
414	Legal Consultants	835	Youth Skating Class
415	Economic Development	850	Golf Academy
416	Planning & Zoning	856	Youth Soccer
417	Engineering	857	Soccer Fundamentals
418	Community Development	860	Secret Shop
420	Police Protection	864	Preschool Playtime
421	Fire Protection	868	Little Goblins Party
422	Building Inspections	871	Flag Football
430	Streets	875	Snow Day
431	Fleet Management	876	Kite Day
432	Government Buildings	877	Rockin' in the Park
450	Parks	879	Movies in the Park
451	Recreation	890	Senior Programs
461	Environmental		
462	Solid Waste Abatement		
463	Forestry		
494	Water		
495	Sanitary Sewer		
499	Other		
802	Dodgeball Camp		
806	Youth T-Ball		
808	Youth Baseball Camp		
810	Youth Playground		
811	Youth Safety Camp		
812	Youth Art Camps		
814	Senior Programs/Book Club		



**AP Checks by Account Number
8/9/2021 City Council Meeting**

Vendor	Fund/Dept	Account	Amount	Check #	Description	
AFLAC	101-000	101-000-2040-000	232.74	114789	July Insurance Premiums	
AFSCME Council #5	101-000	101-000-2040-000	524.70	114783	PR Batch 00002.08.2021 Union Dues AFSCME	
Central Pension Fund	101-000	101-000-2040-000	4,992.00	114781		Jul-21
Delta Dental of Minnesota	101-000	101-000-2040-000	415.40	114807	Dental Insurance Premiums	
Fidelity Security Life Insurance Co.	101-000	101-000-2040-000	14.31	114810	August Vision Insurance	
International Union	101-000	101-000-2040-000	560.00	114784	PR Batch 00002.08.2021 Union Dues 49ers	
Law Enforcement Labor Services	101-000	101-000-2040-000	1,397.00	114785	PR Batch 00002.08.2021 Union Dues LELS	
Lincoln National Life Ins Co	101-000	101-000-2040-000	1,160.31	114829	Life Insurance Premiums	
Lincoln National Life Ins Co	101-000	101-000-2040-000	75.90	114829	Life Insurance Premiums	
Medica	101-000	101-000-2040-000	1,595.02	114834	Health Insurance Premiums	
NCPERS Group Life Insurance	101-000	101-000-2040-000	240.00	114782	July 2021 Life Insurance Premiums	
Medica	101-000	101-000-2041-000	9,119.60	114834	Health Insurance Premiums	
Delta Dental of Minnesota	101-000	101-000-2044-000	1,224.00	114807	Dental Insurance Premiums	
Fidelity Security Life Insurance Co.	101-000	101-000-2048-000	105.07	114810	August Vision Insurance	
WS & D Permit Service Inc	101-000	101-000-3250-000	126.40	114867	Permit refund 2021-01396	
Perry and Sons Excavating Inc	101-000	101-000-3256-000	200.00	114843	Permit refund #2021-01039	
Lincoln National Life Ins Co	101-000	101-000-3416-000	0.14	114829	Life Insurance Premiums	
	101-000 Total		21,982.59			
Medica	101-402	101-402-4131-000	538.42	114834	Health Insurance Premiums	
Lincoln National Life Ins Co	101-402	101-402-4133-000	96.35	114828	Disability Insurance Premiums	
Lincoln National Life Ins Co	101-402	101-402-4133-000	9.00	114829	Life Insurance Premiums	
Delta Dental of Minnesota	101-402	101-402-4134-000	89.89	114807	Dental Insurance Premiums	
Martin-McAllister	101-402	101-402-4300-000	1,100.00	114833	Public Safety Assessments - S. Bergeron Y. Heu	
Shred-it c/o Stericycle Inc.	101-402	101-402-4410-000	62.66	114851	Document destruction	
	101-402 Total		1,896.32			
Press Publications Inc.	101-403	101-403-4340-000	51.20	114844	Notice of Candidate Filings for Office	
	101-403 Total		51.20			
Medica	101-407	101-407-4131-000	2,066.40	114834	Health Insurance Premiums	
Lincoln National Life Ins Co	101-407	101-407-4133-000	66.67	114828	Disability Insurance Premiums	
Lincoln National Life Ins Co	101-407	101-407-4133-000	6.98	114829	Life Insurance Premiums	
Delta Dental of Minnesota	101-407	101-407-4134-000	101.11	114807	Dental Insurance Premiums	
	101-407 Total		2,241.16			
Rupp Anderson Squires & Waldspurger P.A.	101-414	101-414-4301-000	192.00	114847	Legal 6367 Ware Road	
Rupp Anderson Squires & Waldspurger P.A.	101-414	101-414-4301-000	909.65	114847	Legal Miscellaneous	
GDO Law	101-414	101-414-4303-000	8,500.00	114814	August Prosecutor Contract	
GDO Law	101-414	101-414-4303-000	409.50	114814	July Forfeiture	
	101-414 Total		10,011.15			
Isaac Sports Group LLC	101-415	101-415-4300-000	3,451.58	114820	Final rec center consultation	
Rupp Anderson Squires & Waldspurger P.A.	101-415	101-415-4300-000	384.00	114847	Legal Vaquero Ventures Land Sale	
MN Metro North Tourism Board	101-415	101-415-4900-000	5,881.00	114837	June 2021 Tourism Tax	
	101-415 Total		9,716.58			
Medica	101-416	101-416-4131-000	538.43	114834	Health Insurance Premiums	
Lincoln National Life Ins Co	101-416	101-416-4133-000	25.84	114828	Disability Insurance Premiums	
Lincoln National Life Ins Co	101-416	101-416-4133-000	2.25	114829	Life Insurance Premiums	
Delta Dental of Minnesota	101-416	101-416-4134-000	44.94	114807	Dental Insurance Premiums	
	101-416 Total		611.46			
Medica	101-418	101-418-4131-000	538.42	114834	Health Insurance Premiums	
Lincoln National Life Ins Co	101-418	101-418-4133-000	44.00	114828	Disability Insurance Premiums	
Lincoln National Life Ins Co	101-418	101-418-4133-000	4.50	114829	Life Insurance Premiums	
Delta Dental of Minnesota	101-418	101-418-4134-000	44.94	114807	Dental Insurance Premiums	
	101-418 Total		631.86			
Medica	101-420	101-420-4131-000	22,145.96	114834	Health Insurance Premiums	
Lincoln National Life Ins Co	101-420	101-420-4133-000	726.53	114828	Disability Insurance Premiums	
Lincoln National Life Ins Co	101-420	101-420-4133-000	70.98	114829	Life Insurance Premiums	
Delta Dental of Minnesota	101-420	101-420-4134-000	1,193.21	114807	Dental Insurance Premiums	
Image Printing & Graphics Inc	101-420	101-420-4200-000	470.20	114818	1 000 - #10 Envelopes 1 000 - Letterhead	
Image Printing & Graphics Inc	101-420	101-420-4200-000	86.00	114818	500 - Shipping labels	
Streicher's Inc.	101-420	101-420-4211-000	61.40	114856	12ga Projectile: Drag Stabilization	
Anoka County Treasury Office	101-420	101-420-4240-000	199.50	114793	2-APX Shoulder Mic	
Anoka County Treasury Office	101-420	101-420-4300-000	60.77	114793	June 2021 - Language Line	
Anoka County Treasury Office	101-420	101-420-4300-000	106.09	114793	May 2021 - Language Line	
UPS/United Parcel Service	101-420	101-420-4322-000	57.66	114862	Postage	
Allina Health System	101-420	101-420-4330-000	500.87	114791	Q1 2021 Education	
Allina Health System	101-420	101-420-4330-000	500.87	114791	Q2 2021 Education	



**AP Checks by Account Number
8/9/2021 City Council Meeting**

Vendor	Fund/Dept	Account	Amount	Check #	Description
St. Cloud State University	101-420	101-420-4330-000	2,730.00	114852	Tuition - Riehm Thill Owens Paulson Hamann Schirmers
St. Cloud State University	101-420	101-420-4330-000	600.00	114852	Tuition - M. Carlson
Aspen Mills Inc.	101-420	101-420-4370-000	9.85	114795	Uniform Allowance - K. Leibel
Aspen Mills Inc.	101-420	101-420-4370-000	109.60	114795	New Hire Uniform Allowance - E. Heu
Aspen Mills Inc.	101-420	101-420-4370-000	17.85	114795	Uniform Allowance - W. Owens
Aspen Mills Inc.	101-420	101-420-4370-000	2,149.50	114795	New Hire Uniform Allowance - D. Swenson
Xcel Energy	101-420	101-420-4381-000	3.81	114868	Electric
Anoka County Treasury Office	101-420	101-420-4410-000	900.00	114793	2nd Qtr 2021 State Access Fee
Shred-it c/o Stericycle Inc.	101-420	101-420-4410-000	62.65	114851	Document destruction
		101-420 Total	32,763.30		
Medica	101-421	101-421-4131-000	1,313.91	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-421	101-421-4133-000	51.17	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-421	101-421-4133-000	4.40	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-421	101-421-4134-000	65.16	114807	Dental Insurance Premiums
Macqueen Equipment Inc.	101-421	101-421-4240-000	339.66	114830	Hoses and adapter
Allina Health System	101-421	101-421-4330-000	459.13	114791	Q2 2021 Education
Allina Health System	101-421	101-421-4330-000	459.13	114791	Q1 2021 Education
Fire Instruction Rescue Education	101-421	101-421-4330-000	7,400.00	114811	9 - Training Sessions
Aspen Mills Inc.	101-421	101-421-4370-000	46.85	114795	Dept Uniform Allowance
American Test Center	101-421	101-421-4410-000	2,289.00	114792	Annual Test #622 5 year test #611 Dept ground ladder test
		101-421 Total	12,428.41		
Medica	101-422	101-422-4131-000	-2,752.20	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-422	101-422-4133-000	76.13	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-422	101-422-4133-000	7.87	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-422	101-422-4134-000	89.88	114807	Dental Insurance Premiums
T-Mobile USA Inc	101-422	101-422-4321-000	149.30	114860	Cell Phone/Wi-Fi Service
MNSPECT LLC	101-422	101-422-4410-000	8,160.00	114838	Field Inspections
		101-422 Total	5,730.98		
Medica	101-430	101-430-4131-000	2,699.36	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-430	101-430-4133-000	119.31	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-430	101-430-4133-000	14.06	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-430	101-430-4134-000	191.01	114807	Dental Insurance Premiums
Street Smart Rental	101-430	101-430-4223-000	777.80	114855	8 - Type II Barricades
T-Mobile USA Inc	101-430	101-430-4321-000	92.55	114860	Cell Phone/Wi-Fi Service
Xcel Energy	101-430	101-430-4385-000	4,074.06	114868	Electric
Xcel Energy	101-430	101-430-4385-000	679.22	114868	Electric
Century Fence Company Inc.	101-430	101-430-4410-000	1,702.00	114800	Culvert crossing fence repair
InSite Contracting Inc	101-430	101-430-4410-000	6,000.00	114819	Guardrail repair - W Shadow Lake Dr
		101-430 Total	16,349.37		
Medica	101-431	101-431-4131-000	1,084.08	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-431	101-431-4133-000	42.83	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-431	101-431-4133-000	4.95	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-431	101-431-4134-000	98.88	114807	Dental Insurance Premiums
Safety-Kleen Systems Inc.	101-431	101-431-4211-000	50.42	114849	Solvent
Mansfield Oil Company	101-431	101-431-4212-000	2,712.71	114831	Diesel Fuel - 1 000 gallons
Mansfield Oil Company	101-431	101-431-4212-000	5,416.26	114831	Gasoline - 2 000 gallons
Mansfield Oil Company	101-431	101-431-4212-000	2,182.09	114831	Diesel Fuel - 799 gallons
Mansfield Oil Company	101-431	101-431-4212-000	5,369.66	114831	Gasoline - 2 000 gallons
Allied Oil & Supply Inc.	101-431	101-431-4221-000	144.46	114790	0W-20 Engine Oil - 10 gallons
Davis Equipment Corporation	101-431	101-431-4221-000	190.91	114806	Spindle repair kits #409
Factory Motor Parts Company	101-431	101-431-4221-000	31.92	114809	0W-20 Oil #803
Factory Motor Parts Company	101-431	101-431-4221-000	31.92	114809	0W-20 Oil #308
Factory Motor Parts Company	101-431	101-431-4221-000	123.96	114809	Battery #317
L.T.G. Power Equipment	101-431	101-431-4221-000	48.81	114825	Clutch wire repair kit #405
O'Reilly Automotive Stores	101-431	101-431-4221-000	-90.00	114842	Brake caliper core return #398
O'Reilly Automotive Stores	101-431	101-431-4221-000	344.44	114842	Air filters oil filters fuel filters
O'Reilly Automotive Stores	101-431	101-431-4221-000	23.90	114842	Police headlight bulbs
O'Reilly Automotive Stores	101-431	101-431-4221-000	302.94	114842	Brake house & 2 brake clamps #398
Emergency Apparatus Maintenance	101-431	101-431-4410-000	3,724.58	114808	Bolt repair oil leak repair new hose #622
Emergency Apparatus Maintenance	101-431	101-431-4410-000	2,011.38	114808	Primer valve rebuild #620
		101-431 Total	23,851.10		
Dalco Inc.	101-432	101-432-4211-000	553.13	114804	Toilet tissue paper towels and garbage bags
Wheeler Hardware Company	101-432	101-432-4211-500	145.00	114866	Transformer and Rectifier at Senior Center
Wheeler Hardware Company	101-432	101-432-4211-501	510.00	114866	Touchless switches to exterior of garage entry and north garage



**AP Checks by Account Number
8/9/2021 City Council Meeting**

Vendor	Fund/Dept	Account	Amount	Check #	Description
A&L Superior Quality Sod Inc.	101-432	101-432-4211-503	146.00	114787	Town Center Landscape
Gerten Greenhouses & Garden Center Inc.	101-432	101-432-4211-503	338.40	114815	Town Center Landscape
Gerten Greenhouses & Garden Center Inc.	101-432	101-432-4211-503	116.98	114815	Town Center Landscape
Gerten Greenhouses & Garden Center Inc.	101-432	101-432-4211-503	97.16	114815	Town Center Landscape
Wheeler Hardware Company	101-432	101-432-4211-503	580.00	114866	Relay sockets
Anoka County Treasury Office	101-432	101-432-4300-500	75.00	114794	Site 115 Aug 2021 Cac Fiber
Anoka County Treasury Office	101-432	101-432-4300-501	75.00	114794	Site 116 Aug 2021 Cac Fiber
Anoka County Treasury Office	101-432	101-432-4300-503	75.00	114794	Site 117 Aug 2021 Cac Fiber
NAC Mechanical & Electrical	101-432	101-432-4300-503	554.00	114841	Condensing unit repair in New Creations
NAC Mechanical & Electrical	101-432	101-432-4300-503	366.00	114841	Technology alert updates
NAC Mechanical & Electrical	101-432	101-432-4300-503	937.05	114841	Condensing unit repair in PD
Wheeler Hardware Company	101-432	101-432-4300-503	760.00	114866	Labor for invoice #SPI117384 - Media room repair
Wheeler Hardware Company	101-432	101-432-4300-503	210.00	114866	Material for media room
Wheeler Hardware Company	101-432	101-432-4300-503	1,470.00	114866	White paneling installation
Wheeler Hardware Company	101-432	101-432-4300-503	940.00	114866	Added inter changeable cores for restroom doors
Xcel Energy	101-432	101-432-4381-501	896.89	114868	Electric
Xcel Energy	101-432	101-432-4381-502	1,228.30	114868	Electric
Xcel Energy	101-432	101-432-4381-503	10,720.07	114868	Electric
Walters Recycling & Refuse	101-432	101-432-4384-500	257.18	114864	July 2021 Trash & Recycling
Walters Recycling & Refuse	101-432	101-432-4384-501	35.93	114864	July 2021 Trash & Recycling
Walters Recycling & Refuse	101-432	101-432-4384-502	100.27	114864	July 2021 Trash & Recycling
Walters Recycling & Refuse	101-432	101-432-4384-503	274.98	114864	July 2021 Trash & Recycling
Marsden Bldg Maintenance LLC	101-432	101-432-4410-500	1,044.60	114832	August Janitorial Services
Metro Sales Incorporated	101-432	101-432-4410-500	89.66	114835	Copier Maintenance Contract Ricoh/MP C307 Color Copier
Marsden Bldg Maintenance LLC	101-432	101-432-4410-501	631.58	114832	August Janitorial Services
Marsden Bldg Maintenance LLC	101-432	101-432-4410-502	691.82	114832	August Janitorial Services
CES Imaging	101-432	101-432-4410-503	80.00	114802	July Plotter/Scanner Maintenance
Marsden Bldg Maintenance LLC	101-432	101-432-4410-503	3,856.00	114832	August Janitorial Services
Metro Sales Incorporated	101-432	101-432-4410-503	208.49	114835	Copier Maintenance Contract Ricoh/IM C2500 Color Copier
Metro Sales Incorporated	101-432	101-432-4410-503	413.60	114835	Copier Maintenance Contract Ricoh/MP 6002SP & MP C3504 Copier
Star Tribune	101-432	101-432-4410-503	146.90	114853	Newspaper Subscription 7/10/21-10/9/21 - Subscriber #3426484
	101-432 Total		28,624.99		
Medica	101-450	101-450-4131-000	1,453.75	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-450	101-450-4133-000	96.72	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-450	101-450-4133-000	11.13	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-450	101-450-4134-000	177.52	114807	Dental Insurance Premiums
Bluetarp Financial Inc.	101-450	101-450-4211-000	99.99	114796	Water pump
Frattallone's/Circle Pines Ace	101-450	101-450-4211-000	46.14	114812	Garden sprayer adapter hose bloom booster
Tessman Company	101-450	101-450-4211-000	147.05	114858	2 - 50lb bags of herbicide
T-Mobile USA Inc	101-450	101-450-4321-000	50.29	114860	Cell Phone/Wi-Fi Service
Xcel Energy	101-450	101-450-4381-000	219.10	114868	Electric
Walters Recycling & Refuse	101-450	101-450-4384-000	158.79	114864	July 2021 Trash & Recycling
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - City Hall Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Birch Park
Jimmy's Johnnys	101-450	101-450-4410-000	180.00	114822	Toilet Rental - Sunrize Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Marshan Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Behm's Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Clearwater Creek Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Lino Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Sunset Oaks Park
Jimmy's Johnnys	101-450	101-450-4410-000	60.00	114822	Toilet Rental - Highland Meadows
	101-450 Total		3,120.48		
Medica	101-461	101-461-4131-000	201.91	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-461	101-461-4133-000	8.19	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-461	101-461-4133-000	0.85	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-461	101-461-4134-000	16.85	114807	Dental Insurance Premiums
T-Mobile USA Inc	101-461	101-461-4321-000	29.16	114860	Cell Phone/Wi-Fi Service
	101-461 Total		256.96		
Medica	101-462	101-462-4131-000	134.61	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-462	101-462-4133-000	5.46	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-462	101-462-4133-000	0.56	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-462	101-462-4134-000	11.24	114807	Dental Insurance Premiums
Davis Phillip	101-462	101-462-4330-000	78.96	114805	Mileage Reimbursement
1st Choice Document Destruction	101-462	101-462-4410-000	600.00	114786	July 2021 Recycled paper and cardboard - 3 000 pounds



**AP Checks by Account Number
8/9/2021 City Council Meeting**

Vendor	Fund/Dept	Account	Amount	Check #	Description
Freimuth Enterprises LLC	101-462	101-462-4410-000	375.00	114813	Recycling Saturday June 2021 - Total pounds recycled 35 917
Walters Recycling & Refuse	101-462	101-462-4410-000	40.95	114864	July 2021 Organic Recycling - Lino Park
Walters Recycling & Refuse	101-462	101-462-4410-000	76.05	114864	July 2021 Organic Recycling - Birch Park
Walters Recycling & Refuse	101-462	101-462-4410-000	64.35	114864	July 2021 Organic Recycling - Clearwater Creek
Walters Recycling & Refuse	101-462	101-462-4410-000	76.05	114864	July 2021 Organic - Marshan Park
	101-462 Total		1,463.23		
Medica	101-463	101-463-4131-000	201.91	114834	Health Insurance Premiums
Lincoln National Life Ins Co	101-463	101-463-4133-000	8.19	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	101-463	101-463-4133-000	0.84	114829	Life Insurance Premiums
Delta Dental of Minnesota	101-463	101-463-4134-000	16.85	114807	Dental Insurance Premiums
	101-463 Total		227.79		
CenturyLink	202-451	202-451-4321-000	55.69	114801	July phone services
Xcel Energy	202-451	202-451-4381-000	5,980.90	114868	Electric
Walters Recycling & Refuse	202-451	202-451-4384-000	162.56	114865	July 2021 Trash & Recycling
Marsden Bldg Maintenance LLC	202-451	202-451-4410-000	1,969.47	114832	August Janitorial Services
Marsden Bldg Maintenance LLC	202-451	202-451-4410-000	413.30	114832	Janitorial Services
	202-451 Total		8,581.92		
Twin Cities Transport & Recovery	207-420	207-420-4300-000	85.00	114861	ICR #21-150002
	207-420 Total		85.00		
Twin Cities Transport & Recovery	208-420	208-420-4300-000	85.00	114861	ICR #21-152584
	208-420 Total		85.00		
MOHLER TOM	406-000	406-000-2020-000	20.23	114839	Refund Check 013717-000 6591 CLEARWATER CRK DR
	406-000 Total		20.23		
Landmark Structures I LP	406-499	406-499-4400-127	180,647.25	114827	Water Tower No. 3
Landmark Structures I LP	406-499	406-499-4400-127	55,756.45	114827	Water Tower No. 3
	406-499 Total		236,403.70		
A.X. Lino Lakes L.P.	419-531	419-531-4404-000	102,095.00	114788	TIF Note - 1st Half 2021 Tax Settlement
	419-531 Total		102,095.00		
Kennedy & Graven Chartered	421-470	421-470-6040-000	9,000.00	114823	2021A Bond Counsel
	421-470 Total		9,000.00		
MN Department of Transportation - Commissioner	421-499	421-499-4300-133	114.49	114836	Concrete Plant Inspections
Haugo Geo Technical Services LLC	421-499	421-499-4300-137	3,583.00	114869	Street Rehabilitation Project - Material testing
T.A. Schifsky and Sons Inc.	421-499	421-499-4400-137	301,096.13	114857	2021 Street Improvement Projects
	421-499 Total		304,793.62		
Rupp Anderson Squires & Waldspurger P.A.	422-499	422-499-4301-125	272.00	114847	Legal NE Drainage Area Phase I
Jacon LLC	422-499	422-499-4400-125	38,668.32	114821	NE Drainage Area Improvements
	422-499 Total		38,940.32		
Landform	484-499	484-499-4300-000	2,731.00	114826	Zoning Ordinance and Map Update
	484-499 Total		2,731.00		
MOHLER TOM	601-000	601-000-2020-000	4.92	114839	Refund Check 013717-000 6591 CLEARWATER CRK DR
MOHLER TOM	601-000	601-000-2020-000	26.48	114839	Refund Check 013717-000 6591 CLEARWATER CRK DR
City of Blaine	601-000	601-000-2140-000	70.47	114803	3rd Qtr 2021 Utilities
	601-000 Total		101.87		
Medica	601-494	601-494-4131-000	1,510.54	114834	Health Insurance Premiums
Lincoln National Life Ins Co	601-494	601-494-4133-000	61.27	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	601-494	601-494-4133-000	7.29	114829	Life Insurance Premiums
Delta Dental of Minnesota	601-494	601-494-4134-000	142.69	114807	Dental Insurance Premiums
Rock Gardens Inc.	601-494	601-494-4211-000	320.15	114846	Well 3 Landscaping
Hawkins Inc.	601-494	601-494-4222-000	10,002.78	114817	Chlorine & Hydrofluosilicic
Hawkins Inc.	601-494	601-494-4222-000	130.08	114817	Nozzle and O-ring
Hawkins Inc.	601-494	601-494-4222-000	30.00	114817	Chemicals
Hawkins Inc.	601-494	601-494-4222-000	573.90	114817	Sodium Hypochlorite
Valley-Rich Co. Inc.	601-494	601-494-4300-000	4,223.00	114863	Hydrant repair
Rupp Anderson Squires & Waldspurger P.A.	601-494	601-494-4301-000	600.00	114847	Legal DNR Water Appropriation Permit Contested
T-Mobile USA Inc	601-494	601-494-4321-000	83.46	114860	Cell Phone/Wi-Fi Service
Xcel Energy	601-494	601-494-4381-000	13,084.38	114868	Electric
Centennial Utilities	601-494	601-494-4382-000	436.00	114799	3rd Qtr 2021 Utilities
City of Blaine	601-494	601-494-4382-000	627.83	114803	3rd Qtr 2021 Utilities
	601-494 Total		31,833.37		
MOHLER TOM	602-000	602-000-2020-000	112.68	114839	Refund Check 013717-000 6591 CLEARWATER CRK DR
	602-000 Total		112.68		
Medica	602-495	602-495-4131-000	1,510.56	114834	Health Insurance Premiums
Lincoln National Life Ins Co	602-495	602-495-4133-000	61.27	114828	Disability Insurance Premiums
Lincoln National Life Ins Co	602-495	602-495-4133-000	7.34	114829	Life Insurance Premiums



**AP Checks by Account Number
8/9/2021 City Council Meeting**

Vendor	Fund/Dept	Account	Amount	Check #	Description
Delta Dental of Minnesota	602-495	602-495-4134-000	142.69	114807	Dental Insurance Premiums
Muellner Blacktop Inc.	602-495	602-495-4300-000	7,000.00	114840	Overlay Road to City Utilities
Ritter & Ritter Sewer Service Inc.	602-495	602-495-4300-000	1,457.50	114845	Lift Station cleaning
T-Mobile USA Inc	602-495	602-495-4321-000	83.47	114860	Cell Phone/Wi-Fi Service
Xcel Energy	602-495	602-495-4381-000	2,052.47	114868	Electric
Centennial Utilities	602-495	602-495-4382-000	245.70	114799	3rd Qtr 2021 Utilities
City of Blaine	602-495	602-495-4382-000	1,860.00	114803	3rd Qtr 2021 Utilities
	602-495 Total		14,421.00		
Builders Lot Group LLC	801-000	801-000-2300-000	1,659.30	114798	Escrow Closure - Burque Property
Kennedy & Graven Chartered	801-000	801-000-2300-000	20.50	114823	Lyngblomsten TIF
KLM Engineering Inc.	801-000	801-000-2300-000	1,500.00	114824	T-Mobile Tower No. 1 - Antenna Drawing
Rupp Anderson Squires & Waldspurger P.A.	801-000	801-000-2300-000	272.00	114847	Legal 426 Pine
Rupp Anderson Squires & Waldspurger P.A.	801-000	801-000-2300-000	742.50	114847	Legal Lyngblomsten Senior Housing
Rydlund Brian A.	801-000	801-000-2300-000	37.56	114848	Escrow Closure - 842 Lois Lane - Variance
Schuhbauer Leslie & Benno	801-000	801-000-2300-000	174.40	114850	Escrow Closure - 7020 W Shadow Lk Dr - CUP
Thayer Kathleen	801-000	801-000-2300-000	644.63	114859	Escrow Closure - 7831 Lake Dr - Variance
Rupp Anderson Squires & Waldspurger P.A.	801-000	801-000-2315-103	180.00	114847	Legal Nadeau Acres 2nd Addition
Boulder Contracting LLC	801-000	801-000-2318-000	900.00	114797	Escrow Release - 1915 Red Oak Ln
Stone Creek Homes Inc	801-000	801-000-2318-000	4,400.00	114854	Escrow Closure - 7554 Leonard
Rupp Anderson Squires & Waldspurger P.A.	801-000	801-000-2321-103	16.00	114847	Legal Lino B - Otter Crossing
Rupp Anderson Squires & Waldspurger P.A.	801-000	801-000-2327-103	225.00	114847	Legal Watermark 4th Addition
	801-000 Total		10,771.89		
	Grand Total		931,935.53		



Electronic Funds Transfer
 MN Statute 471.38 Subd. 3

Council Meeting August 9, 2021

Transfer In/(Out)

7/23/2021 Payroll #15	(150,587.65)
7/23/2021 Payroll #15 Federal Deposit	(44,069.31)
7/23/2021 Payroll #15 PERA	(46,944.00)
7/23/2021 Payroll #15 State	(10,286.76)
7/23/2021 Payroll #15 Child Support	(284.77)
7/23/2021 Payroll #15 H.S.A. Bank Pretax	(3,134.64)
7/23/2021 Payroll #15 TASC Pretax	(749.96)
7/23/2021 Payroll #15 ICMA 457 Def. Comp #301596	(4,045.00)
7/23/2021 Payroll #15 ICMA Roth IRA #706155	(855.75)
7/23/2021 Payroll #15 MSRS HCSP #98946-01	(1,647.35)
7/23/2021 Payroll #15 MSRS Def. Comp #98945-01	(3,508.00)
7/23/2021 Payroll #15 MSRS Roth IRA #98945-01	(980.00)
7/23/2021 Wire to U.S. Bank - 4/1 Debt Service Payment	(258,424.38)
7/27/2021 Minnesota Management & Budget - ARPA Funds	1,170,283.35
7/27/2021 Wire to MCM - ARPA Funds	(1,170,283.35)
8/1/2021 HSA Bank ER Contribution	(6,208.18)
8/6/2021 Council #08 Payroll	(3,490.00)
8/6/2021 Council #08 Federal Deposit	(202.40)
8/6/2021 Council #08 PERA	(387.62)
8/6/2021 Council #08 State	(45.98)
8/6/2021 Payroll #16	(142,450.46)
8/6/2021 Payroll #16 Federal Deposit	(42,825.79)
8/6/2021 Payroll #16 PERA	(45,163.97)
8/6/2021 Payroll #16 State	(9,955.82)
8/6/2021 Payroll #16 Child Support	(284.77)
8/6/2021 Payroll #16 H.S.A. Bank Pretax	(3,232.64)
8/6/2021 Payroll #16 TASC Pretax	(749.96)
8/6/2021 Payroll #16 ICMA 457 Def. Comp #301596	(4,345.00)
8/6/2021 Payroll #16 ICMA Roth IRA #706155	(880.75)
8/6/2021 Payroll #16 MSRS HCSP #98946-01	(1,634.70)
8/6/2021 Payroll #16 MSRS Def. Comp #98945-01	(3,543.00)
8/6/2021 Payroll #16 MSRS Roth IRA #98945-01	(755.00)

CITY COUNCIL WORK SESSION

APPROVED

**CITY OF LINO LAKES
MINUTES**

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

DATE : July 26, 2021
TIME STARTED : 6:00 p.m.
TIME ENDED : 6:30 p.m.
MEMBERS PRESENT : Council Member Stoesz, Lyden, Ruhland,
Cavegn and Mayor Rafferty
MEMBERS ABSENT : None

Staff members present: City Administrator Sarah Cotton; Finance Director Hannah Lynch; Human Resources Manager Meg Sawyer; Community Development Director Michael Grochala; Public Services Director Rick DeGardner; City Planner Katie Larsen; City Engineer Diane Hankee; Director of Public Safety John Swenson; City Clerk Julie Bartell

1. Public Works Facility – Mayor Rafferty noted that there are three new councilmembers and there’s an opportunity to bring them up to date on past discussions. The mayor noted that any discussion has to include costs and how that can be done in light of the taxpayers. He understands and would highlight the need for facilities.

Administrator Cotton recalled previous consultant work to look at options. She believes that a tour for new councilmembers would be an appropriate next step. And looking ahead, moving to facilities planning will be important. Councilmember Stoesz asked if the public would be invited to tour the facilities and Ms. Cotton suggested that it would be a posted meeting.

Mayor Rafferty spoke to the importance of investing in the community and the future. He is in favor of a tour in the near future.

Councilmember Ruhland asked for the ballpark estimate (2019). Ms. Cotton said it was phased but approximately \$5 million; site analysis was about \$12 million. There are constraints because there is no City sewer and water at the current site. Mayor Rafferty remarked that he hasn’t supported moving the site.

Councilmember Cavegn asked if a tear down or addition is proposed. Mayor Rafferty remarked that a tour could make it more obvious.

Councilmember Ruhland noted the community center discussion and earmarking funds toward that; is there any bonding pay off coming up past that? Ms. Cotton suggested the tour first with the study in hand and discussion on plans following that.

Councilmember Lyden asked, how large is the parcel? Public Services Director DeGardner said the city owns 24 acres; the public works use is a portion.

CITY COUNCIL WORK SESSION

APPROVED

45 First choice for tour would be during the August work session or else prior to the August
46 9th council meeting. Administrator Cotton will provide the previous study information to
47 the council.
48

49 **2. Review Council Agenda of July 26, 2021** – The agenda was reviewed and there
50 were no changes.
51

52 **Expenditures** – Mayor Rafferty noted a \$1900 charge for a fire uniform is included in
53 the expenditure list; is that an officer who left after just starting? Ms. Sawyer explained
54 the last resignation.
55

56 **Item 3A, Blue Heron Parade** – Administrator Cotton reviewed the written information
57 and added that staff is anticipating that, if the council wishes to direct city funds for the
58 event, that should be further authorized.
59

60 Councilmember Stoesz (one of the parade organizers) stated that he feels confident that
61 the parade will come together.
62

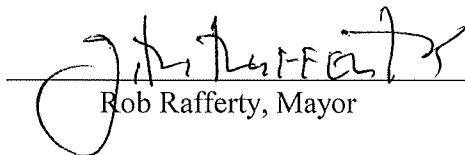
63 Councilmember Cavegn remarked that he has some concern about the size of the parade;
64 if the units in the parade don't rise to a certain level perhaps that could impact the ability
65 to have a successful parade in future years. Mayor Rafferty said he is fully in support of
66 moving ahead and has some concern that if it is cancelled this year that would impact the
67 future.
68

69 The meeting was adjourned at 6:30 p.m.
70

71 These minutes were considered, corrected and approved at the regular Council meeting held on
72 August 9, 2021.
73

74
75 

76
77 Julianne Bartell, City Clerk
78


Rob Rafferty, Mayor

COUNCIL MINUTES

DRAFT

**LINO LAKES CITY COUNCIL
REGULAR MEETING
MINUTES**

1
2
3
4
5
6 **DATE** : **July 26, 2021**
7 **TIME STARTED** : **6:35 p.m.**
8 **TIME ENDED** : **7:33 p.m.**
9 **MEMBERS PRESENT** : **Councilmember Stoesz, Lyden,**
10 **Ruhland, Cavegn and Mayor Rafferty**
11 **MEMBERS ABSENT** : **None**

12
13 Staff members present: City Administrator Sarah Cotton; Community Development Director
14 Michael Grochala; Public Safety Director John Swenson; City Planner Katie Larsen; Human
15 Resources Manager Meg Sawyer; City Engineer Diane Hankee; City Clerk Julie Bartell

16
17 **PUBLIC COMMENT**

18 There were no public comments.

19 **SETTING THE AGENDA**

20 The agenda was approved as presented.

21 **SPECIAL PRESENTATIONS**

22 **Lino Lakes Ambassadors – Update on Activities and Introduction of Candidates**

23 **Citizen Life Saving Award Presentation**

24 **Allina Medical Life Saving Presentation**

25 **CONSENT AGENDA**

26 Councilmember Ruhland moved to approve the Consent Agenda, Items 1A through 1H as
27 presented. Councilmember Lyden seconded the motion. Motion carried on a voice vote.

28
29 **ITEM** **ACTION**

30 **Consideration of Expenditures:**

- | | | | |
|----|----|---|----------|
| 31 | A) | July 26, 2021 (Check No. 114682 through 114780) in the | |
| 32 | | amount of \$646,575.65 | Approved |
| 33 | B) | Consider Approval of July 6, 2021 Council | |
| 34 | | Work Session Minutes | Approved |
| 35 | C) | Consider Approval of July 12, 2021 Work Session Minutes | Approved |
| 36 | D) | Consider Approval of July 12, 2021 Council Minutes | Approved |
| 37 | E) | Consider Resolution No. 21- 79, American Legion Special Event | |
| 38 | | 50th Wedding Anniversary | Approved |

COUNCIL MINUTES

DRAFT

- 39 F) Consider Resolution No. 21-80, American Legion Special
40 Event Centennial Dance Approved
- 41 G) Consider Resolution No. 21-81, Living Waters Lutheran
42 Church Summer Outdoor Concert Series Approved
- 43 H) Consider Resolution No. 21-78, American Legion Special
44 Event, Lino Lakes Family Fun Days Approved

FINANCE DEPARTMENT REPORT

46 **2A) Public Hearing – Providing Host Approval to the Issuance of Revenue Obligations by**
47 **the City of Bethel for the Benefit of Lyngblomsten of Lino Lakes, LLC: Consider Resolution**
48 **No. 21-77, Providing Host Approval to the Issuance of Revenue Obligations** – Finance Director
49 Lynch explained that staff is recommending a resolution that provides approval for the City of
50 Bethel to host the issuance of revenue bonds for the Lyngblomsten project. The City is not
51 qualified to issue these bonds due to a previous issuance this year (Street Reconstruction Project).

52
53 Julie Eddington, Kennedy and Graven, responded to a question about expiration of the resolution;
54 any expiration could be determined by the council and added to the resolution. Councilmember
55 Stoesz said he isn't concerned; no language change is called for in his opinion.

56 Councilmember Lyden noted that the financing is not tied to the tax increment financing element of
57 the project and that was confirmed by bond counsel.

58 Mayor Rafferty opened the public hearing. There being no one present wishing to speak, the public
59 hearing was closed.

60 A real estate company representative (for the project) updated the council on the proposed project
61 schedule.

62 Councilmember Lyden moved to approve Resolution No. 21-77 as presented. Councilmember
63 Cavegn seconded the motion. Motion carried on a voice vote.

ADMINISTRATION DEPARTMENT REPORT

64
65 **3A) Consider Appointment of Police Officer** – Human Resources Manager Lynch reviewed
66 her written report recommending the appointment of Samantha Bergeron to the position of police
67 officer. This would fill a vacant position in the department. She noted that Ms. Bergeron is
68 currently a CSO in the department. She will start at the first step of the wage schedule.

69 Councilmember Ruhland moved to approve the appointment of Samantha Bergeron as
70 recommended. Councilmember Lyden seconded the motion. Motion carried on a voice vote.

71 **3B) Consider Approval of Resolution 21-83, Blue Heron Parade, Celebration of Freedom –**
72 Administrator Cotton explained that staff is seeking approval of a resolution relating to a Blue
73 Heron Days Parade. She noted that a budget request is included (to be presented by
74 Councilmember Stoesz) as follows:

75 \$3,500 budgeted Blue Heron Days funds, to be spent within Lino Lakes;

76 \$3,500 from tourism funds; to be managed by the Quad Chamber of Commerce to bring in people
77 for the festivities.

COUNCIL MINUTES

DRAFT

78 Mayor Rafferty recalled that the Blue Heron Days activities were largely cancelled last year due to
79 COVID restrictions. Now cities are opening up and festivals are occurring. Councilmember
80 Stoesz has taken a lead in bringing this forward.

81 The council discussed the need to allocate public safety services; Councilmember Stoesz suggested
82 that he understands that the department services will be handled without additional funding.

83 Councilmember Stoesz was asked about how marketing of the event will continue. He indicated
84 that he will be utilizing phone calls and other marketing tools and is confident it will be easier to
85 market once the event has been approved.

86 Councilmember Ruhland asked if there is an estimate of units anticipated; Councilmember Stoesz
87 suggested that he believes that 60 units are possible.

88 Councilmember Stoesz moved to approve Resolution No. 21-83 to include a budget of not to exceed
89 \$3,500 from the City Blue Heron Days fund and \$3,500 from the tourism outside budget.
90 Councilmember Ruhland seconded the motion. Motion carried on a voice vote.

91 **PUBLIC SAFETY DEPARTMENT REPORT**

92 There was no report from the Public Safety Department.

93 **PUBLIC SERVICES DEPARTMENT REPORT**

94 There was no report from the Public Services Department.

95 **COMMUNITY DEVELOPMENT REPORT**

- 96 **6A) Lyngblomsten at Lino Lakes Addition: Consider: i. Resolution No. 20-94, Approving**
97 **PUD Final Plan/Final Plat; ii. Resolution No. 20-95, Development Agreement and PUD**
98 **Agreement; and iii. Resolution No. 21-82, Stormwater Re-Use Agreement** – City Planner Larsen
99 reviewed a PowerPoint presentation that included information on the following:
- 100 - Land Use Application (PUD and Phase 1 of Senior Living Community);
 - 101 - Past City consideration and approval;
 - 102 - Site Location and Aerial Map;
 - 103 - Project Review – Four Phases;
 - 104 - Number of Housing Units Overall (223);
 - 105 - Site Plan Comparison, May 2020 to July 2021 (mirror image);
 - 106 - Three dimensional rendering;
 - 107 - Transportation and Access (multi-jurisdictional discussions have occurred);
 - 108 - Greenspace buffers (to existing neighborhoods);
 - 109 - Architecture (rendering showing some changes called for by Planning and Zoning);
 - 110 - Findings of Fact;
 - 111 - Planning and Zoning Board recommendations;
 - 112 - Requested council action.

COUNCIL MINUTES

DRAFT

113 Councilmember Stoesz asked if there are plans for trails on both sides of Hodgson. City Planner
114 Larsen explained the current plans for the east side and noted an existing trail in the area.

115 Councilmember Lyden noted the tax increment financing involved in the project; what is the timing
116 on that? Community Development Director Grochala noted that a housing district was established in
117 2018 for everything north of the commercial area. There is a contract for private development from
118 2019 approved and now an amendment will be coming forward soon.

119 Councilmember Lyden asked what the City gets through this development. City Planner Larsen
120 noted development of a blighted site and implementation of a master plan.

121 Councilmember Ruhland asked about the buffer and Ms. Larsen gave more details.

122 Mayor Rafferty noted that it's been a long time in the making and it's nice to see what's coming
123 forward.

124 Councilmember Lyden moved to approve Resolution No. 20-94, as presented. Councilmember
125 Ruhland seconded the motion. Motion carried on a voice vote.

126 Councilmember Cavegn moved to approve Resolution No. 20-95, as presented. Councilmember
127 Stoesz seconded the motion. Motion carried on a voice vote.

128 Councilmember Cavegn moved to approve Resolution No. 21-82, as presented. Councilmember
129 Ruhland seconded the motion. Motion carried on a voice vote.

UNFINISHED BUSINESS

131 There was no Unfinished Business.

132

NEW BUSINESS

134 There was no New Business.

135

COMMUNITY EVENTS

137 There were no events announced.

COMMUNITY CALENDAR

139

140

141

142

143

144

145

146

147

148



149

150

151

152

153

<i>Community Calendar – A Look Ahead</i>		
July 26, 2021 through August 9, 2021		
 Wednesday, July 28	6:30 pm, Council Chambers	Environmental Board
 Monday, August 2	6:00 pm, Community Room	Council Work Session
 Wednesday, August 4	6:30 pm, Council Chambers	Park Board
 Thursday, August 5	8:00 am, Community Room	EDAC
 Monday, August 9	6:00 pm, Community Room	Council Work Session
 Monday, August 9	6:30 pm, Council Chambers	City Council Meeting

ADJOURN

151 There being no further business, Councilmember Ruhland moved to adjourn at 7:33 p.m.

152 Councilmember Stoesz seconded the motion. Motion carried on a voice vote.

153

COUNCIL MINUTES

DRAFT

154 These minutes were considered and approved at the regular Council Meeting on August 9, 2021.

155

156

157

158

159 _____
Julianne Bartell, City Clerk

Rob Rafferty, Mayor

160

**CITY COUNCIL SPECIAL WORK SESSION
DRAFT**

**CITY OF LINO LAKES
MINUTES**

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

- DATE** : July 26, 2021
TIME STARTED : 7:45 p.m.
TIME ENDED : 9:30 p.m.
MEMBERS PRESENT : Council Member Stoesz, Lyden, Ruhland,
Cavegn and Mayor Rafferty
MEMBERS ABSENT : None

Staff members present: City Administrator Sarah Cotton; Finance Director Hannah Lynch; Public Services Director Rick DeGardner; Community Development Director Michael Grochala; City Engineer Diane Hankee; Director of Public Safety John Swenson; City Clerk Julie Bartell

1. 2022 Draft Budget & Tax Levy – Finance Director Lynch said staff will present a high level review of the 2022 budget with the intent that this would be a first discussion of 2022 budget plans. She reviewed her written report:

- 39.43 tax rate approved last December for 2021 (actual certified tax rate was 40.1 due to changes at the county level);
- Page 6, Gap Analysis, at the bottom identifies a gap to keep a flat tax rate (39.4);
- Handout this evening indicates tax implication for certain valuations at different tax rate scenarios;

Mayor Rafferty noted that the perspective of seeing the impact on property tax payers is very helpful (the handout).

- Page 2, highlights the operating and debt levy and total proposed for 2022. Accounting change was noted to cut out a transfer;
- General Fund Base Budget Increase (Page 11), excluding Others, looking at base budget increase of \$375,000 (mainly personnel related);

Councilmember Stoesz asked if there is any funding included for a community rec center; Ms. Lynch said no.

- Paid On Call Firefighter wage increase may come forward but is not included;
- The 2022 adjustments requested is \$830,000 as noted (by department) in the report;

Mayor Rafferty noted the council’s discussions about adequate personnel for fire department duties and the need to look at that wage.

Councilmember Stoesz asked about the Zoom PD item, is that something new? Administrator Cotton said if it is included in the adjustments, is a new budget item.

**CITY COUNCIL SPECIAL WORK SESSION
DRAFT**

45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88

Mayor Rafferty questioned the Alexandra House line item under the Public Safety budget adjustments. Public Safety Director Swenson noted the services provided by the Alexandra House shelter for women who are impacted by domestic violence. Mayor Rafferty remarked that the City hasn't provided funds previously; it's important work but it may be a better fit for county funding.

- Recreation and Special Events programming – highlighting what was cut during COVID and what is currently not in budget; If the council would like to provide certain events in the city in 2022, staff would recommend a .6 FTE recreation programing position be included in the budget; warming house funding would also have to be added if that service is desired; Federal funding is a possibility for bringing back a position;

Councilmember Stoesz noted an increase in the WSB & Associates retainer and suggested that figure should be going down. Community Development Director Grochala noted that the retainer amount is strictly for in-house services.

- Capital Equipment Replacement – trying to move away from indebtedness and toward operating levy funded. Ms. Lynch noted cuts agreed upon by staff before this came forward; she noted the equipment requested;
- Mayor Rafferty asked about the cost noted of a police vehicle; he recalls the cost at \$56,000; staff explained the figure included now is an estimate and the cost of the build-out is really not known at this point; Mayor Rafferty asked what the Tahoe vehicle would be used for and Director Swenson noted that the Deputy Director would drive this new vehicle and his vehicle would rotate down with one being rotated out; the police vehicles are all used by the police staff. Mayor Rafferty remarked that cross trained personnel have more gear and need more room so, with some changes away from those duties, he wonders about using a smaller police vehicle. Councilmember Lyden noted that the vehicle costs you not just what you pay but what you will get from it when it is sold and he feels the Tahoe's will make up the extra expense at sale. A councilmember noted that there was an issue with rust (with the Ford vehicles) and Mayor Rafferty explained that there is a better washing system in place to deal with the rust question. Councilmember Cavegn recalled that the council approved the vehicles because they saw the Tahoe as a better vehicle than the Explorers;
- Page 4, this year there is a request of 10% in funds for the Street Rehabilitation Program based on the Pavement Management Program;
- Surface Water Fund - if a storm water management utility is approved, there would be a revenue impact;
- Park and Trail Improvements – requesting the budgeted amount rise to \$90,000 to increase that program. Additional funding would allow more work based on recommendations from the Park Board. Councilmember Stoesz asked if extension of the Hodgson trail should be considered; Public Services Director

**CITY COUNCIL SPECIAL WORK SESSION
DRAFT**

89 DeGardner noted that would be an excellent addition whoever it would be cost
90 prohibitive without something like a county project providing funding;

91

92 Councilmember Lyden noted that the numbers are tough. He received confirmation that
93 the pickle ball court funding has already been spent.

94

- 95 - Debt Levy – significant changes (street reconstruction is added);
- 96 - Some reserves are available – if used, Ms. Lynch said reserves should be used for
97 one-time costs only; \$500,000 in General Fund reserves available; Common
98 Bond Funds available but that has been discussed for rec center funding;
- 99 - Transfers in – Cable funds coming in for the communications specialist.

100

101 In conclusion, Ms. Lynch said that staff brought forward a budget that continues city
102 services.

103

104 Councilmember Ruhland asked about the value increase projection? Ms. Lynch said
105 taxable market value increase estimate is 5.6 %, as provided by the County Assessor.

106

107 Councilmember Stoesz asked staff to forward a template of the handout so that he can
108 create additional scenarios.

109

110 Councilmember Ruhland asked about impact on the City’s bond rating if reserves are
111 utilized; Ms. Lynch suggested that the \$500,000 use would leave the City still within its
112 reserve policy so shouldn’t impact the bond rating.

113

114 The council had a discussion about public works facilities.

115

116 Councilmember Lyden said he hasn’t voted for a tax increase. He would love to see staff
117 come back at 40.1% to see what it would look like. Ms. Lynch noted the final scenario in
118 the handout provided; it’s a \$1.1 gap.

119

120 Staff is asking the council to provide direction on areas to cut. Councilmember Lyden
121 suggested that staff has a better knowledge and he’d like to receive their
122 recommendations. Administrator Cotton suggested that she’d recommend that staff have
123 the opportunity to present information on what is needed. Mayor Rafferty remarked that
124 he sees that staff is looking for guidance; he doesn’t think that 41 is an unrealistic number
125 based on the needs. Councilmember Lyden said he would like information on the tax
126 rate of other communities. Councilmember Cavegn suggested he could use more detail
127 on many of the items, noting fire services in particular and he also noted the half time
128 building inspector.

129

130 Councilmember Ruhland asked if the current drought conditions shouldn’t help get storm
131 water maintenance work done in an easier fashion. Staff will investigate.

132

**CITY COUNCIL SPECIAL WORK SESSION
DRAFT**

133 Staff noted that the impact of adding the storm water utility would be revenue of
134 \$300,000.

135

136 Councilmember Stoesz asked if contracting for park services is an option instead of
137 adding a position. Public Services Director DeGardner responded that it's been 25 years
138 since a park maintenance position was added and it's just a matter of needs and more
139 personnel I warranted.

140

141 Councilmember Lyden asked what staff needs on the budget right now. Ms. Lynch said
142 staff is getting information through this process; she asks if staff should produce a budget
143 book that includes the higher tax rate. Are there any assumptions the council would like
144 staff to incorporate (she noted the recreation questions and if the surface water fee should
145 be included even though it's not approved, or the YMCA levy that could be changed).

146

147 Mayor Rafferty said two councilmembers have asked for a scenario that brings the rate
148 down to 40.1% and he asked if a 41.5% scenario would be an acceptable view. Ms.
149 Lynch remarked that with a flat tax rate, all the adjustments requested by staff would
150 basically be gone. Councilmember Lyden asked for a budget that maintains city services
151 but nothing else; Ms. Lynch said the 44.5% is that level.

152

153 Mayor Rafferty noted the storm water utility as a must and also funding the capital
154 program through reserves saving \$250,000. The mayor asked for the pros and cons of
155 not purchasing the dump truck. Public Services Director DeGardner noted that the truck
156 proposed to be replaced has been identified by the City mechanic; it's a specialized
157 vehicle and if it goes out of service, there is a real impact. Staff clarified that the mayor is
158 discussing the option of utilizing the \$500,000 reserve fund for capital equipment funds
159 and including the dump truck purchase. Staff asked if the dump truck should be included
160 in the next round and the council concurred.

161

162 Administrator Cotton noted that there is no funding included for Blue Heron Days. She
163 recommends that funding be included if the council sees the need for 2022.

164

165 Councilmember Cavegn asked if there is a way to reduce smaller areas, noting recycling
166 costs, by just using less. Public Services Director DeGardner noted that management
167 staff works to reduce costs at all the time and in the normal course of their work and he
168 noted some recent cases.

169

170 Mayor Rafferty noted the Recreation Coordinator position; he suggested that
171 collaboration could be a good approach. Administrator Cotton suggested that if there
172 were staff at a new rec center, there should be opportunity to coordinate recreation
173 staffing with certain event planning functions.

174

175 Staff will take feedback received tonight and update the proposed budget and get that into
176 books.

177

**CITY COUNCIL SPECIAL WORK SESSION
DRAFT**

178 Mayor Rafferty asked staff to provide additional information on American Rescue
179 funding possibilities.

180

181 **2. Set Meeting Date for Next Budget Work Session**

182

183 The council scheduled the next discussion for August 9th, following the regular council
184 meeting.

185

186 The meeting was adjourned at 9:30 p.m.

187

188 These minutes were considered, corrected and approved at the regular Council meeting held on
189 August 9, 2021.

190

191

192

193

194 _____
Julianne Bartell, City Clerk

Rob Rafferty, Mayor

195

**CITY COUNCIL
AGENDA ITEM 3A**

STAFF ORIGINATOR: Meg Sawyer
MEETING DATE: August 9, 2021
TOPIC: Consider Appointment of Communication Specialist
VOTE REQUIRED: 3/5

INTRODUCTION

The City Council is being asked to approve the appointment of Andrea Turner to the newly created Communication Specialist position.

BACKGROUND

Staff has completed the recruitment process, provided a conditional offer, and is recommending the approval of Andrea Turner for the position.

Andrea holds a Bachelor's Degree in Business Administration from the University of North Dakota and has over 5 years of experience in communications and marketing.

The hourly rate of pay would be \$33.42, which is step 4 of the current wage schedule.

With Council's approval, Andrea would start in the position of Communications Specialist on September 1, 2021.

RECOMMENDATION

Approve the appointment of Andrea Turner to the Communications Specialist position.

**CITY COUNCIL
AGENDA ITEM 3B**

STAFF ORIGINATOR: Meg Sawyer, Human Resources Manager

MEETING DATE: August 9, 2021

TOPIC: Compensation Plan for Paid On-Call Fire Personnel

i. Consider Resolution No. 21-84 Compensation Plan for Paid On-Call Fire Personnel

VOTE REQUIRED: 3/5

INTRODUCTION

The City Council is being asked to consider Resolution No. 21-84, an amendment to the Compensation Plan for Paid On-Call Fire Personnel.

BACKGROUND

In 2014, the City Council adopted Resolution No. 14-61, which established the compensation plan for paid on-call fire personnel. In 2016, the City Council adopted Resolution No. 16-97, which amended the compensation plan for paid on-call fire personnel, specifically the pre-service training hourly rate. At the time, this rate was below minimum wage. The League of Minnesota Cities issued guidance in 2017 that POC Firefighter Wages were not subject to the minimum wage law, and as such, the Paid On-Call Firefighter Compensation Plan has not been amended since.

Staff has reviewed the starting hourly rates for paid-on call fire staff in the metro area. Starting hourly rates range from \$10.25 to \$16.88. Based on this review, and in an effort to continue to recruit and retain paid on-call fire personnel, staff is recommending an increase in the starting hourly rate of pay from \$10.50 to \$15.00. In addition, to continue to demonstrate the City of Lino Lakes’ commitment to continued professional development and the value of retaining an experienced workforce, staff is recommending an increase to the “years of service” wage bands as follows:

	Current Hourly Wage	Recommended Hourly Wage
Starting Wage	\$10.50	\$15.00
Upon Completion of 5 Years of Service	\$13.50	\$16.50
Upon Completion of 10 Years of Service	\$14.00	\$17.08
Upon Completion of 15 Years of Service	\$14.50	\$17.68
Upon Completion of 20 Years of Service	\$15.00	\$18.29

The budget impact of the proposed amendments are approximately \$12,000. Staff has included this in the 2022 proposed budget that will be reviewed by the Council during a Special Budget Work Session on August 9, 2021.

Finally, if approved, staff is recommending that the wages of paid on-call fire personnel be reviewed on a biennial basis and that the City Council consider at that time whether an amendment is warranted.

RECOMMENDATION

Staff is recommending approval of Resolution No. 21-84 Compensation Plan for Paid On-Call Fire Personnel.

ATTACHMENTS

Resolution No.14-61
Resolution No. 16-97

**CITY OF LINO LAKES
RESOLUTION NO. 21-84**

**RESOLUTION AMENDING THE COMPENSATION PLAN
FOR PAID ON-CALL FIRE PERSONNEL**

WHEREAS, the City of Lino Lakes has integrated fire services into the Public Safety Department; and

WHEREAS, the wages and compensation of paid on-call fire personnel are a vital component of an effective recruitment and retention program; and

WHEREAS, the City of Lino Lakes values a professional and engaged workforce.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lino Lakes that the city hereby amends the compensation plan for paid on-call fire personnel, effective January 1, 2022:

Firefighter	Per Hour Wage
Starting Wage	\$15.00
Upon completion of 5 years of service	\$16.50
Upon completion of 10 years of service	\$17.08
Upon completion of 15 years of service	\$17.68
Upon completion of 20 years of service	\$18.29

Fire Officers	Monthly Stipend
Fire Lieutenant	\$225.00
District Chief	\$300.00

FURTHERMORE, BE IT RESOLVED that staff will review the compensation plan for paid-on call fire personnel on a biennial basis (every two years) and the City Council will consider whether an amendment is warranted.

Adopted by the City Council of the City of Lino Lakes this 9th day of August, 2021.

The motion for the adoption of the foregoing resolution was introduced by Councilmember Cavegn and was duly seconded by Councilmember Ruhland and upon vote being taken thereon, the following voted in favor thereof: Cavegn, Ruhland, Stoesz, Lyden, Rafferty

The following voted against same: None

Rob Rafferty, Mayor

ATTEST:

Julianne Bartell, City Clerk

**CITY OF LINO LAKES
RESOLUTION NO. 14-61**

**RESOLUTION ESTABLISHING COMPENSATION PLAN
FOR PAID ON-CALL FIRE PERSONNEL**

WHEREAS, the City of Lino Lakes has decided to integrate fire services into the Public Safety Department; and

WHEREAS, the wages and compensation of paid on-call fire personnel is a vital component of an effective recruitment and retention program; and

WHEREAS, the City of Lino Lakes values a professional and engaged workforce.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lino Lakes that the city does hereby establish the compensation plan for paid on-call fire personnel as follow:

Firefighter	Per Hour Wage
Pre-service training; Calls only not paid for hours in pre-service training	\$ 9.00
Upon completion of basic fire training	\$ 10.50
Upon completion of EMT	\$ 12.00
Upon completion of 5 years of service	\$ 13.50
Upon completion of 10 years of service	\$ 14.00
Upon completion of 15 years of service	\$ 14.50
Upon completion of 20 years of service	\$ 15.00

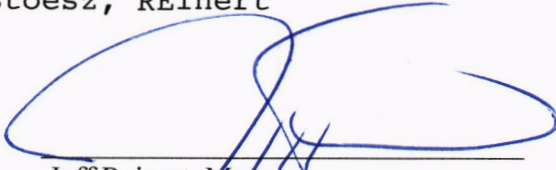
Fire Command / Officer	Monthly Stipend
Fire Lieutenant	\$ 225.00
Station Chief / Deputy Chief	\$ 300.00

Adopted by the City Council of the City of Lino Lakes this 23rd day of June 2014.

The motion for the adoption of the foregoing resolution was introduced by Council Member Kusterman and was duly seconded by Council Member Roeser and upon vote being taken thereon, the following voted in favor thereof:

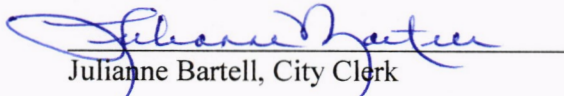
Kusterman, Roeser, Rafferty, Stoesz, REinert

The following voted against same:
none



Jeff Reinert, Mayor

ATTEST:



Julianne Bartell, City Clerk

**CITY OF LINO LAKES
RESOLUTION NO. 16-97**

**RESOLUTION AMENDING THE COMPENSATION PLAN
FOR PAID ON-CALL FIRE PERSONNEL**

WHEREAS, the City of Lino Lakes has integrated fire services into the Public Safety Department; and

WHEREAS, the wages and compensation of paid on-call fire personnel is a vital component of an effective recruitment and retention program; and

WHEREAS, Resolution No. 14-61 established the compensation for paid on-call fire personnel; and

WHEREAS, due to changes in the minimum wage law, the pre-service training hourly rate needs to be increased to be in compliance with state law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lino Lakes that the City hereby amends the compensation plan for paid on-call fire personnel, effective August 1, 2016:

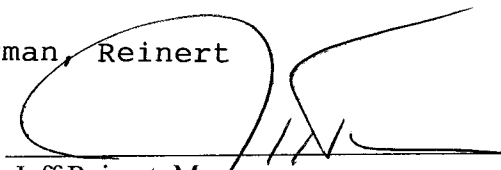
Fire Fighter	Per Hour Wage
For calls during pre-service training	\$ 9.50
Upon completion of the basic fire training (FFI & FFII)	\$10.50
Upon completion of EMT	\$12.00
Upon completion of 5 years of service	\$13.50
Upon completion of 10 years of service	\$14.00
Upon completion of 15 years of service	\$14.50
Upon completion of 20 years of service	\$15.00

Fire Command/ Officer	Monthly Stipend
Fire Lieutenant	\$225.00
Station Chief/ Deputy Chief	\$300.00


Adopted by the City Council of the City of Lino Lakes this 25th day of July 2016.

The motion for the adoption of the foregoing resolution was introduced by Council Member Rafferty and was duly seconded by Council Member Maher and upon vote being taken thereon, the following voted in favor thereof:

Rafferty, Maher, Manthey, Kusterman, Reinert
The following voted against same:
none


Jeff Reinert, Mayor

ATTEST:


Julianne Bartell, City Clerk

**CITY COUNCIL
AGENDA ITEM 6A**

STAFF ORIGINATOR: Michael Grochala

MEETING DATE: August 9, 2021

TOPIC: Public Hearing. Consider 1st Reading Ordinance No. 07-21,
Establishing a Storm Water Utility

VOTE REQUIRED: 3/5

INTRODUCTION

Staff is requesting City Council consideration to establish a Storm Water Utility.

BACKGROUND

The City of Lino Lakes owns and operates a Storm Water Management System comprised of pipes, ditches, ponds, catch basins, manholes and other structural and non-structural Best Management Practices (BMP's). The purpose of this system is to safely and efficiently convey and treat storm water runoff that results from the creation of impervious surfaces.

Since 2003, in compliance with the provisions of the Federal Clean Water Act; Minnesota Statutes Chapters 115 and 116, and Minnesota Rules Chapter 7001, the City of Lino Lakes has been required to develop and implement a Storm Water Pollution Prevention Program (SWPPP). The SWPPP must satisfy the State of Minnesota's General Permit requirements authorizing the City's discharge of storm water associated with municipal separate storm sewer systems.

The storm water program for Municipal Separate Storm Sewer Systems (MS4's) is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable.

The City's Storm Water Pollution Prevention Program includes:

- (1) The Best Management Practices (BMP's) that it will implement for each of the six (6) storm water minimum control measures required by the General Permit includes: Public Education, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control; Post-construction Storm Water Management; Pollution Prevention and Good Housekeeping.
- (2) Measurable goals for each of the BMP's, including, as appropriate, the months and years in which the City will undertake required actions, including interim milestones and frequency of the action in the narrative;
- (3) Estimated yearly timelines in which the City will implement each BMP; and,
- (4) Person(s) responsible for implementing and/or coordinating each component of the Phase II Storm Water Program.

The costs of operating this system are currently funded by property taxes. As a result of federal requirements, implementation of the SWPPP and aging infrastructure, costs for management of the storm water system have continued to increase.

The City Council has been reviewing the potential of adopting a Storm Water utility with revenues dedicated solely to funding storm water related activities. The City Council authorized preparation of a storm water utility feasibility study in January of 2021. The report was presented to the City Council on July 6, 2021.

ANALYSIS

The Minnesota Legislature authorized local governments to create “storm water utilities” (Minnesota Statutes section 444.075) in 1983. Funds obtained through a storm water utility fee must be dedicated to the purpose for which they were obtained. This allows a community to fund programs necessary to meet local needs and federal and state requirements for storm water management. Establishment of a utility has become more common with implementation of the federal storm water management requirements. Nearby communities that operate a storm water utility include Blaine, Shoreview, Centerville, and Circle Pines.

The basic premise behind the storm water utility is that users pay including tax exempt properties. Charges are based on the volume of storm water runoff and land use, not property value. The base unit represents a single family residential home. Multi-family, commercial, industrial, and institutional properties are assigned a fee based on the number of acres of impervious surface on the property.

The proposed quarterly cost for a residential parcel (including single family, duplex, townhome and rural residential properties) is \$12.00 which equates to \$48.00 per year. Nonresidential properties including multi-family apartments, commercial, industrial, and institution properties will be charged a quarterly fee of \$175 per acre of impervious (hard) surface.

The utility rates are proposed to become effective January 1, 2022.

Budget

The City currently spends an estimated \$380,000 annually on storm water management, which is funded by property taxes. The Storm Water Utility budget is estimated at \$579,200 and includes approximately \$199,000 in additional funding to meet current needs. These needs include an increase of \$78,000 in improvement funding and \$61,000 annually for equipment debt service.

Credit Policy

The Storm Water Utility feasibility study included proposed procedural requirements for obtaining credits. Fees may be adjusted for multi-family apartment buildings, commercial, industrial, and institutional uses that have onsite, privately maintained BMP's and that meet City requirements and enter into a maintenance agreement with the City. A maximum 25% credit is available for qualifying properties. There is no proposed credit for single family residential uses.

Summary of Storm Water Utility Benefits

- The City operates a storm water management system and there is a cost to maintaining that system.
- There are mandated Federal and State storm water program requirements all cities must meet.
- City residents already pay for these costs through property taxes. The Storm Water Utility is just a different method.
- The Council maintains control over the storm water management budget.
- The Council approves the storm water utility budget and the projects each year.
- A separate storm water utility budget makes expenditures more transparent for City residents.
- The utility will NOT fund construction of improvements for new development.
- The storm water utility is more equitable to all users– the more storm water runoff a property contributes to the system the more the property pays resulting in lower costs for single family residences.

Representatives from WSB and Associates, the City's consulting engineering, will be present at the meeting to provide an overview of the utility and address questions.

Consideration of a resolution establishing the credit policy will follow approval of the Storm Water Utility.

RECOMMENDATION

Hold public hearing. Adopt 1st Reading of Ordinance No. 07-21.

ATTACHMENTS

1. Ordinance No. 07-21
2. WSB Storm Water Feasibility Report

1 st Reading:	Publication:
2 nd Reading:	Effective:

Council Member _____ moved for adoption of the following ordinance:

**CITY OF LINO LAKES
ORDINANCE NO. 07- 21**

**AN ORDINANCE ESTABLISHING A STORMWATER UTILITY
IN THE CITY OF LINO LAKES
AND AMENDING ORDINANCE NO. 07-20 (THE 2021 FEE SCHEDULE) TO
INCLUDE STORM WATER UTILITY FEE RATES**

The City Council of Lino Lakes ordains:

Section 1. Chapter 404 of the City Code is hereby established as follows:

§ 404.01 FINDINGS

The City Council of the City of Lino Lakes recognizes that the control and regulation of storm water drainage is necessary to protect the environment and the public health safety and welfare. The Council hereby finds that:

- (1) In the exercise of its governmental authority the City has constructed, operated, and maintained a storm water system; and
- (2) It is necessary and desirable to provide a method of recovering the future costs of improving, maintaining, and operating the system by establishing a program of user charges; and
- (3) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable to assign responsibility for some or all of the future costs of operating, maintaining, and improving the system on the basis of the expected storm water runoff from the various parcels of land with the City; and
- (4) Assigning costs and making charges based upon impervious coverage can only be accomplished within reasonable and practical limits. The provisions of this section establishes a reasonable and practical methodology from making such charges

§ 404.02 GENERAL OPERATION

- (1) The City of Lino Lakes storm water system shall be operated as a public utility (hereinafter called the “Storm Water Utility” or “Utility”), pursuant to Minnesota Statute Section 444.075,

from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

(2) The storm water system consists of lift stations, catch basins and manholes, collection piping, forcemain, storage tanks and ponds, structural and non-structural BMP's (Best Management Practices), and associated appurtenances located within public right-of-way and/or dedicated easements.

(3) The Storm Water Utility shall fund the operation, maintenance, repair, and replacement of the storm water system.

(4) The Storm Water Utility shall not be used to fund expansion of the system to accommodate new development.

(5) The city shall, as part of its annual budget process, adopt an operating budget for the Storm Water Utility for the next fiscal year. The operating budget shall be prepared in conformance with the state budget law, city policy, and generally accepted accounting practices.

§ 404.03 DEFINITIONS

Best Management Practice (BMP). A storm water practice used to provide water quality treatment or manage storm water runoff. Examples include storm ponds, infiltration basins, rain gardens, etc.

Impervious Surface. A compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures

Storm Water Utility Fee. The charge developed for each parcel of land pursuant to this chapter, charged quarterly.

Annual Utility Revenue. The revenue amount equal to the estimated annual expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the storm water utility, in accordance with established City of Lino Lakes policy.

§ 404.04 STORM WATER UTILITY FEES

(1) Storm Water Utility Fees shall be established for a period of time as set by City Council Ordinance. The City Administrator shall annually review rates and make recommendations to the Council for adjustments in the rates and other charges. Such recommendations to the council regarding rate adjustment shall be based upon annual report of the operations of the utility, including an account of all monies or revenue received and disbursed, together with a working budget estimate of the needs of the utility.

(2) Determination. The storm water utility fee shall be determined based on the total impervious surface coverage throughout the City. Exempt land uses shall be excluded from the computations. The proportion of residential and non-residential impervious coverages shall be

calculated. The total residential fee and non residential fee is determined using the respective impervious proportion and the Annual Utility Revenue.

(3) Residential Fee. The residential fee is charged per parcel to those parcels with Single Family Residential, Multi-Family Residential, and Rural Residential land uses. This includes single family, duplexes, and townhomes. This does not include Multi-family buildings consisting of 3 or more units where one or more of the units does not have primary ground floor access to the outside.

(4) Non-Residential Fee. The non-residential fee is charged per acre of impervious surface to those parcels with Airport, Commercial, Government Facilities, House of Worship, Industrial, Schools, and Utility land uses. Multi-family buildings consisting of three or more units where one or more of the units does not have primary ground floor access to the outside. are included in this grouping.

§ 404.05 CREDITS

The Council may adopt policies, by resolution, for adjustment of the Storm Water Utility Fees. Information to justify a credit adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive. Credits will be reviewed by City Staff.

§ 404.06 EXEMPTIONS

The following land uses are exempt from the storm water management fee:

- (1) Public Road Right-of-Way
- (2) Lakes
- (3) Wetlands
- (4) Permanent Open Space or land covered by a conservation easement
- (5) Agricultural properties with no residence
- (6) Cemeteries
- (7) Vacant Land
- (8) City and County Public Parkland
- (9) Other parcels, such as those owned by entities that are MS4 permittees, as determined on a case by case basis as determined by the City.

§ 404.07 PAYMENT OF FEE

Storm Water Utility Fees shall be billed quarterly. Properties that are not connected to City sanitary sewer and/or water system will be billed annually. The fee shall be due and payable under the same terms as water and sanitary sewer utility bills. Any prepayment or overpayment of charges shall be retained by the City of Lino Lakes and applied against subsequent fees.

§ 404.08 APPEAL OF FEE

If a property owner or person responsible for paying the Storm Water Utility fee believes that a particular assigned fee is incorrect, such a person may request that the fee be reviewed.

§ 404.09 PENALTY FOR LATE PAYMENT

Each billing for storm water utility fees not paid when due shall incur a penalty charge of ten percent (10 percent) per billing cycle of the amount past due.

§ 404.10 CERTIFICATION OF PAST DUE FEES ON TAXES

Each year the City Clerk shall prepare a list of delinquent Storm Water Utility Fee accounts for certification to the County Auditor. The list shall be in the form of an assessment roll and include the amount due, accrued penalties thereon and an administrative fee established by council resolution, together with the legal description of the premises served. The City Council shall annually review the delinquent water service charge assessment roll and adopt an appropriate resolution directing that the assessment roll be certified to the County Auditor as a lien against the premises served and directing that the County Auditor collect the assessment as part of the ensuing year’s tax levy.

Section 2. Amendment of Fee Schedule Approved

Pursuant to § 404.04 Ordinance No. 07-20 (The 2021 Fee Schedule) is hereby amended to include the following rates effective January 1, 2022:

Storm Water Utility Fee Rates	
Land Use	Quarterly Base Rate
Residential	\$12.00 per parcel
Non – Residential	\$175.00 per acre of impervious

Section 3. Effective Date

This ordinance shall be in force and effect from and after its passage and publication according to the Lino Lakes City Charter.

Adopted by the Lino Lakes City Council this ___ day of ____, 2021.

The motion for the adoption of the foregoing ordinance was duly seconded by Council Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

The following voted against same:

Whereupon said ordinance was declared duly passed and adopted.

Rob Rafferty, Mayor

ATTEST:

Julianne Bartell, City Clerk



STORM WATER UTILITY REPORT

LINO LAKES, MN

JUNE 30, 2021

Prepared for:
City of Lino Lakes
600 Town Center Parkway
Lino Lakes, MN 55014

WSB PROJECT NO. 017518-000



STORM WATER UTILITY REPORT

STORM WATER UTILITY REPORT

FOR THE
CITY OF LINO LAKES, MN

JUNE 30, 2021

Prepared By:



CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.



Jake Newhall, PE

Date: June 30, 2021

Lic. No. 49170

TABLE OF CONTENTS

TITLE SHEET
CERTIFICATION SHEET
TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	STORM WATER UTILITY FUNDING NEEDS	2
2.1	Eligible Expenses.....	2
2.2	Needs Analysis	2
3.	STORM WATER UTILITY FEE DETERMINATION	3
3.1	Land Use & Impervious Coverage Determination.....	3
3.2	SWU Fees & Estimated Revenue	3
3.3	Credits and Adjustments	4
3.3.1	Stormwater Retention (Infiltration or Filtration).....	4
3.3.2	Water Quality Facility.....	4
3.4	SWU Comparison	5
4.	RECOMMENDED ORDINANCE LANGUAGE	7
4.1	Ordinance Language	7
4.1.1	General Operation.....	7
4.1.2	Findings and Determinations	7
4.1.3	Definitions	7
4.1.4	Storm Water Utility Fee	7
4.2	Resolution Language	8

Appendix A

- Figure 1 – Existing Land Use
- Figure 2 – Proposed Fees
- Figure 3 – New Utility Accounts

1. INTRODUCTION

The City of Lino Lakes (City) desires to be just and equitable in their imposition of storm water utility (SWU) charges. The City is able to charge properties for the current and future costs of operating, maintaining, and improving the City stormwater system based on the expected stormwater runoff during a standard rainfall event. The expected runoff is largely dependent on the amount of impervious, or hard surface, area on a parcel.

The City desires to charge residential parcels a flat fee, while charging parcels of other land uses a fee based on the specific impervious coverage of each parcel. The residential base fee was determined based on the proportion of total impervious area on residential parcels. The non-residential base fee was set to cover the remainder of the anticipated SWU budget.

2. STORM WATER UTILITY FUNDING NEEDS

2.1 Eligible Expenses

Eligible expenses under the City's SWU fund may include, but are not limited to, the following activities:

- Maintenance and repair of the City's stormwater system, including stormwater structures, pipes, inlets, and outlets.
- Maintenance and dredging of the City's stormwater basins.
- Televising the City's storm sewer.
- Engineering, staff training, educational programs, and other relevant expenses required to comply with the City's NPDES MS4 permit (through the MPCA).
- Construction of new stormwater systems and replacement of existing stormwater systems.
- Erosion and sedimentation control inspections.
- Street sweeping.
- Stormwater asset management programs.
- Administration of the SWU Fund.
- Preparation of and revision to the City's SWU report.
- Updates to the City's Local Surface Water Management Plan.
- Flooding or water quality improvements.
- Slope stabilization improvements.
- Studies, programs, and capital improvements as outlined by the City.

Additionally, the City Council has the authority to determine whether specific expenses are eligible to be funded by the SWU fund.

2.2 Needs Analysis

The City anticipates average expenses from the SWU as outlined in **Table 1**.

Table 1: Average Budgeted Expenses

Expense Category	Annual Projection*
Personnel	\$183,200
Street Sweeping and Repairs	\$50,000
Engineering including studies, reports, and MS4 compliance	\$60,000
Ditch, Pond, and Pipe Maintenance and Cleaning	\$195,000
Equipment	\$61,000
Public Education and Training (NPDES)	\$10,000
Materials and Miscellaneous Supplies	\$20,000
TOTAL	\$579,200

*Does not account for inflation or regulatory changes

3. STORM WATER UTILITY FEE DETERMINATION

This section outlines the methodology to determine a just and equitable SWU fee that meets the City's needs to maintain and improve their storm water system. In general, parcels with higher percentages of impervious surface, which generate larger volumes of stormwater runoff, will be charged higher fees.

3.1 Land Use & Impervious Coverage Determination

A combination of the City's existing (2017) land use designations, (2020) Anoka County aerial imagery, and the most recent (2021) parcel data was used to determine the 2021 existing land use designations for each parcel (**Figure 1**). Impervious areas throughout the City were digitized, based on (2017) USDA Farm Service Agency and (2020) Anoka County aerial imagery. From this, the impervious area was computed for each parcel.

3.2 SWU Fees & Estimated Revenue

The SWU fee was determined for each parcel based on land use and impervious coverage. Land uses fall into one of three categories, residential, non-residential, and exempt. Residential parcels (single family, multi-family, and rural residential) are all charged per parcel at the residential base fee. The residential base fee is computed as follows:

$$\text{Residential Base Fee} = \frac{\frac{\text{Impervious area on residential parcels}}{\text{Total impervious area}} * \text{Annual budget}}{\text{Number of residential parcels}}$$

Non-residential parcels are charged per acre of impervious area on each individual parcel. The non-residential base fee is computed as follows:

$$\text{Non - residential base fee} = \frac{(\text{Annual budget} - \text{Annual fee from residential parcels})}{\text{Total impervious area of non - residential parcels}}$$

The minimum non-residential base fee is equal to the residential base fee (\$12 per parcel per quarter). Therefore, the computed fee was adjusted to account for the increase in expected revenue due to the minimum fee and the decrease in expected revenue due to anticipated credits as described in **Section 3.3**. Note that in both residential and non-residential computations, parcels that are exempt from the SWU fee are not included in the calculations. The proposed fee for each land use is shown in **Table 2**.

The proposed residential base fee is \$12 per quarter or \$48 per year. The proposed non-residential base fee is \$175 per impervious acre per quarter or \$700 per impervious acre per year, with a minimum fee equal to the residential base fee. With the existing land use and parcel designations, this framework is anticipated to generate approximately \$583,000 for the City's SWU fund (if all existing best management practices (BMPs) are leveraged to receive a credit, as described in **Section 3.3**, the total revenue generated would be reduced by approximately \$35,500).

Figure 2 shows the proposed SWU fee by parcel. **Figure 3** shows the parcels with proposed SWU fees that are not currently paying a utility fee and would generate a new utility billing account.

Table 2: Proposed SWU Fees

Land Use	Total Parcels	Base Fee	Annual Fee per Land Use	
Single Family Residential	4899	\$12.00/parcel	\$235,152.00	
Multi-Family Residential	813		\$39,024.00	
Rural Residential	1461		\$70,128.00	
Airport	4	\$175/ac impervious	\$928.39	
Cemetery	8		\$708.12	
Commercial	86		\$68,405.06	
Government Facilities	10		\$11,209.46	
House of Worship	7		\$19,116.84	
Industrial	71		\$107,599.02	
Schools	6		\$28,749.70	
Utility	39		\$2,282.46	
Agricultural	156		Exempt	N/A
City Park and Recreation	76			
County Park and Recreation	194			
Open Space/Conservation	206			
Open Water	1			
Roadway Rights-of-Way	16			
Vacant	582			

3.3 Credits and Adjustments

SWU fees may be adjusted for properties that have onsite, privately maintained BMPs and meet the criteria below. A maximum 25% credit is available per property.

3.3.1 Stormwater Retention (Infiltration or Filtration)

If a BMP has been constructed that retains or filters the first inch of runoff from the impervious surfaces on a parcel(s), those parcel(s) are eligible for a 25% credit. A partial credit may be received based on lesser treatment (i.e., retaining or filtering 50% of the first inch of runoff would receive a 12.5% credit). This credit is available only for non-residential land uses.

3.3.2 Water Quality Facility

If a parcel has a BMP that was constructed specifically to provide water quality treatment, it is eligible for a credit. A 25% credit is applicable if the BMP was designed to achieve NURP treatment (40-60% Total Phosphorus (TP) and 80-90% Total Suspended Solids (TSS) removal). A partial credit may be received based on lesser treatment (i.e., providing 50% of NURP treatment would receive a 12.5% credit). This credit is available only for non-residential land uses.

All properties eligible for a SWU fee credit are required to enter into a maintenance agreement with the City. The agreement shall define the entity responsible for maintenance and the type and frequency of maintenance required. To maintain their credit, all stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance standards for which they were originally designed.

To be considered for a credit, property owners must submit documentation to the City demonstrating that the criteria for a credit has been met.

Additionally, an adjustment may be allowed to the SWU fee for a parcel if the property owner can demonstrate that less impervious surface is present on the parcel than is reflected by the current rate. To be considered for an adjustment, property owners must submit an exhibit to the City documenting the total area of impervious surface on the parcel. Impervious surface includes pavement, roofs, water (swimming pools), gravel, and any other surface that prevents water from infiltrating into the ground.

3.4 SWU Comparison

SWU fees and the way they are administered vary by municipality. Lino Lake's proposed SWU fee falls within the range of nearby and comparison cities as shown in **Tables 3** and **4** for single family parcels and institutional/industrial/commercial parcels, respectively.

The SWU fees in **Tables 3** and **4** are based on information obtained from the comparison Cities' utility billing information and City code, as determined via a phone call with the Finance Department or published on their respective websites and accessed between March and June 2021. These fees are subject to change and their accuracy is not guaranteed.

Table 3: Single Family SWU Comparison

Municipality	SWU Fee (per quarter)
Lino Lakes	\$12.00
Arden Hills	\$15.16
Blaine	\$10.00
Centerville	\$13.95
Circle Pines	\$24.00
Mounds View	\$14.00
Shoreview	\$33.27

Although the non-residential Lino Lakes SWU fee is charged per acre of impervious, the average SWU fee per acre is shown below in **Table 4** for Institutional (Schools and House of Worship), Industrial, and Commercial land uses to more easily compare with surrounding Cities. **It is important to note that the fee shown for individual land uses in Lino Lakes is an average for comparison's sake. Each parcel will be charged based on actual impervious coverage.**

Table 4: Institutional, Industrial, and Commercial SWU Comparison¹

Municipality	Land Use	SWU Fee (per quarter)
Lino Lakes	All land uses	\$175.00/ac impervious (\$12.00 minimum per parcel)
Arden Hills	All land uses	\$193.18/ac
Blaine	Institutional	\$34.90/ac
	Industrial	\$84.40/ac
	Commercial	\$105.30/ac
Centerville	All land uses	\$174.50/ac impervious (\$13.95 minimum per parcel)
Mounds View	Institutional	\$42.72/ac
	Industrial	\$92.83/ac
	Commercial	\$118.90/ac
Shoreview	All land uses	\$278.12/ac

¹Circle Pines is not included because their fee is based on Residential Equivalency factors that are assigned individually to each parcel.

Example: 5 acre industrial parcel with 75% impervious would be:

Lino Lakes: \$656.25
 Arden Hills: \$965.90
 Blaine: \$422
 Centerville: \$654.38
 Mounds View: \$464.15
 Shoreview: \$1390.60

Example: 5 acre industrial parcel with 60% impervious would be:

Lino Lakes: \$525
 Arden Hills: \$965.90
 Blaine: \$422
 Centerville: \$523.50
 Mounds View: \$464.15
 Shoreview: \$1390.60

Example: 5 acre industrial parcel with 45% impervious would be:

Lino Lakes: \$393.75
 Arden Hills: \$965.90
 Blaine: \$422
 Centerville: \$392.63
 Mounds View: \$464.15
 Shoreview: \$1390.60

4. RECOMMENDED ORDINANCE LANGUAGE

The following language and exhibit can be incorporated into City ordinances to adopt and enact the SWU fee.

4.1 Ordinance Language

4.1.1 General Operation

The city stormwater system shall be operated as a public utility and convenience from which revenue will be derived, subject to the provisions of this chapter.

4.1.2 Findings and Determinations

In providing for such charges, the findings and determinations are as follows:

- 1) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated, and maintained a stormwater system. This section is adopted in the further exercise and authority and for the same purpose;
- 2) It is necessary and desirable to provide a method of recovering the future costs of improving, maintaining, and operating the system by establishing a program of user charges;
- 3) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable to assign responsibility for some or all of the future costs of operating, maintaining, and improving the system on the basis of the expected storm water runoff from the various parcels of land within the City; and
- 4) Assigning costs and making charges based upon impervious coverage can only be accomplished within reasonable and practical limits. The provisions of this section establishes a reasonable and practical methodology for making such charges.

4.1.3 Definitions

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STORM WATER UTILITY FEE. The charge developed for each parcel of land pursuant to this chapter, charged quarterly.

IMPERVIOUS SURFACE. A hard surface which prevents or restricts the infiltration of water into the soil. Impervious surface includes pavement, roofs, water (swimming pools), and gravel.

BEST MANAGEMENT PRACTICE (BMP). A stormwater practice used to provide water quality treatment or manage stormwater runoff. Examples include ponds, infiltration basins, rain gardens, etc.

4.1.4 Storm Water Utility Fee

- 1) **Determination.** The storm water utility fee was determined based on the impervious surface coverage throughout the City. First, exempt land uses (see #4 below) were excluded from the computations. Then, the proportion of residential impervious coverage was determined. The total residential fee was determined using this proportion and the expected storm water utility budgeted expenses. Finally, the remainder of the expected storm water utility budget will be funded by the total non-residential fee.
- 2) **Residential Fee.** The residential fee is charged per parcel to those parcels with Single Family Residential, Multi-Family Residential, and Rural Residential land uses. This includes single family, duplexes, and townhomes. This does not include Multi-family apartments where the owner pays the utility bills.

- 3) **Non-Residential Fee.** The non-residential fee is charged per acre of impervious surface to those parcels with Airport, Cemetery, Commercial, Government Facilities, House of Worship, Industrial, Schools, and Utility land uses. Multi-family apartments where the owner pays the utility bills are included in this grouping.
- 4) **Exemptions.** Those parcels with Agricultural, City Park and Recreation, County Park and Recreation, Open Space/Conservation, Open Water, Roadway Rights-of-Way, and Vacant land uses are exempt from the storm water utility fee. Parcels of other land uses may be exempt on a case-by-case basis as determined by the City. For example, the Correctional Facility is exempt because it is its own MS4.
- 5) **Credits.** If a Best Management Practice (BMP) has been constructed that retains or filters the first inch of runoff from the impervious surfaces on a parcel(s), those parcel(s) are eligible for a 25% credit. A partial credit may be received based on lesser treatment (i.e., retaining or filtering 50% of the first inch of runoff would receive a 12.5% credit). If a parcel has a BMP that was constructed specifically to provide water quality treatment, it is eligible for a credit. A 25% credit is applicable if the BMP was designed to achieve NURP treatment (40-60% Total Phosphorus (TP) and 80-90% Total Suspended Solids (TSS) removal). A partial credit may be received based on lesser treatment (i.e., providing 50% of NURP treatment would receive a 12.5% credit). These credits are available only for non-residential land uses.
- 6) **Establishment.** The residential and non-residential storm water utility fee may be set and established for a period of time as decided by City Council resolution. The fee shall be payable quarterly.

4.2 Resolution Language

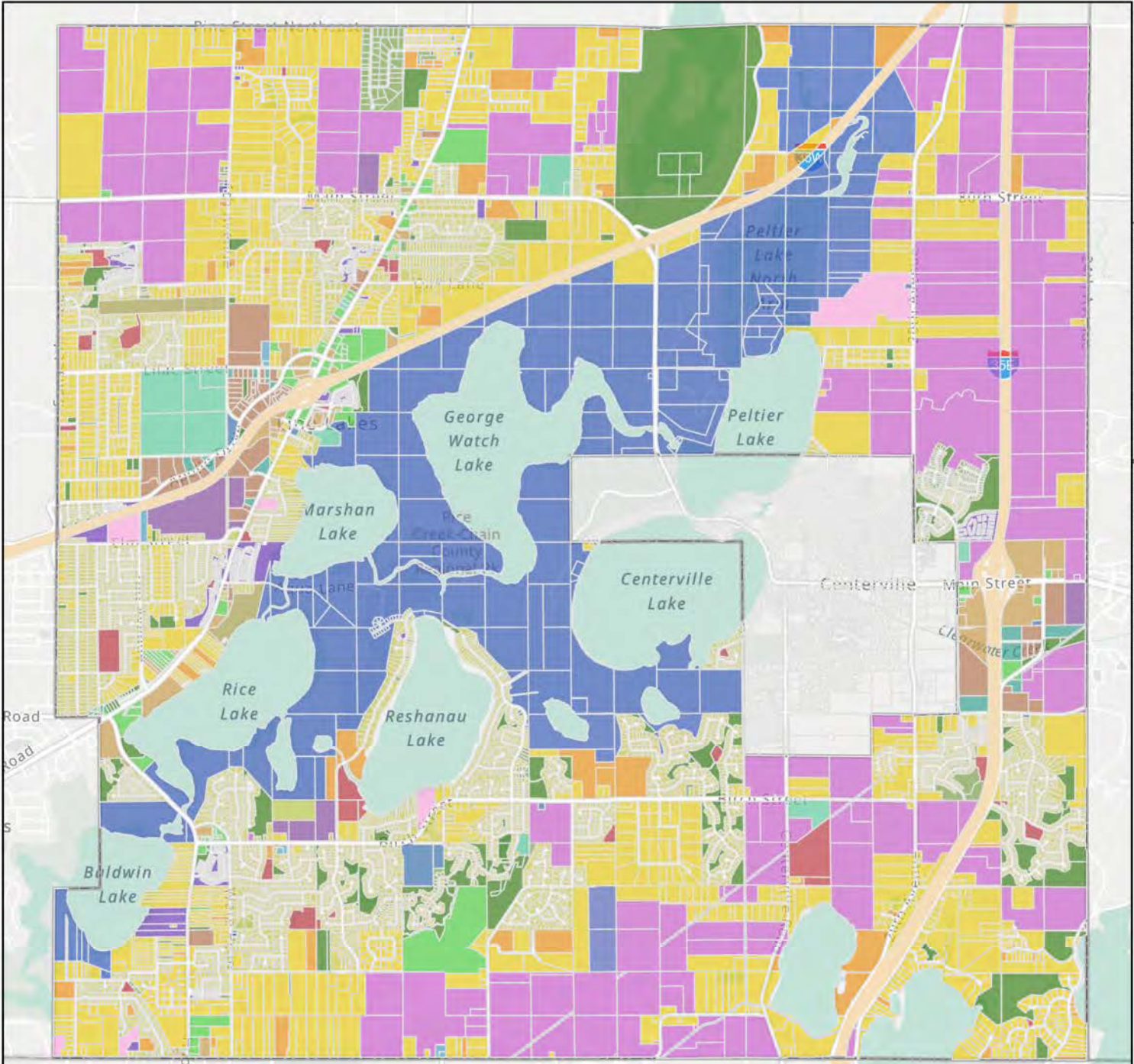
The following can be included in a City Council resolution to establish the storm water utility fee.

Land Use	Base Fee	
Single Family Residential	\$12.00/parcel	
Multi-Family Residential		
Rural Residential		
Airport	\$175/ac impervious	
Cemetery		
Commercial		
Government Facilities		
House of Worship		
Industrial		
Schools		
Utility		
Agricultural		Exempt
City Park and Recreation		
County Park and Recreation		
Open Space/Conservation		
Open Water		
Roadway Rights-of-Way		
Vacant		

In addition to this table, the City has a GIS file and spreadsheet of the land use designation and impervious coverage for each parcel within the City.

APPENDIX A

- Figure 1 – Existing Land Use**
- Figure 2 – Proposed Fees**
- Figure 3 – New Utility Accounts**

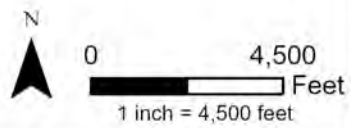


AGRICULTURAL	INDUSTRIAL	UTILITY
AIRPORT	MULTI-FAMILY RESIDENTIAL	VACANT-COMMERCIAL
CEMETERY	OPEN SPACE/CONSERVATION	VACANT-HOUSE OF WORSHIP
CITY PARK AND RECREATION	OPEN WATER	VACANT-INDUSTRIAL
COMMERCIAL	ROADWAY RIGHTS-OF-WAY	VACANT-RESIDENTIAL
COUNTY PARK & RECREATION	RURAL RESIDENTIAL	VACANT-RURAL RESIDENTIAL
GOVERNMENT FACILITIES	SCHOOLS	VACANT-SCHOOLS
HOUSE OF WORSHIP	SINGLE FAMILY RESIDENTIAL	City Boundary



Figure 1 - Existing Land Use

Storm Water Utility Report
City of Lino Lakes, MN



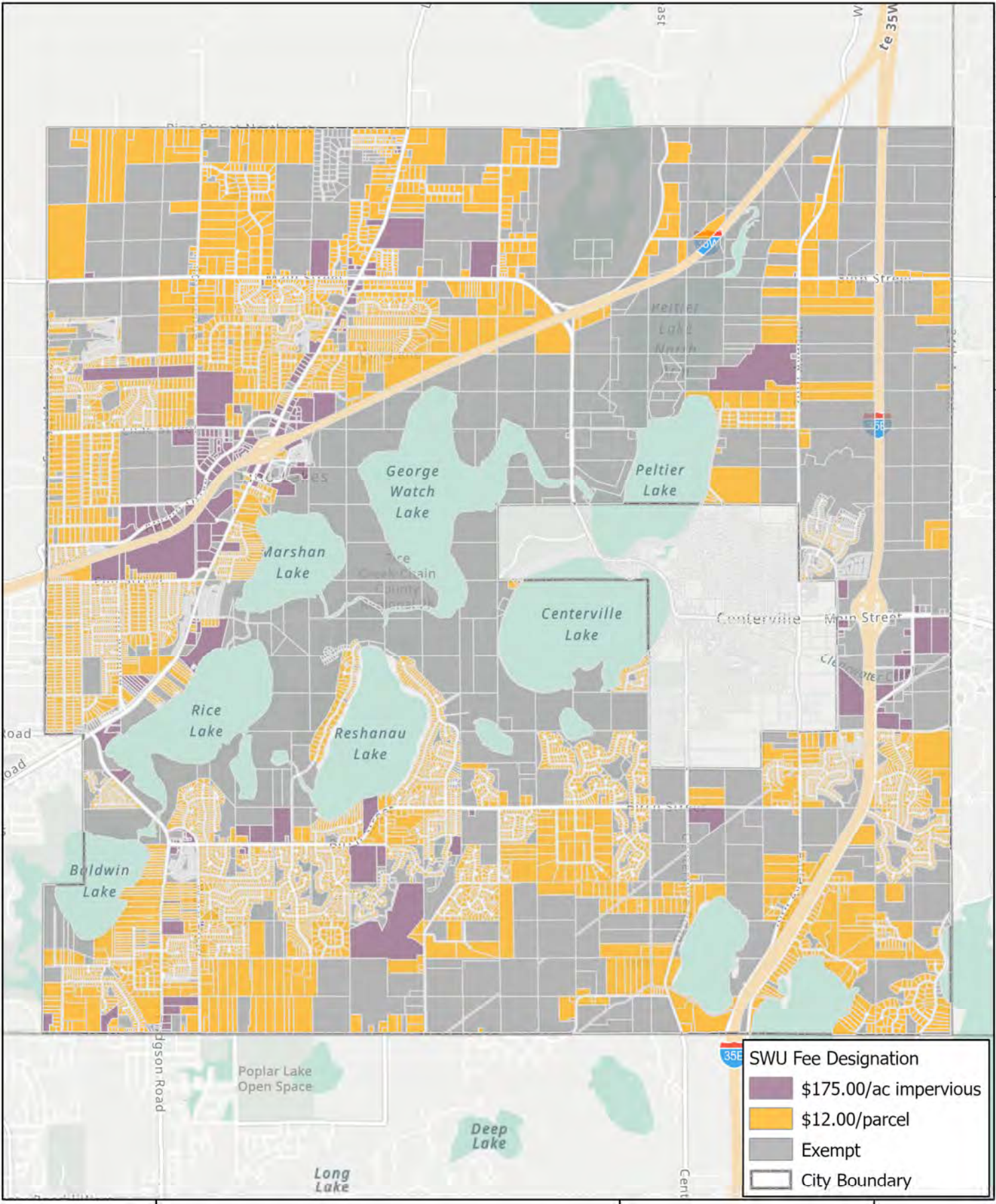
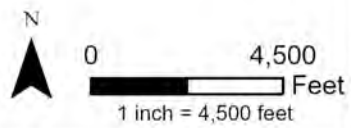


Figure 2 - Proposed SWU Fees

Storm Water Utility Report
City of Lino Lakes, MN



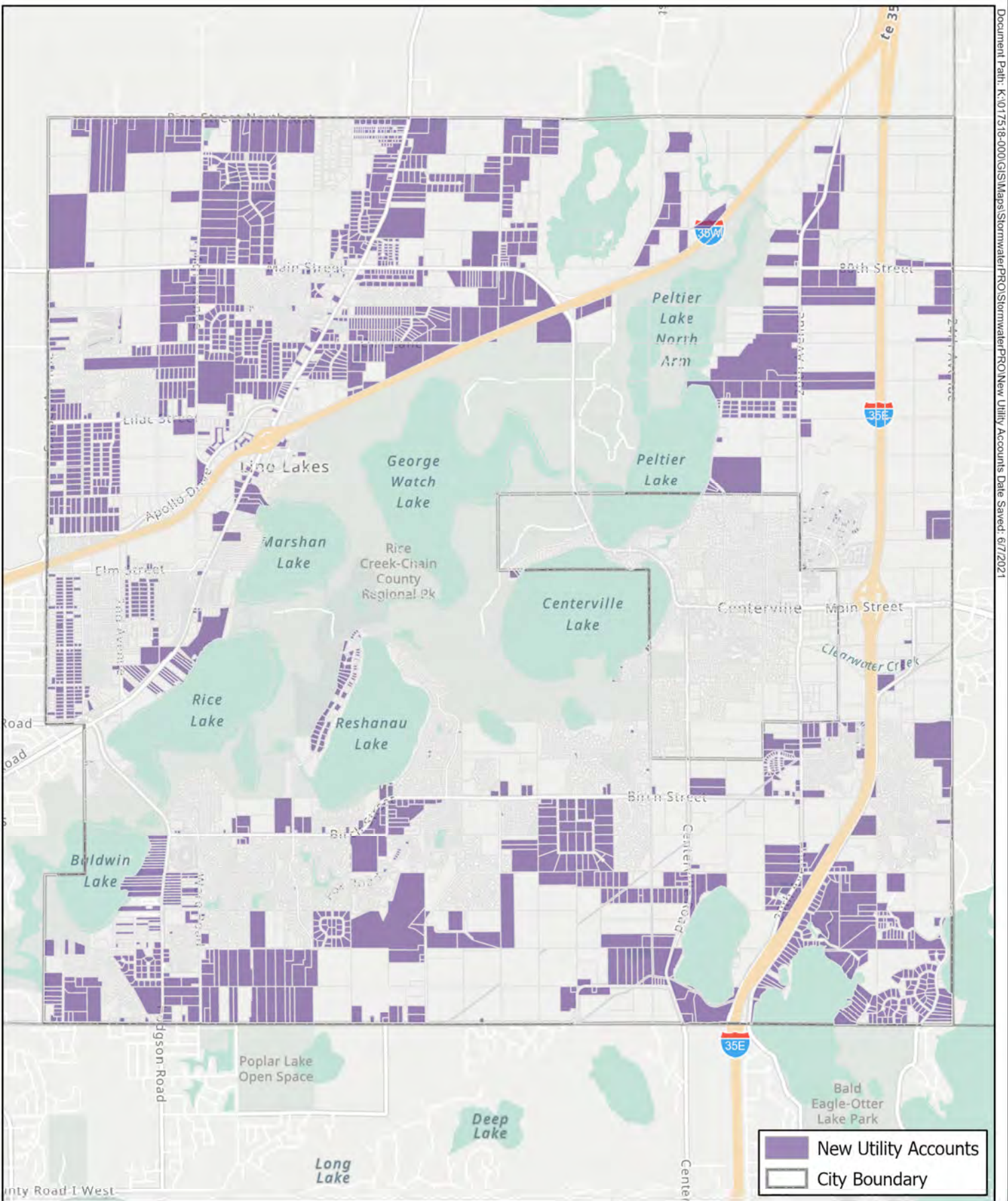


Figure 3 - New Utility Accounts

Storm Water Utility Report
City of Lino Lakes, MN



0 4,500
Feet
1 inch = 4,500 feet



City Council Meeting

CITY OF LINO LAKES STORM WATER UTILITY | August 9, 2021



Storm Water Utility



History and Why

History

- City investigated funding options in 2006
- City considered a utility fee in 2010 when initial study was completed
- 2021 study (currently) to further evaluate the funding needs and options for implementing a utility fee

Why a fee, and why now?

- To have a fund dedicated for the operation and maintenance of the City stormwater system
- Much of this infrastructure was installed 25+ years ago and requires maintenance and upgrades

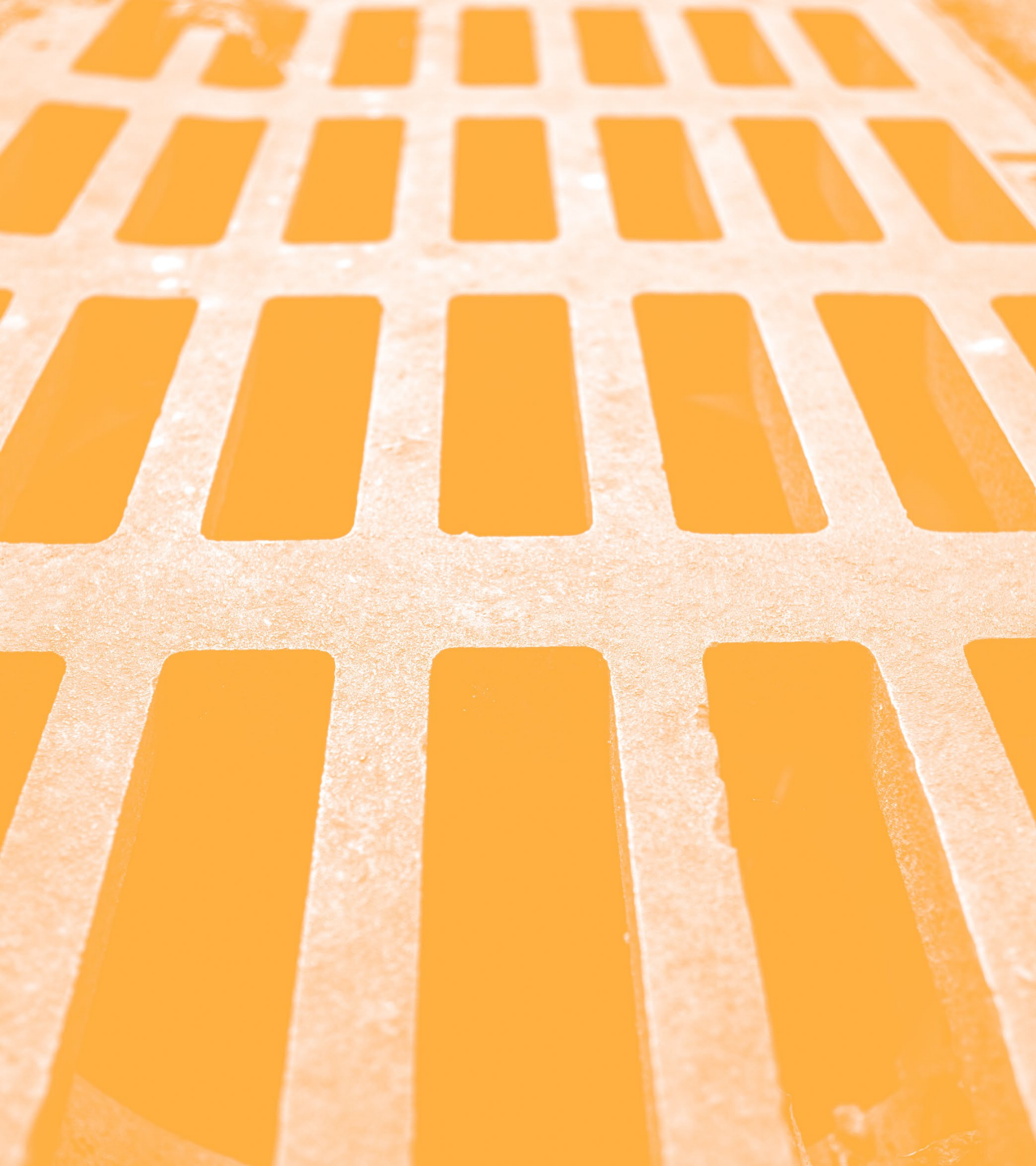


Eligible Expenses

- Maintenance and repair of the City's stormwater system
- Maintenance and dredging of the City's stormwater basins
- Televising the City's storm sewer
- Engineering, staff training, educational programs, and other relevant expenses required to comply with the City's NPDES MS4 permit (through the MPCA)
- Construction of new stormwater systems and replacement of existing stormwater systems
- Erosion and sedimentation control inspections
- Street sweeping
- Stormwater asset management programs
- Preparation of and revision to the City's SWU report
- Updates to the City's Local Surface Water Management Plan
- Flooding or water quality improvements
- Slope stabilization improvements
- Studies, programs, and capital improvements as outlined by the City
- Administration of the SWU Fund

Projected Budgeted Expenses

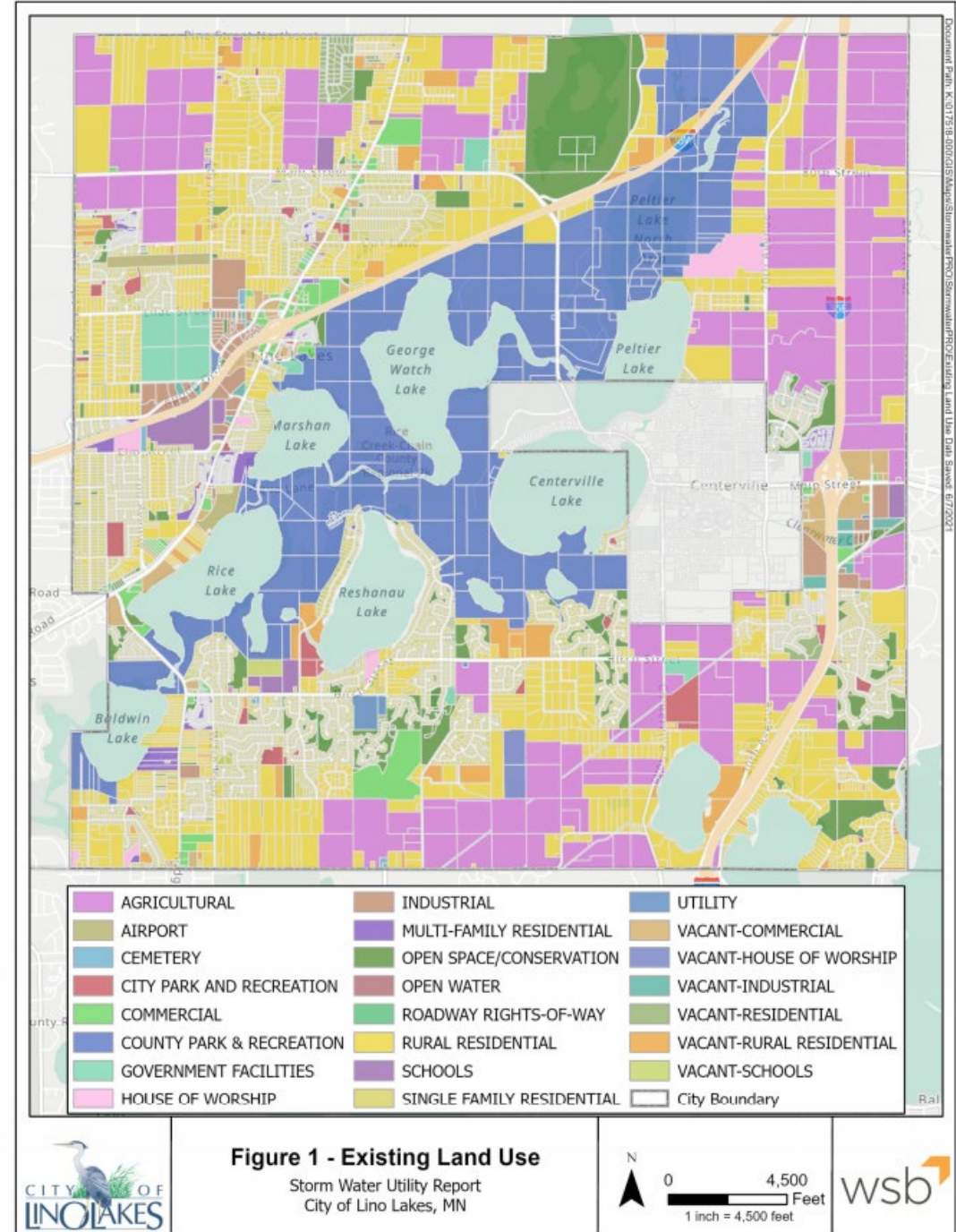
Expense Category	Annual Projection
Personnel	\$183,200
Street Sweeping and Repairs	\$50,000
Engineering including studies, reports, and MS4 compliance	\$60,000
Ditch, Pond, and Pipe Maintenance and Cleaning	\$195,000
Equipment	\$61,000
Public Education and Training (NPDES)	\$10,000
Materials and Miscellaneous Supplies	\$20,000
Total Expenses	\$579,200



Methodologies to Determine Utility Fee

- Residential Equivalency Factor
- Impervious Coverage Method

Existing Land Use Designations	Average Existing Non-Wetland Impervious Percent	Max Impervious Percent (Zoning)
Agricultural	2.3%	
Airport	1.7%	65%
Cemetery	2.3%	
City Park and Recreation	2.9%	
Commercial	67.9%	65-75%
Commercial Non-Urban	12.8%	65-75%
County Park & Recreation	4.2%	
Government Facilities	33.1%	65%
House of Worship	29.1%	65%
Industrial	68.2%	75%
Multi-Family Residential	71.0%	40-65%
Open Space/Conservation	2.8%	
Open Water	14.9%	
Roadway Rights-of-Way	18.1%	65%
Rural Residential	6.1%	40%
Schools	27.4%	65%
Single Family Residential	20.2%	40%
Utility	4.4%	65%



Document Path: K:\0178_000\018_Maps\Summary\PRO\SURV\PRO\Evaluation_Land Use Data_Saved_6/7/2021

SWU Fee Computation	
Budget	\$579,200.00
Total Impervious on Residential Parcels	59%
Fee from Residential Parcels	\$341,384.77
Residential Parcel Fee	\$11.90
Fee from Remaining Parcels	\$237,815.23
Non-Residential Impervious Acre Fee	\$175.43
Residential Base Fee	\$12.00
Non-Residential Base Fee	\$175.00

Land Use	Total Parcels	Base Fee	Annual Fee per Land Use
Single Family Residential	4899	\$12.00/parcel	\$235,152.00
Multi-Family Residential	813		\$39,024.00
Rural Residential	1461		\$70,128.00
Airport	4	\$175/ac impervious	\$928.39
Commercial	86		\$68,405.06
Government Facilities	10		\$11,209.46
House of Worship	7		\$19,116.84
Industrial	71		\$107,599.02
Schools	6		\$28,749.70
Utility	39		\$2,282.46
Agricultural	156	Exempt	N/A
Cemetery	8		
City Park and Recreation	76		
County Park and Recreation	194		
Open Space/Conservation	206		
Open Water	1		
Roadway Rights-of-Way	16		
Vacant	582		

Single Family SWU Comparison

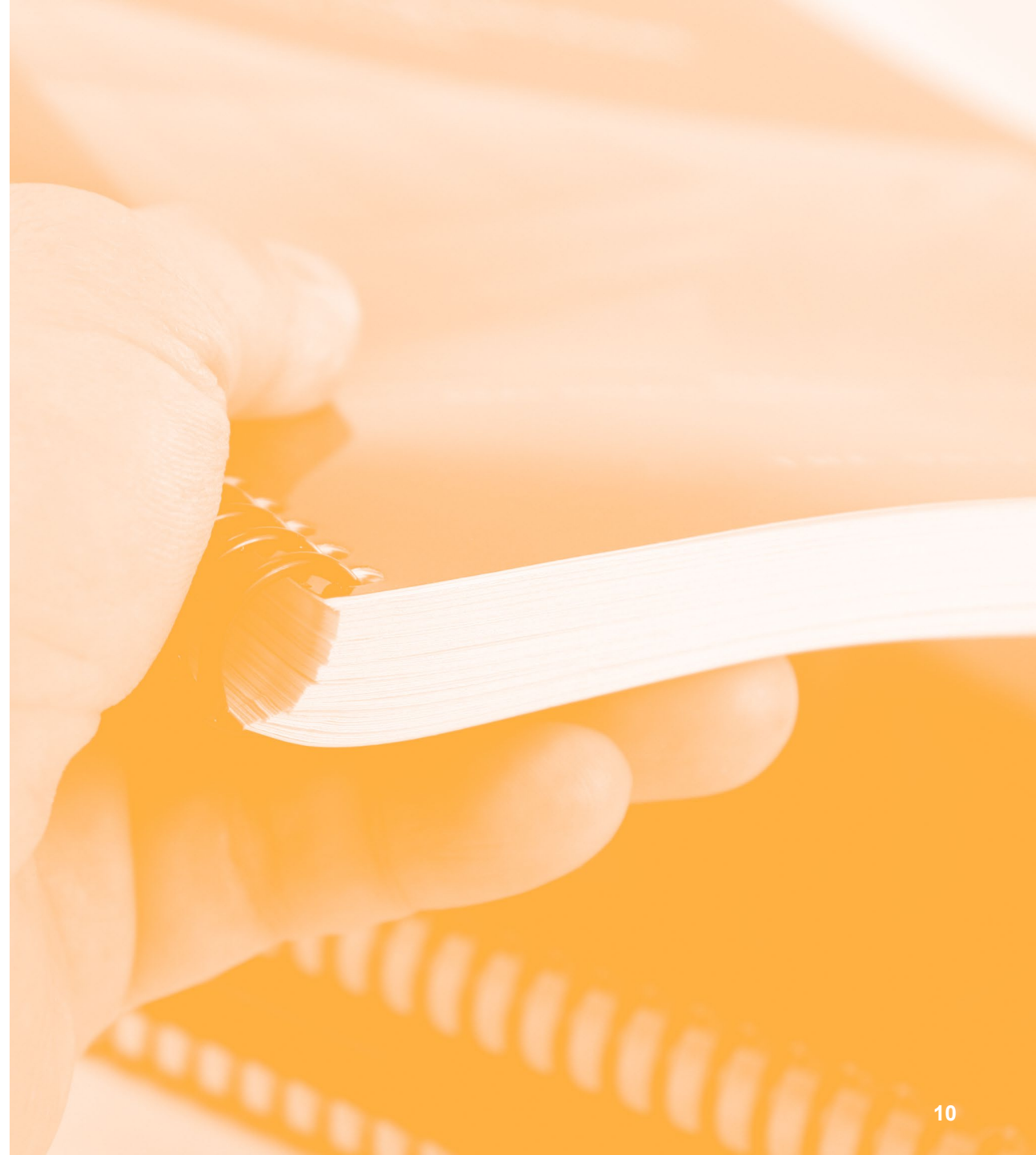
Municipality	SWU Fee (per quarter)
Blaine	\$10.00
Lino Lakes	\$12.00
Centerville	\$13.95
Mounds View	\$14.00
Arden Hills	\$15.16
Circle Pines	\$24.00
Shoreview	\$33.27

Institutional, Industrial, & Commercial SWU Comparison

Municipality	Land Use	SWU Fee (per quarter)
Centerville	All land uses	\$174.50/ac impervious (\$13.95 minimum per parcel)
Lino Lakes	All land uses	\$175.00/ac impervious (\$12.00 minimum per parcel)
Arden Hills	All land uses	\$193.18/ac
Blaine	Institutional	\$34.90/ac
	Industrial	\$84.40/ac
	Commercial	\$105.30/ac
Mounds View	Institutional	\$42.72/ac
	Industrial	\$92.83/ac
	Commercial	\$118.90/ac
Shoreview	All land uses	\$278.12/ac

Credits and Adjustments

- SWU fee may be adjusted for non-residential land uses that have on site, privately maintained BMPs (a max credit of 25% is possible)
- Adjustment may be allowed if the property owner demonstrates that less impervious surface is present on the parcel than reflected by current rate (exhibit must be submitted outlining actual impervious coverage)





Council Discussion Topics

- Questions/comments related to methodologies
- Questions/comments related to proposed rate structure proposed
- Other?

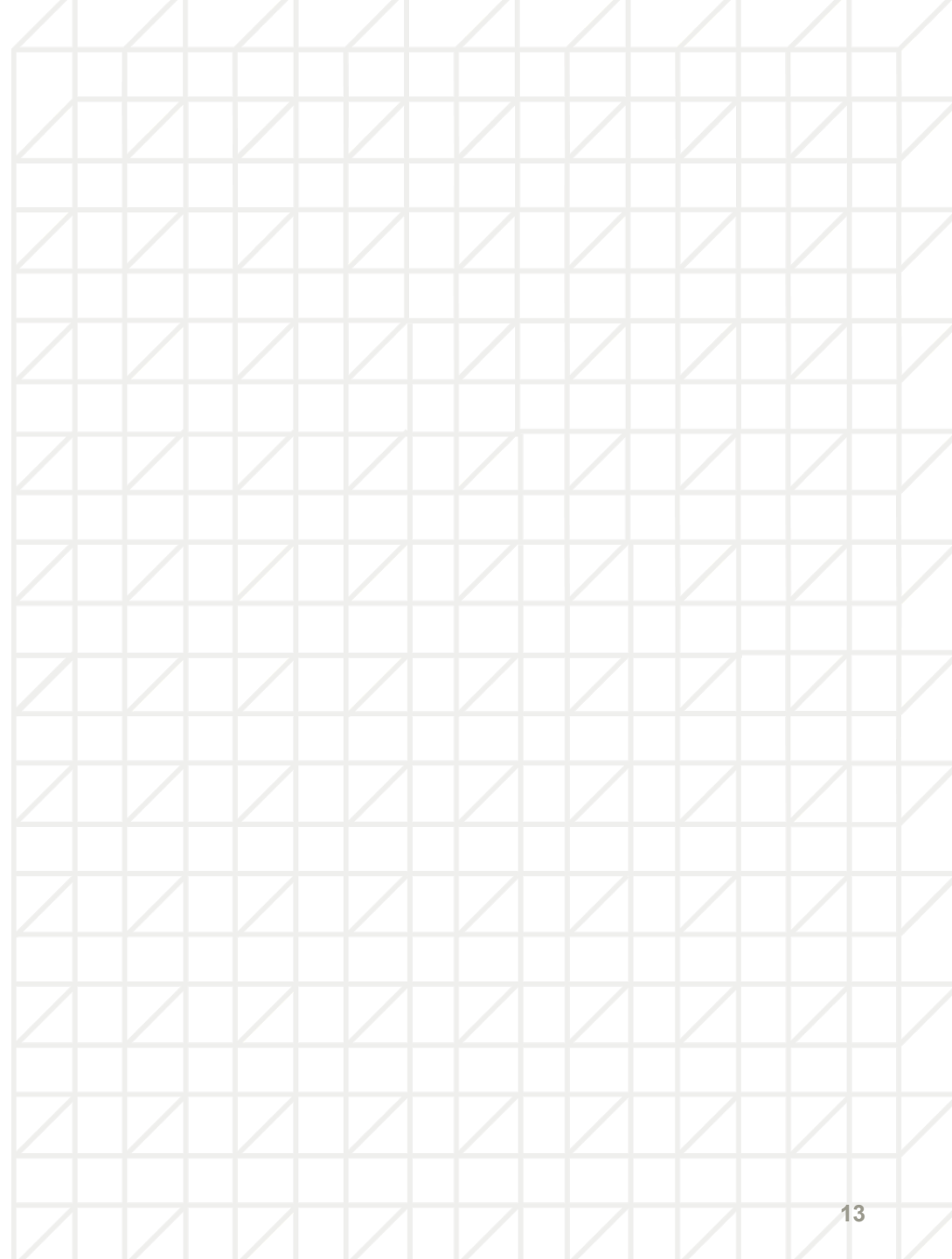
Next Steps

- Public Hearing
- Adoption
- Begin Implementation for 2022





THANK YOU



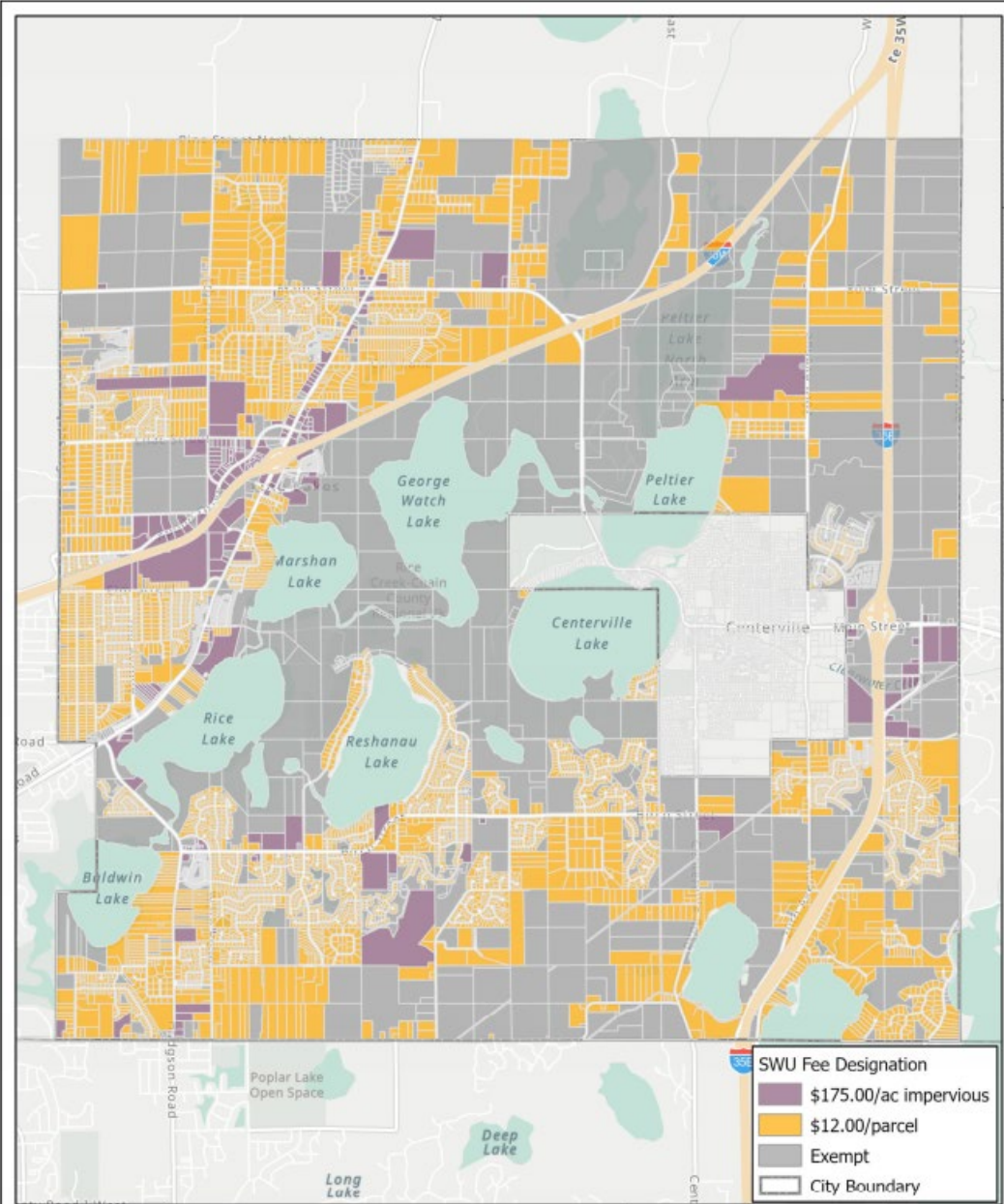
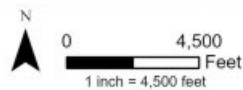


Figure 2 - Proposed SWU Fees

Storm Water Utility Report
City of Lino Lakes, MN



Document Path: K:\0175\9_000\GIS\MapServer\Proj\Servers\Proj\Proposed SWU Fee Data_Saved_8/7/2021

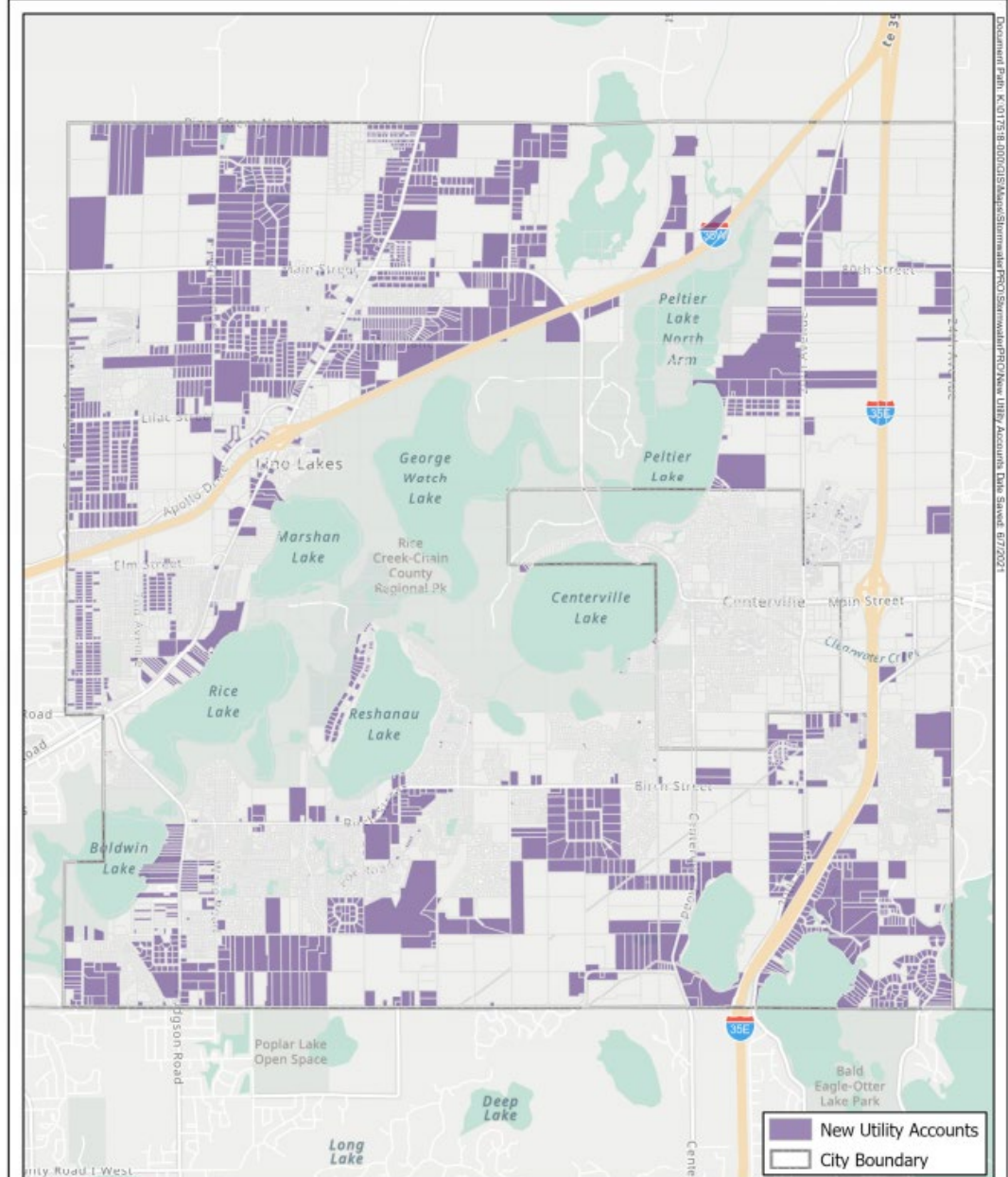
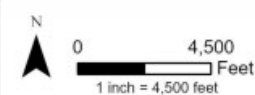


Figure 3 - New Utility Accounts

Storm Water Utility Report
City of Lino Lakes, MN



Document Path: K:\0175\9_000\GIS\MapServer\Proj\Servers\Proj\New Utility Accounts Data_Saved_8/7/2021

**CITY COUNCIL
AGENDA ITEM 6B**

STAFF ORIGINATOR: Jessica Eller, Community Development Intern

MEETING DATE: August 9, 2021

TOPIC: Butler Addition

- i. Consider Resolution No. 21-75 Approving Final Plat
- ii. Consider Resolution No. 21-76 Approving Development Agreement

VOTE REQUIRED: 3/5

INTRODUCTION

Complete Application Date:	June 23, 2021
60-Day Review Deadline:	August 22, 2021
Planning & Zoning Board Meeting:	July 14, 2021
City Council Work Session:	August 9, 2021
City Council Meeting:	August 9, 2021

The applicant, Scott Butler, submitted a land use application for a final plat for Butler Addition. The applicant proposes to subdivide the existing parcel located at 7870 Meadow View Trail into two (2) single family lots for the purpose of constructing one (1) new single family home off of Lois Lane. The lot is 1.02 gross acres (44,400 sf).

The Land Use Application is:

- Final Plat
 - 2 lots

The following staff report is based on the following information:

- Cost Estimate for Butler Addition dated June 23, 2021
- Civil Plan Set prepared by Plowe Engineering, Inc. dated July 26, 2021
- Landscape Plan prepared by Plowe Engineering dated July 26, 2021
- Certificate of Survey and Resource Inventory Map prepared by EG Rud & Sons, Inc. dated July 21, 2021
- Preliminary Plat prepared by EG Rud & Sons, Inc. dated July 21, 2021
- Tree Inventory/Removals prepared by EG Rud & Sons, Inc. dated July 21, 2021
- Final Plat prepared by E.G. Rud & Sons, Inc. dated June 14, 2021

Previous Council Actions:

- May 10, 2021: Resolution No. 21-39 approving Preliminary Plat
- June 14, 2021: Ordinance No. 03-21 Rezoning Property from R, Rural to R-1, Single Family Residential

ANALYSIS

Existing Site Conditions

The residential lot contains an existing house, deck and detached garage that was built in 1983. The Certificate of Survey indicates Zimmerman Fine Sand and Soderville Fine Sand. Groundwater was encountered at approximately 10 feet.

Zoning

The parcel is zoned R-1, Single Family Residential. The 2040 Comprehensive Plan is in effect and applicable to the development.

Current Zoning	R-1, Single Family Residential
Current Land Use	Single Family Residential
Future Land Use per CP	Low Density Sewered Residential
Utility Staging Area	1A=2018-2025

Surrounding Zoning and Land Use

Direction	Zoning	Current Land Use	Future Land Use
North	R-1	Single Family Residential	Low Density Sewered Residential
South	R	Rural Residential	Urban Reserve
East	R-1	Single Family Residential	Low Density Sewered Residential
West	R	Rural Residential	Low Density Sewered Residential

Density and Land Area Calculations

The following chart implements Met Council’s formula for calculating net density.

Gross Area (acres)	1.02
Wetlands & Water Bodies	0.00

Public Parks & Open Space	0.00
Arterial ROW	0.00
Other (Utility Transmission Easement)	0.00
Other (Wetland Buffer Area)	0.00
Net Area (acres)	1.02
# of Units	2
Gross Density (units/acre)	1.96
Net Density (units/acre)	1.96

The parcel is guided low density residential development and allows for 1.6 to 3.0 units per net acre. The proposed net density of 1.96 units per acre is consistent with the Comprehensive Plan.

Zoning Requirements

The parcel is zoned R-1, Single Family Residential. It is a corner lot (Meadow View Trail and Lois Lane) and is 1.02 gross acres (44,400 sf). Lot 1 will contain the existing single family house. Lot 2 is being created for the purpose of constructing one (1) single family home.

	R-1 Requirements	Lot 1 (Existing House)	Lot 2 (Proposed House)
Min. Lot Size	10,800 sf	24,975 sf	19,425 ¹ sf
Min. Lot Width			
--Corner Lot	100 ft.	135.0 ² ft.	NA
--Interior Lot	80 ft.	NA	105.00 ft.
Min. Lot Depth	135 ft.	185.0 ft.	185.0 ft.
Building Setback (ft)			
-From Streets³	30 ft. 40 ft.	39.6 ft. (Meadow View) 73.0 ft. (Lois Lane)	40 ft.
-Rear Yard			
--Principal	30 ft.	37.7 ft.	94.3 ft.
-Accessory	5 ft.	61.3 ft.	Future

-Side Yard			
--Principal	10 ft.	71.1 ft.	25.3 ft. & 33.4 ft.
--Accessory	5 ft.	55.2 ft.	28.5 ft.
Impervious Surface	40%	11.2%	16.6%

¹The gross lot area is 19,425 sf. The net lot area is 13,435 sf after subtracting the oversized rear yard 5,990 sf easement.

²Lois Lane is the front lot line.

³Lois Lane is minor collector roads.

The proposed lots meet zoning requirements.

Building Requirements

At the time of building permit, the single family house proposed on Lot 2 will be reviewed for compliance regarding floor area, garage and design and construction standards.

Subdivision Ordinance

The legal description of the parcel is Lot 14, Block 3, Mar Don Acres and was platted in 1978. Similar residential subdivisions of Mar Don Acres lots have been approved in previous years (Cavegn Estates-2006, Hailey Manor-2007, Isabell Estates-2014 and Golden Acre-2017).

Conformity with the Comprehensive Plan and Zoning Code

The preliminary plat and final plat are consistent with the comprehensive plan for low density residential development and zoning code requirements for R-1, Single Family Residential as discussed above.

Blocks and Lots

The final plat contains Lot 1 and Lot 2, Block 1, Butler Addition. As noted above, Lot 1 contains the existing house and Lot 2 proposes a new single family home.

Streets and Alleys

Lot 1 is served by Meadow View Trail which is a local road. The existing road right-of-way is 60 ft. No additional road right-of-way is required.

Lot 2 is served by Lois Lane which is a minor collector road. The existing road right-of-way width is 60 ft. which is consistent with previously approved plats in the area. No additional road right-of-way is needed.

Easements

Drainage and utility easements at least ten (10) feet wide are required and shown along all lot lines. An oversized drainage and utility easement exists on Lot 2 in the rear yard over the stormwater management facility.

Storm Water Management and Erosion and Sediment Control

Per the March 25, 2021 RCWD CAPROC, a stormwater infiltration basin is not required per RCWD rules. However, a stormwater BMP is still needed to meet City stormwater requirements because the site is over one (1) acre. The applicant is proposing to meet City stormwater requirements by constructing an infiltration basin in the south corner of Lot 2. The bottom of the infiltration basin is 906.5 and the HWL of the basin is 907.51, which both meet freeboard requirements per City Code Chapter 1011.

Utilities

Sanitary Sewer

An 8” sanitary sewer main exists along Lois Lane. The existing house is connected to municipal sanitary sewer. The new house will also be connected to municipal sanitary sewer.

Watermain

An 8” watermain exists along Lois Lane. The existing house is currently on a private well. A 1” water lateral is stubbed to Lois Lane, but is not connected to the house. The existing house shall connect to municipal watermain.

The new house will also be connected to municipal watermain.

Public Land Dedication

The City will require cash in lieu of land dedication for the new lot. Lot 1 with the existing house will not be charged a park dedication fee.

Park Dedication Fees	
Total # of Lots =	1
x 2021 Park Dedication Fee	\$3,160
= Total Due	\$3,160

Tree Preservation

The Environmental Coordinator reviewed the Tree Preservation and Landscaping Plan. Per the October 28, 2020 Environmental Board staff report, a tree inventory/removal list was submitted. Trees removed are in the basic use area and will not require mitigation trees to be planted.

Landscaping

Canopy cover, foundation landscaping, open area landscaping and buffer and screens are not required for the 2 lot residential subdivision.

Boulevard Trees

Residential lots require one boulevard tree per frontage. In this case, parcel 1 has existing trees in the right-of-way that will satisfy this requirement. An American linden basswood (*Tilia americana*) is proposed for the boulevard tree that will be required for parcel 2.

Sod and Ground Cover

All disturbed areas shall have appropriate ground cover in accordance with Section 1007.043(17)(h).

Environmental Assessment Worksheet (EAW)

An Environmental Assessment Worksheet is not mandated. The two (2) unattached residential units are under the 250 unattached unit threshold required for a mandatory EAW.

Wetlands

There are no wetlands on site.

Floodplain

There is no floodplain on site.

Shoreland Management Overlay

The parcel is not located within a Shoreland Management Overlay district.

Impervious Surface Coverage

Per the preliminary plat, the overall total site impervious surface coverage is as follows:

Impervious Surface Coverage	
Total Parcel Size	44,400 sf
Existing Impervious	2,797 sf (6.3%)
Proposed Impervious Lot 1 + Lot 2	6,031 sf (14%)

Comprehensive Plan

Butler Addition is consistent with the goals and policies of the comprehensive plan in regards to resource management, land use, housing, transportation and utilities as detailed during the preliminary plat review.

Environmental Board Comments

The Environmental Board reviewed the proposed preliminary plat on March 31, 2021 and recommended approval of the project.

Public Safety Department

The Police Division and Fire Division reviewed the plans and have no additional comments or concerns.

Development Agreement

A Development Agreement has been drafted by the City and shall be executed.

Title Commitment

The City Attorney reviewed the title commitment and final plat and notes that mortgage consents are required.

Stormwater Maintenance Agreement

The infiltration basin will be privately maintained and a Stormwater Maintenance Declaration is required with the final plat.

Findings of Fact

The Findings of Fact for Butler Addition Final Plat are detailed in Resolution No. 21-75.

RECOMMENDATION

The Planning & Zoning Board reviewed the Butler Addition Final Plat on July 14, 2021 and recommended approval with a 4-0 vote.

ATTACHMENTS

1. Resolution No. 21-75
2. Final Plat
3. Resolution No. 21-76
4. Development Agreement

**CITY OF LINO LAKES
RESOLUTION NO. 21-75**

RESOLUTION APPROVING THE BUTLER ADDITION FINAL PLAT

WHEREAS, the City received a land use application for the Butler Addition Final Plat hereafter referred to as Development; and

WHEREAS, City staff has completed a review of the proposed Development based on the following plans and information:

- Cost Estimate for Butler Addition dated June 23, 2021
- Civil Plan Set prepared by Plowe Engineering, Inc. dated July 26, 2021
- Landscape Plan prepared by Plowe Engineering dated July 26, 2021
- Certificate of Survey and Resource Inventory Map prepared by EG Rud & Sons, Inc. dated July 21, 2021
- Preliminary Plat prepared by EG Rud & Sons, Inc. dated July 21, 2021
- Tree Inventory/Removals prepared by EG Rud & Sons, Inc. dated July 21, 2021
- Final Plat prepared by E.G. Rud & Sons, Inc. dated June 14, 2021; and

WHEREAS, the City Council the approved the Preliminary Plat with Resolution No. 21-39 on May 10, 2021; and

WHEREAS, the Planning & Zoning Board reviewed and recommended approval of the Development on July 14, 2021; and

WHEREAS, the proposed Development is not considered premature and meets the performance standards of the subdivision and zoning ordinance; and

NOW, THEREFORE BE IT RESOLVED by The City Council of The City of Lino Lakes hereby makes the following:

FINDINGS OF FACT

1. The final plat substantially conforms to the approved preliminary plat subject to the conditions listed below.
2. The City Attorney has approved the status of title/property ownership related to the final plat.
3. A Development Agreement has been drafted and shall be executed.
4. Conditions attached to approval of the preliminary plat have been fulfilled or secured by the Development Agreement.
5. All fees, charges and escrow related to the preliminary or final plat have been paid in full.

BE IT FURTHER RESOLVED by the City Council of the City of Lino Lakes hereby approves Butler Addition Final Plat subject to the following conditions:

1. The existing house on Lot 1, Block 1, Butler Addition shall connect to municipal watermain.
2. The new house on Lot 2, Block 1, Butler Addition shall connect to municipal watermain and municipal sanitary sewer main.

BE IT FURTHER RESOLVED by the City Council of the City of Lino Lakes hereby approves Butler Addition Final Plat subject to the following items being addressed prior to release of the mylars:

1. The Development Agreement shall be approved by the City Council, executed and recorded against the property.
 - a. Securities and fees shall be paid.
2. Title Commitment and Final Plat:
 - a. Mortgage consents to record the final plat and Development Agreement shall be executed.

Adopted by the Council of the City of Lino Lakes this 9th day of August, 2021.

The motion for the adoption of the foregoing resolution was introduced by Councilmember Cavegn and was duly seconded by Councilmember Stoesz and upon vote being taken thereon, the following voted in favor thereof: Cavegn, Stoesz, Ruhland, Lyden, Rafferty

The following voted against same: None

Rob Rafferty, Mayor

ATTEST:

Julianne Bartell, City Clerk

PRELIMINARY COPY
UNRECORDED AS OF 06-14-21

BUTLER ADDITION

City of Lino Lakes
County of Anoka
Section 8, T31, R22

KNOW ALL PERSONS BY THESE PRESENTS: That Scott Butler and Krista Butler, husband and wife, owners of the following described property:

Lot 14, Block 3, MAR DON ACRES, Anoka County, Minnesota.

Have caused the same to be surveyed and platted as BUTLER ADDITION and do hereby dedicate to the public for public use the drainage and utility easements as shown by this plat.

In witness whereof said Scott Butler and Krista Butler, husband and wife, have hereunto set their hands this ____ day of _____, 20__.

Scott Butler Krista Butler

STATE OF MINNESOTA
COUNTY OF _____

This Instrument was acknowledged before me this ____ day of _____, 20__ by Scott Butler and Krista Butler, husband and wife.

(signature)

(print name)

Notary Public, _____ County, Minnesota
My Commission Expires _____

STATE OF MINNESOTA
COUNTY OF _____

I Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20__.

Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41578

STATE OF MINNESOTA
COUNTY OF _____

This Instrument was acknowledged before me this ____ day of _____, 20__ by Jason E. Rud.

(signature)

(print name)

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF LINO LAKES, MINNESOTA

This plat of BUTLER ADDITION was approved and accepted by the City Council of the City of Lino Lakes, Minnesota at a regular meeting thereof held this ____ day of _____, 20__, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

By _____, as Mayor

By _____, as City Clerk

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20__.

David M. Ziegelmeyer
Anoka County Surveyor

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20__.

PROPERTY TAX ADMINISTRATOR

By _____, Deputy

COUNTY RECORDER/REGISTRAR OF TITLES
COUNTY OF ANOKA, STATE OF MINNESOTA

I hereby certify that this plat of BUTLER ADDITION was filed in the office of the County Recorder/Registrar of Titles for public record on this ____ day of _____, 20__, at ____ o'clock ____M. and was duly recorded as Document Number _____.

County Recorder/Registrar of Titles

By _____, Deputy

MAR

ISABELL

ESTATES

GOLDEN

ACRES

60

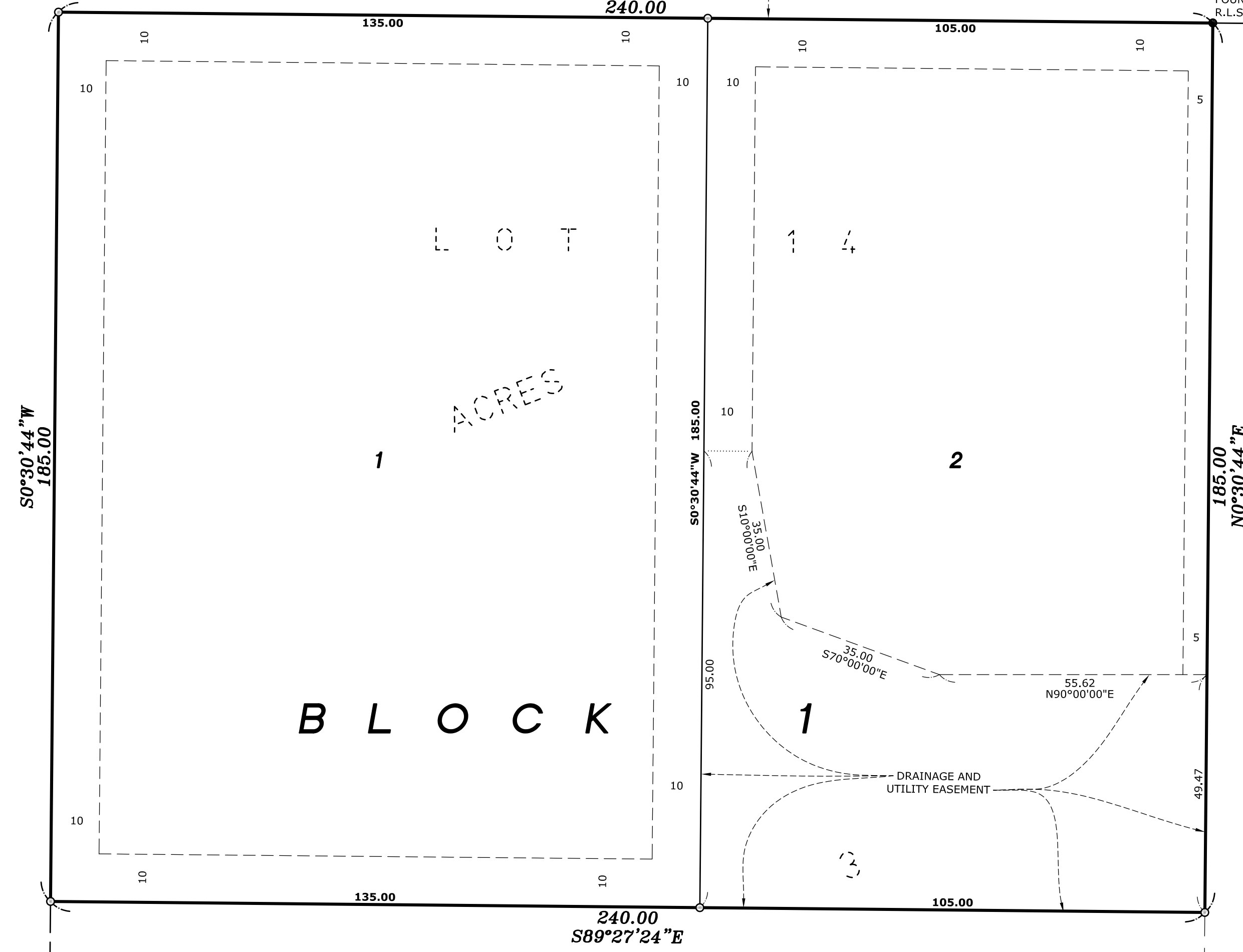
LOIS LANE

8

$N89^{\circ}27'24''W$
240.00

NORTH LINE OF LOT 14, BLOCK 3,
MAR DON ACRES, ANOKA COUNTY, MINNESOTA

FOUND 1/2" IRON PIPE
R.L.S. NUMBER 17765



DON

MEADOW VIEW TRAIL

60

60

ESTATES

COX

B L O C K

ACRES

1

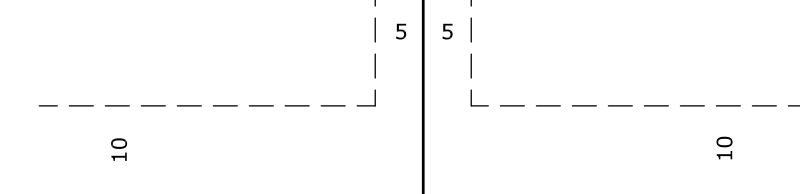
1

1

3

$S89^{\circ}27'24''E$
240.00

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



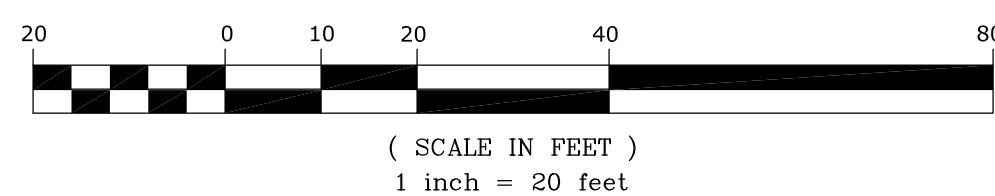
BEING 5 FEET IN WIDTH, AND ADJOINING SIDE LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF LOT 14, BLOCK 3, MAR DON ACRES IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 27 MINUTES 24 SECONDS WEST.

E. G. RUD & SONS, INC.
Professional Land Surveyors



NORTH

**CITY OF LINO LAKES
RESOLUTION NO. 21-76**

**RESOLUTION APPROVING DEVELOPMENT AGREEMENT
FOR BUTLER ADDITION**

WHEREAS, the City Council approved the final plat for Butler Addition with Resolution No. 21-75 on August 9, 2021; and

WHEREAS, the City's subdivision ordinance and conditions of approval require the execution of a development agreement between the Developer and the City of Lino Lakes.

NOW, THEREFORE BE IT RESOLVED by The City Council of The City of Lino Lakes hereby approves the Development Agreement between Scott Butler and the City of Lino Lakes for Butler Addition and authorizes the Mayor and City Clerk to execute such agreement on behalf of the City.

Adopted by the Council of the City of Lino Lakes this 9th day of August, 2021.

The motion for the adoption of the foregoing resolution was introduced by Councilmember Cavegn and was duly seconded by Councilmember Stoesz and upon vote being taken thereon, the following voted in favor thereof: Cavegn, Stoesz, Ruhland, Lyden, Rafferty

The following voted against same: None

Rob Rafferty, Mayor

ATTEST:

Julianne Bartell, City Clerk

DEVELOPMENT AGREEMENT

Butler Addition

THIS AGREEMENT is made this ____ day of _____, 2021, by and between the City of Lino Lakes ("City"), a Minnesota municipal corporation, and Scott Butler ("Developer").

1. **Subdivision.** Developer received preliminary plat approval from the City by Resolution No. 21-39 for a plat known as Butler Addition ("Subdivision"). Unless otherwise stated, all terms and conditions of this Agreement relate to work within the Subdivision.
2. **Final Plat Approval.** The City's approval of the final plat of Butler Addition is contingent upon execution and delivery of this agreement, all required petitions, bonds, security, and other documents required by the City, and satisfaction of all conditions of approval required by Resolution No. 21-75. The Final Plat is attached hereto as Exhibit A.
3. **Phased Development.** The City may refuse to approve final plats of subsequent additions of the plat if the Developer has breached this Agreement and the breach has not been remedied. Development of subsequent phases may not proceed until Development Agreements for such phases are approved by the City and are fully executed.
4. **Developer Plans.**
 - a. The Subdivision shall be developed in accordance with the following Developer Plans, original copies of which are on file with the City Engineer. The Developer Plans may be prepared and revised after entering into this Agreement but must be approved by the City before commencement of any work. If the plans vary from the written terms of this Agreement, this Agreement shall control.
 - b. The Developer Plans as of the date of this Agreement are:
 - i. Butler Addition Final Plat containing 1 sheet, prepared by E.G. Rud & Sons, Inc., received June 14, 2021.
 - ii. Butler Addition Civil Plan set containing 5 sheets, prepared by Plowe Engineering, Inc., revised July 26, 2021, and received July 26, 2021.
 - iii. Butler Addition Landscape Plan containing 1 sheet, prepared by Plowe Engineering, Inc., revised July 26, 2021, and received July 26, 2021.
5. **Permits.** The Developer shall be responsible for securing all site grading and development approvals and all other required permits from all appropriate Federal, State, Regional and Local jurisdictions prior to the commencement of site grading or

construction and prior to the City awarding construction contracts for public improvements.

6. **Developer Improvements.** The Developer shall secure a contractor to install the improvements described in this paragraph, or otherwise required herein to be installed by Developer, hereinafter referred to as the “Developer Improvements,” which contractor shall be approved by the City in its absolute and sole discretion. The Developer Improvements shall be constructed per the City Standard Specifications for Construction dated 2021 or current version.

The cost of Developer Improvements is as shown on Exhibit B attached hereto. All Developer Improvements shall require City inspection and approval and, where appropriate, the approval of any other governmental agency having jurisdiction. The Developer shall construct and install at the Developer's expense the following improvements according to the following terms and conditions:

a. Site Grading

- i. No grading shall commence until all requirements of the Rice Creek Watershed District (RCWD) have been satisfied.
- ii. All site grading shall be conducted in accordance with the grading plan as approved by the City and in accordance with NPDES and RCWD requirements. The Developer shall perform the work in accordance with a Storm Water Pollution Prevention Plan (SWPPP) pursuant to Minnesota Pollution Control Agency (MPCA) requirements.

b. Grading and Erosion Control

- i. The Developer shall grade the site to within 0.2 foot of the grades shown on the approved grading plan. No deviations will be allowed unless a revised plan is submitted and approved in writing by the City and all other regulatory agencies.
- ii. The street right-of-way, storm water storage ponds, and surface water drainage ways shall be graded prior to commencement of utility construction. Four inches of topsoil and a City approved seed mix shall be installed within disturbed areas, and seed mix information shall be provided to the City.
- iii. The Developer shall be responsible for ascertaining that site geotechnical and groundwater conditions are adequate and conforming with the grading and site improvement as proposed. The Developer shall provide testing from an approved testing company.

- iv. The Developer's engineer shall certify in writing, with an as-built survey, that all grading complies with the approved grading plan prior to issuance of any building permits.
- v. The Developer shall promptly clear dirt and debris within public rights-of-way and drainage and utility easements resulting from construction by the Developer, its purchasers, builders and contractors within five (5) days after notification by the City. The Developer shall be responsible for all necessary street and storm sewer maintenance, including street sweeping, until all home construction is completed, unless otherwise released by the City. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on them, including detour signs if necessary. If and when the streets become impassable, such streets shall be barricaded and closed.
- c. Street Improvements not applicable.
- d. Sidewalks, trails and street lighting not applicable.
- e. Storm sewers not applicable.
- f. Sanitary sewer services and appurtenances shall be furnished and installed.
- g. Water services and appurtenances shall be furnished and installed.
- h. The Developer shall place iron monuments at all lot, block, and outlot corners and at all other angle points on boundary lines consistent with the final plat. Iron monuments shall be placed after all street and lawn grading has been completed in order to preserve the lot markers for future property owners. Lot corner irons on the back property line shall be installed so that the top of the iron corresponds to the finished ground elevation in accordance with the approved grading plan. Guard stakes shall be appropriately installed to mark these irons.
- i. Landscaping shall be furnished and installed in accordance with the approved plans. The landscaping shall be maintained by the Developer until accepted by the City's Environmental Coordinator. Native planting area restoration not applicable.
- j. The Developer shall arrange for all gas, telecommunications, cable, internet, electric, and other necessary private utility services to the Subdivision in accordance with City Code and State law. The utilities are required to be located within a joint trench. Street light installations shall be initiated by the Developer

with City Engineer approval. The Developer is solely responsible for the cost of private utility and internet installation.

- k. The Developer shall install mailboxes in accordance with Federal and Postal Service regulations.
 - l. Conservation easement are not applicable.
7. **Time of Performance.** The Developer shall install all required improvements enumerated in Paragraph 6 by August 31, 2022. The Developer may request a reasonable extension of time from the City. If the extension is granted, it shall be conditioned upon updating the security posted by the Developer to reflect cost increases and the extended completion date.
8. **City Improvements.** No City improvements are proposed to be constructed for this subdivision.
9. **Record Drawings.**
- a. Upon project completion, Developer shall submit record drawings, in electronic format, of all public and private infrastructure improvements, including grading, sanitary sewer, watermain, storm sewer facilities, and roads, constructed by Developer. The files shall be drawn in Anoka County NAD 83 Coordinate system and provided in both AutoCAD .dwg and Adobe .pdf file formats. The plans shall include accurate locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the complete work.
 - b. The Developer shall submit certified compaction testing results for the site grading operations that certify that grading work meets pertinent compaction requirements for the project.
 - c. A summary of the record plan attribute data for the storm sewer, watermain, and sanitary sewer structures and pipes shall be submitted in the form of an Excel Spreadsheet as provided by the City Engineer.
 - d. No securities will be fully released until all record drawings have been submitted and accepted by the City Engineer.
10. **Faithful Performance of Construction Contracts and Security.**
- a. The Developer will fully and faithfully comply with all terms and conditions of any and all contracts entered into by the Developer for the installation and construction of all Developer Improvements. Concurrent with the execution hereof by the Developer, the Developer will furnish to, and at all times thereafter maintain with the City, a cash deposit, certified check, or Irrevocable Letter of Credit, based on

one hundred fifty (150%) percent of the total estimated cost of Developer's Improvements as determined by the City Engineer.

- b. Irrevocable Letter of Credit. If an Irrevocable Letter of Credit is utilized, it shall be for the exclusive use and benefit of the City of Lino Lakes and shall state that it is issued to guarantee and assure performance by the Developer of all the terms and conditions of this Development Agreement and construction of all required improvements referenced therein in accordance with the ordinances and specifications of the City. The letter shall be in a form, and from a bank, as approved by the City. The City reserves the right to draw, in whole or in part, on any portion of the Irrevocable Letter of Credit for the purpose of guaranteeing the terms and conditions of this agreement. The Irrevocable Letter of Credit shall be automatically extended for additional periods of one year from present or future expiration dates on an annual basis, unless at least sixty (60) days prior to the expiration date, the Community Development Director and City Engineer, are notified by certified mail or overnight courier, that the Letter of Credit will not be extended.
 - c. Public Improvement Surety Agreement not applicable.
 - d. Reduction of Security not applicable.
11. **Warranty.** The Developer warrants all utility work required to be performed by it against poor material and faulty workmanship for a period of two years after its completion and acceptance by the City. All roadway work shall be warranted by the developer for a period of one year from the time the final inspection of the street is completed and accepted by the City Council. All trees, grass and sod shall be warranted to be alive, of good quality and disease free for 12 months after planting. Prior to final acceptance of the Developer Improvements the City shall require a Performance Bond or Cash Escrow to cover the warranty provisions of this Agreement. The amount shall be determined by the City Engineer.
12. **Dedication.** The Developer shall dedicate to the City, at no cost to the City, any permanent or temporary easements that may be necessary for the construction and installation of the Developer Improvements. All such easements required by the City shall be in writing, in recordable form, containing such terms and conditions as the City shall determine.
13. **Ownership of Improvements.** Upon completion and City acceptance of the work and construction required by this Agreement, the public improvements lying within public rights-of-way and easements shall become City property without further notice or action unless the improvements are to be deemed private infrastructure.

14. **Recording and Release.** The Developer agrees that the terms of this Development Agreement shall be a covenant on any and all property included in the Subdivision. The Developer agrees that the City shall have the right to record a copy of this Development Agreement with the Anoka County Recorder to give notice to future purchasers and owners. This shall be recorded against the Subdivision described on Page 1.

15. **Escrow for City's Costs.**

a. The Developer agrees to establish a non-interest bearing escrow account with the City in an amount determined by the City Administrator or their designee for the payment of all costs incurred by the City related to the development of the Subdivision including, but not limited to, the following (See Exhibit B for breakdown of costs):

- i. Planning/ Review
- ii. Administration - 3% of Developer Improvement Costs
- iii. City Engineering and Legal
- iv. Street lighting installation – Not applicable
- v. Traffic signing improvements – Not applicable
- vi. Boulevard tree planting
- vii. Street, storm sewer and pond maintenance
- viii. Property Taxes not applicable.

b. If the above escrow amounts are insufficient, the Developer shall make such additional deposits as required by the City. The City shall have a right to reimburse itself from the Escrow with suitable documentation supporting the charges.

16. **Developer Fees.** At the time of execution of this Agreement, the Developer shall pay the following fees related to the development of the Subdivision (See Exhibit B for breakdown of costs):

a. Park Dedication

The Park Dedication Fee for this site is calculated as follows:

$$1 \text{ unit} \times \$3,160 \text{ per unit (Residential)} = \$3,160$$

b. Energy costs for street lights are not applicable.

c. GIS Mapping Fees.

d. Trunk Sewer Connection Fees

The City established trunk utility connection fees to uniformly distribute the costs of public trunk sanitary sewer infrastructure. The Trunk Utility Connection Fee consists of two components; a Trunk Charge and an Availability Charge.

Trunk Charge

The trunk charge shall be paid at the time of subdivision approval or at the time of hook-up, whichever is first. Residential trunk charges are based on one unit per dwelling unit.

Sanitary Sewer	\$1,630.00 Per Unit
----------------	---------------------

Availability Charge

For residential properties, the availability charge shall be paid at the time of subdivision approval or at the time of hook-up, whichever is first. Residential uses shall be assigned one unit per dwelling unit unless otherwise noted by MCES.

City Sewer (CSAC)	\$1,525.00 Per SAC Unit
-------------------	-------------------------

Trunk sewer unit charges addressed under this paragraph are in addition to any SAC charges imposed by Metropolitan Council Environmental Services. Trunk utility credit not applicable.

e. Trunk Water Connection Fees

The City established trunk utility connection fees to uniformly distribute the costs of public trunk water infrastructure. The Trunk Utility Connection Fee consists of two components; a Trunk Charge and an Availability Charge.

Trunk Charge

The trunk charge shall be paid at the time of subdivision approval or at the time of hook-up, whichever is first. Residential trunk charges are based on one unit per dwelling unit.

Water	\$2,341.00 Per Unit
-------	---------------------

Availability Charge

For residential properties, the availability charge shall be paid at the time of subdivision approval or at the time of hook-up, whichever is first. Residential uses shall be assigned one unit per dwelling unit unless otherwise noted by MCES.

City Water (CWAC)	\$1,473.00 Per SAC Unit
-------------------	-------------------------

Trunk utility credit not applicable.

f. Surface Water Management Area Charges

The City established a trunk area charge to uniformly distribute the costs of public trunk surface water infrastructure and water quality improvements. The Surface Water Management Charge shall be based on developable acreage, in the amount specified in Exhibit B. The charge shall be paid at the time of subdivision approval.

17. Assessment of Charges and Waiver of Rights.

- a. In consideration of the construction of City Improvements listed in Paragraph 8 and /or provision of sewer, water and storm water services, the Developer agrees that the costs of City Improvements together with Trunk Sewer Unit Charge, Trunk Water Unit Charge and the Surface Water Management Area Charge (collectively, "the Charges") may be assessed against the Subdivision parcels. The Developer hereby waives any and all procedural and substantive objections to the special assessments, including notice and hearing requirements, any claim that the assessments exceed the benefit to the properties, and any right to appeal.
- b. Unless the Developer pays the entire balance owed for the Charges contemporaneously with the execution of this Agreement, the Developer shall provide to the City a cash escrow or irrevocable letter of credit in an amount equal to 35% of the total assessments for the Charges as estimated by the City Engineer (see Exhibit B). The letter of credit shall be in a form, and from a bank, as approved by the City. The letter of credit or cash escrow may be used by the City upon default by Developer in the payment of special assessments. The cash escrow or letter of credit shall remain in place throughout the term of the special assessments. The letter of credit may not be terminated without the City's written consent.

- c. Developer, its heirs, successors or assigns, agrees that within 30 days after the date of sale of a lot, the Developer, its heirs, successors or assigns, at its own cost and expense, shall pay the entire unpaid charges assessed or to be assessed under this Agreement against such property.
- d. If a certificate of occupancy is issued before the special assessments have been levied, the Developer, its heirs, successors or assigns shall pay the City the sum of cash equal to 120% of the Engineer's estimate of the special assessments for such Charges that would be levied against the property. Upon such payment the City shall issue a certificate showing the assessments are paid in full. Notwithstanding the issuance of said certificate, the Developer shall be liable to the City for any deficiency and the City shall pay the Developer any surplus arising from the payment based upon such estimate.
- e. Acceleration of Special Assessments upon Default. In the event the Developer violates any of the covenants, conditions or agreements herein, violates any ordinance, rule or regulation of the City, County of Anoka, State of Minnesota or other governmental entity having jurisdiction over the plat or development, or fails to pay when due any installment of any special assessment levied pursuant to this agreement, or any interest thereon, the City at its option, in addition to its rights and remedies hereunder, after 10 days written notice to the Developer, may declare all of the unpaid special assessments which are then estimated or levied pursuant to this agreement due and payable in full, with interest. The City may seek recovery of such special assessments due and payable from the security provided herein. In the event that such security is insufficient to pay the outstanding amount of such special assessments plus accrued interest the City may certify such outstanding special assessments in full to the County Auditor pursuant to Minnesota Statutes section 429.061, subdivision 3, for collection the following year. The City, at its option, may commence legal action against the Developer to collect the entire unpaid balance of the special assessments then estimated or levied pursuant hereto, with interest, including reasonable attorney's fees, and Developer shall be liable for such special assessments and, if more than one, such liability shall be joint and several. In addition to any other rights and remedies upon Developer's default, the City may refuse to issue building permits and/or Certificates of Occupancy for any property within the Subdivision until such time as such default has been corrected to the satisfaction of the City. The Developer agrees to reimburse the City for all costs incurred by the City in the enforcement of this agreement, or any portion thereof, including court costs and reasonable engineering and attorneys' fees, if the City prevails in any enforcement action.

18. **Building Permits.** No building permits shall be issued until:

- a. Site grading, certified compaction testing, City sewer, water, storm sewer, gas, electric, telecommunication, cable and internet are installed and approved by the City.
- b. Security of Developer Improvement Costs is received by the City, and the Development escrow balance is sufficient as outlined in Section 15 b.

19. **Special Provisions.**

- a. The existing house on Lot 1, Block 1, Butler Addition shall connect to municipal water.
- b. The new house proposed on Lot 2, Block 1, Butler Addition shall connect to municipal water and municipal sanitary sewer.

20. **Hours of Construction Activity.**

All construction activity shall be limited to the hours as follows:

Monday through Friday	7:00 a.m. to 7:00 p.m.
Saturday	9:00 a.m. to 5:00 p.m.
Sunday and Holidays	No working hours allowed

21. **Insurance.** Developer or its general contractor shall take out and maintain until one year after the City accepted the Developer Improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of the Developer's or general contractor's work, as the case may be, or the work of its subcontractors or by one directly or indirectly employed by any of them. Limits for bodily injury and death shall be not less than Five Hundred Thousand and no/100 (\$500,000.00) Dollars for one person and Two Million and no/100 (\$2,000,000.00) Dollars for each occurrence; limits for property damage shall be not less than One Million and no/100 (\$1,000,000.00) Dollars for each occurrence; or a combination single limit policy of Two Million and no/100 (\$2,000,000.00) Dollars or more. The City, its employees, its agents and assigns shall be named as an additional insured on the policy, and the Developer or its general contractor shall file with the City a certificate evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given ten days advance written notice of the cancellation of the insurance. The certificate may not contain any disclaimer for failure to give the required notice.
22. **Developer's Default.** In the event of default by the Developer as to any of the work to be performed by it hereunder, the City may, at its option, perform the work and the Developer shall promptly reimburse the City for any expense incurred by the City, including but not limited to attorney and engineering fees, provided the Developer is

first given notice of the work in default, not less than 48 hours in advance. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a court order for permission to enter the land. When the City does any such work, the City may, in addition to its other remedies, levy the cost in whole or in part as a special assessment against the Subject Property. Developer waives its rights to notice of hearing and hearing on such assessments and its right to appeal such assessments pursuant to Minnesota Statutes, chapter 429.

23. General.

a. Binding Effect

The terms and provisions hereof shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto and shall be binding upon all future owners of all or any part of the Subdivision and shall be deemed covenants running with the land, unless otherwise released pursuant to section 14 of this Agreement.

b. Validity.

If a portion, section, subsection, sentence, clause, paragraph or phrase in this agreement is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect or void any of the other provisions of the Development Agreement.

c. Notices

Whenever in this Agreement it shall be required or permitted that notice or demand be given or served by either party to this Agreement to or on the other party, such notice or demand shall be delivered personally, or mailed by United States mail to the addresses below, or sent by email to the email address below. Such notice or demand shall be deemed timely given when delivered personally or when deposited in the mail in accordance with the above or when emailed. The addresses of the parties are as set forth until changed by notice given as above.

Scott Butler
7870 Meadow View Trail
Lino Lakes, MN 55014
Scottbutler08@gmail.com

Community Development Director
City of Lino Lakes
600 Town Center Parkway
Lino Lakes, MN 55014
mgrochala@linolakes.us

DEVELOPER

CITY OF LINO LAKES

By _____

By _____
Mayor

Its _____

ATTEST

By _____
City Clerk

STATE OF MINNESOTA)
) SS
COUNTY OF ANOKA)

This instrument was acknowledged before me on _____ day of _____, 2021,
by Rob Rafferty as Mayor of the City of Lino Lakes on behalf of said City.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF ANOKA)

This instrument was acknowledged before me on _____ day of _____, 2021
by Julianne Bartell as City Clerk of the City of Lino Lakes on behalf of said City.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

On this _____ day of _____, 2021, before me, a Notary Public within and for said County, personally appeared _____, _____ of _____ (Developer), who executed the foregoing instrument.

Notary Public

This instrument was drafted by:

City of Lino Lakes
600 Town Center Parkway
Lino Lakes, Minnesota 55014

CONSENT AND SUBORDINATION

_____, the holder of a mortgage dated _____, filed for record with the County Recorder, Anoka County, Minnesota, on _____, as Document No. _____, hereby consents to the recording of this Development Agreement and agrees that its rights in the property affected by the Development Agreement shall be subordinated thereto.

IN WITNESS WHEREOF, _____, has caused this Consent and Subordination to be executed this ____ day of _____, 2021.

By:
Its:

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

On this _____ day of _____, 2021, before me, a Notary Public within and for said County, personally appeared _____, who executed the foregoing instrument.

Notary Public

EXHIBIT A

Final Plat

BUTLER ADDITION

City of Lino Lakes
County of Anoka
Section 8, T31, R22

ISABELL

ESTATES

GOLDEN

ACRES

KNOW ALL PERSONS BY THESE PRESENTS, that Scott Butler and Krista Butler, husband and wife, owners of the following described property:
Lot 14, Block 3, MAR DON ACRES, Anoka County, Minnesota.
has, this day, duly authorized and joined as BUTLER ADDITION and do hereby dedicate to the public for public use the drainage and utility easements as shown by this plat.
In witness whereof Scott Butler and Krista Butler, husband and wife, have hereunto set their hands this _____ day of _____, 20____.

Scott Butler _____ Krista Butler _____

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by _____

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

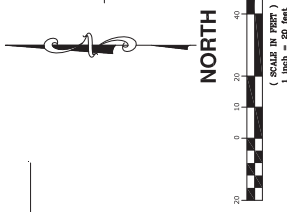
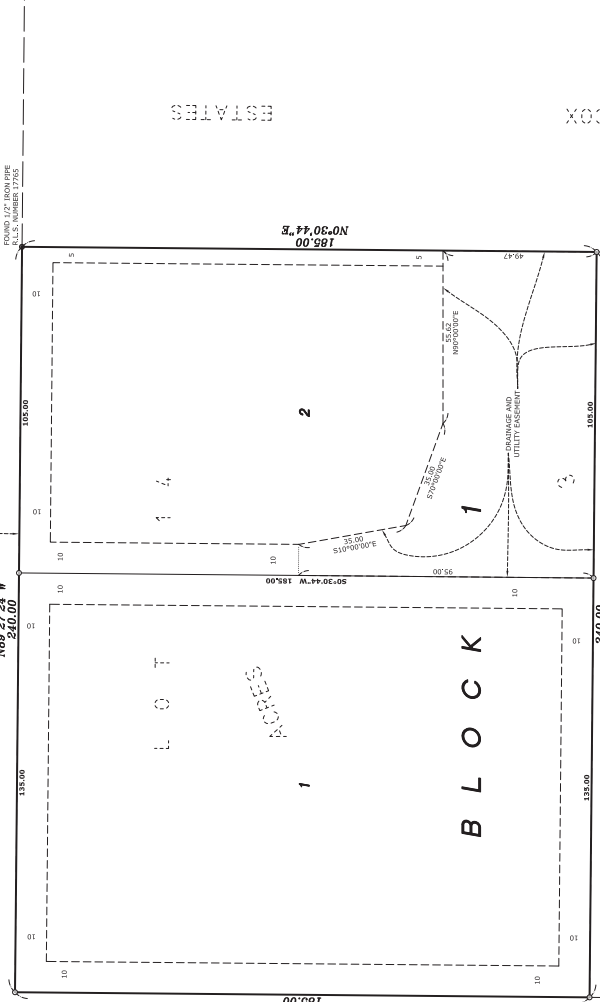
Notary Public, _____ County, Minnesota

My Commission Expires _____ (print name)

By _____ (print name)

MAR

MAR



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:
--- 5' ---
--- 10' ---
--- 15' ---
--- 20' ---
--- 25' ---
--- 30' ---
--- 35' ---
--- 40' ---
--- 45' ---
--- 50' ---
--- 55' ---
--- 60' ---
--- 65' ---
--- 70' ---
--- 75' ---
--- 80' ---
--- 85' ---
--- 90' ---
--- 95' ---
--- 100' ---
--- 105' ---
--- 110' ---
--- 115' ---
--- 120' ---
--- 125' ---
--- 130' ---
--- 135' ---
--- 140' ---
--- 145' ---
--- 150' ---
--- 155' ---
--- 160' ---
--- 165' ---
--- 170' ---
--- 175' ---
--- 180' ---
--- 185' ---
--- 190' ---
--- 195' ---
--- 200' ---
--- 205' ---
--- 210' ---
--- 215' ---
--- 220' ---
--- 225' ---
--- 230' ---
--- 235' ---
--- 240' ---
--- 245' ---
--- 250' ---
--- 255' ---
--- 260' ---
--- 265' ---
--- 270' ---
--- 275' ---
--- 280' ---
--- 285' ---
--- 290' ---
--- 295' ---
--- 300' ---
--- 305' ---
--- 310' ---
--- 315' ---
--- 320' ---
--- 325' ---
--- 330' ---
--- 335' ---
--- 340' ---
--- 345' ---
--- 350' ---
--- 355' ---
--- 360' ---
--- 365' ---
--- 370' ---
--- 375' ---
--- 380' ---
--- 385' ---
--- 390' ---
--- 395' ---
--- 400' ---
--- 405' ---
--- 410' ---
--- 415' ---
--- 420' ---
--- 425' ---
--- 430' ---
--- 435' ---
--- 440' ---
--- 445' ---
--- 450' ---
--- 455' ---
--- 460' ---
--- 465' ---
--- 470' ---
--- 475' ---
--- 480' ---
--- 485' ---
--- 490' ---
--- 495' ---
--- 500' ---
--- 505' ---
--- 510' ---
--- 515' ---
--- 520' ---
--- 525' ---
--- 530' ---
--- 535' ---
--- 540' ---
--- 545' ---
--- 550' ---
--- 555' ---
--- 560' ---
--- 565' ---
--- 570' ---
--- 575' ---
--- 580' ---
--- 585' ---
--- 590' ---
--- 595' ---
--- 600' ---
--- 605' ---
--- 610' ---
--- 615' ---
--- 620' ---
--- 625' ---
--- 630' ---
--- 635' ---
--- 640' ---
--- 645' ---
--- 650' ---
--- 655' ---
--- 660' ---
--- 665' ---
--- 670' ---
--- 675' ---
--- 680' ---
--- 685' ---
--- 690' ---
--- 695' ---
--- 700' ---
--- 705' ---
--- 710' ---
--- 715' ---
--- 720' ---
--- 725' ---
--- 730' ---
--- 735' ---
--- 740' ---
--- 745' ---
--- 750' ---
--- 755' ---
--- 760' ---
--- 765' ---
--- 770' ---
--- 775' ---
--- 780' ---
--- 785' ---
--- 790' ---
--- 795' ---
--- 800' ---
--- 805' ---
--- 810' ---
--- 815' ---
--- 820' ---
--- 825' ---
--- 830' ---
--- 835' ---
--- 840' ---
--- 845' ---
--- 850' ---
--- 855' ---
--- 860' ---
--- 865' ---
--- 870' ---
--- 875' ---
--- 880' ---
--- 885' ---
--- 890' ---
--- 895' ---
--- 900' ---
--- 905' ---
--- 910' ---
--- 915' ---
--- 920' ---
--- 925' ---
--- 930' ---
--- 935' ---
--- 940' ---
--- 945' ---
--- 950' ---
--- 955' ---
--- 960' ---
--- 965' ---
--- 970' ---
--- 975' ---
--- 980' ---
--- 985' ---
--- 990' ---
--- 995' ---
--- 1000' ---

LEGEND

- DENOTES IRON MONUMENT FOUND, AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF LOT 14, BLOCK 3, MAR DON ACRES IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 27 MINUTES 24 SECONDS WEST.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:
--- 5' ---
--- 10' ---
--- 15' ---
--- 20' ---
--- 25' ---
--- 30' ---
--- 35' ---
--- 40' ---
--- 45' ---
--- 50' ---
--- 55' ---
--- 60' ---
--- 65' ---
--- 70' ---
--- 75' ---
--- 80' ---
--- 85' ---
--- 90' ---
--- 95' ---
--- 100' ---
--- 105' ---
--- 110' ---
--- 115' ---
--- 120' ---
--- 125' ---
--- 130' ---
--- 135' ---
--- 140' ---
--- 145' ---
--- 150' ---
--- 155' ---
--- 160' ---
--- 165' ---
--- 170' ---
--- 175' ---
--- 180' ---
--- 185' ---
--- 190' ---
--- 195' ---
--- 200' ---
--- 205' ---
--- 210' ---
--- 215' ---
--- 220' ---
--- 225' ---
--- 230' ---
--- 235' ---
--- 240' ---
--- 245' ---
--- 250' ---
--- 255' ---
--- 260' ---
--- 265' ---
--- 270' ---
--- 275' ---
--- 280' ---
--- 285' ---
--- 290' ---
--- 295' ---
--- 300' ---
--- 305' ---
--- 310' ---
--- 315' ---
--- 320' ---
--- 325' ---
--- 330' ---
--- 335' ---
--- 340' ---
--- 345' ---
--- 350' ---
--- 355' ---
--- 360' ---
--- 365' ---
--- 370' ---
--- 375' ---
--- 380' ---
--- 385' ---
--- 390' ---
--- 395' ---
--- 400' ---
--- 405' ---
--- 410' ---
--- 415' ---
--- 420' ---
--- 425' ---
--- 430' ---
--- 435' ---
--- 440' ---
--- 445' ---
--- 450' ---
--- 455' ---
--- 460' ---
--- 465' ---
--- 470' ---
--- 475' ---
--- 480' ---
--- 485' ---
--- 490' ---
--- 495' ---
--- 500' ---
--- 505' ---
--- 510' ---
--- 515' ---
--- 520' ---
--- 525' ---
--- 530' ---
--- 535' ---
--- 540' ---
--- 545' ---
--- 550' ---
--- 555' ---
--- 560' ---
--- 565' ---
--- 570' ---
--- 575' ---
--- 580' ---
--- 585' ---
--- 590' ---
--- 595' ---
--- 600' ---
--- 605' ---
--- 610' ---
--- 615' ---
--- 620' ---
--- 625' ---
--- 630' ---
--- 635' ---
--- 640' ---
--- 645' ---
--- 650' ---
--- 655' ---
--- 660' ---
--- 665' ---
--- 670' ---
--- 675' ---
--- 680' ---
--- 685' ---
--- 690' ---
--- 695' ---
--- 700' ---
--- 705' ---
--- 710' ---
--- 715' ---
--- 720' ---
--- 725' ---
--- 730' ---
--- 735' ---
--- 740' ---
--- 745' ---
--- 750' ---
--- 755' ---
--- 760' ---
--- 765' ---
--- 770' ---
--- 775' ---
--- 780' ---
--- 785' ---
--- 790' ---
--- 795' ---
--- 800' ---
--- 805' ---
--- 810' ---
--- 815' ---
--- 820' ---
--- 825' ---
--- 830' ---
--- 835' ---
--- 840' ---
--- 845' ---
--- 850' ---
--- 855' ---
--- 860' ---
--- 865' ---
--- 870' ---
--- 875' ---
--- 880' ---
--- 885' ---
--- 890' ---
--- 895' ---
--- 900' ---
--- 905' ---
--- 910' ---
--- 915' ---
--- 920' ---
--- 925' ---
--- 930' ---
--- 935' ---
--- 940' ---
--- 945' ---
--- 950' ---
--- 955' ---
--- 960' ---
--- 965' ---
--- 970' ---
--- 975' ---
--- 980' ---
--- 985' ---
--- 990' ---
--- 995' ---
--- 1000' ---

EXHIBIT B

Securities, Escrows & Fees

EXHIBIT B
Securities, Escrows & Fees

PROJECT: Butler Addition	NUMBER OF REU's: 1
APPLICANT: Scott Butler	NO. OF LOT FRONTAGE: 1
	AREA (LOT 2 BLOCK 1): 0.45

IMPROVEMENTS	COST
<u>DEVELOPER IMPROVEMENT COSTS (Private)</u>	
SITE GRADING	\$336
EROSION CONTROL	\$5,075
LANDSCAPING	\$863
PARKING LOT	\$0
STORM SEWER CONST.	\$0
SANITARY SEWER CONST.	\$0
WATERMAIN CONST.	\$0
ENGINEERING & SURVEYING	\$200
Total	\$6,474
Letter of Credit Amount X 35%	\$2,266

<u>ESCROW for CITY'S COSTS</u>	
PLANNING/ REVIEW	\$150
ADMINISTRATION	\$200
ENGINEER PLAN REVIEW	\$150
ENGINEER CONSTRUCTION SERVICES	\$1,000
PROJECT FINAL DOCUMENTS & CITY ENGINEER	\$1,200
STREET LIGHT INSTALLATION	\$0
STREET & STORMWATER MAINTENANCE	\$0
PROPERTY TAXES	\$0
TRAFFIC AND SIGNING IMPROVEMENTS	\$0
BOULEVARD TREE PLANTING	\$485
Total	\$3,185

<u>DEVELOPMENT FEES</u>	
PARK DEDICATION	\$3,160
PARK DEDICATION CREDIT	\$0
Subtotal Park Dedication Fee	\$3,160
AUAR	\$0
GIS MAPPING FEE	\$90
STREET LIGHTING OPERATION	\$0
Total	\$3,250

TRUNK SANITARY SEWER	
TRUNK CHARGE PER (ACRE OR UNIT)	\$1,630
AVAILABILITY CHARGE PER SAC UNIT	\$1,525
TRUNK WATERMAIN	
TRUNK CHARGE PER (ACRE OR UNIT)	\$4,682
AVAILABILITY CHARGE PER SAC UNIT	\$2,946
TOTAL TRUNK SEWER & WATER FEES	\$10,783
SURFACE WATER MANAGEMENT	
TOTAL SURFACE WATER MANAGEMENT FEES	\$3,345
Total	\$14,128
Letter of Credit Amount X 35%	\$4,945

<u>SUMMARY OF SECURITIES, ESCROW & FEES</u>	
SECURITY: DEVELOPER IMP'MENT COSTS	\$2,266
ESCROW FOR CITY COSTS	\$3,185
DEVELOPMENT FEES	\$3,250
SECURITY: TRUNK FEES	\$14,128

Butler Addition

City Council Meeting
August 9, 2021



EXISTING CONDITIONS



- Final Plat
 - 2 lots
- 7870 Meadow View Trail
- Applicant: Scott Butler
- Corner Lot
 - Lois Lane
 - Meadow View Trail
- Subdivide the existing parcel into 2 single family lots
- Purpose of constructing 1 new single family home
- May 10, 2021: CC approved preliminary plat
- R-1 Zoning

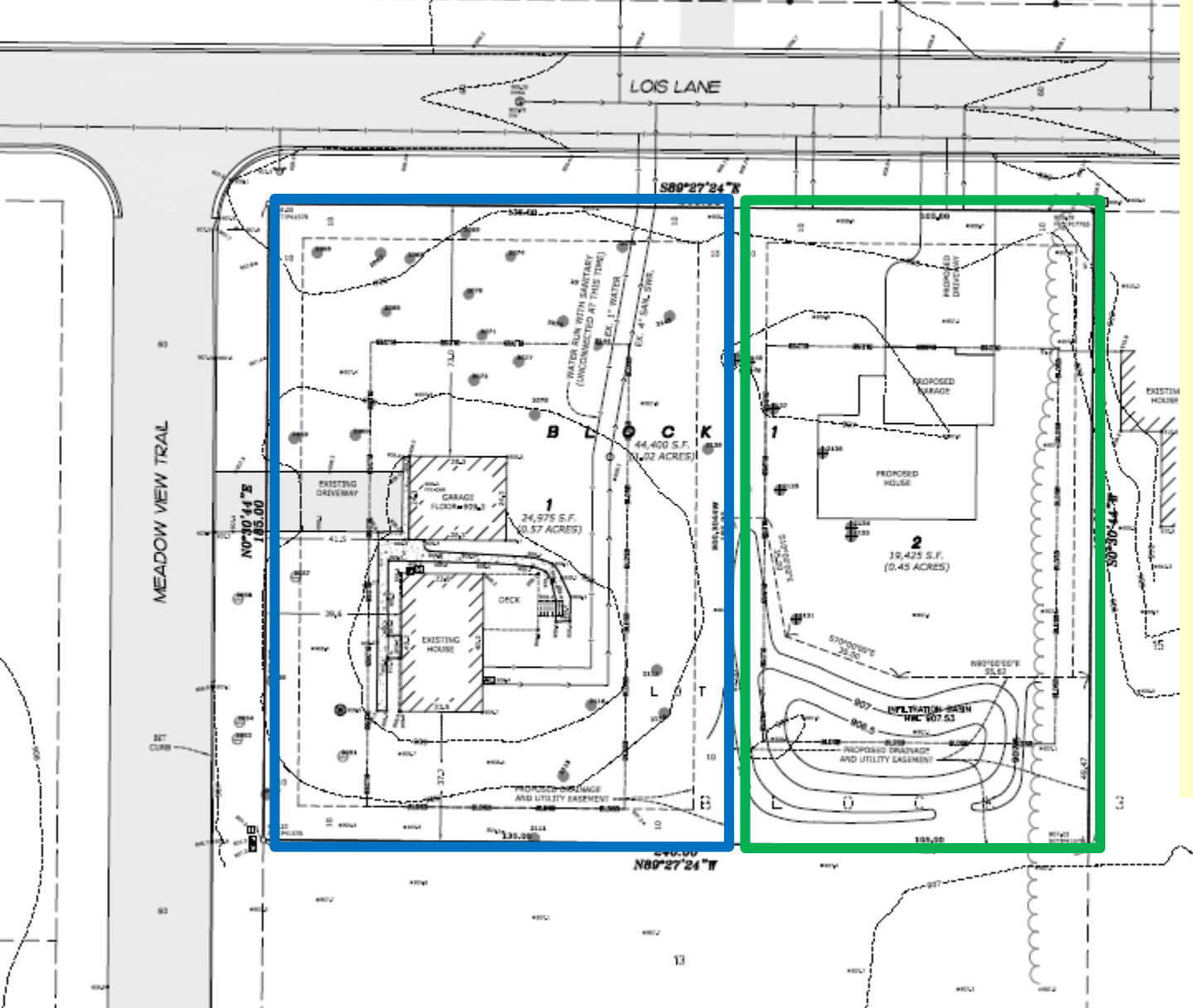


Site Location & Aerial Map 7870 Meadow View Trail



PRELIMINARY PLAT

- Lot 1 = Existing house
- Lot 2 = New house
- Meadow View Trail
 - Local Road
 - Existing 60ft ROW
 - No additional ROW required
- Lois Lane
 - Minor Collector
 - Existing 60ft ROW
 - No additional ROW required



BUTLER ADDITION

City of Uno Lakes
County of Anoka
Section 8, T31, R22

WITNESSETH that the following described land, hereinafter called the "premises", is the property of the undersigned and is being conveyed to the persons herein named in accordance with the intent and purpose of the instrument or instruments as shown on this plat.

IT IS HEREBY AGREED AND COVENANTED BY AND BETWEEN SAID PARTIES THAT THIS DEED SHALL BE VALID AND EFFECTIVE AS TO THE PARTS HEREIN SET FORTH BY THIS PLAT.

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by _____, known to me to be the person or persons whose name or names are subscribed to the foregoing instrument.

Given under my hand and seal of office as aforesaid this _____ day of _____, 20____.

Notary Public
City of _____ County of _____ Minnesota
My Commission Expires _____

STATE OF MINNESOTA
COUNTY OF _____

I, _____, Notary Public, do hereby certify that the foregoing instrument was presented to me or under my direct supervision that I am a Notary Public and have read the contents of the instrument and that it is a correct representation of the contents thereof. That all individuals named therein are correct and that I am not a party to the instrument and that I have no interest therein. I have not been suspended or annulled from my office as a Notary Public and I am duly sworn and qualified in the State of Minnesota.

Witness my hand and seal of office this _____ day of _____, 20____.

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by _____, known to me to be the person or persons whose name or names are subscribed to the foregoing instrument.

Given under my hand and seal of office as aforesaid this _____ day of _____, 20____.

Notary Public
City of _____ County of _____ Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF UNO LAKES, MINNESOTA

This plat of BUTLER ADDITION was approved and accepted by the City Council of the City of Uno Lakes, Minnesota, on a regular meeting held on this _____ day of _____, 20____, and shall be valid and effective as to the portion hereon contained, under Section 2, Subd. 2, of the Minnesota Statutes, Chapter 267A, R.S., insofar as the provisions hereof are not inconsistent with the provisions of the laws of the State of Minnesota.

By _____, Mayor
Attest: _____, City Clerk

COUNTY CLERK

I hereby certify that in accordance with Minnesota Statutes, Chapter 267A, Subd. 2, this plat has been reviewed and approved this _____ day of _____, 20____.

Notary Public
Anoka County Surrogate
COUNTY RECORDS/MINNEAPOLIS

FOR RECORDEE'S INFORMATION: BUTLER ADDITION, BLOCK 1, SHOWS A DEDICATION OF THE WEST 1/4 OF THE SECTION 14 TO THE PUBLIC LANDS OF THE UNITED STATES BY ACT OF CONGRESS, APRIL 20, 1866, AND SAID DEDICATION IS HEREBY ACCEPTED BY THIS PLAT.

MINNEAPOLIS HAS JURISDICTION OVER

By _____, Clerk

COUNTY RECORDS, MINNEAPOLIS BY TITLE
COUNTY OF ANOKA, STATE OF MINNESOTA

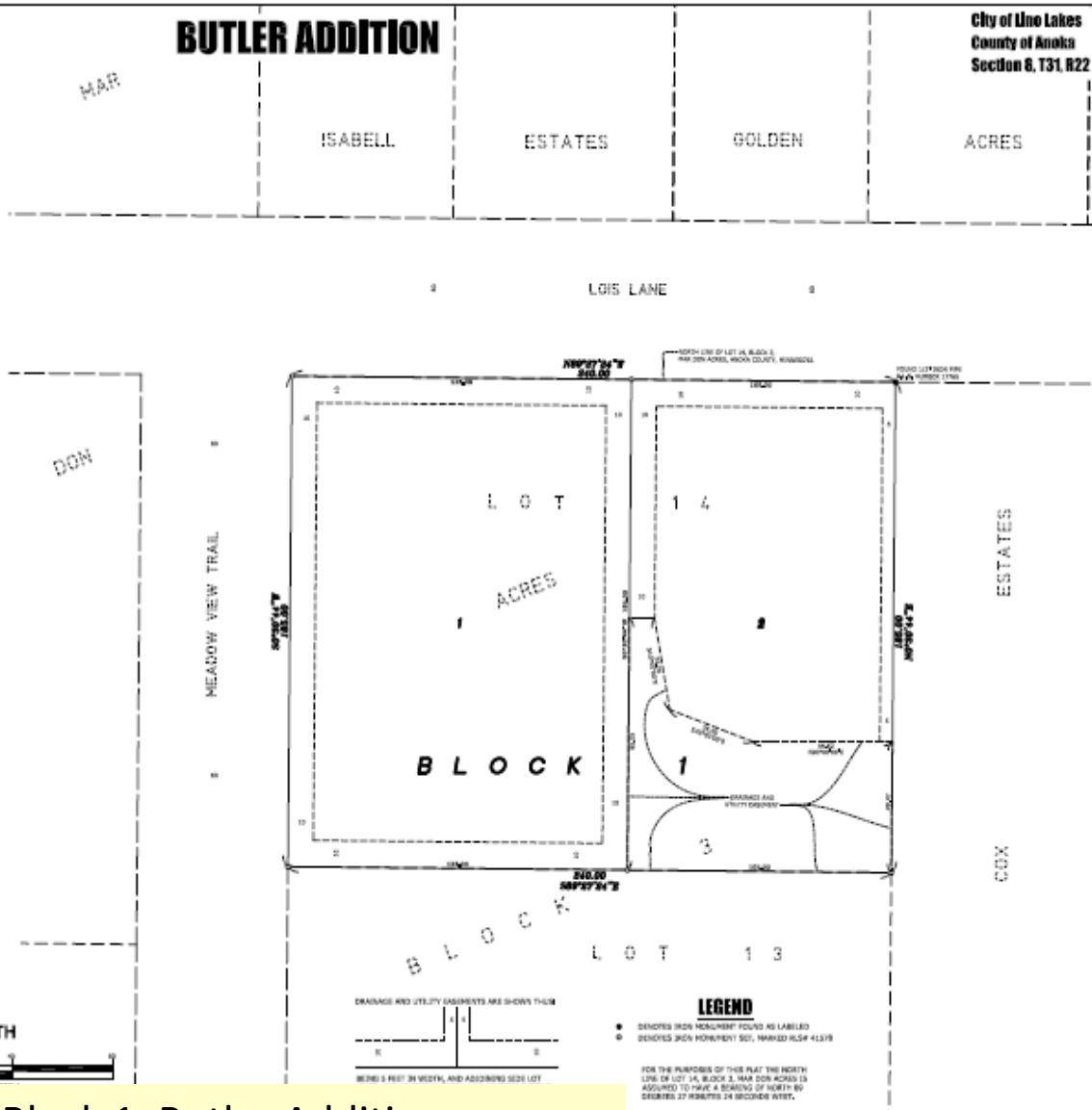
I hereby certify that this plat of BUTLER ADDITION was filed for recording on this _____ day of _____, 20____, at _____, Minnesota, and was recorded on Government Number _____.

County Recorder/Recorder of Deeds

By _____, Clerk

E. G. RUD & SONS, INC.

NORTH



- Final Plat = Lot 1 and Lot 2, Block 1, Butler Addition.
- Public Land Dedication
 - 1 lot = \$3,160
- Conditions of PP have been met

Findings of Fact-Final Plat

- Detailed in Resolution No. 21-75:
 - Final plat substantially conforms to the approved preliminary plat subject to the conditions listed below.
 - City Attorney has approved the status of title/property ownership related to the final plat.
 - Development Agreement has been drafted and shall be executed.
 - Conditions attached to approval of the preliminary plat have been fulfilled or secured by the development agreement.

Recommendation

- Planning & Zoning Board reviewed the Butler Addition Final Plat on July 14, 2021 and recommended approval with a 4-0 vote.

Council Action

Butler Addition

- i. Consider Resolution No. 21-75 Approving the Final Plat
- ii. Consider Resolution No. 21-76 Approving the Development Agreement

**CITY COUNCIL
AGENDA ITEM 6C**

STAFF ORIGINATOR: Katie Larsen, City Planner

MEETING DATE: August 9, 2021

TOPIC: 426 Pine Street

- i. Consider Resolution No. 21-67 Approving a Conditional Use Permit for Commercial Stables
- ii. Consider Resolution No. 21-68 Denying a Variance to Double the Number of Allowed Animal Units

VOTE REQUIRED: 3/5

INTRODUCTION

This item was on the July 12, 2021 Council agenda, but the applicant requested a continuation to tonight’s meeting. Staff provides the following information to help clarify comments made during the July 12, 2021 Work Session:

- The subject site has been zoned R, Rural since 1992. The property has not been recently rezoned.
- The July 2020 complaint was regarding concern over the number of animals on the subject site. It was not a noise complaint.
- In July 2018, the City amended City Code Section 1007.058 regarding Commercial Stables. This ordinance amendment was not just related to 426 Pine Street.
- Based on best available data and RCWD information, there are wetlands on the subject site.
- Based on the December 16, 2015 FEMA Flood Insurance Rate Map (FIRM) Map Number 27003C0355E, there is Zone A floodplain on the subject site.

Staff is requesting City Council consideration of the above mentioned resolutions as they relate to 426 Pine Street.

Complete Application Date:	May 18, 2021
60-Day Review Deadline:	July 17, 2021
60-Day Extension:	September 15, 2021
Planning & Zoning Board Meeting:	June 9, 2021
City Council Meeting:	July 12, 2021 August 9, 2021

BACKGROUND

The applicant and property owner, Christopher Stowe, submitted a Land Use Application for a conditional use permit amendment and variance for the commercial stable operations at 426 Pine Street. The conditional use permit amendment is to the previously approved Resolution No. 20-129, No. 20-130, and No. 20-144 and the variance request is to double the number of allowed animal units from 25 to 50.

ANALYSIS

History

Mr. Stowe owns three (3) parcels (PID #05-31-22-22-0006, #05-31-22-22-0003 and #05-31-22-22-0005). These parcels shall be referred to as the “Subject Site”. The commercial stables operate on the two (2) parcels ending in -0003 and -0005. These parcels shall be referred to as the “Property”. These 2 parcels have had several different uses over the years. From 1968 to the 1990’s, the riding stable and arena were used for horse shows and horse boarding. From the 1990’s to approximately 2010, the arena was used as a BMX track/arena. In 2020, the current property owner, Christopher Stowe, was granted a conditional use permit to operate a commercial stable.

Previous Council Actions

- 1968: Special Use Permit (SUP) for Riding Stable/Show Arena
- 1997: Conditional Use Permit (CUP) for BMX Track/Arena
- 2020: Resolution No. 20-129 for Conditional Use Permit for Commercial Stables
 - Allows for maximum of 12.5 animal units without an approved facility management and waste handling plan
 - Allows for a maximum of 25.0 animal units with an approved facility management and waste handling plan
- 2020: Resolution No. 20-130 for Conditional Use Permit Termination Agreement
 - This Agreement terminates the 1968 SUP and 1997 CUP.
- 2020: Resolution No. 20-144 Amending CUP Resolution No. 20-129 and No. 20-130
 - This amendment corrected a transposed date from 1986 to 1968.

Both the 1968 special use permit and 1997 conditional use permit rights are lost and are expired because the uses have discontinued or ceased for more than one (1) year. This is per State Statute 462.357, subd. 1(e), Nonconformities, City Code Section 1007.041, Non-Conforming Uses and Structures and City Code Section 1007.016(2)(k), Conditional Use Permits. The 2020 Conditional Use Permits allow for the current commercial stable operations.

Site Plan Review

The Property is zoned R-Rural and allows for Commercial Stables with a conditional use permit.

Site Plan

PID #	Existing Land Use	Acres
05-31-22-22-0006	Rural Residential (Single Family House)	4.30
05-31-22-22-0003	Commercial (Arena, Accessory Structure & Restrooms)	5.66
05-31-22-22-0005	Vacant Rural Residential (Horse Corrals and Pasture Area)	15.09
TOTAL		25.05

The applicant owns all 3 parcels (“Subject Site”) and lives in the single family home located on PID # 05-31-22-22-0006. Using the City’s DataLink GIS website, the arena is approximately 250ft x 120ft (30,000 sf) and the large accessory structure/barn is approximately 110ft x 50ft (5,500sf). These are located on PID# 05-31-22-22-0003. The horse corrals and pasture area are located on PID #05-31-22-22-0005.

Using the City’s DataLink GIS website, wetlands and floodplain are indicated on the Subject Site. Without the benefit of a certificate of survey and using GIS, there are approximately 12 acres of wetland and 22 acres of floodplain on the 25 acre Subject Site. The property owner shall work with Rice Creek Watershed District (RCWD), Anoka Conservation District (ACD) and City staff regarding current wetland and floodplain impact violations and restoration requirements as noted in their March 25, 2021 letter.

Pine Street and 4th Avenue are major collector roads and have capacity to serve a commercial stable operation.

Definitions

City Zoning Ordinance Section 1007.058(2) defines Commercial Stable as follows:

Commercial Stable. A commercial stable is any structure, barn, or place where the stabling, boarding, training, and feeding of horses takes place.

City Zoning Ordinance Section 1007.001(2) defines Animal Unit as follows:

Animal Unit. A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply. For animals not listed, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Animal	Animal Unit
Dairy Cattle	
Mature Cow (1,000 pounds or over)	1.4
Mature Cow (Under 1,000 pounds)	1.0

Heifer	.7
Calf	.2
Beef Cattle	
Slaughter Steer or Stock Cow	1.0
Feeder Cattle or Heifer	.7
Cow and Calf Pair	1.2
Calf	.2
Swine	
Over 300 pounds	0.4
Between 55 and 300 pounds	0.3
Under 55 pounds	0.05
Horse	1.0
Sheep or Lamb	.1
Chicken (Liquid Manure System)	.0333
Chicken (Dry Manure System)	
5 pounds or over	.005
Less than 5 pounds	.003
Turkey	
5 pounds or over	.018
Less than 5 pounds	.005
Duck	.01

Animal Units Allowed on Subject Site

Parcel	Acres	Rounded Whole Acres	# Animal Units Allowed (1 unit per 2 acres)
05-31-22-22-0006	4.30	4	2.0
05-31-22-22-0003	5.66	6	3.0
05-31-22-22-0005	15.09	15	7.5
TOTAL	25.05	25	12.5

For parcels zoned R, Rural, Section 1007.080(5)(f) states, “Keeping of farm animals of up to three hundred (300) animal units in conformance with Chapter 503. No more than one (1) animal unit per two (2) acres.” The property owner could have 12.5 animal units for personal use without a conditional use permit assuming all other regulatory agency requirements can be met.

A conditional use permit for commercial stables is required because of the horse riding club and horse boarding being operated on site. With the approved 2020 conditional use permit, a maximum of 12.5 animal units are allowed on the three (3) parcels combined without a facility management and waste handling plan.

With the approved 2020 conditional use permit, Section 1007.058(3)(d) allows up to double the animal unit density with an approved facility management and waste handling plan. This would allow for a maximum of 25.0 animal units on the three (3) parcels combined.

Section 1007.058 Commercial Stables (3)(c) allows for adjacent parcels of land under common ownership to be used to determine maximum number of animal units allowed, if the parcels are operated as single enterprise. This is why all three (3) parcel acreages of the Subject Site are being used to calculate total number of animal units. The commercial stables operate on the Property (PID # -0003 and -0005).

It is important to note that while commercial stables are usually associated with horses, the property owner may have other farm animals such as cows, chickens, goats etc. as long as the total number of animal units do not exceed the approved amount. During the 2020 CUP application process, Mr. Stowe stated the following types and numbers of farm animals were on the Subject Site:

Animal	# of Animals	Animal Unit	Total # Animal Units
Cow (500 pounds)	4	0.5	2
Horse	20	1.0	20
Chickens	20	.003	0.06
		TOTAL	22.06

Grading Plan and Stormwater Management

Although a grading plan and stormwater management plan is not specifically required for the conditional use permit amendment or variance application, all efforts shall be made to prevent manure waste and runoff from draining into ditches and wetlands.

Public Utilities

The house and arena are served by private well and septic system. The property owner has provided documentation that the septic system and drain field have been inspected and determined to be in compliance with state requirements and sized for intended use. It should also be noted that any future improvements required for restrooms shall be ADA compliant.

Wetlands

Wetlands are located on the Subject Site. An approved wetland delineation is not required for the conditional use permit application; however, Rice Creek Watershed District (RCWD) may require one. The property owner shall work with RCWD, ACD and the City regarding the potential need for restoration of the wetlands on the site that were previously filled. The Property shall be in compliance with all City and other regulatory agency requirements or the conditional use permit may be revoked. No manure waste shall be stored or spread within 50 ft of a wetland and a 50 ft wide vegetated wetland buffer shall be maintained.

Floodplain

The 2015 DFIRM indicates Zone A floodplain on the Subject Site. No manure bins or manure storage shall be located in the wetlands or floodplain.

Accessory Structures

During the 2020 CUP application process, Mr. Stowe stated he had three (3) outside horse shelters approximately 10ft x 20ft each. Per Resolution No. 20-144, the maximum numbers of shelters allowed on the Subject Site is six (6). This would equate to 1,200 sf total (10ft x 20ft = 200sf x 6 shelters = 1,200sf total). The shelters are specific accessory structures associated with the operation of a commercial stable.

The property owner's CUP amendment and variance land use application states the property owner owns additional horse shelters over 8,000 sf which exceeds the allowed square footage per the approved 2020 CUP. The applicant did correct this statement. There are currently 5 shelters totaling approximately 1,000 sf. This is compliant with the 2020 CUP.

Per the University of Minnesota Extension website, a 240 sf (12 x 20ft) open-front shelter is ideal for two (2) horses. An additional 60 sf (10 x 6 ft) is required for each additional horse.

A zoning or building permit is required for any accessory structure construction. All structures shall meet setback requirements and shall not be located in the front yards of any parcel or in wetlands or floodplain.

Signage

Per Chapter 1010: Signs, one sign with a maximum size of 6 square feet placed at least 10 feet from the property line is allowed without a permit.

Conditional Use Permit (CUP) Amendment Request

Per the Applicant's Narrative Letter, the property owner is seeking the following City approvals:

2. **Amended Conditional Use Permit.** Applicant seeks issuance of an amended conditional use permit reflecting that fifty (50) animal units may be retained on the Property. Applicant requests that the amended permit excise prior condition number 12, requiring that "PID #05-31-22-22-003 and PID #05-31-22-22-0005 shall be combined with Anoka County."

The City Attorney and City staff recommend the conditional use permit (CUP) for the Commercial Stable allow for a maximum of 12.5 animal units or 25.0 animal units on the Subject Site (3 parcels) with conditions listed in Resolution No.21-67. A separate variance could be approved to double the number of animal units from 25.0 to 50.0. In the event the variance was revoked, the CUP for 12.5 or 25.0 animal units could still be valid if all conditions were being met. This would be to the benefit of the property owner.

- *Resolution No. 20-129 and Resolution No. 20-144 Approving A Conditional Use Permit for Commercial Stables at 426 Pine Street*

Staff recommends voiding these two 2020 resolutions and creating a new conditional use permit resolution to avoid confusion and provide clarity. New conditions of the CUP are listed in Resolution No. 21-67.

- *Resolution No. 20-130 Approving Conditional Use Permit Termination Agreement for 426 Pine Street*

This resolution required the property owner to sign a Conditional Use Permit Termination Agreement acknowledging the 1968 Special Use Permit and 1997 Conditional Use Permit are void. This agreement is no longer required since the SUP and CUP have expired as previously explained.

Variance Request

Per the Applicant's Narrative Letter, the property owner is seeking the following City approval:

1. **Variance from Animal Unit Restriction.** Applicant is seeking a variance from the Stable Ordinance's animal unit restrictions and the cap of 25 animal units. Applicant is requesting fifty (50) animal units to be kept on the Property.

The property owner's Findings of Fact are stated in their May 11, 2021 land use application (Attachment #5).

Staff Comments

Staff has 3 main areas of concern.

- Wetlands and Floodplain

There are approximately 12 acres of wetlands and 22 acres of floodplain on the 25 acre Subject Site. This limits the amount of upland area to operate a commercial stable, pasture farm animals and properly manage manure waste.

Including, but not limited to, Minnesota Pollution Control Agency (MPCA) guidelines state for manure application, a minimum setback of 300 feet from protected wetlands is required. A 50 foot non-manured vegetated buffer can be used in place of the 300 foot setback during non-winter months.

MN State Rule 7020.2005 Subpart 1. states a "...manure storage area must not be constructed within a floodplain...". Manure bins and/or manure storage shall be located outside the floodplain.

- Animal Health

Given the limited amount of upland area, staff has concerns regarding the amount of pasture the animals have. Per the University of Minnesota Extension-Horse website, 2 acres of pasture are required for each horse and manure should not be spread on pastures with more than 1 horse per 2 acres.

- Facility Management and Waste Handling Plan

Per the University of Minnesota Extension-Horse website, the average 1,000 pound horse produces 56 pounds of manure per day. This equates 1,400 pounds of manure per day for 25 horses and 2,800 pounds of manure per day for 50 horses. Due to the large volume of manure potentially produced by 25-50 horses and the limited storage capacity on site due to wetlands and floodplain, a detailed manure management plan is required. The property owner shall work with the Minnesota Pollution Control Agency (MPCA) in creating an approved facility management and waste handling plan.

Findings of Fact

Council Resolution No. 21-67 details the findings for the Conditional Use Permit and Resolution No. 21-68 details the findings for the Variance.

Rice Creek Watershed District (RCWD)

On March 25, 2021, RCWD sent a letter to Mr. Stowe regarding unpermitted land disturbance, wetland impacts and floodplain fill. On June 4, 2021 via email, RCWD stated they had no concerns with the proposed conditional use permit or variance request.

RECOMMENDATION

The Planning & Zoning Board reviewed the conditional use permit and variance request on June 9, 2021. The property owner and his attorney spoke during the meeting. The residents at 455 Andall Street spoke of concerns regarding water quality, noise, and traffic.

The Board recommended approval of the conditional use permit for commercial stables with a 4-0 vote and 1 abstention.

The Board recommended denial of the variance to allow up to 50 animal units with a 3-1 vote and 1 abstention.

ATTACHMENTS

1. Site Location & Aerial Map
2. Wetland & Floodplain Map
3. March 12, 2021 Stowe Attorney Letter
4. March 29, 2021 City Attorney Response Letter
5. May 11, 2021 Stowe Attorney Variance Application Letter
6. Resolution No. 21-67 Approving Conditional Use Permit
7. Resolution No. 21-68 Denying Variance



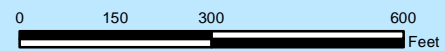
PID #05-31-22-22-0006
4.30 acres
Single Family House

PID# 05-31-22-22-0003
5.66 acres
Arena, Restroom & Accessory Structure

PID# 05-31-22-22-0005
15.09 acres
Corral & Wetlands



Site Location & Aerial Map 426 Pine Street




Wetland & Floodplain Map-426 Pine St





1 in = 200 ft


 Wetlands

FEMA Floodplain

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

 Zone A

 Zone AE

 Zone X

25 acre site

22 acres wetlands and floodplain



October 7, 2020
Map Powered By DataLink



Larkin Hoffman

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

General: 952-835-3800
Fax: 952-896-3333
Web: www.larkinhoffman.com

March 12, 2021

Katie Larsen
City Planner
Lino Lakes City Hall
600 Town Center Parkway
Lino Lakes, MN 55014

Via Email
KLarsen@linolakes.us

Re: Chris Stowe - 426 Pine Street NE, Lino Lakes, Minnesota

Dear Ms. Larsen:

This firm represents Chris Stowe, the owner of 426 Pine Street NE (“Property”), in the City of Lino Lakes (“City”). The Property is improved with an approximately 30,000 square foot riding arena (“Arena”), several acres, pasture land, and multiple agricultural buildings. This letter is intended to clarify Mr. Stowe’s position regarding the lawful use of the Arena and contest the applicability of the 2020 conditional use permit (CUP) conditions the City is seeking to enforce against the Property.

Background

On October 14, 1968, the City approved a special use permit (the “SUP”) for the Property to allow for a riding stable and Arena to be used for horse shows and horse boarding. At the time, the City had no limits on the number of animals that could be kept on the Property. Since that time, the owners of the Property have used the Arena and the Property for its approved purpose consistent with the SUP.

In April 2018, Mr. Stowe acquired the Property and immediately began using the 30,000 square-foot Arena consistent with the SUP, including horse riding, horse shows, and horse boarding. Shortly thereafter, in direct response to complaints about Mr. Stowe’s continuation of Arena operations, staff prepared a City Council staff report, dated July 9, 2018 (“2018 Staff Report”) with recommended ordinance changes. At that time, City staff openly acknowledged that “the [Property] has operated as a horse training and selling facility for the past 20 years and is considered a commercial stable under the zoning ordinance.” 2018 Staff Report Page 1.

On July 13, 2018 the City passed Ordinance Number 10-18 (“Stable Ordinance”), establishing City Code of ordinances (“City Code”) section 1007.058, which created numerous performance standards for Commercial Stables, including capping the maximum number of animals and requiring a conditional use permit (CUP).

In response to enforcement letters sent by the City following adoption of the Stable Ordinance, Mr. Stowe, a lay person acting without benefit of legal counsel, acquiesced to the City's demands and applied for a CUP for a commercial stable, which was approved on November 9, 2020 ("2020 CUP"). The November 9, 2020 City Council meeting minutes ("Minutes") in which the council discussed the 2020 CUP application indicated confusion as to the status of the SUP: "Mayor Rafferty received confirmation that the former conditional use permit expired recently or long ago. Staff suggested it was mostly likely a long time ago." Minutes 139-140. These assertions contradict the 2018 Staff Report, and the City has provided no foundation to support the assertion that the SUP had expired.

The 2020 CUP was subject to several conditions that significantly limited the Arena operations, proposing to curtail and diminish horse operations that have remained unfettered at the Property for the last fifty years. The conditions included a maximum of 12.5-25 animals, a new and unreasonable restriction on the 30,000 square foot Arena. In addition, the City demanded that Mr. Stowe surrender the SUP in exchange for the CUP. Upon review of these facts, this office has concluded that the SUP remains a property right held by the Property's owners and that the City has not lawfully terminated the SUP. Mr. Stowe will not surrender his rights under the SUP in exchange for an inferior and unnecessary CUP.

The Commercial Stable Ordinance is Inapplicable to the Property

Minnesota law provides that "any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless . . . the nonconformity or occupancy is discontinued for a period of more than one year." Minn. Stat. Sec. 462.357, subd. 1e.

This law establishes minimum protections from government overreach to ensure that newly-adopted ordinances and land use controls are not used to force the removal of an existing legal use. Here, the Arena use was established in 1968 under the SUP. Despite occasional use for other activities (including a BMX racing track) the Property continued to operate as an Arena, as was overtly and unequivocally acknowledged in the 2018 Staff Report. Again, the 2018 Staff Report unambiguously stated that the Arena has operated as a horse training and selling facility for the past 20 years and is considered a commercial stable under the zoning ordinance. Accordingly, the Arena remains a legally nonconforming use.

Mr. Stowe has every right to continue the uses allowed by the SUP, free from any City performance standards only just instituted by the Stable Ordinance. This would include, but not be limited to, the Stable Ordinance's cap on the number of animals that may be maintained on the Property. The enforcement letters issued by the City failed to acknowledge the Stowe's legal rights. Mr. Stowe was never required to apply for a new CUP because the use of the Property for horse operations simply continued the longstanding, legally nonconforming property use.

Removal of a Legal Nonconforming Use is Prohibited Under Law

The Minnesota Supreme Court has stated a municipality has limited lawful options to terminate a legal nonconforming use of land. Those options are as follows:

The first circumstance is by exercise of eminent domain. Minn. Stat. § 465.01 (2012). Two other circumstances are by operation of law when the use has been “discontinued for a period of more than one year,” Minn. Stat. § 462.357, subd. 1e(a)(1), or when the use has been “destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value,” *id.*, subd. 1e(a)(2). A fourth circumstance for terminating a nonconforming use is by judicial determination that the use is a nuisance. *Id.*, subd. 1d. Additionally, a municipality and a property owner may terminate a nonconforming use by written agreement.

White v. City of Elk River, 840 N.W.2d 43, 52 (Minn. 2013). In *White*, the City required an existing legal nonconforming use to obtain a CUP. After approving the CUP, the City subsequently sought to eliminate the applicant’s nonconforming rights by revoking the CUP. The Minnesota Supreme Court held that the City’s action was an unlawful termination of legal nonconforming rights, which did not meet any of the lawful methods for termination described above.

The same legal analysis as used in *White* is applicable to the City’s actions here regarding Mr. Stowe’s operation of the Arena. The City’s actions are particularly suspect here—it was not until after the City passed the Stable Ordinance and compelled Mr. Stowe to apply for the 2020 CUP that the City asserted the original SUP had been abandoned. In 2018, the City expressly acknowledged that the Arena had been used as horse training and selling facility for the past 20 years. At that time, the City did not make any claims or assertions that the SUP had expired. To the contrary, the City adopted an ordinance that would have been unnecessary if Mr. Stowe truly had no rights in the SUP. The City’s subsequent attempt to coerce Mr. Stowe to forfeit his rights under the SUP by claiming he needed an unnecessary CUP and have him acquiesce to the inapplicable requirements of the Stable Ordinance, is not appropriate under Minnesota law.

The Required Forfeiture of the SUP is a Statutory Taking

The City’s demand that Mr. Stowe forfeits the SUP and other use rights as a condition of approval is a statutory taking under Minnesota Law:

COMPENSATION FOR REMOVAL OF LEGAL NONCONFORMING USE.

(a) Notwithstanding any law to the contrary, an ordinance or regulation of a political subdivision of the state or local zoning authority that requires the removal of a legal nonconforming use as a condition or prerequisite for the issuance of a permit, license, or other approval for any use, structure, development, or activity constitutes a taking and is prohibited without the payment of just compensation. This section does not apply if the permit, license, or other approval is requested for the construction of a building or structure that cannot be built without physically moving the nonconforming use.

(b) This section applies to an action of a political subdivision of the state or a local zoning authority occurring on or after May 20, 2006, that requires removal of a legal nonconforming use as a condition or prerequisite for the issuance of a permit, license, or other approval.

Minn. Stat Sec. 117.184 (emphasis added). Here, the City has demanded that Mr. Stowe execute a Conditional Use Permit Termination Agreement to terminate the original SUP as well as a subsequently-approved CUP issued in 1997. The City, by requiring the forfeiture of a legal nonconforming use as a condition of granting an unnecessary and unreasonable CUP, has committed a statutory taking that can only be mitigated by an affirmative recognition that the Property retains property rights under the SUP.

Conclusion

Mr. Stowe's simple desire is to continue using the Property as it has been used for fifty years. Although Mr. Stowe disputes the applicability of any of the performance standards contained in the Stable Ordinance, by far the most intolerable limitation is the cap of 12.5-25 animals on the Property. My client will protect his rights to a greater number of animals on the Property. To this date, the City has been unwilling to provide any details regarding the facts underlying its view that the SUP expired. If the City insists on the applicability of the Stable Ordinance to the Property and the coerced surrender of the SUP, Mr. Stowe intends to seek relief from the District Court. Please contact me if you would like to discuss this matter further.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com

cc: Mayor Rob Rafferty, (via email RRafferty@linolakes.us)
Councilmember Tony Cavegn (via email Tcavegen@linolakes.us)
Councilmember Chris Lyden (via email clyden@linolakes.us)
Councilmember Michael Ruhland (via email mruhland@linolakes.us)
Councilmember Dale Stoesz (via email DStoesz@linolakes.us)
Jay Squires, City Attorney (via email jay.squires@raswlaw.com)
Chris Stowe (via email mss37@aol.com)
Mark Stowe (via email trinitypl@aol.com)
Bryan J. Huntington, Esq. (via email bhuntington@larkinhoffman.com)

Kevin J. Rupp
Scott T. Anderson
Jay T. Squires*†
Michael J. Waldspurgen*
Amy E. Mace
Trevor S. Helmers*
John P. Edison*
Tessa S. Wagner
Liz J. Vieira
Kristin C. Nierengarten
Zachary J. Cronen
Michael J. Ervin
Abigail R. Kelzer
Steven R. Gershone
Ryan P. Supple*
Marcus B. Jardine
Nathan S. Froemming*
Hannah M. Reichenbach

**RUPP, ANDERSON, SQUIRES
& WALDSPURGER, P. A.**



*Also Admitted in Wisconsin

†Real Property Specialist Certified by
the MN State Bar Association

March 29, 2021

Jacob Steen
Larkin Hoffman
8300 Normandale Center Drive, Suite 1000
Minneapolis, MN 55437

RE: 426 Pine Street NE, Lino Lakes, MN
Our File No. 4021-0001

Dear Mr. Steen:

I am the City Attorney for Lino Lakes. This letter responds to your letter dated March 12, 2021. In that letter, you assert, on behalf of landowner Chris Stowe, that Mr. Stowe has the continuing nonconforming right to use his Pine Street property as a riding stable as authorized by a 1968 CUP. Your assertion is premised on the claim that the property has been utilized for this nonconforming purpose "continuously" since the CUP was issued. Your assertion is incorrect.

In 1968, a CUP was issued allowing a riding stable on the Pine Street property. Contrary to your assertion, there has **not** been continuous use of the Pine Street property for stable purposes since that time. In fact, in 1994 the property owner discontinued that use, and a conditional use permit for a BMX riding track was issued in 1997. The property then began to be used for that purpose for a period of time. I am attaching excerpts from a 1997 Planning Commission meeting and a 2010 newspaper article discussing historical uses of the Pine Street property..

Mr. Jacob Steen

March 29, 2021

Page 2

You specifically suggest in your letter that the City conceded in a July 9, 2018 staff report related to its consideration of zoning text amendments to allow limited commercial stables in the rural zoning district that the Pine Street property had been used as a stable continuously for the last 20 years. You have also misread those reports. The property being referred to in those comments is a stable located at 1288 and 1325 Main Street. You will note that the July 9, 2018 report discusses the site that had been operated for the prior 20 years as a "horse training and selling facility". That is the Main Street property, not the Pine Street property.

As you are aware, under Minnesota Statutes § 462.357, subd. 1(e), nonconforming use rights are lost if the use is discontinued for a period of one year or more. City Code contains similar language. Because the Pine Street property has not operated as a stable since 1994, it has lost any nonconforming rights it may have had under the 1968 CUP. Instead, it is subject to the present provisions of the zoning ordinance, which impose animal unit limitations on such operations. Your client has been granted a CUP allowing the maximum number of horses allowed by pertinent provisions.

In summary, given the above, your client has no right to maintain on the site horses in excess of the number allowed by the 2020 CUP issued to him. If the conditions are violated, the City will pursue enforcement, up to revocation of the CUP. If your client does not execute the 1968 CUP termination agreement referenced in condition 14 to the 2020 CUP, your client will also be in violation of the CUP, which could also result in CUP revocation.

Very Truly Yours,

/s/

Jay T. Squires

cc: Katie Larsen
Mike Grochala

RASW: 182024

<u>Street Classification</u>	<u>Minimum Setback</u>
------------------------------	------------------------

Major Arterial	30 feet
Minor Arterial	30 feet
Collector	20 feet
Local	15 feet

6. The vehicles are not connected to any water or sewage disposal system on the residential property where the same is so parked or stored.

Mr. Herr seconded the motion. The motion carried with 5 Ayes and 1 Nay (Dunn).

Ms. Wyland asked if the Board wished to include all trailers associated with RV's and add a condition that parked or stored RV's cannot block a trail crossing a driveway.

Mr. Johnson made a MOTION to further amend the ordinance to include all trailers associated with RV's and add a condition that parked or stored RV's cannot block a trail crossing a driveway. He was supported by Mr. Herr. The motion carried with 5 Ayes and 1 Nay (Dunn).

B. Rehbein Arena/BMX Bike Racing, 426 Pine Street, Amended Conditional Use Permit - PUBLIC HEARING

Mr. Kirmis stated that Mr. Rehbein's request is to legalize the existing BMX Biking facility located on approximately 20 acres of land south of Pine Street and east of Fourth Avenue. The property is zoned Rural, which currently does not allow this particular use. To accommodate the biking facility, two approvals would be required: 1) a text amendment to the zoning ordinance to allow commercial sports arenas within this zoning district, and 2) approval of a conditional use permit to allow this use on the subject property. At the present time, the City does not have a mechanism in place to accommodate this request. There is no allowance for a conditional use permit for this use. The Board needs to determine whether or not to consider a conditional use permit prior to an ordinance being in place to accommodate it.

Chair Schaps declared the public hearing open at 7:20 p.m.

Mr. Herr stated that he would not want to take action until the ordinance amendment has been adopted by the City Council.

Ms. Wyland explained that the applicant has been waiting for Council action on an ordinance amendment. It is scheduled for review at the June 23, 1997

Council meeting. She noted that the City did receive a complaint. Because of the timing of the complaint, it was decided to go forward with the application. The Fire Chief has inspected the facility, and Mr. Rehbein is willing to make some corrections based on the Fire Chief's recommendations.

Mr. Herr stated that after the Council takes action to include this use as an option for a conditional use permit would be the appropriate time for the Board to consider it.

Mr. Dunn noted that if the amended ordinance is not adopted, the issue is moot. However, people have been notified of the public hearing, and he would like to take time to hear their comments. He expressed his serious concern about being in compliance with the fire code because with the knowledge that the facility is not in compliance, the City could potentially become liable.

Ms. Wyland stated that Mr. Rehbein and the Fire Chief have agreed on a 90-day time frame to complete repairs.

Mr. Dunn noted that the Fire Chief's memo is dated April 24, 1997, which means the 90-day period is almost ended. He expressed his strong concern that events are taking place at a facility that does not meet fire code standards.

Mr. Johnson asked if the arena is used in the summer.

Mr. Kenneth Rehbein, 8027 Danube Street, answered, yes. He noted that the Fire Chief did not indicate any danger in the facility. The repair work has been started and will be completed within the 90 days.

Mr. Kirmis noted that the arena was constructed in 1971 for the purpose of accommodating rodeo events. It has been a BMX facility since 1994. Events are held indoors and outdoors. The indoor facility is 15,000 square feet; the outdoor arena is 24,000 square feet. The Board has recommended that commercial sports arenas be allowed as a conditional use in Rural zoning districts in the revised Zoning Ordinance to be considered by the Council.

Mr. Kirmis stated that in relation to this conditional use permit application, staff is recommending approval with 15 additional conditions, which address: 1) allowing this conditional use in a Rural district; 2) combining the two lots currently used; 3) access issues; 4) compliance with side yard setbacks; 5) off-street parking compliance with setbacks; 6) adequate on-site sewer and water facilities; 7) compliance with the Fire Code; 8) adequate off-street parking provided, striped, surfaced and according to ADA standards; 9) exterior lighting; 10)

Policy Number: 87045924042021
Transaction Date: 03-27-2021 at 1:55 PM
Remittance ID: 58028336
Approval Code: n/a
Premium Amount Owed: \$909.00
Account Charged: \$909.00
Balance: \$0.00

**SHOP SAFELY
WITH US THIS
HOLIDAY SEASON**

Catch the Spirit

**In Downtown White Bear Lake
Saturdays Dec. 5th & 12th**

Catch the spirit this season and enjoy everything Downtown White Bear Lake has to offer. Enjoy store holiday promotions, great restaurants providing curbside service and don't forget to relax and stay for the holidays.

Surprise visits from Santa to greet shoppers. Donations to the White Bear Area Food Shelf are welcomed.

DowntownWhiteBearLake.com

https://www.presspubs.com/quad/news/riders-tear-some-track-at-rehbeins/article_da9f3cd1-4449-59de-bf13-52cb342ab428.html

Riders tear some track at Rehbein's

Indoor track is one of a kind in Minnesota

by Nicholas Backus
Staff Writer
Mar 9, 2010



Jake Hoschette catches some air as he speeds along the indoor BMX course during a practice run at Rehbein Arena on Saturday, March 6. - *Photo by Paul Dols*

LINO LAKES — On the far north side of town, raging bulls used to kick up dirt trying to buck cowboys.

These days, the former rodeo grounds is littered with clay jumps and hairpin turns trying to buck a different kind of rider — those who commandeer BMX bicycles.

Last Saturday, Rehbein Arena hosted about 300 riders at an American Bicycle Association (ABA) state qualifying race and on Sunday, Redline Cup racers took their turn to tear up the track.

The arena is a place where people of all ages practice riding an ABA-sanctioned bicycle motorcross course, and it's the only indoor BMX course in Minnesota, according to track operator Doug Knollmaier.

"If you want to race bikes in the winter, you come to Rehbein's," Knollmaier said. "We have full-sized obstacles at a smaller venue just like outdoor tracks."

The 450-foot course is about half the size of an outdoor track, so riders make two laps to complete one official lap. Knollmaier said he sees riders of all ages from the five-state area participate in weekend races. Children as young as 3 can participate in Tuesday and Friday practice sessions.

"We get 3- and 4-year-olds all the way up to 50," said Knollmaier, 44.

Many riders make their weekly visits to Rehbein in an attempt to gain more victories. ABA riders start as novices but move up to intermediate status upon winning eight races. Once a rider achieves 25 wins, he or she reaches the expert level. Some go professional, but Knollmaier said it stays pretty quiet at Rehbein, as the bleachers aren't exactly swarming with scouts and sponsors looking for young new talent.

Rehbein Arena was built by current owner Don Rivard's father-in-law Tim Rehbein in 1971. It was initially used as a horse barn and indoor riding facility. It was also a popular venue for rodeos up until 1992, when Rivard was approached by the ABA to convert the barn into a racetrack.

"The horse market and economy fizzled," Rivard said. "So we gave BMX a try and we're still doing it."

Knollmaier, a White Bear Lake native, raced BMX in his younger days. He said a minor revival is taking place among people he raced with in the '80s. These days, he maintains the track with two other staff members. Once obstacles are built, maintenance doesn't become too major, he said. The clay track is watered every night to keep track structures hard.


"The sport keeps kids in shape," he said. "I have people come out for a cardio workout. It's not like just riding around the street, because you'll know it when you've gone around the track (once)."

Occasionally, Knollmaier hosts pro-am races with entry fees paid by BMX hotshots from Illinois, but most weekends provide friendly confines for parents to watch their children motor around the course. Knollmaier said riders can pay a reduced \$30 fee that covers practice on Friday and the race entry fee on Saturday. All skill levels get an opportunity to race every weekend.

"It's amazing to watch kids advance through the skill levels," the four-year track operator said. "They start by barely getting around the track and the next thing you know they are riding with the best."


For more information on the ABA BMX track at Rehbein Arena, contact Doug Knollmaier at 651-784-9514 or by e-mail at dugbmx@comcast.net.

Nicholas Backus can be reached at quadnews@presspubs.com, 651-407-1235 or on Twitter at www.twitter.com/quadpress.



We understand Commitment


You can rely on Edward Jones for one-on-one attention, our quality-focused investment philosophy and straight talk about your financial needs. To learn more, call today.



Daniel Babbitt
Financial Advisor

9304 Lexington Ave North
Circle Pines, MN 55014
763-780-7284
daniel.babbitt@edwardjones.com

edwardjones.com
Member SIPC



Misgen Insurance Agency

**Auto, Home, Business
& Life. Contact Me
Today!**

**CITY COUNCIL
AGENDA ITEM 6B**

STAFF ORIGINATOR: Katie Larsen, City Planner

MEETING DATE: July 9, 2018

TOPIC: Consider 1st Reading of Ordinance No. 10-18, Amending City Code Chapter 1007 Related to Commercial Kennel and Commercial Stable Performance Standards

VOTE REQUIRED: 3/5

INTRODUCTION

Staff is requesting City Council consideration to amend City Code Chapter 1007 to amend commercial kennel and commercial stable performance standards.

BACKGROUND

City staff received a complaint that a property has too many horses than permitted based on the zoning and acreage. The subject site has operated as a horse training and selling facility for the past 20 years and is considered a commercial stable under the zoning ordinance.

The issue to be discussed is whether commercial stables should be allowed more animal units than standard rural zoning district uses. There are multiple commercial horse stables in Lino Lakes. Staff provides the following information regarding current ordinances and proposed amendments regarding animal units and commercial stables.

ANALYSIS

The City Zoning Ordinance establishes definitions, performance standards and zoning district uses for Animal Units, Commercial Kennels, and Commercial Stables.

Per Section 1007.001 Rules and Definitions:

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply. For animals not listed, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Larkin Hoffman

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

General: 952-835-3800

Fax: 952-896-3333

Web: www.larkinhoffman.com

May 11, 2021

City of Lino Lakes
Attn: City Planner, Mayor and City Council
Lino Lakes City Hall
600 Town Center Parkway
Lino Lakes, MN 55014

**VIA E-MAIL AND
UNITED STATES MAIL
(KLarsen@linolakes.us)**

Re: Variance Application at 426 Pine Street NE

Dear City Planner, Mayor and City Council Members:

We represent Christopher Stowe (“Applicant”), the owner of the Property at 426 Pine Street NE (“Property”) in the City of Lino Lakes (“City”). On behalf of Applicant, please accept the enclosed materials as application for the variance described herein.

Background

Applicant owns three adjacent parcels each with different tax identification numbers: ID No. 05-31-22-22-0003 (5.66 acres), ID No. 05-31-22-22-0005 (15.31 acres), and ID No. 05-31-22-22-0006 (4.31 acres). All of these parcels are zoned rural. The present Application concerns the parcels with Tax IDs ending in 03 and 05, which together total approximately twenty (20) acres (the “Property”).

The Property is improved with an approximately 50,000 square foot riding arena (“Arena”) and multiple horse-related buildings. In 1968, the City approved a building permit for a predecessor in title, Kenneth Rehbein, to construct a steel structure on the Property. The purpose of the structure was “Indoor + Outdoor Horse Show Arena.” In 1969, the City granted a building permit to Elswort Rehbein to allow the construction of a corrugated steel structure for the boarding of horses. The boarding structure is approximately 10,000 sq. ft. and, in conjunction with the hay barn and outside areas, can board over one-hundred and twenty (120) horses or other large animals.¹ Both the horse arena and boarding structure were constructed pursuant to these building permits and remain in place today. Pictures of these buildings are enclosed. Mr. Rehbein kept more than one-hundred (100) horses on the Property.

In April 2018, Applicant acquired the Property and immediately began using it for horse operations. For two (2) years Applicant used the Property without any concerns being raised.

¹ The hay barn on the property is 200 sq. ft. by 30 ft. Applicant also owns additional horse shelters, over 8,000 sq. ft. in size.

During this time Applicant had an average of twenty-two (22) and a maximum of twenty-six (26) horses. Applicant has a private riding club with six (6) friends who sometimes bring other riders. Half of the horses are rescue animals and are either too old to ride or have significant health conditions. Horses are kept in stalls but are also allowed out on pasture in the spring, summer, and fall. Horses are allowed to graze the twenty (20)-plus acres during these times. A substantial portion of the horses' diet is comprised of hay.

Manure generated by the animals is composted and used for fertilizer for pasture and hay fields. During the fall manure is removed from the Property by third parties for use off site. Any excess manure is removed from the Property by a dump truck.

On July 13, 2018 the City passed Ordinance Number 10-18 ("Stable Ordinance"), establishing City Code of Ordinances ("City Code") section 1007.058, which created numerous performance standards for Commercial Stables, including capping the maximum number of animals and requiring a conditional use permit (CUP). In response to enforcement letters sent by the City following adoption of the Stable Ordinance, Mr. Stowe applied for a CUP for a commercial stable, which was approved on November 9, 2020 ("2020 CUP"). The 2020 CUP was subject to several conditions that significantly limited the Arena operations. The conditions included a maximum of 12.5-25 animal units with horses each counting as 1 animal unit—for a maximum of 25 horses on the Property.

Prior Land Use Approvals

On October 14, 1968, the City approved a special use permit (the "SUP") for the Property to allow for the above-described boarding structure and Arena to be used for horse boarding and horse shows. At the time of approval of the SUP, the City had no limits on the number of animals that could be kept on the Property. The SUP did not place any conditions on the number of horses boarded on the Property.

In late 1997, the City granted an amended conditional use permit to permit use of the Property for purposes of a BMX bike racing facility.

As referenced above, in November 2020, the City approved Resolution 20-129 for a conditional use permit for the Property authorizing a commercial stable and recreational use.² The City placed conditions on the property including, but not limited to, (1) maximum of 12.5 animal units allowed on the property without an approved facility management and waste plan; and (2) a maximum of 25 animals are allowed on the site with MPCA approved facility management plan and waste plan.

² Also, in November 2020, the City approved Resolution No. 20-144 to, among other things, amend Resolution 20-129 to correct a typographical error.

Relief Requested

Applicant is seeking the following City approvals:

1. **Variance from Animal Unit Restriction.** Applicant is seeking a variance from the Stable Ordinance’s animal unit restrictions and the cap of 25 animal units. Applicant is requesting fifty (50) animal units to be kept on the Property.
2. **Amended Conditional Use Permit.** Applicant seeks issuance of an amended conditional use permit reflecting that fifty (50) animal units may be retained on the Property. Applicant requests that the amended permit excise prior condition number 12, requiring that “PID #05-31-22-22-003 and PID #05-31-22-22-0005 shall be combined with Anoka County.”³

Variance Criteria and Conditions

Under the City Code, variances must meet the following criteria:

1. **The variance shall be in harmony with the general purposes and intent of the ordinance.**

The variance being sought is in conformance with the general purposes and intent of the ordinance. The City Code, at § 1007.080(1), states the purposes for the rural zoning district. These purposes include:

- a. To preserve productive land for agricultural use and maintain ‘open space’ within and near to urban areas.
- ...
- c. To provide a method by which the urban farm can be guided so as to control urban sprawl and still conserve land in an economic status until such time as the need is present for an amendment to the Comprehensive Plan.

The Property will continue to be maintained as an open space. The Property will continue to stand as a bulwark against urban sprawl. Moreover, it is noteworthy that for veterinary hospitals (a conditional use in this zoning district) up to forty (40) animals may be boarded on a property irrespective of its size. *See* City Code § 1007.080(7)(e). Horses boarded on the Property include

³ Resolution No. 20-129 “observed that [t]here are three (3) parcels of land . . . under common ownership and operate as a single enterprise.” Indeed, these parcels have long been committed to the same operation and purpose. There is no need to require consolidation of these parcels. Instead, a CUP condition could be crafted that required that all three parcels be held in common by the same person or entity. Requiring consolidation of these parcels unnecessarily reduces the marketability of the parcels where there is a less restrictive condition that could be incorporated into a revised CUP.

geriatric and sick horses that receive care beyond that required for ordinary horses. The Property is substantially larger than a veterinary clinic.

2. The variance shall be consistent with the comprehensive plan.

The variance request is consistent with the City's 2040 Comprehensive Plan ("Comp Plan"). Relevant land use goals and policies under the Comp Plan include:

- a. Goal 7: Sustain Lino Lakes' natural resources which make it such a desirable place to live
 - a. Policy (a): Protect and preserve the natural resources throughout the city.

See Comp. Plan Chapter 3, Goals and Policies.

Applicant proposes to continue using the Property in a manner that will protect and maintain the natural resources on the site, including its natural wetlands and grasses. Horses will graze the grass and waste generated by the horses will be used as fertilizer. Excess waste, if any, will be removed off site. Horses that may not be desirable to others will be taken of, cared for, well fed, and regularly exercised.

3. There shall be practical difficulties in complying with the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance.

The City approved the Property's use for boarding and showing horses over fifty years ago. Applicant proposes to use the Arena and boarding structure for the express purposes for which they were approved, constructed, and operated for several decades. The boarding structure alone provides sufficient space to house over fifty (50) horses. Without the additional horses, a large portion of the Arena will go unused. Half the horses that will be maintained on the Property are elderly or ill. These horses require less exercise and a smaller area for exercise. The Arena provides adequate space for these horses. Storing fifty animal units on the Property is a reasonable use of the Property that is not otherwise allowed.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

The Property is unique because, for over 50 years, it has retained structures erected for the specific purpose of boarding and showing horses. A prior landowner maintained at least 100 horses on the Property. The Property is also unique in that the City previously granted Applicant's predecessor in title a conditional use permit allowing an unlimited number of horses. Furthermore, the Property is unique in that the landowner owns three contiguous parcels that may all be used in the horse operation. Finally, the Property is unique because the Applicant bought the Property in the good faith belief that it could be used for purposes of horse boarding and showing, per the 1968 SUP, which has never been terminated.

5. The variance shall not alter the essential character of the locality.

Permitting fifty animal units on the Property will not alter the essential character of the locality. The City has recently granted a CUP for the Property allowing for twenty-five (25) horses. For over fifty (50) years the essential character of the structures on the Property has been for horse-related uses. The incremental increase in horses will be consistent with this character.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

The variance being sought does not change the Property's use. The use of the Property is already the operation of a horse stable. Storing animals is a permitted use in the rural district under the zoning code. City Code § 1007.080(5)(f).

7. In accordance with MN Stat. 462.357, Subp. 6, variances shall be granted for earth sheltered construction as defined in MN Stat. 216C.06, Subd. 14, when in harmony with the zoning ordinance.

This requirement is not implicated by the Application.

Based on the above criteria, Applicant has demonstrated that the variance request is warranted and consistent with City and state law.

My client makes this application notwithstanding the fact that the circumstances leading to the Application demonstrate legal rights to board at least fifty (50) horses and/or other animal units pursuant to the 1968 SUP. Applicant believes that said SUP remains in effect, for the reasons articulated in my letter dated March 12, 2021 (enclosed). Applicant respectfully requests that the City approve the application as a reasonable resolution to the circumstances and to avoid the need for formal dispute resolution proceedings.

Please contact me with any questions about this letter or the information contained herein.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com

Cc: Mayor Rob Rafferty, (via email RRafferty@linolakes.us)
Councilmember Tony Cavegen (via email Tcavegen@linolakes.us)
Councilmember Chris Lyden (via email clyden@linolakes.us)

City of Lino Lakes

May 11, 2021

Page 6

Councilmember Michael Ruhland (via email mruhland@linolakes.us)

Councilmember Dale Stoesz (via email DStoesz@linolakes.us)

Jay Squires, City Attorney (via email jay.squires@raswlaw.com)

Chris Stowe (via email mss37@aol.com)

Mark Stowe (via email trinitypl@aol.com)

Bryan J. Huntington, Esq. (via email bhuntington@larkinhoffman.com)

Michael Grochala (Community Development Director) (MGrochala@linolakes.us)

Enclosures:

1. Photos of arena and horse boarding building
2. Correspondence of Jacob W. Steen dated March 12, 2021

4829-7653-1174, v. 1

**CITY OF LINO LAKES
RESOLUTION NO. 21-67**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
COMMERCIAL STABLES AT 426 PINE STREET**

WHEREAS, the City received a land use application for a conditional use permit amendment related to the commercial stables located at 426 Pine Street and related parcels; and

WHEREAS, the June 9, 2021 Planning & Zoning Staff Report and the July 12, 2021 City Council Staff Report provide supporting narrative and documentation to the land use application; and

WHEREAS, in 1968, the City Council approved a special use permit for riding stable/show arena on the Property and in 1997, the City Council approved a conditional use permit for BMX Track/Arena; and

WHEREAS, both the 1968 special use permit and 1997 conditional use permit rights are lost and expired because the uses have discontinued for more than one (1) year. This is supported by State Statute 462.357, subd. 1(e), Nonconformities, City Code Section 1007.041, Non-Conforming Uses and Structures and City Code Section 1007.016(2)(k), Conditional Use Permits; and

WHEREAS, in 2020, the City Council approved Resolution No. 20-129, Resolution No. 20-130 and Resolution No. 20-144 related to commercial stables located at 426 Pine Street; and

WHEREAS, to avoid confusion and provide clarity, these resolutions are now void and shall be replaced with this Resolution No. 21-67; and

WHEREAS, the “Subject Site” consists of three (3) parcels (PID #05-31-22-22-0006, #05-31-22-22-0003 and #05-31-22-22-0005); and

WHEREAS, the “Property” consists of two (2) parcels (PID #05-31-22-22-0003 and PID #05-31-22-22-0005).

WHEREAS, the Property is zoned R, Rural and allows for commercial stables with a conditional use permit per City Ordinance Section 1007.080(7)(l); and

WHEREAS, the commercial stables operate on the Property; and

WHEREAS, the legal description of the Property is as follows:

PID# 05-31-22-22-0003:

E 400 FT OF N 650 FT OF W3/4 OF NW1/4 OF NW1/4 OF SEC 5 TWP
31 RGE 22, EX RD, SUBJ TO EASE OF REC

PID # 05-31-22-22-0005:

THE W3/4 OF NW1/4 OF NW1/4 OF SEC 5 TWP 31 RGE 22, EX E 400
FT OF N 650 FT THEREOF, ALSO EX THAT PRT OF SD W3/4 DESC AS
FOL: BEG AT A PT ON W LINE OF SD W3/4 800 FT S OF NW COR
THEREOF, TH S ALG SD W LINE 208 FT, TH E 208 FT, TH N 208
FT, TH W 208 FT TO POB, ALSO EX N 375 FT OF SD W3/4, EX RD,
SUBJ TO EASE OF REC; and

WHEREAS, a public hearing was held before the Planning & Zoning Board on June 9,
2021 and the Board recommended approval of the conditional use permit with a 4-0 vote
with 1 abstention.

NOW, THEREFORE BE IT RESOLVED by The City Council of The City of Lino
Lakes hereby makes the following per City Ordinance Section 1007.016(2)(g):

FINDINGS OF FACT

1. The proposed development application has been found to be consistent with the
policies and recommendations of the Lino Lakes Comprehensive Plan including:

- a. Land Use Plan.

*The Property is guided Urban Reserve per the 2040 Comprehensive Plan and zoned
R, Rural. Commercial Stables are allowed with a conditional use permit and are
consistent with rural land uses.*

- b. Transportation Plan.

*Pine Street is a major collector road. The existing road has structural design and
capacity to accommodate traffic proposed by the commercial stable operation.*

- c. Utility (Sewer and Water) Plans.

*The Property is served by a restroom on a private septic system. The City's utility
plans are not impacted.*

- d. Local Water Management Plan.

*The City's Local Water Management Plan is incorporated into Chapter 7 of the
City's 2040 Comprehensive Plan. One goal of the Plan is to improve water quality
and the scenic and ecological values of City lakes, wetlands and other aquatic
assets. The Property shall be in compliance with the required facility management
and waste handling plan and other regulatory agencies requirements.*

Regulations of City Code Chapter 1011: Stormwater, Erosion and Sediment Control shall be met to ensure runoff will not increase and surface water (wetlands) will not be impacted. The Property shall be in compliance with all City and other regulatory agencies requirements.

No manure waste shall be stored or spread within 50 ft of a wetland and a 50 ft wide vegetated wetland buffer shall be maintained to further protect the water resource.

No manure bins or manure storage shall be located in the wetlands or floodplain.

e. Capital Improvement Plan.

There will be no changes to the City's Capital Improvement Plan related to the commercial stable operation.

f. Policy Plan.

The commercial stable is consistent with the comprehensive plan (i.e. Policy Plan) in regards to land use, transportation, utilities, local water management and capital improvements.

g. Natural Environment Plan.

The City's Natural Environment Plan is incorporated into Chapter 10: Parks, Greenways and Trails of the City's 2040 Comprehensive Plan. One goal of the Plan is to identify, protect and preserve the desirable natural areas and ecological and aquatic resources of the community.

The Property is part of the City's greenway corridor and shall be in compliance with all City and other regulatory agency requirements.

No manure waste shall be stored or spread within 50 ft of a wetland and a 50 ft wide vegetated wetland buffer shall be maintained to further protect the natural resource.

2. The proposed development application is compatible with present and future land uses of the area.

The commercial stables are compatible with present and future land uses. The surrounding land uses are rural residential.

3. The proposed development application conforms to performance standards herein and other applicable City Codes.

The commercial stables conform to the performance standards of the City Code.

4. Traffic generated by a proposed development application is within the capabilities of the City when:

- a. If the existing level of service (LOS) outside of the proposed subdivision is A or B, traffic generated by a proposed subdivision will not degrade the level of service more than one grade.
- b. If the existing LOS outside of the proposed subdivision is C, traffic generated by a proposed subdivision will not degrade the level of service below C.
- c. If the existing LOS outside of the proposed subdivision is D, traffic generated by a proposed subdivision will not degrade the level of service below D.
- d. The existing LOS must be D or better for all streets and intersections providing access to the subdivision. If the existing level of service is E or F, the subdivision developer must provide, as part of the proposed project, improvements needed to ensure a level of service D or better.
- e. Existing roads and intersections providing access to the subdivision must have the structural capacity to accommodate projected traffic from the proposed subdivision or the developer will pay to correct any structural deficiencies.
- f. The traffic generated from a proposed subdivision shall not require City street improvements that are inconsistent with the Lino Lakes Capital Improvement Plan. However, the City may, at its discretion, consider developer-financed improvements to correct any street deficiencies.
- g. The LOS requirements in paragraphs a. to d. above do not apply to the I-35W/Lake Drive or I-35E/Main St. interchanges. At City discretion, interchange impacts must be evaluated in conjunction with Anoka County and the Minnesota Dept. of Transportation, and a plan must be prepared to determine improvements needed to resolve deficiencies. This plan must determine traffic generated by the subdivision project, how this traffic contributes to the total traffic, and the time frame of the improvements. The plan also must examine financing options, including project contribution and cost sharing among other jurisdictions and other properties that contribute to traffic at the interchange.
- h. The City does not relinquish any rights of local determination.

Pine Street is a major collector road. The existing road has structural design and capacity to accommodate traffic proposed by the commercial stables.

5. The proposed development shall be served with adequate and safe water supply.

The Property is served by a private well that can serve the commercial stables.

6. The proposed development shall be served with an adequate and safe sanitary sewer system.

The Property is currently served by a private septic system. The septic system is designed and sized to accommodate any future building modifications.

7. The proposed development shall not result in the premature expenditures of City funds on capital improvements necessary to accommodate the proposed development.

There will be no premature expenditures of City funds.

8. The proposed development will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.

The commercial stables do not involve uses and activities detrimental to persons or property if properly maintained. The Property shall be in compliance with all City and other regulatory agencies requirements. Best waste management practices shall be implemented at all times.

9. The proposed development will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

The natural features (wetlands) will be protected by vegetated buffers. There are no other known natural, scenic or historic features on the existing site.

BE IT FURTHER RESOLVED by the City Council of Lino Lakes in addition to the above administrative requirements of a conditional use permit, the following specific performance standards must also be met:

§ 1007.058 COMMERCIAL STABLES

(3) General Standards. The following standards shall apply to all commercial stables:

- (a) Commercial stables offering services to the public, and having the facilities to maintain or care for ten (10) or more horses, must have their principal entrance located on a state highway, county road, or city collector street.

Pine Street is a major collector road. The existing road has structural design and capacity to accommodate traffic proposed by the commercial stables.

- (b) Commercial stables that offer boarding, training, or other services to the public shall provide sanitary facilities for the public's use. The sanitary facilities must be constructed in accordance with the state building code, and connected to an individual sewage treatment system or the municipal sanitary sewer system.

The commercial stables have a restroom for the public's use that is connected to a private septic system.

- (c) Adjacent parcels of land under common ownership may be used to determine the maximum number of animal units allowed, if the parcels are operated as a single enterprise.
 - a. In instances where a parcel of land consists of a fraction of an acre, the property size shall be rounded to the nearest whole number to determine the number of animal units allowed.

Parcel	Acres	Rounded Whole Acres	# Animal Units Allowed (1 unit per 2 acres)
05-31-22-22-0006	4.30	4	2.0
05-31-22-22-0003	5.66	6	3.0
05-31-22-22-0005	15.09	15	7.5
TOTAL	25.05	25	12.5

The three (3) parcels of land are under common ownership and operate as a single enterprise. City Ordinance Section 1007.080(5)(f) allows for the keeping of farm animals, no more than one (1) animal unit per two (2) acres; therefore, no more than 12.5 animal units would be allowed on all three (3) parcels combined.

If PID# 05-31-22-22-0006 were to be sold and/or not remain under common ownership, the maximum number of allowed animal units on the Property would be reduced to 10.5.

- b. Adjacent parcels of land shall not be separated by public right-of-way.

The three (3) parcels are not separated by public right-of-way.

- (d) Up to double the animal unit density may be allowed subject to an approved facility management and waste handling plan.

The maximum number of animal units allowed on the Subject Site is 12.5.

With an approved facility management and waste handling plan, the maximum number of animal units allowed on the Subject Site is 25.0.

If PID# 05-31-22-22-0006 were to be sold and/or not remain under common ownership, the maximum number of allowed animal units on the Subject Site would be reduced to 21.0.

- (e) Buildings housing domestic livestock, including barns, stables, sheds, and similar facilities shall be located no nearer than 100 feet from any inhabited, neighboring dwelling.

Barns, stables and sheds on the property are located more than 300 feet away from the inhabited neighboring dwelling.

BE IT FURTHER RESOLVED by The City Council of the City of Lino Lakes hereby approves the conditional use permit for commercial stables on the Property with the following conditions:

1. Previously approved Council Resolution No. 20-129, No. 20-130 and No. 20-144 are void and superseded by this resolution.
2. The 1968 Special Use Permit for Riding Stable/Show Arena is void and superseded by this resolution.
3. The 1997 Conditional Use Permit for BMX Track/Arena is void and superseded by this resolution.
4. The Subject Site consists of three (3) parcels (PID #05-31-22-22-0006, #05-31-22-22-0003 and #05-31-22-22-0005).
5. The Property consists of two (2) parcels (PID #05-31-22-22-0003 and PID #05-31-22-22-0005).
6. If either of the two (2) Property parcels are sold or not held under common ownership, the conditional use permit is void.
7. A maximum of 12.5 animal units are allowed on the Subject Site without an approved facility management and waste handling plan.
 - a. If PID# 05-31-22-22-0006 were to be sold or not remain under common ownership, the maximum number of allowed animal units on the Property would be reduced to 10.5.
8. A maximum of twenty-five (25.0) animal units are allowed on the Subject Site with an approved facility management and waste handling plan.
 - a. If PID# 05-31-22-22-0006 were to be sold or not remain under common ownership, the maximum number of allowed animal units on the Subject Site would be reduced to 21.0.
9. No more than two (2.0) animal units are allowed on PID #05-31-22-22-0006.
10. The property owner shall work with the Minnesota Pollution Control Agency (MPCA) in creating an approved facility management and waste handling plan.
 - a. If the facility management and waste handling plan requires off-site storage of manure waste, a written and signed agreement with an off-site property owner shall be submitted to the City annually.
 - i. The agreement shall detail the number of times manure waste will be removed from the site and how much waste will be removed.
 - b. An approved facility management and waste handling plan shall be submitted to the City within six (6) months of Council approval of the conditional use permit.
11. The Conditional Use Permit Council resolution shall be recorded against the Property (PID# 05-31-22-22-0003 and PID # 05-31-22-22-0005) by the City.
12. The Property shall be in compliance with all City and other regulatory agencies requirements.
13. The property owner shall comply with all Rice Creek Watershed District (RCWD) regulations or the Conditional Use Permit (CUP) may be revoked.

14. No manure shall be spread in floodplains or wetlands.
15. No manure bins, manure storage, or portable animal shelters shall be located in the wetlands or floodplain.
16. No manure waste shall be stored or spread within 50 ft of a wetland.
 - a. A 50 ft wide vegetated wetland buffer shall be maintained.
17. No manure shall be spread on pastures with more than one (1) horse per two (2) acres.
18. Any future improvements required for restrooms shall be ADA compliant.
19. The total combined square footage of the portable animal shelters or loafing sheds shall not exceed 1,200 sf.
20. The Subject Site is subject to City Ordinance Chapter 503, Animal Control Regulations and shall be in compliance at all times.
21. A building permit or zoning permit is required for all future building construction or portable animal shelters.
22. The commercial stable operations shall be contained within the Property.
 - a. Horseback riding in or along any road right-of-way shall be kept to a minimum.
 - b. Animal waste deposited in or along any road right-of-way shall be removed immediately.
23. The City may inspect the Property on an annual basis.
24. Noise emanating from the Property shall be in compliance with all pertinent City and other agency regulations including but not limited to the State of Minnesota Pollution Control Standards, Minn. Rules Ch. 7030, as it may be amended from time to time.
 - a. No person shall engage in activities involving the use of any kind of electric, pneumatic, diesel or gas-powered machine or other power equipment except as follows:

7:00 a.m. to 7:00 p.m.	Monday through Friday
9:00 a.m. to 5:00 p.m.	Saturday
No activity allowed	Sunday and federal holidays

25. Any violations of the conditional use permit or other city, state or regional regulations may result in revocation of the conditional use permit.

Adopted by the Council of the City of Lino Lakes this 9th day of August, 2021.

The motion for the adoption of the foregoing resolution was introduced by Council Member _____ and was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

Rob Rafferty, Mayor

ATTEST:

Julianne Bartell, City Clerk

**CITY OF LINO LAKES
RESOLUTION NO. 21-68**

**RESOLUTION DENYING A VARIANCE TO DOUBLE THE
NUMBER OF ALLOWED ANIMAL UNITS AT 426 PINE STREET**

WHEREAS, the City received a land use application for a variance to double the number of allowed animal units from 25.0 to 50.0 related to the commercial stables located at 426 Pine Street and related parcels; and

WHEREAS, the June 9, 2021 Planning & Zoning Staff Report and the July 12, 2021 City Council Staff Report provide supporting narrative and documentation to the land use application; and

WHEREAS, the “Subject Site” consists of three (3) parcels (PID #05-31-22-22-0006, #05-31-22-22-0003 and #05-31-22-22-0005); and

WHEREAS, the “Property” consists of two (2) parcels (PID #05-31-22-22-0003 and PID #05-31-22-22-0005); and

WHEREAS, in 1968, the City Council approved a special use permit for riding stable/show arena on the Property and in 1997, Council approved a conditional use permit for BMX Track/Arena; and

WHEREAS, both the 1968 special use permit and 1997 conditional use permit rights are lost and expired because the uses have discontinued for more than one (1) year. This is supported by State Statute 462.357, subd. 1(e), Nonconformities, City Code Section 1007.041, Non-Conforming Uses and Structures and City Code Section 1007.016(2)(k), Conditional Use Permits; and

WHEREAS, the Property is zoned R, Rural and allows for commercial stables with a conditional use permit per City Ordinance Section 1007.080(7)(1); and

WHEREAS, Council Resolution No. 21-67 approved a conditional use permit (CUP) for commercial stables on the Property; and

WHEREAS, per Resolution No. 21-67, a maximum of 12.5 animal units are allowed on the Property without an approved facility management and waste handling plan; and

WHEREAS, Resolution No. 21-67 doubled the number of allowed animal units from 12.5 to 25.0 on the Property with an approved facility management and waste handling plan; and

WHEREAS, the variance request is to again double the number of allowed animal units from 25.0 to 50.0 on the Property; and

WHEREAS, the legal description of the Property and Subject Site parcels are as follows:

PID# 05-31-22-22-0003:

E 400 FT OF N 650 FT OF W3/4 OF NW1/4 OF NW1/4 OF SEC 5 TWP
31 RGE 22, EX RD, SUBJ TO EASE OF REC

PID # 05-31-22-22-0005:

THE W3/4 OF NW1/4 OF NW1/4 OF SEC 5 TWP 31 RGE 22, EX E 400
FT OF N 650 FT THEREOF, ALSO EX THAT PRT OF SD W3/4 DESC AS
FOL: BEG AT A PT ON W LINE OF SD W3/4 800 FT S OF NW COR
THEREOF, TH S ALG SD W LINE 208 FT, TH E 208 FT, TH N 208
FT, TH W 208 FT TO POB, ALSO EX N 375 FT OF SD W3/4, EX RD,
SUBJ TO EASE OF REC; and

PID #05-31-22-22-0006:

N 375 FT OF W3/4 OF NW1/4 OF NW1/4 OF SEC 5 TWP 31 RGE 22, EX E 400 FT
THEREOF, EX RDS, SUBJ TO EASE OF REC

WHEREAS, the Planning & Zoning Board reviewed the variance application on June 9,
2021 and recommended denial with a 3-1 vote and 1 abstention.

NOW, THEREFORE BE IT RESOLVED by The City Council of The City of Lino
Lakes hereby makes the following:

FINDINGS OF FACT

No variance shall be granted unless it meets all the criteria in paragraphs 1. through 7.
below. The City shall make findings regarding compliance with these criteria.

1. The variance shall be in harmony with the general purposes and intent of the
ordinance.

*The variance to double the number of animal units is not in harmony with the general
purposes and intent of the ordinance.*

*Per City Zoning Ordinance Section 1007.040 General Provisions, the general purpose
and intent of the General Provisions is to assure compatibility of uses' to prevent urban
blight, deterioration and decay; and to enhance the health, safety and general welfare of
the residents of the community.*

*Per City Zoning Ordinance Section 1007.058 Commercial Stables (1) Purpose: The
purpose of this section is to provide performance standards for the operation of
commercial stables.*

Per Resolution No. 21-67 approving a conditional use permit for the Commercial Stables, a maximum of 12.5 animal units are allowed on the Subject Site without an approved facility management and waste handling plan. The CUP also allows the number of animal units to be doubled to a maximum of twenty-five (25.0) on the Subject Site with an approved facility management and waste handling plan.

The variance request to double the number of animal units again from 25.0 to 50.0 does not enhance the health, safety and general welfare of the residents of the community due to the following issues:

- *Wetlands and Floodplain*

There are approximately 12 acres of wetlands and 22 acres floodplain on the 25 acre Subject Site. This limits the amount of upland area to operate a commercial stable, pasture farm animals and properly manage manure waste so it does not drain into ditches and wetlands.

Including but not limited to, Minnesota Pollution Control Agency (MPCA) guidelines state that for manure application, a minimum setback of 300 feet from protected wetlands is required. A 50 foot non-manured vegetated buffer can be used in place of the 300 foot setback during non-winter months.

MN State Rule 7020.2005 Subpart 1. states that a “...manure storage area must not be constructed within a floodplain...”. Manure bins and/or manure storage shall be located outside the floodplain.

- *Animal Health*

Given the limited amount of upland area, there are issues regarding the amount of pasture the animals have for grazing and manure management. Per the University of Minnesota Extension-Horse website, 2 acres of pasture are required for each horse and manure should not be spread on pastures with more than 1 horse per 2 acres.

- *Facility Management and Waste Handling Plan*

Per the University of Minnesota Extension-Horse website, the average 1,000 pound horse produces 56 pounds of manure per day. This equates 2,800 pounds of manure per day for 50 horses. Due to the large volume of manure produced by 25-50 horses and the limited storage capacity on site due to wetlands and floodplain, the applicant is proposing to haul excess manure off-site with a dump truck which creates excessive noise and traffic.

2. The variance shall be consistent with the comprehensive plan.

The variance is not consistent with the following City’s 2040 Comprehensive Plans goals and policies due to wetland, floodplain, animal health and manure management issues:

- *Chapter 3: Land Use*

Goal 7: Sustain Lino Lakes' natural resources which make it such a desirable place to live

a. Policy (a): Protect and preserve the natural resources throughout the city.

- *Chapter 7: Local Water Management Plan Executive Summary*

Goals of the City's Local Water Management Plan include but are not limited to:

Goal 2.1 Protect and improve water quality and the scenic and ecologic values of City lakes, wetlands and other aquatic assets.

Goal 3 Maintain and enhance, where possible, the functions and services of existing wetlands and associated habitats with the City.

Goal 4.1 Provide adequate storage and conveyance of runoff to protect the public safety and minimize property damage.

Goal 7.1 Identify, protect and preserve the desirable natural areas and ecological and aquatic resources of the community.

- *Chapter 10: Parks, Greenways & Trails*

Goal 4: Identify, protect and preserve the desirable natural areas and ecological and aquatic resources of the community.

3. There shall be practical difficulties in complying with the ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The applicant failed to demonstrate practical difficulties. There are no practical difficulties in complying with the Commercial Stable Ordinance 1007.058. Council Resolution No. 21-67 approved a conditional use permit stating a maximum of 12.5 animal units are allowed on the Subject Site without an approved facility management and waste handling plan and a maximum of twenty-five (25.0) animal units are allowed on the Subject Site with an approved facility management and waste handling plan. If the property owner/applicant cannot comply with the 12.5 or 25 animal unit requirement, they would not be able to comply with the 50 animal unit conditions.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

The plight of the landowner is not due to circumstances unique to the property. The property is not unique when compared to other similar sized rural properties with similar uses and large accessory structures. The landowner is allowed to operate a commercial stable in accordance to Resolution No. 21-67. The landowner purchased the property under the false assumption they could have an unlimited number of animal units.

5. The variance shall not alter the essential character of the locality.

The variance will alter the essential character of the locality which is a single family home, riding stable and arena in a rural residential neighborhood. The number of allowed animal units has already been doubled from 12.5 to 25.0 with the approved conditional use permit. The magnitude of quadrupling the number of animal units from 12.5 to 50 alters the essential character of the locality.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

The variance will not be granted for any use that is not allowed under the ordinance for property in the zoning district. The property is zoned R, Rural and commercial stable is allowed with an approved conditional use permit.

7. In accordance with MN Stat. 462.357, Subp. 6, variances shall be granted for earth sheltered construction as defined in MN Stat. 216C.06, Subd. 14, when in harmony with the zoning ordinance.

Not applicable.

BE IT FURTHER RESOLVED by The City Council of the City of Lino Lakes hereby denies the variance request to double the number of allowed animal units from 25.0 to 50.0 on the Property.

Adopted by the Council of the City of Lino Lakes this 9th day of August, 2021.

The motion for the adoption of the foregoing resolution was introduced by Councilmember Stoesz and was duly seconded by Councilmember Cavegn and upon vote being taken thereon, the following voted in favor thereof: Cavegn, Stoesz, Ruhland, Lyden, Rafferty

The following voted against same: None

Rob Rafferty, Mayor

ATTEST:

Julianne Bartell, City Clerk

426 Pine Street-CUP Amendment & Variance

City Council
August 9, 2021



Land Use Application

- Conditional Use Permit Amendment
 - Existing Commercial Stables
- Variance
 - Allow up to 50 animal units
- Applicant/Owner: Christopher Stowe
- Item was on July 12, 2021 CC agenda
- Applicant request continuation to tonight's meeting

July 12, 2021 Work Session

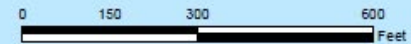
- Subject site has been zoned R, Rural since 1992.
 - Property has not been recently rezoned.
- July 2020 complaint was regarding concern over the number of animals on the subject site.
 - It was not a noise complaint.
- July 2018, the City amended City Code Section 1007.058 regarding Commercial Stables.
 - This ordinance amendment was not specifically related to 426 Pine Street.

July 12, 2021 Work Session

- Based on best available data and RCWD information, there are wetlands on the subject site.
- Based on the December 16, 2015 FEMA Flood Insurance Rate Map (FIRM) Map Number 27003C0355E, there is Zone A floodplain on the subject site.



Site Location & Aerial Map 426 Pine Street



• Subject Site = All 3 parcels = 25 acres

Property = 2 parcels-Commercial Stables

Previous Council Actions

- 1968: Special Use Permit (SUP) for Riding Stable/Show Arena
- 1997: Conditional Use Permit (CUP) for BMX Track/Arena
- Both the 1968 SUP and 1997 CUP rights are lots and are expired because the uses have ceased for more than 1 year
 - State Statute 462.357, subd. 1(e), Nonconformities
 - City Code Section 1007.041, Non-Conforming Uses and Structures
 - City Code Section 1007.016(2)(k), Conditional Use Permits

Previous Council Actions

- 2020: Resolution No. 20-129 for Conditional Use Permit for Commercial Stables
 - *Allows 12.5 animal units without waste management plan*
 - *Allows 25.0 animal units with waste management plan*
- 2020: Resolution No. 20-130 for Conditional Use Permit Termination Agreement
 - This Agreement terminates the 1968 SUP and 1997 CUP.
- 2020: Resolution No. 20-144 CUP Amendment
 - This amendment corrected a transposed date from 1986 to 1968.

Animal Units-Farm Animals

Animal	Animal Unit
Dairy Cattle	
Mature Cow (1,000 pounds or over)	1.4
Mature Cow (Under 1,000 pounds)	1.0
Heifer	.7
Calf	.2
Beef Cattle	
Slaughter Steer or Stock Cow	1.0
Feeder Cattle or Heifer	.7
Cow and Calf Pair	1.2
Calf	.2
Swine	
Over 300 pounds	0.4
Between 55 and 300 pounds	0.3
Under 55 pounds	0.05
Horse	1.0
Sheep or Lamb	.1
Chicken (Liquid Manure System)	.0333
Chicken (Dry Manure System)	
5 pounds or over	.005
Less than 5 pounds	.003
Turkey	
5 pounds or over	.018
Less than 5 pounds	.005
Duck	.01

Animals Per 2020 CUP

Animal	# of Animals	Animal Unit	Total # Animal Units
Cow (500 pounds)	4	0.5	2
Horse	20	1.0	20
Chickens	20	.003	0.06
		TOTAL	22.06

- It is important to note that while commercial stables are usually associated with horses, the property owner may have other farm animals such as cows, chickens, goats etc. as long as the total number of animal units **do not exceed** the approved amount.
- It's not 25 or 50 horses plus other farm animals; it's 25 or 50 animal units total

Parcel Size

Parcel	Acres	Rounded Whole Acres	# Animal Units Allowed (1 unit per 2 acres)
05-31-22-22-0006	4.30	4	2.0
05-31-22-22-0003	5.66	6	3.0
05-31-22-22-0005	15.09	15	7.5
TOTAL	25.05	25	12.5

- R, Rural-Permitted Use: 1 animal unit per 2 acres
 - Personal use
 - 12.5 animal units allowed
- 2020 CUP for Commercial Stables
 - Allows operation of riding club and boarding
 - 12.5 animal units allowed without waste management plan
 - 25.0 animal units allowed with approved waste management plan

3 Main Areas of Concern

1. Wetlands and Floodplain
2. Animal Health
3. Facility Management and Waste Handling Plan

Wetlands

- 25 acre site
- 12 acres wetland
- 13 acres upland
 - Upland does include floodplain
- 13 acre upland = pasture
- No manure bins
- No manure storage
- 50 ft vegetated buffer
- No portable animal shelters
- City using best available data

Floodplain



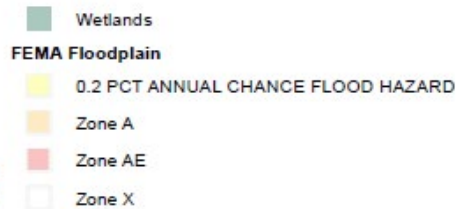
- 25 acre site
- 22 acres floodplain
- No manure bins
- No manure storage or stockpiling
- No manure spreading
- No portable animal shelters
- City using best available data

Wetlands & Floodplain Violations

- RCWD & ACD Violations
 - March 25, 2021 letter
 - Wetland fill violations
 - Floodplain fill violations
 - Wetland restoration
- Requirement of 2020 CUP to be compliant with all regulatory agencies



1 in = 200 ft



25 acre site
22 acres wetlands and floodplain

N
October 7, 2020
Map Powered By DataLink
wsb



Animal Health

- Given the limited amount of upland area, staff has concerns regarding the amount of pasture the animals have.
 - Supply Additional Hay
- Per the University of Minnesota Extension-Horse website, manure should not be spread on pastures with more than 1 horse per 2 acres.
 - Manure hauled off site by dump truck

Manure Waste Management

- Per UM-Extension website: Average 1,000 pound horse produces 56 pounds of manure per day.
- 25 horses =
 - 1,400 pounds manure/day
 - 511,000 pounds manure/year
- 50 horses =
 - 2,800 pounds manure/day
 - 1.02 million pounds manure/year
- Limited storage capacity due to wetlands and floodplain
 - Contract to haul manure off-site

Conditional Use Permit Amendment

Per the Applicant's Narrative Letter, the property owner is seeking the following City approvals:

- **Amended Conditional Use Permit.** Applicant seeks issuance of an amended conditional use permit reflecting that fifty (50) animal units may be retained on the Property. Applicant requests that the amended permit excise prior condition number 12, requiring that "PID #05-31-22-22-003 and PID #05-31-22-22-0005 shall be combined with Anoka County."

CUP Amendment

- City Attorney and City staff recommend a new CUP for the Commercial Stable operations
- VOID previous 2020 CUP's for Commercial Stables
 - Resolution No. 20-129 Approved CUP for Commercial Stables
 - Resolution No. 20-130 Approving Termination Agreement
 - Resolution No. 20-144 Corrected Transposed Date
- Create New CUP Res. No. 21-67 for Commercial Stables
 - Avoid confusion and draft new clean CUP
 - 12.5 animal units without manure management plan
 - 25.0 animal units with manure management plan

New CUP

- A separate variance could be approved to allow for a maximum of 50.0 animal units.
- In the event the variance was revoked, the CUP for 12.5 or 25.0 animal units could still be valid if all conditions were being met.
- This would be to the benefit of the property owner.

Findings of Fact-Approving CUP

- P&Z recommended approval of CUP
- Findings detailed in Res. No. 21-67

- Consistent with Comprehensive Plan
- Compatible with present and future land uses
- Conforms to performance standards for Commercial Stables
- Traffic generation
- Served with adequate water and sanitary sewer
- No premature expenditures of City funds
- No excessive traffic, noise, smoke, fumes, glare or odor
- No loss of natural, scenic or historic features

Variance

Per the Applicant's Narrative Letter, the property owner is seeking the following City approval:

- **Variance from Animal Unit Restriction.** Applicant is seeking a variance from the Stable Ordinance's animal unit restrictions and the cap of 25 animal units. Applicant is requesting fifty (50) animal units to be kept on the Property.



Findings of Fact-Denying Variance

- P&Z recommended denial of variance
- Findings detailed in Res. No. 21-68 *Must meet ALL criteria*

1. The variance shall be in harmony with the general purposes and intent of the ordinance.

- Variance is **not** in harmony with general purpose and intent
- *Section 1007.040 General Provisions*
 - *Enhance health, safety and general welfare of residents*
- *Section 1007.058 Commercial Stables*
 - *Provide performance standards for operation of stables*

Findings of Fact-Denying Variance

- Res. No. 21-67 approved CUP
 - Allows 12.5 animal units w/o manure management plan
 - Allows this number to be doubled to 25 w/ manure management plan
- Variance to double again from 25 to 50 does **not** enhance the health, safety and general welfare of the residents of the community due to the following issues:
 - Wetland and floodplains
 - Animal Health
 - Facility Management and Waste Handling Plan

Findings of Fact-Variance

2. The variance shall be consistent with the comprehensive plan.

- The variance is **not** consistent with the following City's 2040 Comprehensive Plans goals and policies due to wetland, floodplain, animal health and manure management issues:
 - Chapter 3: Land Use
 - Protect and preserve natural resources in City
 - Chapter 7: Local Water Management Plan
 - Protect and improve water quality and wetlands
 - Chapter 10: Park, Greenways & Trails
 - Identify, protect and preserve natural areas, ecological and aquatic resources

Findings of Fact-Variance

3. There shall be practical difficulties in complying with the ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance.

- There are **no** practical difficulties.
- Ordinance allows for 25 animal units w/ manure management plan
- If owner cannot comply with 25 animal unit requirement, they could not comply with a 50 animal unit

Findings of Fact-Variance

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

- Plight of landowner is **not** due to circumstances unique to property
- Property is **not unique** when compared to other similar sized rural properties with similar uses and large accessory structures.
- Landowner is allowed to operate a commercial stable in accordance to Resolution No. 21-67.
- Landowner purchased the property under the false assumption they could have an unlimited number of animal units.

Findings of Fact-Variance

5. The variance shall not alter the essential character of the locality.

- Variance **will alter** the essential character of the locality which is a single family home, riding stable and arena in a rural residential neighborhood.
- Number of allowed animal units has already been doubled from 12.5 to 25.0 with the approved conditional use permit.
- Magnitude of quadrupling the number of animal units from 12.5 to 50 alters the essential character of the locality.

Findings of Fact-Variance

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

- Variance will not be granted for any use that is not allowed under the ordinance for property in the zoning district.
- Property is zoned R, Rural and commercial stable is allowed with an approved conditional use permit.

Findings of Fact-Variance

7. In accordance with MN Stat. 462.357, Subp. 6, variances shall be granted for earth sheltered construction as defined in MN Stat. 216C.06, Subd. 14, when in harmony with the zoning ordinance.

- Not applicable.

RCWD

- On March 25, 2021, RCWD sent a letter to Mr. Stowe regarding unpermitted land disturbance, wetland impacts and floodplain fill.
- On June 4, 2021 via email, RCWD stated they had no concerns with the proposed conditional use permit or variance request.

P&Z Recommendation

- P&Z Board held a public hearing on June 9, 2021 regarding CUP and variance
- Property owner and his attorney spoke during the meeting.
- Residents at 455 Andall Street spoke of concerns regarding water quality, noise and traffic.

P&Z Recommendation

- P&Z Board recommended approval of the conditional use permit for commercial stables with a 4-0 vote and 1 abstention.
- P&Z Board recommended denial of the variance to allow up to 50 animal units with a 3-1 vote and 1 abstention.

Council Action

- Consider Resolution No. 21-67 Approving a Conditional Use Permit for Commercial Stables
- Consider Resolution No. 21-68 Denying a Variance to Double the Number of Allowed Animal Units

Larkin Hoffman

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060

General: 952-835-3800
Fax: 952-896-3333
Web: www.larkinhoffman.com

August 9, 2021

City of Lino Lakes
Attn: Mayor and City Council
Lino Lakes City Hall
600 Town Center Parkway
Lino Lakes, MN 55014

Hand Delivered

Re: Conditional Use Permit Amendment - Withdrawal

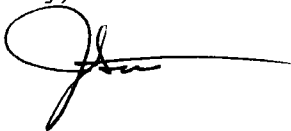
Dear Mayor and City Council Members:

We represent Christopher Stowe ("Applicant"), the owner of the Property at 426 Pine Street NE ("Property") in the City of Lino Lakes ("City").

On behalf of my client, I hereby withdraw the application to amend the Applicant's existing conditional use permit for a commercial stable on his Property.

In accordance with Minnesota law, the City has nothing further to consider regarding this request.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239

Direct Fax: 952-842-1738

Email: jsteen@larkinhoffman.com