

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

NOTICE OF MEETING

City Council Meeting

Tuesday, December 03, 2013 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

- 7:00 **A. Call to Order**
- B. Pledge of Allegiance**
- C. Roll Call**
- D. Order of Business**
- E. Approval of Agenda**
- F. Accept Minutes**
1. Accept November 19, 2013 Special City Council Meeting Minutes
- G. Council Reports**
- Mayor
 - Council
- 7:10 **H. Public Comments/Inquiries**
- I. Speak Your Peace -**
- J. Presentations**
- Stillwater School Dist. Superintendent Corey Lunn - Northeast Metro Intermediate School District 916
- 7:15 **K. 2013 Proposed Tax Levy and General Fund Budget Taxes - Public Hearing**
2. Adopt 2013 Budget and Tax Levy; **Resolution 2013-99**
- L. Consent Agenda**
3. Approve Payment of Disbursements and Payroll
4. SCADA System Upgrade
5. Approve 2014 Liquor Licenses Renewals
6. Authorize Certification to the Washington County Auditor for Unpaid Water Utility Bills; **Resolution 2013-100**
- 7:30 **M. Regular Agenda**
7. Lake Elmo Avenue Trunk Watermain Imp. – **Public Hearing**; Authorize Preparation of Plans & Specifications; **Resolution 2013-101**
8. Inwood Booster Station & Trunk Watermain Improvements – Accept Feasibility Report; Call Improvement Hearing; **Resolution 2013-102**
- 8:00 9. Conditional Use Permit and Eagle Point Business Park PUD Amendment - 33.029.21.42.0013; **Resolution 2013-103**
10. Comprehensive Plan Amendment and Zoning Map Amendment - 10689 60th Street North; **Resolution 2013-104**
- 8:50 11. Driveway Ordinance; **Ordinance 08-096, Resolution 2013-105**

- 9:15 12. RAD-ALT Moratorium; **Ordinance 08-097**
13. 2014 Plan of Work
14. Diedrich-Rieder Easement Vacation
- a. Public Utility Easement and Agreement **Public Hearing; Resolution 2013-106A**
- b. Temporary Construction Easement and Agreement **Public Hearing; Resolution 2013-106B**

N. Staff Reports and Announcements

- **City Administrator**
- **City Attorney**
- **Planning Director**
- **City Engineer**
- **Finance Director**
- **City Clerk**

9:40 **O. Adjourn**

******Item times are estimates and subject to change******

**LAKE ELMO CITY COUNCIL MINUTES
NOVEMBER 19, 2013**

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
NOVEMBER 19, 2013**

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

PRESENT: Mayor Pearson, Council Members Nelson, Smith, Bloyer, and Reeves.

ABSENT:

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

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

MOTION:** Council Member Bloyer moved **TO ADD ITEM 16: CONSIDER APPOINTMENT TO PLANNING COMMISSION TO AGENDA IMMEDIATELY PRIOR TO EXECUTIVE SESSION.** Council Member Smith seconded the motion. **MOTION PASSED 5-0.

MOTION:** Council Member Smith moved **TO APPROVE THE NOVEMBER 19, 2013 CITY COUNCIL AGENDA AS AMENDED.** The motion was not seconded. **MOTION PASSED 5-0.

ITEM 1: ACCEPT MINUTES

THE NOVEMBER 06, 2013 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS OF THE CITY COUNCIL.

COUNCIL REPORTS:

Council Member Nelson: no report

Council Member Smith: no report

Mayor Pearson: Met with County Commissioner Gary Kriesel; planning commission staff; City Manager's meeting. He suggests council attend one; met with staff and developers. Acknowledged that the 100% developer pay requirement is a challenge, but staff has done good job implementing the policy. Staff also did good job of explaining neighborhood impact to a developer proposal; staff meetings with legislators on 2014 Bonding; storm response meeting; public safety meeting; library board meeting; Met Council meeting went well – Kyle Klatt is undefeated at 2-0; NexGen group is hosting Christmas tree lighting event on 12/7; Highway 5 meeting on obtaining funding for crosswalk.

Council Member Bloyer: no report

Council Member Reeves: Robust Parks Commission meeting, all members attended. Reviewed parks audit. Provided priorities on expenditures. Established 2014 budget and plan of work. Included great discussion. Productive meeting.

PUBLIC COMMENTS:

Paul Ryberg – 11326 30th Street N. thanked council. Reported vacancy upcoming on library board. Contact Paul Ryberg. Thanked city staff for their help. Councilman Bloyer asked who was stepping down. Mr. Ryberg reported that it was Rosemary Meier and Renee Murray. Their terms are coming up. Mayor Pearson noted that his term is also up. He invited Council to approach him if they are interested in succeeding him.

Linda Orsted, Library Director – Thursday 11/21 @6:30 before you buy Black Friday electronic deals; great community response for initial books. Over 30,000 were donated and now edited down

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to about 12,000 in current collection. It is suggested that community donate funds to purchase specific books. Books would have donation recognition in book.

SPEAK YOUR PEACE - NELSON

Council Member Nelson spoke on the tenet *Pay Attention*. Be aware and tend to people in world around you. It starts with listening really well and then focusing your energy on conversation and situation. Live in the moment. Mr. Nelson gave examples of where people may tend to drift out of attention. He also noted Mr. Reeves' recent question of "is this a good time?" which forces you to actively pay attention.

PRESENTATION - QUALITY STAR AWARD TO FINANCE DIRECTOR CATHY BENDEL

City Administrator Zuleger explained the Growth Pro Forma that Ms. Bendel developed. He presented quality star award for her hard work and dedication Lake Elmo in creating tracking system for future growth.

CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll in the amount of \$1,147,283.47
3. Accept Financial Report dated October 31, 2013
4. Accept Building Permit Report dated October 31, 2013
5. Production Well No. 4 - Pay Request No. 4.
6. Production Well No. 4 - Change Order No. 1.
7. Section 34 Water and Sewer Utility Extension Improvements - Pay Request No. 1.
8. Lake Elmo Sewer Infrastructure Improvements: I-94 to 30th St. - Pay Request No. 2.
9. Street Capital Improvement Program - Authorize Geotechnical Services for Streets programmed in 2014-2016
10. ~~Approve Public Works Radio Purchase for SCADA System~~ *Removed from agenda by staff*
11. Approve RFP for New City Assessor as of 2/1/2014

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

REGULAR AGENDA

ITEM 12 ELECTRICAL INSPECTIONS; ORD. 08-093, ORD. 08-094

Building Official Chase explained the proposed ordinance. Currently, the state provides all electrical inspections. If City takes over the role, revenue would shift to the City from the state. Residents would be able to pull permits at city hall as opposed to through the state. Staff hopes that within a year, applications would be available online. Staff recommends retaining the current inspector Joe Wheaton as inspector via contracted services.

Council Member Reeves asked about threats or the downside with taking over the role. Mr. Chase said there really aren't any that he could determine. Conversations with cities that do this only had positive comments. Mr. Reeves asked about Mr. Wheaton's availability and possible absences. There would be three people including Mr. Wheaton and two other back-ups. They are currently handling Cottage Grove and Woodbury.

Council Member Bloyer asked about the state statute being less restrictive. Mr. Chase explained that one difference is that state allows owners to do own electrical work. City is proposing that it requires owners to use a certified/qualified/licensed electrician to pull electrical permit. Mr. Chase's noted the most important factor is life/safety. Mr. Bloyer asked about when this program would be implemented. Mr. Chase explained that it has to be brought to state for approval and at

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least 30-45 days. It also would be published in newspaper. Hopefully within 60 days. Mr. Bloyer asked about existing permits. Mr. Chase stated he was not completely certain, but his estimation is 60-90 days.

Council Member Nelson asked if it would be better to simply go back to state law instead of providing exemption. Mr. Chase said he always would side with the safety factor. City Administrator Zuleger explained that some states allow the final inspection or walkthrough to be done by a licensed electrician. Mr. Chase reiterated that his focus is safety and serving the residents, but he would work within whatever framework Council adopts.

Mayor Pearson stated he wants Mr. Chase's honest and direct opinion. Mr. Chase said the two options are to amend the proposal to follow the state language or evaluate skill set of applicants. Council Member Smith asked for clarification on what Mr. Chase thinks is best. Mr. Chase stated that he thinks what is proposed is best.

Mayor Pearson asked about state shutdown. The City inspections would not be affected. Contract will mirror the state contractor. The contract will be renewed annually.

Mr. Bloyer asked about difference between new construction and current resident in existing home. Mr. Chase stated that the amount of work involved in minor alterations is different from the sophistication required of major projects involved in new home.

MOTION: Council Member Smith moved TO ADOPT ORDINANCE 08-093, TO ADOPT THE CITY ELECTRICAL PERMITTING AND INSPECTIONS PROGRAM. Council Member Reeves seconded the motion.

Mayor Pearson stated he appreciated the local control aspect. He was comfortable with proposal. Council Member Bloyer would like to know how many injuries have occurred under the state standard. He is concerned about City being too restrictive. Council Member Nelson stated that he was also concerned with limiting individuals' freedom despite the risks. It has worked so far under the state regulations.

Mr. Chase provided anecdotal example of nearby builder and homes with completely bad electrical work. The buyers were upset. Council Member Reeves is concerned about community and unintended consequences. The City's potential liability was discussed.

MOTION: Council Member Bloyer moved TO AMEND PROPOSED ORDINANCE BY INSERTING STATE LAW FOR PULLING PERMIT. Council Member Nelson seconded the motion.

Mr. Chase clarified that the amendment would be to follow state protocol for issuing permits.

MOTION FAILS 2-3 (SMITH, PEARSON, and REEVES – NAY)

Mayor Pearson asked about if requiring the load calculations would create more work for staff. Mr. Chase stated it would not. Council Member Nelson asked if reviewing the load calculations would increase for further liability for City. Mr. Chase stated it would not because the inspector is a master electrician and he would make the determination.

MOTION: Council Member Bloyer moved TO AMEND PROPOSED ORDINANCE TO REQUIRE THE CITY TO ISSUE A NEW CONSTRUCTION PERMIT TO OWNER IF HE PROVIDES THE APPROVED LOAD COUNT TO INSPECTOR. Council Member Nelson seconded.

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Council Member Smith asked if the inspector can still deny if not approved load count. Mr. Chase responded in the affirmative.

MOTION PASSES 5-0

ORIGINAL MOTION PASSED 5-0.

MOTION: Mayor Pearson moved **TO ADOPT ORDINANCE 08-094, AMENDING THE CITY'S FEE SCHEDULE TO INCORPORATE FEES RELATED TO THE CITY ELECTRICAL PERMITTING AND INSPECTIONS PROGRAM.** Council Member Smith seconded the motion. **MOTION PASSES 5-0**

MOTION: Council Member Smith moved **TO APPROVE THE ELECTRICAL INSPECTION SERVICES AGREEMENT.** Mayor Pearson seconded the motion. **MOTION PASSES 5-0**

Building Official Chase provided overview of property maintenance status. Explained how the process works. It includes notifying residents of ordinances and violations with letters and conducting inspections. Most residents are wonderful and easy to work with, and that makes it easier. City conducts about 150 visits in a week. Mayor Pearson commended Mr. Chase on his conduct and demeanor when serving the taxpayers.

ITEM 13: DESIGN STANDARDS MANUAL; RES. NO. 2013-97

Planning Director Klatt gave summary of the amendments to the guidelines from the 11/6 meeting and 11/12 workshop. Most of the changes were not substantive, but very limited refinements.

MOTION: Council Member Reeves moved **TO ADOPT RESOLUTION NO. 2013-97, APPROVING THE LAKE ELMO DESIGN GUIDELINES AND STANDARDS MANUAL.** Mayor Pearson seconded the motion.

Council Member Bloyer commented that he would prefer to let people do what they want with their property. He urged council to vote against the design standards and instead let development happen naturally.

Council Member Nelson stated that while he agrees with Mr. Bloyer, he sees the benefit of some of the guidelines, specifically the building materials, and will be voting for the standards.

City Administrator Zuleger said that the guidelines are more for order and not limiting freedom. City Attorney Snyder pointed out that this is a political philosophy debate and reminded council that reasonable people may agree to disagree. Council Member Reeves said philosophy has no bearing on the design standards.

MOTION PASSED 4-1 (BLOYER - NAY).

ITEM 14: DESIGN REVIEW ORDINANCE; ORD. 08-095, RES. NO 2013-98

Planning Director Klatt provided overview of the amendments from the 11/12 workshop. This amendment would remove the more-restrictive existing commercial and high density standards and make reference to the proposed standards.

MOTION: Council Member Smith moved **TO ADOPT ORDINANCE 08-095, INTEGRATING THE LAKE ELMO DESIGN STANDARDS MANUAL BY REFERENCE AND ESTABLISHING DESIGN REVIEW PROCEDURES IN THE URBAN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS** Council Member Reeves seconded the motion. **MOTION PASSED 4-1 (BLOYER - NAY)**

MOTION: Council Member Smith moved **TO ADOPT RESOLUTION NO. 2013-98, AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 08-095.** Council Member Reeves seconded the motion. **MOTION PASSED 5-0.**

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ITEM 15: APPROVE COUNCIL MILEAGE POLICY

Mayor Pearson explained why he asked for policy clarification. The term "city business" was not defined. The new clarification would propose restricting reimbursement to travel outside of Washington County.

Council Member Nelson asked why reimbursable travel is limited to outside Washington County. Mayor Pearson stated it is his opinion that traveling in the city is expected to be part of the job. Council Member Smith disagreed with Washington county limitation. Much of the work is within the city limits and the County. Going outside the city is not going to be a routine scenario for most city business.

MOTION: Mayor Pearson moved TO APPROVE THE REVISED LAKE ELMO TRAVEL ALLOWANCE FOR OFFICIAL TRAVEL POLICY. Council Member Reeves seconded the motion.

MOTION: Mayor Pearson moved TO AMEND HIS MOTION TO INCLUDE: "Reimbursement Is Allowed Only When the Occasion is In Concert with Affirmed Council Directives." Council Member Bloyer seconded the motion.

Council Member Smith asked for clarification on the proposed amendment. Mayor Pearson gave example of meeting with developers without staff present as was directed by current council. Various alternate phrasing options were discussed. Mayor Pearson accepted a friendly amendment to his proposed amendment to change the wording to read: ***"In line with council goals."***

Council Member Bloyer asked what was typical for these policies. City Administrator Zuleger stated excluding within city limits is fairly typical. City Attorney Snyder stated it is rarely an issue and also rare for requests within city limits travel. City Clerk Bell stated that city limits restriction is common based on his research. He also noted that there is a state requirement on elected official out-of-state travel that will be brought back to council at a later date. Council Member Reeves wants the policy as simple as possible and be consistent with the staff policy.

MOTION TO AMEND PASSES 5-0.

MOTION: Council Member Bloyer moved TO AMEND THE PROPOSAL TO READ "2) the occasion is beyond the borders of the City of Lake Elmo." Council Member Nelson seconded the motion. MOTION TO AMEND PASSES 5-0.

ORIGINAL MOTION PASSED AS AMENDED 5-0.

ITEM 16: PLANNING COMMISSION APPOINTMENT

MOTION: Council Member Smith moved TO APPOINT SARA YOCUM OF 4886 LINDEN TRAIL NORTH AS 2ND ALTERNATE ON THE LAKE ELMO PLANNING COMMISSION, EFFECTIVE IMMEDIATELY. Council Member Bloyer seconded the motion.

Mayor Pearson voiced his appreciation for Ms. Yocum's interest in serving.

MOTION PASSED 5-0.

SUMMARY REPORTS AND ANNOUNCEMENTS

City Administrator Zuleger: finishing performance reviews this week. Commended Mike Bouthilet for integrating reviews with the new classification system; 2014 plan of work; continuing to work with MetCo on MOU; meeting regarding 5th street alignment; Dept. head meeting reading The

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Advantage about running a healthy organization; staff Christmas party will be on 12/13. Council is invited; Mr. Zuleger will be gone 12/19-12/30.

City Attorney Snyder: met with Met Airports and MnDOT and staff on airport zoning; South of 10th road meeting; groundwater regulation being pursued by DNR will be of interest to all east metro cities. Allows cities to exert more control on groundwater; meeting with 3M at end of month to discuss.

Planning Director Klatt: Met Council Community Development meeting. Received approval of village comp plan amendment. MetCo staff generally was receptive of the density reduction proposals; Eagle Point Business Park has school being proposed; recommended development moratorium in RAD-2/Alt; working on airport zoning.

City Engineer Griffin: reminded council of resident meeting at 6pm on 11/20; meeting with developers on Section 34 to discuss 5th street public improvement. Expecting them to petition for assessment instead of paying up front.

Finance Director Bendel: 2014 budget draft. Feedback by Friday to publish for TNT meeting. prepping audit.

City Clerk Bell: livestock ordinance is expected to be brought to Planning Commission on 12/9. Planning to bring livestock and chickens and bees to Council on 12/17. Both will include a public hearing; recently finished renewing City massage licenses; liquor licenses renewals will be coming to Council on 12/3.

Mayor Pearson adjourned the meeting at 8:34PM.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Adam R. Bell, City Clerk

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

**RESOLUTION NO. 2013-99
RESOLUTION ADOPTING THE 2014 GENERAL FUND BUDGET**

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

WHEREAS, the City of Lake Elmo held it's Truth in Taxation Hearing on December 3, 2013;

WHEREAS, the Lake City Council closed the public hearing on the 2014 general fund budget at the close of the meeting on December 3, 2013 without need for continuation;

BE IT RESOLVED the Lake Elmo City Council adopts the 2014 general fund budget in the amount of \$3,163,359.

ADOPTED, by the Lake Elmo City Council, on the 3rd day of December 2013.

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

Taxes Proposed in 2014

- 96,530 Proposed Tax Notices will be mailed in mid-November.
- The total amount billed of \$366.1 million is a reduction of 2.3% from 2013. The 2013 total of \$374.8 million was a 1.5% increase over the \$369.3 million billed in 2012.

What are taxpayers seeing on their proposed tax notices?

- **All Parcels**
 - Median Value change: 1.8% increase
 - Median Total Tax change: 3.8% reduction
- **Residential Homestead Parcels**
 - Median Value change: 2.4% increase in value before homestead exclusion
 - Median Total Tax change: 2.8% increase in value after homestead exclusion
 - Median Total Tax change: 4.7% reduction
 - Median County Tax change: 0.5% reduction
- **Commercial/Industrial/Utility Parcels**
 - Median Value change: 0.0% no change
 - Median Total Tax change: 0.8% reduction
- **Apartment Parcels**
 - Median Value change: 0.0% no change
 - Median Total Tax change: 6.7% reduction

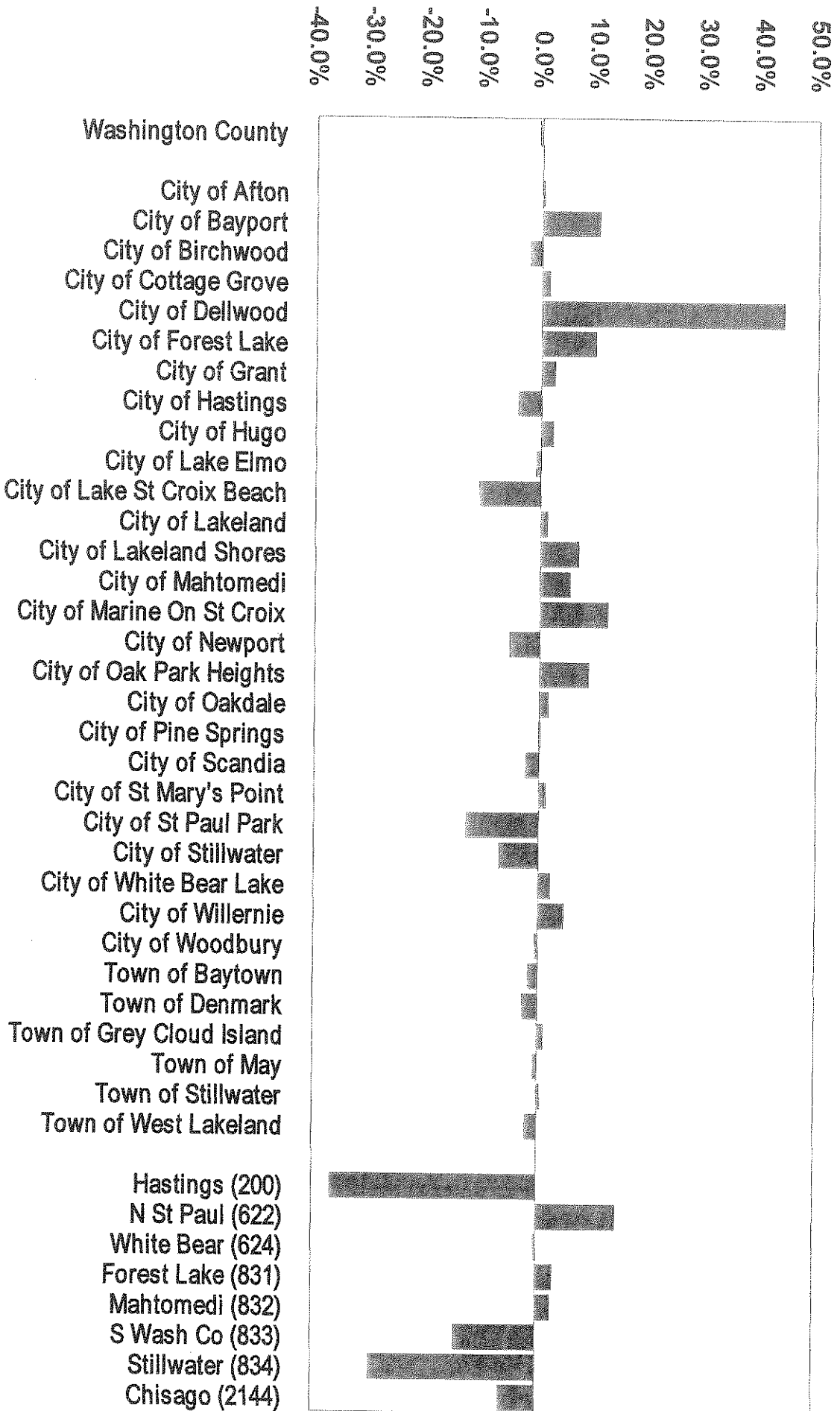
Counts of Proposed 2014 Tax Notices - Residential Homestead by Range of Percentage of Increase/Decrease in City/Town Portion of Tax

City/Township	Median Pay 2014 Taxable Market Value*	Median Change in Taxable Market Value*	Median \$ Change in City Tax	Median % Change in City Tax	Parcel Counts by Range of Increase/Decrease in City/Town Tax											Total	No Increase Total with	Total with Increase		
					Over 15% Decrease	10.1%-15.0% Decrease	7.6%-10.0% Decrease	5.1%-7.5% Decrease	2.6%-5.0% Decrease	0.0%-2.5% Decrease	0.1%-2.5% Increase	2.6%-5.0% Increase	5.1%-7.5% Increase	7.6%-10.0% Increase	10.1%-15.0% Increase				15.1%-20.0% Increase	Over 20% Increase
City of Afton	336,500	0.0%	\$3	0.3%	4	2	19	143	459	57	96	21	18	13	7	177	671			
City of Bayport	166,700	11.7%	\$46	10.4%	2	4	26	36	37	43	56	94	105	112	114	490				
City of Birchwood	243,100	0.0%	(\$13)	-2.2%	1	16	59	130	11	22	23	6	7	3	241	74				
City of Cottage Grove	178,900	3.6%	\$10	1.4%	22	74	214	956	1,802	987	812	795	783	336	4,286	5,696				
City of Dellwood	449,800	-6.0%	\$242	43.7%											0	338				
City of Forest Lake	190,400	6.0%	\$71	9.8%	7	11	14	21	53	514	194	1,893	1,079	200	159	4,876				
City of Grant	330,000	1.9%	\$12	2.5%		2	15	26	484	394	44	42	20	9	43	994				
City of Hastings	121,200	-1.1%	(\$28)	-4.2%			1								1	0				
City of Hugo	185,500	2.2%	\$16	2.2%	9	7	9	150	145	330	349	93	326	177	1,050	3,175				
City of Lake Elmo	323,900	-0.6%	(\$9)	-0.9%	5	12	32	150	282	131	86	55	28	59	1,482	605				
City of Lake St Croix Beach	142,700	-5.4%	(\$77)	-11.1%	70	147	79	44	14	11	2	4	2		373	24				
City of Lakeland	197,400	3.0%	\$9	1.2%	5	2	5	23	25	30	14	85	28	8	116	499				
City of Lakeland Shores	250,100	-4.5%	\$37	6.9%				1	5	11	26	18	15	4	13	88				
City of Landfall	0	0.0%	\$0	0.0%											0	0				
City of Mahtomedi	241,600	0.4%	\$41	5.4%	15	8	4	7	4	100	64	585	1,291	50	177	22	1,183			
City of Marine on St Croix	265,700	-5.0%	\$178	12.3%			1			1	2	12	39	157	26	4	243			
City of Newport	139,100	-5.5%	(\$48)	-5.4%	4	36	117	311	135	126	40	21	47	29	9	7	3	885		
City of Oak Park Heights	173,800	1.1%	\$83	8.8%	10	3	3	1	8	12	53	103	302	77	32	365	68	1,037		
City of Oakdale	173,000	7.1%	\$10	1.6%	79	263	740	344	661	1,191	1,450	890	720	535	670	258	311	8,112		
City of Pine Springs	339,800	5.6%	\$1	0.2%	8	16	1	1	5	27	30	10	7	6	4	2	106	59		
City of Scandia	244,700	-9.8%	(\$24)	-2.5%	10	32	86	169	291	243	130	128	56	18	15	4	1	1,183		
City of St Mary's Point	231,600	-2.3%	\$9	1.2%	1	2	4	14	17	16	32	14	7	12	4	3	1	127		
City of St Paul Park	136,800	1.6%	(\$67)	-13.1%	108	794	8	39	265	3	46	10	14	4	28	9	177	1,505		
City of Stillwater	192,300	-1.6%	(\$71)	-7.0%	56	417	1,335	2,134	214	315	429	163	34	28	28	1	188	5,342		
City of White Bear Lake	181,700	3.1%	\$7	2.2%					2	2	65	10	3	2	6	1	89	87		
City of Willemie	131,300	2.4%	\$26	4.6%				2	1	2	15	70	20	19	2	7	158	5	153	
City of Woodbury	238,900	2.8%	(\$4)	-0.5%	488	384	433	873	4,081	3,264	2,509	1,604	1,448	1,139	1,059	126	577	17,985		
Town of Baytown	360,900	1.4%	(\$5)	-1.7%	2	32	13	149	21	34	32	58	27	20	46	15	12	461	251	210
Town of Denmark	321,100	1.0%	(\$12)	-2.8%	2	4	6	14	335	39	21	21	3	2	4	1	452	400	52	
Town of Grey Cloud Island	244,200	-0.8%	\$9	1.1%	1	1	1	1	2	14	64	6	8	4	2	1	2	107	20	87
Town of May	313,400	3.6%	(\$2)	-0.7%	3	1	4	18	126	405	150	31	25	8	10	2	5	788	557	231
Town of Stillwater	313,500	-3.0%	\$4	0.5%	2	3	4	28	60	206	147	118	53	19	33	1	1	675	303	372
Town of West Lakeland	362,600	4.6%	(\$5)	-2.1%	4	20	29	49	209	445	71	173	67	34	38	6	8	1,153	756	397
County Total	204,900	2.4%	\$7	0.9%	918	2,267	3,162	5,684	7,585	11,160	10,573	6,538	5,835	5,114	4,741	1,763	3,083	68,323	30,676	37,647

Percent of Total: 1% 3% 5% 8% 11% 16% 15% 10% 9% 7% 7% 3% 5% 100% 45% 55%

Note:
 - Taxable Market Value is before reduction for Homestead Exclusion
 - Excludes parcels with new construction and classification changes
 - Only includes the main parcel with the house if a Homestead consists of multiple parcels

Residential Homestead Median Percentage Change in Taxing District Portion of Tax



Counts of Proposed 2014 Tax Notices - Residential Homestead by Range of Percentage of Increase/Decrease in School Portion of Tax

School District	Median Pay 2014 Taxable Market Value*	Median Change in Taxable Market Value*	Median \$ Change in School Tax	Median % Change in School Tax	Parcel Counts by Range of Increase/Decrease in School Tax												Total	Total with No Increase	Total with Increase		
					Over 15% Decrease	10.1%-15.0% Decrease	7.6%-10.0% Decrease	5.1%-7.5% Decrease	2.6%-5.0% Decrease	0.0%-2.5% Decrease	0.1%-2.5% Increase	2.6%-5.0% Increase	5.1%-7.5% Increase	7.6%-10.0% Increase	10.1%-15.0% Increase	15.1%-20.0% Increase				Over 20% Increase	
ISD 0200 Hastings	304,000	1.0%	(\$569)	-36.6%	551													551	1	9,507	
ISD 0622 Nsp/Ipwd/Oak	178,150	6.7%	\$109	14.3%	51	73	53	18	135	139	432	931	622	636	2,392	2,178	2,316	469	7	1,407	
ISD 0624 White Bear Lake	179,100	2.2%	(\$3)	-0.3%	11	8	67	226	803	1,350	295	363	77	307	274	84	274	2,465	274	4,452	
ISD 0831 Forest Lake	207,000	5.1%	\$19	3.0%	233	562	167	134	156	777	1,090	1,845	384	155	328	376	274	2,029	15	3,367	
ISD 0832 Mahtomedi	274,000	0.4%	\$36	2.6%	20	18	34	56	268	132	1,291	1,424	253	189	164	31	183	528	3	744	
ISD 0833 South Washington	195,800	3.0%	(\$159)	-14.6%	11,548	8,979	2,355	2,146	696	182	89	212	130	99	30	1	1	25,906	1	26,650	
ISD 0834 Stillwater	241,000	0.1%	(\$248)	-29.6%	16,574	102	17	11	1	1	1	2	4	1			3	16,706	3	16,718	
ISD 2144 Chisago Lakes	253,900	9.3%	(\$62)	-6.5%	2	19	42	39	14	51	3	6	3					167		12	
County Total	204,900	2.4%	(\$128)	-13.6%	28,990	9,761	2,735	2,630	2,073	2,632	3,201	4,783	1,473	1,387	3,188	2,671	2,799	48,821	179	19,502	
Percent of Total:					42%	14%	4%	4%	3%	4%	5%	7%	2%	2%	5%	4%	4%	71%	4%	100%	29%

Note:

- Taxable Market Value is before reduction for Homestead Exclusion
- Excludes parcels with new construction and classification changes
- Only includes the main parcel with the house if a Homestead consists of multiple parcels



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
CONSENT
ITEM #3
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$114,557.03

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: \$114,557.03

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$114,557.03. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

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

Claim #	Amount	Description
ACH	\$ 10,619.95	Payroll Taxes to IRS & MN Dept of Revenue 11/27/13
ACH	\$ 5,921.17	Payroll Retirement to PERA 11/27/13
DD5119- DD5147	\$ 28,268.69	Payroll Dated (Direct Deposits) 11/27/13
40668	\$ 350.00	Accounts Payable Manual 11/22/13
40649-40708	\$ 68,857.22	Accounts Payable 12/03/13
2119-2127	\$ 540.00	Library Card Reimbursement 12/03/13
TOTAL	\$ 114,557.03	

RECOMMENDATION: Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$114,557.03

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: denise

Printed: 11/26/2013 - 3:44 PM

Batch: 042-11-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ADVANCED Advanced Eng & Environ Sys Inc										
36457	10/31/2013	1,128.53	0.00	11/30/2013	Production Well 4-AE2S Task ord No 2		-	No		0000
601-494-9400-43030 Engineering Services										
36457 Total:		1,128.53								
36458	10/31/2013	597.03	0.00	11/30/2013	Water System Design Phasing Study- Phase2		-	No		0000
601-494-9400-43030 Engineering Services										
36458 Total:		597.03								
ADVANCED Total:		1,725.56								
AMAZONIN Amazon Inc										
60457 8781 0320	11/10/2013	526.80	0.00	11/30/2013	Books & DVDs Library Supplies		-	No		0000
206-450-5300-42500 Library Collection Maintenance										
60457 8781 0320 Total:		526.80								
AMAZONIN Total:		526.80								
ANIMALHU Animal Humane Society										
1679	10/30/2013	3,918.13	0.00	11/30/2013	Animal Impound Fees- 7/1/13 - 9/30/13		-	No		0000
101-420-2700-43150 Contract Services										
1679 Total:		3,918.13								
ANIMALHU Total:		3,918.13								
ASPENMI Aspen Mills, Inc.										
1421326	11/13/2013	149.00	0.00	11/30/2013	Olson, Boots, Pants, Belt		-	No		0000
101-420-2220-44170 Uniforms										
1421326 Total:		149.00								
142324-A	11/13/2013	145.00	0.00	11/30/2013	Hilpisch, Jacket, Shirt		-	No		0000
101-420-2220-44170 Uniforms										
142324-A Total:		145.00								
142325-T	11/13/2013	50.15	0.00	11/30/2013	Hilpisch, Shirt		-	No		0000
101-420-2220-44170 Uniforms										
142325-T Total:		50.15								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
ASPENMI Total:		344.15								
BERTELSON Bertelson's										
WO-894347-1	11/20/2013	74.80	0.00	11/30/2013	Admin- Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
WO-894347-1 Total:		74.80								
BERTELSON Total:		74.80								
BOLTONME Bolton & Menk, Inc										
0161555	11/13/2013	739.50	0.00	11/30/2013	Field Survey 2012 Street & Water Quality		-		No	0000
419-480-8000-43030	Engineering Services									
0161555 Total:		739.50								
BOLTONME Total:		739.50								
BRO Brodart Company										
312071	11/07/2013	167.10	0.00	11/30/2013	Book Covers - Library		-		No	0000
206-450-5300-42500	Library Collection Maintenance									
312071 Total:		167.10								
BRO Total:		167.10								
CARQUEST Car Quest Auto Parts										
2055-304948	11/19/2013	50.49	0.00	11/30/2013	Oil		-		No	0000
101-450-5200-42120	Fuel, Oil and Fluids									
2055-304948	11/19/2013	63.68	0.00	11/30/2013	Truck Spot Lite		-		No	0000
101-450-5200-42210	Equipment Parts									
2055-304948 Total:		114.17								
CARQUEST Total:		114.17								
CENCOLLE Century College										
525538	11/22/2013	650.00	0.00	11/30/2013	Basic Fire Apparatus Driving 5 new FF's		-		No	0000
101-420-2220-44370	Conferences & Training									
525538 Total:		650.00								
CENCOLLE Total:		650.00								
COLDWELL Coldwell Banker Commercial										
38320	11/07/2013	80.00	0.00	11/30/2013	HVAC - Service 1 hour 10/30/2013		-		No	0000
206-450-5300-44040	Repairs/Maint Eqpt									
38320 Total:		80.00								
38355	11/12/2013	80.00	0.00	11/30/2013	HVAC - Service 1 hour 11/8/13		-		No	0000
206-450-5300-44040	Repairs/Maint Eqpt									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	38355 Total:	80.00								
	COLDWELL Total:	160.00								
CONLEYMO Conley Morgan										
	Cable Operator 11/13/2013	55.00	0.00	11/30/2013	Cable Operations-11/13 Planning Comm 4hr		-	No		0000
	101-410-1450-43620 Cable Operations	55.00	0.00	11/30/2013	Cable Operations-11/13 CC Meeting 4 hrs		-	No		0000
	Cable Operator 11/19/2013	110.00								
	101-410-1450-43620 Cable Operations	110.00								
	Cable Operator Total:	110.00								
	CONLEYMO Total:	110.00								
CTYHUGO City of Hugo										
	Nov 12 2013 11/13/2013	193.50	0.00	11/30/2013	Building Inspector Services - 11/12/2013		-	No		0000
	101-420-2400-43150 Inspector Contract Services	48.59	0.00	11/30/2013	Building Inspector Mileage - 11/12/2013		-	No		0000
	Nov 12 2013 11/13/2013	242.09								
	101-420-2400-43310 Mileage	242.09								
	Nov 12 2013 Total:	242.09								
	CTYHUGO Total:	242.09								
CTYOAKDA City of Oakdale										
	201311143957 11/14/2013	179.00	0.00	11/30/2013	CV-1 Oil Change & Repairs - Fire Dept		-	No		0000
	101-420-2220-44040 Repairs/Maint Eqpt	179.00								
	201311143957 Total:	179.00								
	CTYOAKDA Total:	179.00								
DPCINDUS DPC Industries, Inc.										
	827002117-13 11/12/2013	442.71	0.00	11/30/2013	Flouride		-	No		0000
	601-494-9400-42160 Chemicals	442.71								
	827002117-13 Total:	195.58								
	601-494-9400-42160 Chemicals	195.58								
	827002172-13 11/12/2013	195.58	0.00	11/30/2013	Chlorine		-	No		0000
	601-494-9400-42160 Chemicals	638.29								
	827002172-13 Total:	638.29								
	DPCINDUS Total:	638.29								
EMERGENC Emergency Services Marking Inc.										
	7366 11/20/2013	650.00	0.00	11/30/2013	Annual Renewal For IAMRESPONDING		-	No		0000
	101-420-2220-44330 Dues & Subscriptions	650.00								
	7366 Total:	650.00								
	EMERGENC Total:	650.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
EMMONS&O Emmons & Olivier Resources										
00036-0006-3	11/20/2013	2,110.03	0.00	11/30/2013	2012.130 Savona Lennar Development		-	No		0000
803-000-0000-22900	Deposits Payable									
	00036-0006-3 Total:	2,110.03								
	EMMONS&O Total:	2,110.03								
FERGUSON Ferguson Waterworks, Inc #2516										
60744	11/07/2013	59.56	0.00	11/30/2013	Meters Adapters		-	No		0000
601-494-9400-42300	Water Meters & Supplies									
	60744 Total:	59.56								
	FERGUSON Total:	59.56								
FIORILLO Fiorillo Megan										
Cable Operator	11/25/2013	55.00	0.00	11/30/2013	Cable Operations - Planning 11/25 (4hrs)		-	No		0000
101-410-1450-43620	Cable Operations									
	Cable Operator Total:	55.00								
	FIORILLO Total:	55.00								
FRANCOTY Francoty-Postalia, Inc										
RI101762073	11/13/2013	121.19	0.00	11/30/2013	Postage Inkjet Cartridge		-	No		0000
101-410-1320-43220	Postage									
	RI101762073 Total:	121.19								
	FRANCOTY Total:	121.19								
GREATERM Greater MSP										
1157	06/17/2013	5,000.00	0.00	11/30/2013	2013- Investment in MSP		-	No		0000
101-410-1110-44300	Miscellaneous									
	1157 Total:	5,000.00								
	GREATERM Total:	5,000.00								
HOLIDAYC Holiday Credit Office										
Nov 15 2013	11/15/2013	575.43	0.00	11/30/2013	Fuel - Fire Department		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	Nov 15 2013 Total:	575.43								
	HOLIDAYC Total:	575.43								
LANDMARK Landmark, Inc.										
Nov 15 2013	11/15/2013	1,500.00	0.00	11/30/2013	Refund Escrow #6610 8896 Lake Jane		-	No		0000
803-000-0000-22900	Deposits Payable									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Nov 15 2013	11/15/2013	-500.00	0.00	11/30/2013	Over Refund Escrow #6216 11686 58th St		-	No		0000
803-000-0000-22900	Deposits Payable									
Nov 15 2013	11/15/2013	-500.00	0.00	11/30/2013	Over Refund Escrow #6610 11711 56th St		-	No		0000
803-000-0000-22900	Deposits Payable									
	Nov 15 2013 Total:	500.00								
	LANDMARK Total:	500.00								
MENARDSO Menards - Oakdale										
31641	11/14/2013	8.96	0.00	11/30/2013	Park Fountains		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	31641 Total:	8.96								
31736	11/15/2013	76.52	0.00	11/30/2013	Hockey Rink Lions Park		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	31736 Total:	76.52								
31993	11/18/2013	280.64	0.00	11/30/2013	Hockey Boards Lions Park		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	31993 Total:	280.64								
3223	11/21/2013	162.13	0.00	11/30/2013	Hockey Boards Lion Park		-	No		0000
101-450-5200-44030	Repairs/Maint Imp Not Bldgs									
	3223 Total:	162.13								
	MENARDSO Total:	528.25								
MES Municipal Emergency Svs. Inc.										
00466975 SNV	11/15/2013	10,735.60	0.00	11/30/2013	5 Sets of Turnout Gear for New FF's		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
	00466975 SNV Total:	10,735.60								
	MES Total:	10,735.60								
MESSERLI Messerli & Kramer										
291743	11/12/2013	1,000.00	0.00	11/30/2013	2013-2014 Legislative Repr 11/1- 11/30		-	No		0000
101-410-1320-43150	Contract Services									
	291743 Total:	1,000.00								
	MESSERLI Total:	1,000.00								
MNADMIN State of Minnesota										
486348	10/31/2013	660.00	0.00	11/30/2013	Legal Work - Karl S Homing - Oct 2013		-	No		0000
101-410-1320-43040	Legal Services									
	486348 Total:	660.00								
	MNADMIN Total:	660.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
MNDOHEDU Minnesota Dept. of Health										
11/13/2013	11/13/2013	1,508.00	0.00	11/30/2013	4th Quarter Water Supply Connection Fee		-		No	0000
601-494-9400-44370	Conferences & Training									
	11/13/2013 Total:	1,508.00								
	MNDOHEDU Total:	1,508.00								
MNDOT Commissioner of Transportation										
P00002496	11/13/2013	83.07	0.00	11/30/2013	Keats MSA Street		-		No	0000
409-480-8000-43030	Engineering Services									
P00002496	11/13/2013	62.66	0.00	11/30/2013	Keats MSA Water		-		No	0000
601-494-9400-43030	Engineering Services									
	P00002496 Total:	145.73								
	MNDOT Total:	145.73								
NASALTCO North American Salt Company										
71049403	11/15/2013	6,675.66	0.00	11/30/2013	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt									
	71049403 Total:	6,675.66								
71050188	11/06/2013	6,680.32	0.00	11/30/2013	Road Salt		-		No	0000
101-430-3125-42290	Sand/Salt									
	71050188 Total:	6,680.32								
	NASALTCO Total:	13,355.98								
NEXTEL Nextel Communications										
761950227-127	11/18/2013	59.89	0.00	11/30/2013	Cell Phone Service - Administration		-		No	0000
101-410-1940-43210	Telephone									
761950227-127	11/18/2013	222.99	0.00	11/30/2013	Cell Phone Service - Fire Department		-		No	0000
101-420-2220-43210	Telephone									
761950227-127	11/18/2013	46.04	0.00	11/30/2013	Cell Phone Service - Building Department		-		No	0000
101-420-2400-43210	Telephone									
761950227-127	11/18/2013	84.05	0.00	11/30/2013	Cell Phone Service - Public Works Dept		-		No	0000
101-430-3100-43210	Telephone									
761950227-127	11/18/2013	91.00	0.00	11/30/2013	Cell Phone Service - Parks Dept		-		No	0000
101-450-5200-43210	Telephone									
761950227-127	11/18/2013	57.63	0.00	11/30/2013	Cell Phone Service - Taxpayer Services		-		No	0000
101-410-1450-43210	Telephone									
761950227-127	11/18/2013	15.66	0.00	11/30/2013	Cell Phone Service - Planning Department		-		No	0000
101-410-1910-43210	Telephone									
	761950227-127 Total:	577.26								
	NEXTEL Total:	577.26								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
QUILL Quill Corporation										
7048541	11/07/2013	64.28	0.00	11/30/2013	Administration - Office Supplies Paper		-	No		0000
101-410-1320-42000	Office Supplies									
	7048541 Total:	64.28								
7270107	11/15/2013	36.50	0.00	11/30/2013	Administration - Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
	7270107 Total:	36.50								
730477	11/18/2013	17.39	0.00	11/30/2013	Admin-Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
	730477 Total:	17.39								
	QUILL Total:	118.17								
S&T S&T Office Products, Inc.										
01QC0674	11/19/2013	4.05	0.00	11/30/2013	Office Supplies - Administration		-	No		0000
101-410-1320-42000	Office Supplies									
01QC0674	11/19/2013	2.62	0.00	11/30/2013	Office Supplies - Planning		-	No		0000
101-410-1910-42000	Office Supplies									
01QC0674	11/19/2013	13.35	0.00	11/30/2013	Office Supplies - Finance		-	No		0000
101-410-1520-42000	Office Supplies									
	01QC0674 Total:	20.02								
01QC1310	11/20/2013	77.57	0.00	11/30/2013	Office Supplies - Public Works		-	No		0000
101-430-3100-42000	Office Supplies									
	01QC1310 Total:	77.57								
01QC1402	11/20/2013	-53.91	0.00	11/30/2013	Office Supplies - Adminis Credit Memo		-	No		0000
101-410-1320-42000	Office Supplies									
	01QC1402 Total:	-53.91								
	S&T Total:	43.68								
SAFEFAST Safe-Fast, Inc.										
INV132106	10/23/2013	137.09	0.00	11/30/2013	Adj Inv re-sizing, add sweat, glasses		-	No		0000
101-430-3100-44300	Miscellaneous									
	INV132106 Total:	137.09								
INV132615	11/01/2013	86.94	0.00	11/30/2013	Jacet/Hat - Mike C		-	No		0000
101-430-3100-44300	Miscellaneous									
	INV132615 Total:	86.94								
	SAFEFAST Total:	224.03								
SCHWAAB Schwaab, Inc.										
D35590	10/25/2013	61.58	0.00	11/30/2013	1 Self-Inking Corporate Seal		-	No		0000
101-410-1320-42000	Office Supplies									
	D35590 Total:	61.58								
D35591	10/25/2013	75.20	0.00	11/30/2013	2 Self Inking Notary Stamp		-	No		0000
101-410-1320-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
D35591 Total:		75.20								
SCHWAAB Total:		136.78								
<hr/>										
TASCH T.A. Schifsky & Sons Inc										
55851	11/13/2013	427.65	0.00	11/30/2013	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
55851 Total:		427.65								
55883	11/18/2013	1,111.17	0.00	11/30/2013	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
55883 Total:		1,111.17								
55926	11/19/2013	143.03	0.00	11/30/2013	Asphalt		-	No		0000
101-430-3120-42240	Street Maintenance Materials									
55926 Total:		143.03								
TASCH Total:		1,681.85								
<hr/>										
THEWALLS The Wall Street Journal										
121312802560	11/01/2013	323.88	0.00	11/30/2013	WSJ 1 Year Subscription Renewal		-	No		0000
206-450-5300-44330	Dues & Subscriptions				Library					
121312802560 Total:		323.88								
THEWALLS Total:		323.88								
<hr/>										
TKDA TKDA, Inc.										
002013003497	11/08/2013	9,015.03	0.00	11/30/2013	Construction 2013.123 LE Ave Infra		-	No		0000
409-480-8000-43030	Engineering Services				Imp					
002013003497	11/08/2013	4,326.02	0.00	11/30/2013	Add'l Services - 5th St Re-Alignment		-	No		0000
409-480-8000-43030	Engineering Services									
002013003497 Total:		13,341.05								
TKDA Total:		13,341.05								
<hr/>										
ZACK Zack's, Inc.										
29129	11/22/2013	41.88	0.00	11/30/2013	Marking Paint		-	No		0000
601-494-9400-42270	Utility System Maintenance									
29129	11/22/2013	250.13	0.00	11/30/2013	Shop Supplies		-	No		0000
101-450-5200-42150	Shop Materials									
29129	11/22/2013	143.95	0.00	11/30/2013	Street Tools		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
29129 Total:		435.96								
ZACK Total:		435.96								
<hr/>										
Report Total:		63,477.02								

Accounts Payable To Be Paid Proof List

User: denise
 Printed: 11/26/2013 - 4:06 PM
 Batch: 045-11-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 5309395	11/15/2013	1,769.70	0.00	12/03/2013	December 2013 Dental Coverage		-			0000
101-000-0000-21706	Medical Insurance									No
	5309395 Total:	1,769.70								
	DELTA Total:	1,769.70								
<hr/>										
FXL FXL, Inc. December 13	12/01/2013	2,000.00	0.00	12/03/2013	Assessment Services - December 2013		-			0000
101-410-1320-43100	Assessing Services									No
	December 13 Total:	2,000.00								
	FXL Total:	2,000.00								
	Report Total:	3,769.70								

Accounts Payable To Be Paid Proof List

User: denise
 Printed: 11/22/2013 - 12:23 PM
 Batch: 041-11-2013

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PCLine #
WRIGHTGA Wright Gary										
Nov 22 2013	11/22/2013	350.00	0.00	11/22/2013	Refund Silent Auction Stay NOLA		-			No 0000
204-000-0000-36230	Donations									
	Nov 22 2013 Total:	350.00								
	WRIGHTGA Total:	350.00								
	Report Total:	350.00								



MAYOR & COUNCIL COMMUNICATION

DATE: December 03, 2013
CONSENT
ITEM #4
MOTION

AGENDA ITEM: SCADA System Upgrade
SUBMITTED BY: Mike Bouthilet, Public Works Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: Mike Bouthilet - Public Works Director

FISCAL IMPACT: \$29,203.25 for Hardware/Software Purchase & Installation

SUMMARY AND ACTION REQUESTED:

Requesting authorization to purchase Ethernet radios, computer, monitor, upgrade graphical interface system and add or update associated software.

LEGISLATIVE HISTORY:

SCADA is an acronym for *Supervisory Control and Data Acquisition*. Supervisory control allows remote operations to a utility. Data acquisition allows remote monitoring, data collection, and storage. Alarms are programmed to notify operators of conditions requiring immediate attention.

The City' current SCADA system was designed and installed in 2007 in conjunction with the Water Tower II and water main extension construction projects.

BACKGROUND INFORMATION (SWOT)

Incorporating two new lift stations into the SCADA system identified both new and known deficiencies. The current radios are obsolete. A compatible alternative with was specified and included in the new projects. It is recommended to use Ethernet net radios with the system. This would not increase the costs on the new stations, but requires radio and system upgrades to the existing SCADA system.

Although the current SCADA system meets data collection and storage requirements, it has major deficiencies with operational control and alarm notification. Control is limited to on/off functions and can only be operated at the Public Works Garage. Alarms are limited, requiring multiple inputs on a single channel. The result is getting an alarm condition notice reporting "high or low level condition", "power or phase fail", check valve or low flows fail". Operators must go to the utility site or public works garage to determine which of two alarm conditions are actually occurring.

System upgrades funded by the water and wastewater enterprise accounts. Shared costs split from existing utility, two in progress, well house in 2014, and future additions.

Strengths:

- New SCADA system can be accessed from any computer, tablet, or phone with internet or data plan. Operational control limited to utility staff, but monitoring could be allowed to other staff and Public Officials. The Fire Department would have real time status of tower levels and pump flow data during fire events.
- Alarms programmed with software. Allows detailed alarm notices and accommodates all current and future needs.

Weaknesses:

- Radio and IT technology development is dynamic. It has been determined the current proposal includes equipment expected to be field standard in foreseeable future.

Opportunities:

- Roseville IT department has the SCADA computer scheduled for replacement next year. A price was solicited and provided. Roseville will purchase computer/monitor and assist in establishing SCADA in the system. (Current SCADA not in network) A tablet was priced, but it was determined to delay any purchase until system is established to identify needs and criteria.
- Allows new well house programming/protocols to be incorporated in design.

Threats

- The need for remote access and control becomes increasingly important as pumps, tanks and controls feed the same infrastructure. With this comes the due diligence to assure and maintain the integrity and security of the system.

RECOMMENDATION:

Based on the aforementioned, the staff recommends the appropriate guiding motion.

Move to approve the purchase SCADA system radio upgrades, computer, and software from Telemetry Process Controls and the Roseville IT for \$29, 203.25

ATTACHMENTS:

- 1) SCADA System Summary
- 2) TPC SCADA Proposal
- 3) Communications Systems Diagram

Lake Elmo, MN SCADA System Summary

Functional System Description

General Information

The licensed radio communication Supervisory Control and Data Acquisition (SCADA) system described herein was supplied and installed to enable the City of Lake Elmo to monitor and control the city's water supply and distribution system as well as monitor the wastewater lift pump station(s) from a "Master" location.

The system provides:

- Well pump, chemical feed pump and hydropneumatic tank air add / vent control
- Monitoring of the:
 - control & operation of the well and chemical feed pumps
 - discharge flow rate of each well pump
 - level in the elevated water storage towers
 - water level in the well No.2
 - hydropneumatic tank level & pressure
 - number of starts and the run time for each pump (well & wastewater lift pump)
 - radio communication failure counts between the "Master" location and the well/tower & lift station locations
- Alarm annunciation and logging (with date / time stamp) for each specific system alarm condition
- Data logging and trend displays for the elevated water storage tower levels, the well No.2 water level, the hydropneumatic tank water level, the well pump discharge flow rates and the radio communication failures

A "Master" polling system panel identified as "CPPW", is provided at the Public Works Building / City Maintenance Garage. The CPPW panel contains a programmable logic controller (PLC) that communicates via fiber optic cable to panel CPWT2 that is installed in the base of the Water Tower 2.

Panel CPWT2 communicates with the remote system sites (CPW1, CPW2 & CPLS1) via licensed radio transceivers at each location. SCADA system panels are provided at the following sites in the City:

<u>Site</u>	<u>Panel</u>
Public Works Building	CPPW
Elevated Water Tower No. 2	CPWT2
Well No. 1 / Elevated Water Tower No. 1 RTU*	CPW1
Well No. 2 RTU*	CPW2
Lift Station No.1 RTU*	CPLS1

* RTU – Remote Transceiver Unit

SCADA system “Master” at the City Public Works Building

The SCADA system equipment that is located at the Public Works Building consists of the following items:

A. SCADA Panel - CPPW

The SCADA panel CPPW is installed in the Electrical Room of the Public Works building. This panel includes a PLC and associated input / output (I/O) modules. This panel provides Ethernet communication with the PC in the Superintendent’s Office and provides fiber optic communication with Panel CPWT2 as previously mentioned. SCADA communication software automatically interrogates (polls) the remote system sites to provide automatic system control and alarm / status monitoring.

B. Graphical User Interface (GUI)

The GUI is a PC-based system installed in the Superintendent’s Office. A color-graphic monitor is provided for display of the water distribution system and wastewater pump station parameters included in the SCADA System. The graphic screen displays provide real-time system control, status and alarm information.

C. Fiber Optic Pullbox and Patch Panel

Fiber optic pullbox and patch panels are installed in the Electrical Room.

The GUI includes a security system to prevent unauthorized operator set-point and SCADA system parameter manipulation. Password access is required for control changes and for operator reset of pump run times and pump start counters. All screens are available for viewing without security access.

The operator interface is programmed to provide graphic display of all system parameters. Each screen includes a link on the left side of the display to allow navigation to the other system screens.

Water Tower No. 2 Data Communication Panel - CPWT2

The SCADA system’s master radio transceiver is installed in panel CPWT2. The panel is installed in the base of the Water Tower 2. This panel communicates with the RTU site locations via its radio transceiver and an Omni-directional antenna installed at the top of Water Tower 2. The panel also includes fiber optic modules that communicate all system information received by radio as well as the locally sensed tower No.2 level & 120VAC input power failure to panel CPPW via fiber cable.

A tower head pressure sensing level transmitter provides a 4-20 maDC level linearized input signal to CPWT2. The tower level signal is used in the SCADA system water storage, pump control and abnormal level alarm algorithms. CPWT2 includes a door mounted digital meter that displays the water level in the storage bowl of Water Tower 2.

System information specific to panel CPWT2 displayed on the SCADA Master GUI includes:

- Water tower No.2 bowl storage level (in feet and tenths of feet)
- Tower No. 2 level responsive well pump control set-points
- Tower abnormal level alarm set-points
- Tower high and low level alarms
- Fiber communication failure
- Radio communication failure
- 120 VAC incoming power failure

Well No.1 RTU Panel - CPW1

Radio RTU CPW1, located at Well House No.1, has an integral PLC that provides pump start/stop control, station alarm & monitoring as well as Tower No. 1 water level radio transmission to panel CPWT2.

The SCADA system's well pump No.1 "pump required" signal activates a PLC output contact that is wired to the "Auto" input of the well pump motor starter's Hand-Off-Auto selector switch pilot control circuit. An auxiliary contact installed on the pump's motor starter provides "Well Pump Running" status feedback to the PLC / RTU.

A head pressure sensing tower level transmitter provides a 4-20maDC analog input signal to the PLC/RTU. A well pump discharge flow meter provides a 4-20maDC analog input signal to the PLC/RTU.

Well Pump No.1 / Tower No. 1 Alarm / Status / Control functionality provided on the SCADA Master GUI includes:

- Water tower bowl storage level (in feet and tenths of feet)
- Tower level responsive well pump control set-points
- Tower abnormal level alarm set-points
- Tower high and low level alarms
- Well pump "required" & "running"
- Well pump "failed to start" alarm
- Well pump software H-O-A selector switch
- Well pump run time (operator resettable)
- Well pump start counter (operator resettable)
- Well pump discharge flow rate (GPM) and total
- RTU 120 VAC incoming power failure
- UPS fault
- Radio communication failure

Well No.2 RTU Panel – CPW2

Radio RTU CPW2, located at Well House No.2, operates in conjunction with a separate PLC based automatic well pump control panel (CP100) that has a door mounted operator interface terminal (OIT) to provide pump start/stop control, station alarm & monitoring locally and / or from the SCADA system Master at the Public Works building via panel CPWT2.

The SCADA system's well pump No.2 "pump required" signal activates a PLC output contact that is wired to the "Auto" input of the well pump motor starter's Hand-Off-Auto selector switch pilot control circuit. An auxiliary contact installed on the pump's motor starter provides "Well Pump Running" status feedback to the PLC / RTU.

Well Pump No.2 / Hydropneumatic Tank building Alarm / Status / Control functionality provided on the SCADA Master GUI includes:

- Well pump "required" & "running"
- Well pump "failed to start" alarm
- Well pump software H-O-A selector switch
- Well pump pre-lube "required" (with flow / no-flow indication)
- Well pump run time (operator resettable)
- Well pump start counter (operator resettable)
- Well draw down level (in feet)
- Well draw down level alarm set-points
- Well draw down level high and low alarms
- Well pump discharge check valve "open" / "closed"
- Well pump discharge flow rate (GPM) and total
- Well pump discharge flow alarm set-points
- Well pump discharge flow high and low alarms
- Chlorine booster pump "required" & "running"
- Chlorine tank weight (for each of two tanks)
- Chlorine "re-order" set-point
- Well house gas detector (PPM & tenths)
- Air compressor "running" & "off"
- Hydropneumatic tank system pressure (PSI)
- Hydropneumatic tank system pressure control and alarm set-points
- Hydropneumatic tank air add & vent solenoid valve "required-to-open"
- Hydropneumatic tank system pressure high and low alarms
- Hydropneumatic tank level (in feet and tenths of feet)
- Hydropneumatic tank level well pump control & alarm set-points
- Hydropneumatic tank high and low level alarms
- Utility power voltage / phase failure
- Low compressed air supply alarm
- Radio communication failure alarm

Lift Station No.1 RTU Panel – CPLS1

Radio RTU CPLS1, located at Lift Station No.1, has an integral PLC that provides pump run time monitoring and station alarm transmission via the radio transceiver to panel CPWT2.

The Lift Station Alarm and Status Information displayed at the SCADA Master GUI includes:

- Lift Pump No.1 running
- Lift Pump No.2 running
- High Wet Well level alarm
- Common pump fault alarm
- 120 VAC incoming power failure
- UPS battery failure
- Radio communication failure



Telemetry and Process Controls, Inc.

7250 Hudson Blvd. Suite 160 ~ Oakdale, Minnesota 55128 ~ Tel. 651-430-0435 ~ Fax 651-430-0783

November 14, 2013

Mr. Mike Bouthilet
City of Lake Elmo - Public Works Department
3800 Laverne Avenue
Lake Elmo, MN 55042

Subject: Proposal to upgrade the City of Lake Elmo Water Distribution / Wastewater Collection
SCADA System Radio communication equipment & GUI hardware / software

Dear Mr. Bouthilet,

Thank you for the opportunity to present this proposal to the City of Lake Elmo's Public Works Department. Telemetry and Process Controls, Inc. (TPC) will supply the following equipment and services as part of this proposal:

Ethernet Radio System (ERS) Upgrade @ all (4) existing serial radio locations:

Elevated Water Tower No. 2 CTU*	CPWT2
Well No. 1 / Elevated Water Tower No. 1 RTU**	CPW1
Well No. 2 RTU**	CPW2
Lift Station No.1 RTU**	CPLS1

*CTU – Central Transceiver Unit ** RTU – Remote Transceiver Unit

ERS Upgrade to include:

- (4) CalAmp Viper SC-100 Ethernet radios (one @ each location)
- (2) Fiber/Copper Media converter Ethernet switches; one @ each following location:
 - Public Works SCADA Panel CPPW
 - Elevated Water Tower No.2 Panel CPWT2
- Radio to PLC Ethernet cable @ each radio location
- Installation of the new ERS hardware into the CTU / RTU panels
- Radio configuration
- PLC configuration
- Radio path study for existing and new radio sites.

TPC's Price is: \$12,681.00

Graphical User Interface (GUI) Upgrade @ the SCADA System "Master" - Public Works Building

GUI Upgrade to include:

- Desktop PC, HP Compaq Elite 8300 (per attached specification)
- 21.5" Flat panel color L.E.D. back-lit Monitor, HP ProDisplay P221
- Microsoft Office 2010 software
- Wonderware License Upgrade (from 500 to 1000 tag package)
- Uninterruptible power supply
- Factory set-up of new GUI including the installation of the upgraded Wonderware software license & configuration of VPN "LogMeIn" Remote Access software

On-Site technical Services including:

- Hardware / Software delivery to the site
- PC set-up in City designated location
- Communications system configuration and test
- System functional test

TPC's Price is: \$7,152.00

Optional GUI Upgrade price deducts:

1. Deduct \$1,045 if the City of Lake Elmo provides the Desktop PC, HP Compaq Elite 8300 and the 21.5" Flat panel color L.E.D. back-lit Monitor, HP ProDisplay P221 (per attached specification).
2. Deduct \$159 for the Wonderware License Upgrade to only include a new version for operation on the new PC with a Windows 7 Professional operating system without the tag expansion option (The current 500 tag license, is able to accommodate the current system expansion plans of adding two lift stations & one well RTU to the SCADA system. The minimal incremental cost however to go to the 1,000 tag package now seems very worthwhile to us.
3. Deduct \$2,824 for the City to continue using their existing SCADA system GUI and not replace the existing GUI hardware or upgrade the Wonderware software. The GUI upgrade would only include a network interface module for the existing PC and TPC's on-site installation, testing and operator instruction in the use of the VPN "LogMeln" Remote Access software. **We do not recommend this optional deduct** due to the age of the current GUI hardware / software. The existing PC has a Microsoft XP operating system that will no longer be supported by Microsoft after April 2014.

GUI Alarm Notification Software and Modem & associated On-site Services

To include:

- Alarm Notification Software, WIN-911 PRO-BT providing the following alarm communication options:
 - Telephone voice Messaging
 - E-mail notification
 - Text messaging
 - Paging notification
- Alarm dialer modem
- On-site Services to include:
 - PC Installation and configuration of the Alarm Notification software
 - Functional test of the GUI Alarm Notification system

TPC's Price is: \$9,474.00

Note: The proposed GUI Alarm Notification Software and Modem will work with either the proposed new GUI PC's MS Windows 7 Professional operating system or your existing PC's MS Windows XP operating system.

Tablet PC

- Apple iPad with Retina Display MD524LL/A (64GB, Wi-Fi + Verizon, Black) NEWEST VERSION
 - Configured for Wi-Fi HMI Access
 - NOTE: The SIM cellular communications card is not included. TPC to provide coordination assistance (if desired by the city) with the City's cellular service provider to obtain the appropriate SIM card required.

TPC's Price is: \$1,350.00

TPC's price includes:

- Engineering
- 1-Year Warranty
- Factory Check Out
- On-site installation



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
CONSENT
ITEM # 5

AGENDA ITEM: Consider Approval of 2014 Liquor License Renewals

SUBMITTED BY: Beckie Gumatz, Program Assistant

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk
Washington County Sheriff's Office (Pending)

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

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

POLICY RECOMMENDER: Staff.

FISCAL IMPACT: license application revenue of \$6,650.

SUMMARY AND ACTION REQUESTED: The City has received liquor applications for 2014, required fees, and insurance certificates. As all applications are in order, it is respectfully requested that the City Council approve these renewals as part of its *Consent Agenda*. Council may elect to amend the recommended motion. If done so, the appropriate motion is as follows:

“Move to approve 2014 Liquor License Renewals, as presented.”

LEGISLATIVE HISTORY: According to State Statute and City Code, each year all the Liquor Licenses in the City must be renewed. All renewals are contingent upon approval by the Washington County Sheriff's Dept.

BACKGROUND INFORMATION: The City is respectfully requested to consider granting the following 2014 liquor applications:

- On-sale intoxicating liquor and On-sale Sunday intoxicating license to **Prom Management Group (Operators of Tartan Park Restaurant)** and to **The Machine Shed Restaurant by Heart of America Restaurants**; contingent upon approval by the Washington County Sheriff's Dept.
- On-sale intoxicating liquor, Off-sale intoxicating liquor and On-sale Sunday intoxicating license to the **Twin Point Tavern** and **Lake Elmo Inn** including the outside patio; contingent upon approval by the Washington County Sheriff's Dept.
- Off-sale intoxicating liquor license to **Lake Elmo Wine Co.** and **Village Wine & Spirits**; contingent upon approval by the Washington County Sheriff's Dept.
- On-sale intoxicating liquor license (second location) for the **Lake Elmo Inn Event Center**; contingent upon approval by the Washington County Sheriff's Dept.

RECOMMENDATION: Based on the aforementioned, the staff recommends and appropriate guiding motion, *if removed from the Consent Agenda:*

“Move to approve 2014 Liquor License Renewals, as presented.”



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
CONSENT
ITEM #6
MOTION

AGENDA ITEM: Authorize Certification to Washington County Auditor for the Unpaid Water Utility Bills

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Dean Zuleger, City Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: Up to \$46,003.22 to be assessed to Washington County for collection via 2014 tax rolls. Amount to be reduced for any payments received on or before December 13, 2013.

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve the certification of the delinquent water bills to the Washington County Auditor. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

BACKGROUND INFORMATION: The City of Lake Elmo has authority by Minnesota State statute 444.075, subd.3 to assess property owners for unpaid water utilities and services. Affected homeowners with past due balances were sent notification of the proposed assessment. Property owners have until 12/13/2013 to pay the balance due without additional fees.

The City operates the water, sewer and surface water under its Enterprise Funds. Enterprise funds account for specific City operations that are financed and operated similar to a private

business. Generally, the services are provided to identifiable beneficiaries, as well as the general public, and all or most of the costs come from user fees.

The user fees collected are utilized to operate the Cities respective water, sewer and surface water systems. Assessing the property owners listed on Exhibit A (attached) for unpaid services will assure collection of charged fees. The deadline to certify unpaid water utility bills to Washington County is December 28, 2013. Any payments received before the cutoff of December 13, 2013 will be removed from this list and not reported to Washington County for assessment.

RECOMMENDATION: It is recommended that the City Council authorize the certification of the unpaid delinquent water accounts to the Washington County Auditor.

ATTACHMENTS:

1. Resolution 2013-100
2. Exhibit A

CITY OF LAKE ELMO
Potential Water Assessments
12/3/2013
Outstanding as of 11/26/13

EXHIBIT A

Account Number	Past Due Amt	Fee	Potential to be Assessed	PID
01-0000004-00-5	126.92	25.00	151.92	1302921320023
01-0000006-00-7	55.43	25.00	80.43	1302921320015
01-0000016-00-0	29.28	25.00	54.28	1302921310015
01-0000017-00-1	26.50	25.00	51.50	1302921310014
01-0000020-00-7	228.25	25.00	253.25	1302921340004
01-0000021-00-8	114.72	25.00	139.72	1302921340005
01-0000042-00-5	106.00	25.00	131.00	1402921440018
01-0000052-00-8	130.22	25.00	155.22	1302921340017
01-0000071-00-3	66.59	25.00	91.59	1302921240027
01-0000072-00-4	121.98	25.00	146.98	1302921240006
01-0000073-00-5	458.58	36.69	495.27	1302921240005
01-0000080-00-5	191.79	25.00	216.79	1302921340029
01-0000084-00-9	46.92	25.00	71.92	1302921230008
01-0000086-00-1	55.99	25.00	80.99	1302921230012
01-0000113-00-4	101.19	25.00	126.19	1302921320036
01-0000119-00-0	222.47	25.00	247.47	1302921320084
01-0000121-00-5	99.94	25.00	124.94	1302921320039
01-0000122-00-6	288.30	25.00	313.30	1302921320040
01-0000123-00-7	58.26	25.00	83.26	1302921330028
01-0000142-02-8	1,438.89	115.11	1,554.00	2402921220003
01-0000151-00-4	51.45	25.00	76.45	1302921320065
01-0000153-00-6	238.43	25.00	263.43	1402921410012
01-0000158-00-1	371.37	29.71	401.08	1402921410016
01-0000165-00-1	256.69	25.00	281.69	2402921120003
01-0000170-00-9	261.21	25.00	286.21	2402921120014
01-0000175-00-4	715.15	57.21	772.36	2402921210027
01-0000183-00-5	69.62	25.00	94.62	2402921210013
01-0000189-00-1	645.02	51.60	696.62	1302921430007
01-0000191-00-6	115.57	25.00	140.57	1302921430009
01-0000193-00-8	139.51	25.00	164.51	1302921430010
01-0000205-00-0	59.95	25.00	84.95	1302921230046
01-0000210-00-8	28.28	25.00	53.28	1302921320048
01-0000213-00-1	38.84	25.00	63.84	1302921230027
01-0000219-00-7	639.79	51.18	690.97	1302921230056
01-0000221-00-2	99.88	25.00	124.88	1302921320041
01-0000236-00-0	99.94	25.00	124.94	1302921320070
01-0000244-00-1	101.59	25.00	126.59	1402921410027
01-0000248-00-5	37.37	25.00	62.37	1302921320006
01-0000249-01-9	654.94	52.40	707.34	1302921230036
01-0000251-00-1	912.30	72.98	985.28	1302921210006
01-0000252-00-2	250.89	25.00	275.89	1302921240016
01-0000256-00-6	125.98	25.00	150.98	1302921230069
01-0000260-00-3	1,394.13	111.53	1,505.66	1302921210006
01-0000268-00-1	450.34	36.03	486.37	1402921410020
01-0000270-00-6	385.66	30.85	416.51	0402921330051

01-00000271-00-7	304.71	25.00	329.71	0502921440016
01-00000276-00-2	288.83	25.00	313.83	1002921240008
01-00000279-00-5	387.14	30.97	418.11	1002921240009
01-00000308-00-0	125.98	10.08	136.06	2402921110010
01-00000316-00-1	215.08	25.00	240.08	2402921120030
01-00000320-00-8	436.46	34.92	471.38	2402921140009
01-00000322-00-0	280.21	25.00	305.21	2402921140008
01-00000340-00-4	63.56	25.00	88.56	2402921110017
01-00000350-00-7	523.54	41.88	565.42	2402921130010
01-00000444-00-5	28.28	25.00	53.28	1602921410018
01-00000506-00-2	106.00	25.00	131.00	1602921140024
01-00000516-00-5	214.19	25.00	239.19	1502921320027
01-00000518-00-7	37.84	25.00	62.84	1502921320025
01-00000519-00-8	44.65	25.00	69.65	1502921320020
01-00000521-00-3	796.23	63.70	859.93	1502921320022
01-00000522-00-4	42.42	25.00	67.42	1502921320023
01-00000524-00-6	42.38	25.00	67.38	1502921320013
01-00000536-00-1	174.55	25.00	199.55	1602921140005
01-00000549-00-7	131.11	25.00	156.11	1602921140015
01-00000560-00-4	49.18	25.00	74.18	0902921440010
01-00000574-00-1	58.26	25.00	83.26	1502921310006
01-00000579-00-6	46.32	25.00	71.32	1502921310004
01-00000584-00-4	60.53	25.00	85.53	1002921320010
01-00000606-00-9	253.08	25.00	278.08	1602921140031
01-00000607-00-0	66.02	25.00	91.02	1602921140029
01-00000657-00-5	492.51	39.40	531.91	1602921130030
01-00000819-00-9	249.52	25.00	274.52	1202921120020
01-00000825-00-8	59.17	25.00	84.17	1202921410003
01-00000831-00-7	415.20	33.22	448.42	1202921410009
01-00000840-00-9	380.06	30.40	410.46	1202921410018
01-00000849-00-8	441.73	35.34	477.07	1202921420019
01-00000854-00-6	700.43	56.03	756.46	1202921420024
01-00000856-00-8	270.72	25.00	295.72	1202921420026
01-00000863-00-8	418.42	33.47	451.89	1202921420033
01-00000866-00-1	112.00	25.00	137.00	1202921420036
01-00000868-00-3	230.88	25.00	255.88	1202921420038
01-00000878-00-6	373.11	29.85	402.96	1202921430018
01-00000908-00-2	286.62	25.00	311.62	0602920330016
01-00000921-00-1	499.54	39.96	539.50	0602920330009
01-00000922-00-2	560.30	44.82	605.12	0602920320057
01-00000927-00-7	468.48	37.48	505.96	0602920330005
01-00000946-00-2	145.96	25.00	170.96	0602920320015
01-00000953-00-2	137.97	25.00	162.97	0602920310039
01-00000967-00-9	161.95	25.00	186.95	0602920320069
01-00000977-00-2	162.71	25.00	187.71	0602920320022
01-00000984-00-2	610.43	48.83	659.26	0602920310024
01-00000989-00-7	1,670.82	133.67	1,804.49	0602920310020
01-00000991-00-2	86.26	25.00	111.26	0602920310019
01-00000994-00-5	172.78	25.00	197.78	0602920310030
01-00000997-00-8	663.76	53.10	716.86	0602920310016
01-00000998-00-9	200.61	25.00	225.61	0602920310032

01-00001010-00-3	31.80	25.00	56.80	0602920310051
01-00001011-00-4	52.16	25.00	77.16	0602920310049
01-00001013-00-6	114.68	25.00	139.68	0602920310055
01-00001132-00-8	719.80	57.58	777.38	1102921330006
01-00001171-00-9	710.37	56.83	767.20	1102921330019
01-00001247-00-3	603.92	48.31	652.23	2202921210021
01-00001294-00-5	556.19	44.50	600.69	1102921410002
01-00001331-00-1	847.74	67.82	915.56	1102921330021
01-00001391-00-9	835.91	66.87	902.78	0102921130007
01-00001451-00-4	740.22	59.22	799.44	0202921140011
01-00001521-00-2	69.62	25.00	94.62	0902921440022
01-00001876-00-3	1,194.14	95.53	1,289.67	2202921210017
01-00001881-00-1	334.32	26.75	361.07	2202921220030
01-00002031-00-9	37.03	25.00	62.03	1102921320011
01-00002091-00-7	307.82	25.00	332.82	1002921410016
03-00000725-00-3	2,089.33	167.15	2,256.48	3302921420012
03-00000752-00-9	44.85	25.00	69.85	3302921440023
04-00000013-00-0	235.27	25.00	260.27	1502921340002
04-00000019-00-6	179.01	25.00	204.01	1502921330040
04-00000023-00-3	44.65	25.00	69.65	1502921330025
04-00000027-00-7	84.78	25.00	109.78	1502921330012
04-00000029-00-9	249.49	25.00	274.49	1502921330015
04-00000033-00-6	42.38	25.00	67.38	1502921330005
04-00000039-00-2	87.81	25.00	112.81	1502921330034
04-00000049-00-5	46.92	25.00	71.92	1502921330021
04-00000055-00-4	121.98	25.00	146.98	1502921330003
04-00000071-00-6	75.68	25.00	100.68	2202921220012
04-00000115-00-9	347.43	27.79	375.22	2102921120004
04-00000123-00-0	156.33	25.00	181.33	2102921120009
04-00000127-00-4	37.84	25.00	62.84	2102921120011
04-00000161-00-0	153.95	25.00	178.95	2102921210008
04-00000171-00-3	366.01	29.28	395.29	2102921120001
04-00000175-00-7	81.75	25.00	106.75	2102921120022
04-00000193-00-1	113.99	25.00	138.99	2102921240011
04-00000209-00-7	254.99	25.00	279.99	2102921230013
04-00000213-00-4	302.46	25.00	327.46	2102921230006
04-00000215-00-6	180.65	25.00	205.65	2102921230007
04-00000237-00-4	110.70	25.00	135.70	2102921220009
04-00000241-00-1	934.78	74.78	1,009.56	2102921220008
04-00000257-00-0	62.25	25.00	87.25	2102921210016
04-00000269-00-5	426.05	34.08	460.13	2102921240006
04-00000273-00-2	162.52	25.00	187.52	2102921130019
04-00000283-00-5	208.59	25.00	233.59	2102921130013
04-00000379-00-5	60.53	25.00	85.53	2102921120014
	41,279.30	4,723.92	46,003.22	

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

RESOLUTION 2013-100

**RESOLUTION AUTHORIZING CERTIFICATION TO THE WASHINGTON
COUNTY AUDITOR FOR UNPAID WATER UTILITY BILLS**

WHEREAS, Minn. Stat. 444.075, subd. 3, permits certification of unpaid charges to the county auditor for collection with taxes payable;

WHEREAS, the Municipal Code for the City of Lake Elmo contains a provision to certify delinquent accounts to the County Auditor for the collection with taxes payable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA, THAT:

1. The list of delinquent accounts, a copy of which is attached hereto as Exhibit A, and made part hereof, is hereby accepted and shall be certified to the Washington County Auditor for collection with taxes payable.
2. The certified amount shall be payable over a period of one year, with interest as provided in Exhibit A.
3. The owner of the property may, at any time prior to certification to the County Auditor, pay the delinquent amount to the City Finance Director.
4. The City Finance Director shall forthwith transmit a certified duplicate of Exhibit A to the County Auditor to be extended on the property tax lists of Washington County no later than December 28, 2013. Such delinquent accounts shall be collected and paid over in the same manner as other municipal taxes.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF
DECEMBER, 2013.**

By: _____
Mike Pearson
Mayor

(Seal)

Adam Bell, City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
REGULAR
ITEM #7

AGENDA ITEM: Lake Elmo Avenue Trunk Watermain Improvements – Public Improvement Hearing; Ordering the Improvement, and Authorize Preparation of Plans and Specifications

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Chad Isakson, Project Engineer

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

The Lake Elmo Avenue Trunk Watermain Improvement project is a \$3.0 million water system infrastructure project that is programmed for construction in the 2014 Capital Improvement Plan. The Capital Improvement Plan is funded as detailed in the city financial pro forma previously presented and accepted by the city council. More specifically this project will be funded through the water enterprise fund and special assessments as identified in the feasibility report.

Ordering the Improvement and preparation of plans and specifications commits the city to incur the engineering costs necessary to complete detailed design and receive contractor bids to ready

the project for construction in 2014. The council will be asked to award a contract for construction in April 2014, at which time the city would commit to the remaining project costs.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to open the Public Improvement Hearing for the Lake Elmo Avenue Trunk Watermain Improvements; and following the Hearing, consider adopting Resolution No. 2013-101 Ordering the Improvement and Authorizing Preparation of Plans and Specifications. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2013-101, Ordering the Lake Elmo Avenue Trunk Watermain Improvements and Authorizing Preparation of Plans and Specifications.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

Pursuant to Minnesota Statutes, Sections 429.011 to 429.111, a Public Improvement Hearing was noticed for December 3, 2013, to consider making the following improvements:

- Install a 16-inch diameter Trunk Watermain along Lake Elmo Avenue, from 30th Street to future 5th Street, to extend municipal water supply to serve potential developments south of 10th Street.

The attached notice was published in the official newspaper and individual notifications were sent to each address that potentially will be assessed a portion of the project costs.

In September, 2013 the City received a written request to have municipal water available by the fall of 2014 to serve two active residential development projects and one pending commercial development. In response to this request, the City Council authorized the preparation of a feasibility study to be completed in order to identify the necessary improvements, the estimated project costs, and to consider the assessment of a portion of the project costs to properties adjacent to and benefitting from the improvements.

The proposed improvements include the extension of trunk watermain along Lake Elmo Avenue, from the existing Village water system, south approximately 2.5 miles to the future intersection location of Lake Elmo Avenue and 5th Street. The improvements are identified for construction in 2014 and are consistent with the capital improvement plan.

This project is being installed as part of the trunk water distribution system serving the city. There are properties adjacent to this improvement project that will gain direct access to connect to the water system, without being assessed for a lateral watermain in the future. Therefore, as part of the findings and recommendations, the Feasibility Report recommends installing individual service stubs to properties with existing home structures and adjacent to the improvements. The report further recommends levying a water lateral benefit assessment in the amount of the City's current fee schedule, or \$5,800. A preliminary assessment roll was included in the Report identifying 32 residential properties (1 unit each) and 1 commercial property (3

units) to be assessed this amount. The Report also identifies an alternative assessment option that assesses one half that amount, or \$2,900 lateral water benefit assessment at the time of the project while deferring the remaining \$2,900 to be collected as part of an additional water connection charge if and when the property chooses to connect to the City water system.

The City has sent out a Request for Proposal (RFP) for Engineering Support Services to prepare construction documents and provide assistance in administering the contract in construction. The City Engineer will evaluate the proposals that are received on December 6, 2013 and provide a recommendation to enter into a contract at the December 17, 2013 Council meeting.

RECOMMENDATION:

Staff is recommending that the City Council adopt Resolution No. 2013-101, thereby Ordering the Improvement for the Lake Elmo Avenue Trunk Watermain Improvements. Ordering a 429 Public Improvement project without a resident petition requires a super majority 4/5 vote. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2013-101, Ordering the Lake Elmo Avenue Trunk Watermain Improvements and Authorizing Preparation of Plans and Specifications.”

ATTACHMENT(S):

1. Resolution No. 2013-101, Ordering the Improvements and Authorizing Preparation of Plans and Specifications.
2. Notice of Hearing on Improvement.
3. Preliminary Assessment Roll.
4. Project Schedule.
5. Location Map.
6. Feasibility Report (*available for review at City Hall*)

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

RESOLUTION NO. 2013-101

**A RESOLUTION ORDERING THE IMPROVEMENT FOR THE
LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS AND AUTHORIZING
PREPARATION OF PLANS AND SPECIFICATIONS**

WHEREAS, pursuant a resolution of the City Council adopted the 6th day of November, 2013, the Council ordered a hearing on Improvement for the Lake Elmo Avenue Trunk Improvements; and

WHEREAS, ten days' mailed notice and two weeks published notice of the hearing was given, and the hearing was held thereon on the 3rd day of December, 2013, at which all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the feasibility report prepared by FOCUS Engineering, Inc., and dated October 2013 states that the project is necessary, cost-effective, and feasible; and

WHEREAS, in order to provide municipal water to properties located south of 10th Street N along Lake Elmo Avenue the City needs to design and construct a trunk watermain.

NOW, THEREFORE, BE IT RESOLVED,

1. Such improvement is deemed necessary, cost-effective, and feasible as detailed in the Feasibility Report dated October 2013.
2. Such improvement is hereby ordered as proposed in the Council resolution adopted this 3rd day of December, 2013.
3. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.
4. The City Engineer is hereby designated as the engineer for making this improvement. The engineer shall oversee the preparation of the Plans and Specifications for the making of such improvement.
5. The City Engineer shall retain the services of a consulting engineering firm to assist, where needed, to prepare Plans and Specifications for the making of such improvement and to assist the City Engineer during the construction phase of the improvement as requested.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF DECEMBER, 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, December 3, 2013, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement will consist of extending the Village water system approximately 2.5 miles south along Lake Elmo Avenue, from 30th Street North to the future intersection of Lake Elmo Avenue and 5th Street, to provide municipal water service to developing properties in the southeast part of the City. Individual service stubs will be installed to properties with existing homes that are located adjacent to the watermain improvements. Fire hydrants will be installed along the corridor, providing increased fire suppression capabilities in the extended service area.

The area proposed to be assessed for these improvements include the properties with existing residences and located along Lake Elmo Avenue, directly abutting the location of the proposed watermain improvements. The estimated total cost of the improvements is \$2,894,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: November 6, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on November 13, 2013 and November 20, 2013)

NO.	NAME	ADDRESS	PID	UNITS
1	GRIFFIN WENDY L	2835 LAKE ELMO AVE N LAKE ELMO	55042 2402921220004	1
2	RALEIGH DANIEL D & DEBORAH C	2737 LAKE ELMO AVE N LAKE ELMO	55042 2402921230009	1
3	TREML DENNIS F & BARBARA J	2715 LAKE ELMO AVE N LAKE ELMO	55042 2402921230010	1
4	KEMPF GUST JR TRS	2685 LAKE ELMO AVE N LAKE ELMO	55042 2402921240004	1
5	NOVAK CAROL JEANNE	2641 LAKE ELMO AVE N LAKE ELMO	55042 2402921240002	1
6	LEITE JAN A	2575 LAKE ELMO AVE N LAKE ELMO	55042 2402921230004	1
7	HYNDMAN MARTIN V	2543 LAKE ELMO AVE N LAKE ELMO	55042 2402921230003	1
8	HOPKINS STEPHEN L & OLSON GAIL	2525 LAKE ELMO AVE N LAKE ELMO	55042 2402921230006	1
9	ENGDAHL RICHARD L TRS & SHARON A ENGDAHL TRS	2491 LAKE ELMO AVE N LAKE ELMO	55042 2402921320001	1
10	TAIT GEORGE R & JULIE A	2443 LAKE ELMO AVE N LAKE ELMO	55042 2402921320013	1
11	FULLER SUSAN A TRS	2337 LAKE ELMO AVE N LAKE ELMO	55042 2402921320005	1
12	GARDNER ROBERT L & DEBORAH A DAYMOND-GARDNER	2315 LAKE ELMO AVE N LAKE ELMO	55042 2402921320003	1
13	JOHNSON JAY A & CHRISTIAN	2269 LAKE ELMO AVE N LAKE ELMO	55042 2402921320006	1
14	CLIFFORD N ADKINS FAMILY TRS 10/30/07	2227 LAKE ELMO AVE N LAKE ELMO	55042 2402921330004	1
15	NACHTWEY LAWRENCE J	2211 LAKE ELMO AVE N LAKE ELMO	55042 2402921330003	1
16	BANISTER JAMES R & MARY G BANISTER	2197 LAKE ELMO AVE N LAKE ELMO	55042 2402921330002	1
17	TRAVERS RICHARD T & NORRINE	2151 LAKE ELMO AVE N LAKE ELMO	55042 2402921330005	1
18	THOMPSON JOHN R & ROSALINDA C	2119 LAKE ELMO AVE N LAKE ELMO	55042 2402921330006	1
19	WRIGHT DONALD A & ARDIS R	2069 LAKE ELMO AVE N LAKE ELMO	55042 2402921330014	1
20	LARSON PAUL J & JOANN	2041 LAKE ELMO AVE N LAKE ELMO	55042 2402921330013	1
21	KRONGARD ELIZABETH	1796 LAKE ELMO AVE N LAKE ELMO	55042 2602921110001	1
22	REARDON VICKY A	1756 LAKE ELMO AVE N LAKE ELMO	55042 2602921110002	1
23	WEEKS BRUCE W	1446 LAKE ELMO AVE N LAKE ELMO	55042 2602921410002	1
24	PETERSON FRANCES	1326 LAKE ELMO AVE N LAKE ELMO	55042 2602921410005	1
25	CHO INVESTMENTS & ATTN MICHAEL F CLEARY	11025 10TH ST N LAKE ELMO	55042 3602921220001	3
26	HOLMGREN TERI & STEVEN MOST	978 LAKE ELMO AVE N LAKE ELMO	55042 3502921110003	1
27	HER KOU & NENG V	928 LAKE ELMO AVE N LAKE ELMO	55042 3502921110004	1
28	VUE DOUA	872 LAKE ELMO AVE N LAKE ELMO	55042 3502921110005	1
29	ADKINS TRACY J	814 LAKE ELMO AVE N LAKE ELMO	55042 3502921110006	1
30	MILLER RANDY L & JANE C	760 LAKE ELMO AVE N LAKE ELMO	55042 3502921140003	1
31	OLIVEIRA MARCIO R S & JULAINE	704 LAKE ELMO AVE N LAKE ELMO	55042 3502921140004	1
32	ANNETTE L KASPERSON REV TRS 1/18/12	616 LAKE ELMO AVE N LAKE ELMO	55042 3502921130001	1
33	BRADLEY FLORENCE L TRS	520 LAKE ELMO AVE N LAKE ELMO	55042 3502921140001	1
TOTAL				35

PROJECT SCHEDULE
CITY OF LAKE ELMO

FOCUS ENGINEERING, inc.

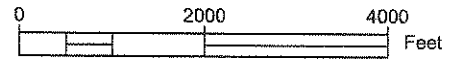
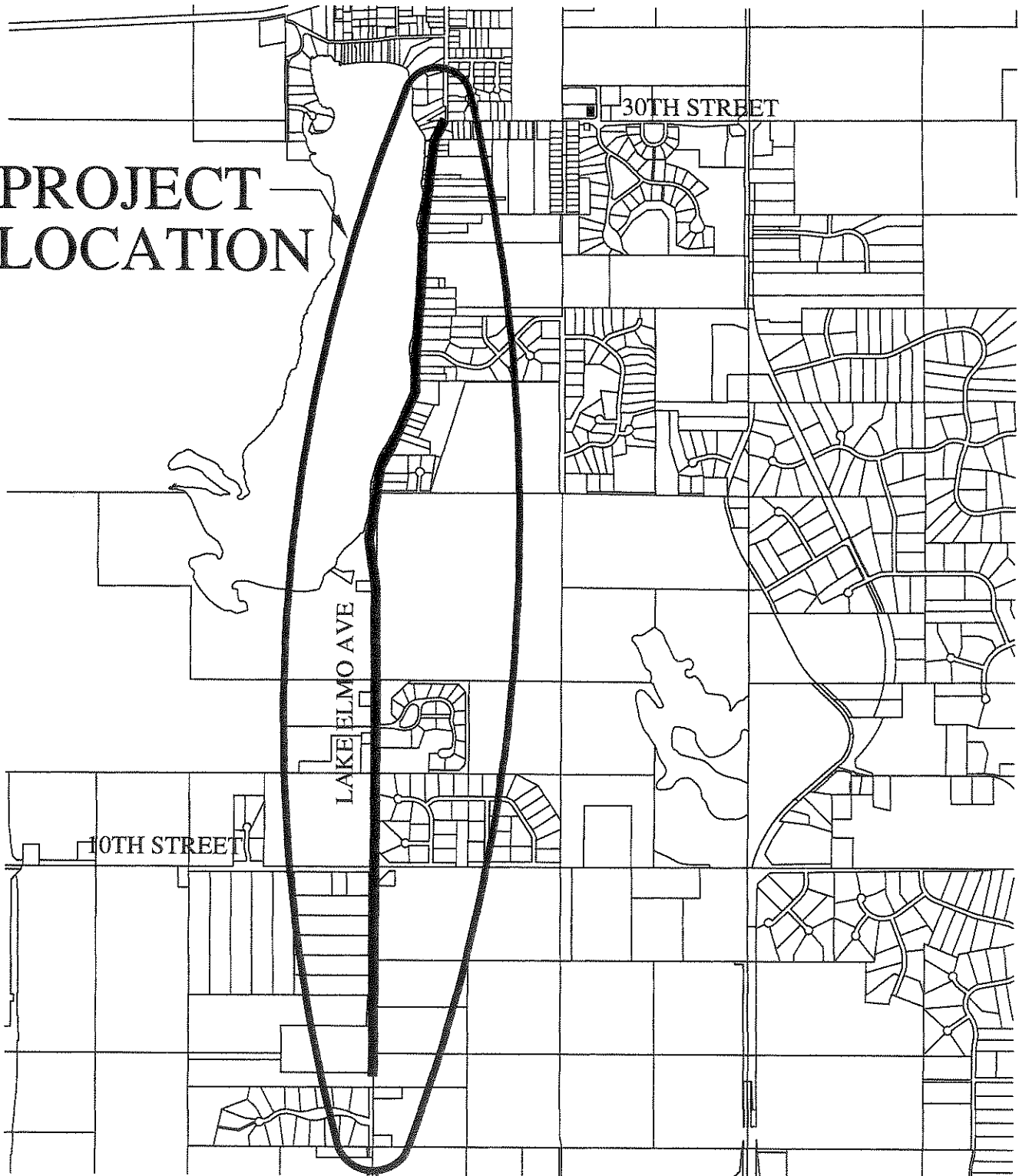
LAKE ELMO AVENUE TRUNK WATERMAIN IMPROVEMENTS
PROJECT NO. 2013.133

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

SEPTEMBER 2013

- September 17, 2013 Council authorizes Feasibility Report.
- November 6, 2013 Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
- November, 2013 Property owner meeting. Presentation of Report findings and recommendations.
- December 3, 2013 Public Improvement Hearing. Council orders Preparation of plans and specifications.
- March 4, 2014 Council approves Plans and Specifications; Orders Advertisement for Bids.
- April 8, 2014 Receive Contractor Bids.
- April 15, 2014 Council accepts bids and awards Contract.
- May 12, 2014 Conduct Pre-construction Meeting and Issue Notice to Proceed.
- September, 2014 Substantial completion (estimated 10-13 weeks).
- October, 2014 Final Completion.

PROJECT LOCATION



FOCUS
ENGINEERING

PROJ. NO. 2013.133
LAKE ELMO, MINNESOTA
OCTOBER, 2013

FIGURE NO. 1
LOCATION MAP
LAKE ELMO AVENUE TRUNK
WATERMAIN IMPROVEMENTS



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
REGULAR
ITEM #8

AGENDA ITEM: Inwood Booster Station and Trunk Watermain Improvements – Resolution Receiving Feasibility Report and Calling Hearing on Improvement

SUBMITTED BY: Jack Griffin, City Engineer

THROUGH: Dean A. Zuleger, City Administrator

REVIEWED BY: Adam Bell, City Clerk
Cathy Bendel, Finance Director
Chad Isakson, Project Engineer

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Engineering

FISCAL IMPACT:

None. The Feasibility Report was previously authorized. Calling for and conducting the Public Improvement Hearing is included in the feasibility report scope of services.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider adopting Resolution No. 2013-102 receiving the Feasibility Report and calling for a Public Improvement Hearing for the Inwood Booster Station and Trunk Watermain Improvements to be held on January 21, 2013. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2013-102, receiving the Feasibility Report and calling Hearing for the Inwood Booster Station and Trunk Watermain Improvements.”

LEGISLATIVE HISTORY/BACKGROUND INFORMATION:

The Inwood Booster Station and Trunk Watermain Improvement project is a \$3.8 million water system infrastructure project that is needed to deliver city water service to support the growth and development in the I94 corridor, residing in the high water pressure zone. More specifically this project serves the corridor area between Inwood Avenue and Keats Avenue (Sections 33 and 34) that will include the Savona (Lennar) development, Boulder Ponds (Amaris Homes), Hammes Estates, Alan Dale properties, Azur properties, MFC & CM properties, and the existing properties within the Eagle Point Business Park.

This project is programmed for construction in the 2014 Capital Improvement Plan. The feasibility report was authorized by the city council on August 6, 2013 in order to ready this project for 2014 construction. The feasibility report is needed to meet state statutory requirements if any portion of the project is to be assessed to benefiting properties. The report identifies the necessary improvements, the estimated project costs, the assessment methodology and preliminary assessment amounts to be levied against properties adjacent to and benefiting from the improvements.

The proposed improvements include the extension of trunk watermain facilities along Inwood Avenue from 26th Street North to Eagle Point Boulevard, connecting to the existing water system in the Eagle Point Business Park. The report recommends that water service be extended into the Parkview Estates neighborhood to provide a more efficient water distribution network that includes additional properties along the selected route. The trunk watermain would enter the Parkview Estates neighborhood at Ivory Avenue North, extend through the neighborhood to 15th Street North, and return to Inwood Avenue.

A water booster station has been identified as part of this improvement to increase water pressures in the southern part of the city due to higher topography. These improvements are consistent with the 2030 Water System Comprehensive Plan which identifies the southwestern part of the city as the high water pressure zone. Property acquisition will be necessary in the vicinity of 26th Street North and Inwood Avenue to accommodate the water booster station facility.

Individual home service stubs and fire hydrants will be installed as watermain is extended past existing residential properties. The improvements will benefit the property owners by providing them the opportunity to connect to the municipal water system and will provide increased fire protection for the property.

Two properties have been identified along Inwood Avenue to be assessed a \$5,800 lateral benefit assessment since the trunk watermain will be placed adjacent to their residence. In addition, there are twenty-five (25) properties located in the Parkview Estates neighborhood that will be served by the project. The city has the option to install the trunk watermain on Inwood Avenue and

bypass this neighborhood altogether. Therefore, the added costs to include the Parkview Estates neighborhood were determined. Applying the Special Assessment Policy, 100% of the added costs should be assessed to the 25 properties, resulting in a preliminary unit assessment amount of \$16,500.

The project will be funded through a combination of water enterprise funds and special assessments as identified in the report. Water enterprise revenue is generated from the city water availability and connection charge system. Ultimately, as a capital improvement infrastructure project, the project will be funded as detailed in the city financial pro forma previously presented and accepted by the city council.

The feasibility report findings and recommendations will be presented at the meeting.

RECOMMENDATION:

Staff is recommending that the City Council adopt Resolution No. 2013-102, receiving the Feasibility Report and calling Hearing for the Inwood Booster Station and Trunk Watermain Improvements. The recommended motion for this action is as follows:

“Move to adopt Resolution No. 2013-102, receiving the Feasibility Report and calling Hearing for the Inwood Booster Station and Trunk Watermain Improvements.”

ATTACHMENT(S):

1. Resolution 2013-102 Receiving the Feasibility Report for the Inwood Booster Station and Trunk Watermain Improvements and Calling Hearing on Improvement.
2. Notice of Hearing on Improvement.
3. Project Schedule.
4. Location Map.
5. Feasibility Report (*available for review at City Hall*)

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

RESOLUTION NO. 2013-102

**A RESOLUTION RECEIVING A FEASIBILITY REPORT FOR THE
INWOOD BOOSTER STATION AND TRUNK WATERMAIN
AND CALLING HEARING ON IMPROVEMENT**

WHEREAS, pursuant to City Council authorization, adopted on August 6, 2013, a feasibility report has been prepared by FOCUS Engineering, Inc. for a booster station and improvements of trunk watermain facilities along Inwood Avenue N, from 26th Street to Eagle Point Business Park. in order to provide access to the municipal water system; and

WHEREAS, the feasibility report recommends that connection service stubs be installed to properties located adjacent to the watermain improvements and recommends that a portion of the cost of the improvements be assessed pursuant to the City's Special Assessment Policy and Minnesota Statutes, Chapter 429; and

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

NOW, THEREFORE, BE IT RESOLVED,

1. That the City Council will consider the improvements in accordance with the report and the assessments of the abutting properties for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total project cost of \$3,840,000.
2. A public hearing shall be held on such proposed improvements on the 21st day of January, 2014, in the council chambers of the City Hall at or approximately after 7:00 P.M. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF DECEMBER, 2013.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Adam Bell
City Clerk

CITY OF LAKE ELMO
NOTICE OF HEARING ON IMPROVEMENT
INWOOD BOOSTER STATION AND TRUNK WATERMAIN IMPROVEMENTS

Notice is hereby given that the City Council of Lake Elmo will meet in the council chambers of the city hall at or approximately after 7:00 P.M. on Tuesday, January 21, 2014, to consider the making of the following improvements, pursuant to Minnesota Statutes, Sections 429.011 to 429.111;

The improvement will consist of extending the water system approximately 2.8 miles south along Inwood Avenue beginning at 26th Street North, deviating into Parkview Estates along Ivory Avenue North, and back along Inwood Avenue south to and along future 5th Street, to provide municipal water service to developing properties in the southwest part of the City. Individual service stubs will be installed to properties with existing homes that are located adjacent to the watermain improvements. Fire hydrants will be installed along the corridor, providing increased fire suppression capabilities in the extended service area.

The area proposed to be assessed for these improvements include the properties with existing residences and located along Inwood Avenue and Ivory Avenue North, directly abutting the location of the proposed watermain improvements. The estimated total cost of the improvements is \$3,840,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

DATED: December 3, 2013

BY ORDER OF THE LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

(Published in the Oakdale-Lake Elmo Review on December 11, 2013 and December 18, 2013)

PROJECT SCHEDULE
CITY OF LAKE ELMO

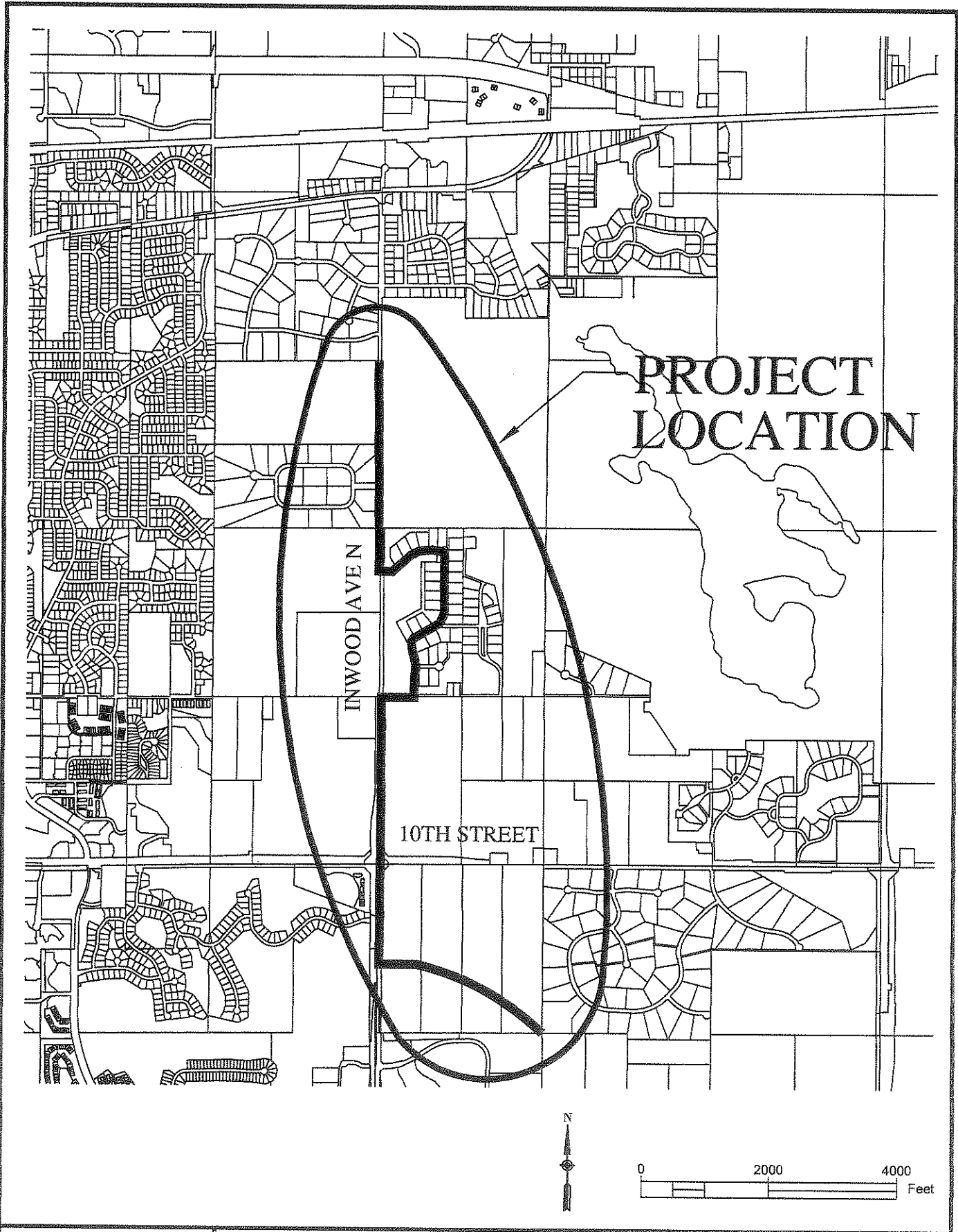
FOCUS ENGINEERING, inc.

INWOOD BOOSTER STATION AND
TRUNK WATERMAIN IMPROVEMENTS
PROJECT NO. 2012.126

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

NOVEMBER 2013

August 6, 2013	Council authorizes Feasibility Report.
December 3, 2013	Presentation of Feasibility Report. Council accepts Report and Calls Hearing.
January, 2014	Property owner meeting. Presentation of Report findings and recommendations.
January 21, 2014	Public Improvement Hearing. Council Orders Improvement and Preparation of plans and specifications.
April 15, 2014	Council approves Plans and Specifications; Orders Advertisement for Bids.
May 13, 2014	Receive Contractor Bids.
May 20, 2014	Council accepts bids and awards Contract.
June 9, 2014	Conduct Pre-construction Meeting and Issue Notice to Proceed.
September, 2014	Substantial completion.
October, 2014	Final completion.



FOCUS
ENGINEERING

PROJ. NO. 2012.126
LAKE ELMO, MINNESOTA
NOVEMBER, 2013

FIGURE NO. 1
LOCATION MAP
INWOOD BOOSTER STATION AND TRUNK
WATERMAIN IMPROVEMENTS

DATE: 12/3/13
REGULAR
ITEM #9
RESOLUTION 2013-103

AGENDA ITEM: United Properties/Northeast Metro ISD 916 PUD Amendment and Conditional Use Permit for a New School Facility

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Mike Bouthilet, Public Works Director
Jim Sachs, Public Works/Water

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: At the time preliminary plans were approved for the Eagle Point Business Park Planned Unit Development (PUD), the City adopted a set of development standards for the park that apply to all new building activity with this particular PUD. These standards were based on the previous BP – Business Park zoning district that has since been updated as part ongoing City Code revisions. The standards still apply in conjunction underlying zoning requirements, and as part of the current request by Northeast Metro 916 Intermediate School District and United Properties, the City has received a request to amend the PUD standards to allow public schools within the Business Park.

If the requested PUD amendment is approved, the applicant would be able to proceed with a Conditional Use Permit (CUP) for the proposed school facility. A CUP must be approved by the City if the project meets all required findings for approval.

FISCAL IMPACT: TBD – the Planning Commission has noted that approval of this request would remove an existing commercial parcel from the tax rolls because the proposed owner would be a public entity. Staff has recommended that a public services agreement could be used to off-set any potential loss of tax revenue. There has been no analysis performed that tries to quantify the economic benefits associated with the proposed building, including the creation of jobs and ancillary future activity on the applicant’s site.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from BWBR Architects on behalf of United Properties and Northeast Metro 916 Intermediate School District to amend the Planned Unit Development for the Eagle Point Business Park to allow a public school as a conditional use within the park. In addition, the applicant is formally requesting a Conditional Use Permit to allow the construction of a new public school serving disabled students in grades kindergarten through eighth grade. The applicant is seeking approval of the proposed use at this time and will be submitting detailed site development plans along with its platting request at a future date. Planning Commission recommend denial of the PUD amendment, and based on this recommendation, the conditional use permit cannot proceed since it the public school would not be allowed under the terms of the Eagle Point Business Park PUD.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2013-103 denying a request to amend the Eagle Point Business Park PUD Development Standards.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached staff report to the Planning Commission includes a brief summary regarding the history of the Eagle Point Business Park, in addition to the staff analysis and recommendation to the Planning Commission concerning the application from BWBR Architects. A more detailed timeline of the Business Park is as follows:

Date	Action
1992	Comprehensive Plan Amendment to guide land for a business park
1997	Rezoning of 120 acres of land in the southwest corner of Lake Elmo from RR to Business Park
August 1998	Eagle Point Business Park PUD Concept Stage Plan
May 1999	General Development Plan Stage
April 2000	Final Plat and first final development stage plan for the Eagle Point Business Park
2000-2006	Approval of final development plans for various projects within the business park
November 2006	Final plat and final development plan approval for Eagle Point Business Park 7 th Addition (creation of Outlot A)
June 2011	Bremer Financial Services PUD amendment (parking lot expansion)
Current	Northeast Metro 916 Intermediate School District PUD amendment and

CUP application

The Planning Commission considered the application for a PUD amendment and CUP at its November 25, 2013 meeting and conducted a public hearing on this request at this time. Representatives from the Northeast Metro 916 Intermediate School District addressed the Commission to further explain the project and answer questions. A representative from one of the neighboring property owners, Bremer Financial Services, also addressed the Commission and stated her concerns that the proposed school building could disrupt traffic flow into and out of their site and throughout the business park in general. Staff noted that the final development plans would be reviewed for impacts to the existing road system, and the applicant stated that they would be willing to meet with Bremer Financial Services to address their concerns.

In general, the Planning Commission's review of the PUD amendment and CUP focused on the economic impact to the City that would occur if the Northeast Metro 916 ISD as a public entity (that does not pay property taxes) were allowed to move forward with its plans to build within the Eagle Point Business Park. The Commission's discussion on this matter noted that the business park was created in order to generate economic activity in the community, and that the conversion of Outlot A within the park to a non-tax-paying entity could potentially result in a large amount of lost tax revenue that would otherwise be paid by a private business use. The Commission also noted that there were other locations that would be more appropriate for the school district project, specifically within the areas that are guided for future sewer commercial and business park development in the Comprehensive Plan.

The Planning Commission adopted a motion to recommend denial of the PUD amendment request with the findings as noted in the attached Resolution No. 2013-103. The vote on the motion was 5-2. The Commission did not take any action on the Conditional Use Permit request since the PUD Amendment is needed to move the CUP forward. Commissioners did indicate that the proposed school facility would not be consistent nor compatible with other uses within the business park.

Since the Planning Commission meeting Staff has received a letter and supporting materials from Connie Hayes, the Superintendent of Northeast Metro 916 Intermediate School District, which is attached to this report. This letter provides additional information concerning the services offered by the district and how these services benefit the surrounding communities. The City Council will also be receiving a letter of support from Stillwater School District. Each of these letters note (or will note) that the proposed facility will have financial benefits to the surrounding school districts because Northeast Metro 916 ISD is able to better and more efficiently provide education services to special needs students who would otherwise need to be accommodated within their respective school districts.

Although the Planning Commission may consider the economic impacts of a project as part of a conditional use permit review, the Commission does not have any direct fiduciary responsibility to the community as part of its land use review responsibilities. If the Council would like to further consider the economic impacts of the proposal based on additional information that may come forward, or if it believes that these impacts may be adequately addressed through a special

services agreement with the applicant, the City Council should send this application in its entirety back to the Planning Commission for further review and discussion. This would also allow the Planning Commission to incorporate a more complete review of the Conditional Use Permit (on which the Commission did not make a specific recommendation) for consideration by the Council.

Please also note that if the Council does not support the Planning Commission recommendation, at a minimum Staff will need to revise the attached resolution and would also suggest that a separate resolution for the conditional use permit also be drafted for consideration.

BACKGROUND INFORMATION (SWOT):

Strengths

- The NE Metro Intermediate 916 School District project represents a \$15 million investment in the community
- The project will provide a minimum of 60 jobs, and this number will likely increase over time
- The district provides services that benefit the surrounding communities and will provide an improved learning environment for families with special needs children
- The proposed location will help minimize transportation costs
- A new facility will provide a financial benefit to surrounding school districts that would otherwise need to make special accommodations for special needs students
- The applicant will be required to pay sewer, water, and storm water fees to the City like any other private business
- The applicant will also contribute towards the City's park dedication fund based on the amount of land that would be developed within the business park
- The project provides for an active use of land that was not been developed since the business park was created in 1999
- The land for the project is available with United Properties as a willing seller
- The proposed facility would be a very high quality building and would be able to meet the design standards for the business park

Weaknesses

- As a public entity, the NE Metro Intermediate 916 School District does not pay property taxes
- After reviewing comparable sites within the business park, Staff is estimating that a similar private facility would generate \$35,000 to \$50,000 of property tax revenue for the City
- The proposed site is located in the middle of a business park and would be surrounded by office buildings
- There is not a lot of available land in the City that is zoned for commercial or industrial development (this will change with the implementation of new zoning along the I-94 corridor)

Opportunities

- A portion of the development fees within the business park (SAC, WAC) would go to the City of Oakdale
- The proposed project will create 60-100 good-paying jobs within the City
- The facility will provide an economic benefit to the community by bringing employees and visitors into the City
- The project will contribute towards the City's park fund, which can be used to fund park and trail improvements within the I-94 corridor
- Depending on the time of the project, the City payments related to WAC/SAC and other charges will likely occur after the City of Lake Elmo has completed public improvement projects in the area and has disconnected from the Oakdale system.
- A larger water user will help justify and pay for the planned Inwood Avenue water project
- The applicant has stated that they are willing to enter into a public services agreement with the City to help address any expected increase in public services needed for the project
- The project site is located near planned transit improvements along the Gateway Corridor planning area

Threats

- An increased demand for public services without a corresponding revenue source
- Less commercial land available within a busy highway corridor
- Potential conflicts with other users (access and traffic)

RECOMMENDATION: The Planning Commission is recommending that the City Council deny the request by BWBR Architects, acting on behalf of United Properties and Northeast Metro 916 Intermediate School District, to amend the Planned Unit Development for the Eagle Point Business Park to allow a public school as a conditional use within the park. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2013-103 denying a request to amend the Eagle Point Business Park PUD Development Standards.”

If the City Council does not adopt the draft resolution, Staff recommends that the Council send this matter back to the Planning Commission for further discussion. Staff would also recommend that the Council clarify whether or not the Commission should consider economic factors concerning property taxes as part of any further review.

ATTACHMENTS:

1. Resolution No. 2013-103
2. Planning Commission Staff Report – 11/25/13

3. Application Form
4. Application Contacts and Project Narrative
5. Proposed Eagle Point Business Park Development Standards
6. Review Comments – SWWD
7. Letter from Northeast Metro 916 Intermediate School District (11/26/13)
8. Existing Conditions Plan
9. General Site Development Plan
10. Building Interior Layout
11. Architectural Drawings (Building Elevations)

CITY OF LAKE ELMO

RESOLUTION NO. 2013-103

A RESOLUTION DENYING AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT FOR THE EAGLE POINT BUSINESS PARK TO ALLOW PUBLIC SCHOOLS AS A CONDITIONAL USE

WHEREAS, BWBR Architects, acting on behalf of Northeast Metro 916 Intermediate School District, 2540 County Road F East, White Bear Lake, MN and United Properties, 3600 American Boulevard, Suite 750, Minneapolis, MN (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) to amend the Planned Unit Development (PUD) for Eagle Point Business Park, a copy of which is on file in the Lake Elmo Planning Department; and

WHEREAS, the proposed PUD Amendment is to revise the development standards for the Eagle Point Business Park to allow public schools as a conditional use within the Eagle Point Business Park PUD; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on November 25, 2013 to consider the PUD Amendment; and

WHEREAS, on November 25, 2013 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council deny the PUD Amendment; and

WHEREAS, the Lake Elmo Planning Commission submitted its report and recommendation to the City Council as part of a memorandum from the Planning Department dated December 3, 2013; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the PUD Amendment at its December 3, 2013 meeting.

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

FINDINGS

- 1) That the procedure for processing a PUD Amendment is found in the Lake Elmo City Code, Section 150.800 et seq.
- 2) That all the requirements of said City Code Section 154.800 et seq. related to the PUD Amendment have been met by the Applicant.
- 3) That the proposed PUD Amendment would revise the development standards for the Eagle Point Business Park by revising the list of permitted and conditional uses as follows:

Permitted Uses: Banks, medical clinics, offices, ~~schools (business, professional and private trade)~~, office showrooms.

Conditional Uses: Business services, conference centers, health clubs, hotels and motels, day care centers, limited retail, medical, dental and research labs, recording studios, restaurants and cafeterias, theaters, teleconferencing transmission facilities, veterinary clinics, and hotel, public and private schools.

- 4) That the legal description of the property to which the PUD Amendment will apply is as follows: Outlot A of Eagle Point Business Park 7th Addition according to the plat thereof filed of record in the office of the Register or Titles in and for Washington County, Minnesota.
- 5) That the proposed PUD Amendment:
 - a) Is not consistent with the goals, objectives, and policies of the Comprehensive Plan.
 - b) Is not consistent with the purpose of Section 154.800 et seq. of the City Code.
 - c) Does not comply with the development standards of Section 154.800 et seq. of the City Code.
- 6) That the proposed PUD Amendment will create a negative economic impact to the City by allowing a public school development that is exempt from property tax payments. The current development standards within the business park do not allow public schools, and a service agreement will not allow the City to recuperate the full amount of the lost tax revenue associated with the proposed school development.
- 7) That the proposed PUD Amendment and proposed school development is not compatible with the existing and proposed future uses within the Eagle Point Business Park and that there are more suitable locations available for the proposed school development in other portions of the City.

CONCLUSIONS AND DECISION

1. Based on the foregoing, the Applicant's request for a PUD Amendment is hereby denied.

Passed and duly adopted this 3rd day of December 2013 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Mike Pearson, Mayor

Adam Bell, City Clerk



PLANNING COMMISSION
DATE: 11/25/13
AGENDA ITEM: 5A – PUBLIC HEARING
CASE # 2013-40

ITEM: United Properties/Northeast Metro ISD 916 PUD Amendment and Conditional Use Permit for New School Facility

SUBMITTED BY: Kyle Klatt, Community Development Director

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer
Mike Bouthilet, Public Works Director
Jim Sachs, Public Works/Water
Greg Malmquist, Fire Chief

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request from BWBR Architects on behalf of United Properties and Northeast Metro 916 Intermediate School District to amend the Planned Unit Development for the Eagle Point Business Park to allow a public school as a conditional use within the park. In addition, the applicant is formally requesting a Conditional Use Permit to allow the construction of a new public school serving disabled students in grades kindergarten through eighth grade. The applicant is seeking approval of the proposed use at this time and will be submitting detailed site development plans along with its platting request at a future date. Staff is recommending that the Planning Commission recommend approval of both requests.

GENERAL INFORMATION

Applicant: BWBR Architects, 380 St. Peter Street, St. Paul, MN (Steve Erickson – Architect)
Northeast Metro 916 Independent School District, 2540 County Road F East, White Bear Lake, MN

Property Owners: United Properties, 3600 American Boulevard, Suite 750, Minneapolis, MN (Melissa Duce – Owner/Agent)

Location: Outlot A of Eagle Point Business Park 7th Addition (Section 33). PID Number 33.029.21.42.0013

Request: Planned Unit Development Amendment; Conditional Use Permit

Existing Land Use: Vacant parcel within Eagle Point Business Park; agricultural fields

Existing Zoning: BP – Business Park

Surrounding Land Use: Business Park Offices, High Point Medical, vacant parcels

Surrounding Zoning: BP – Business Park

Comprehensive Plan: Business Park

Proposed Zoning: No Change

History: The preliminary development plans for the Eagle Point Business Park were approved in 1999 by the City of Lake Elmo. The 7th Addition was platted in 2006 which allowed for the development of two lots near the intersection of Eagle Point Boulevard and Inwood Avenue and also created the outlot under consideration

Deadline for Action: Application Complete – 11/12/13
60 Day Deadline – 1/12/14
Extension Letter Mailed – No
120 Day Deadline – 3/12/14

Applicable Regulations: 154.051 – BP Business Park Zoning District
154.800 – Planned Unit Development (PUD) Regulations
154.106 – Conditional Use Permits

REQUEST DETAILS

The City of Lake Elmo has received a request from BWBR Architects, acting on behalf of Northeast Metro 916 Intermediate School District and United Properties (the land owner) to take the initial steps that are necessary to facilitate the construction of a new 75,000 to 90,000 square foot school building on Outlot A of Eagle Point Business Park. This application includes the following components:

- A request to amend the Eagle Point Business Park development standards to add “public schools” to the list of uses and activities allowed as a conditional use permit.
- A request for a conditional use permit to authorize the proposed use and to approve the school facility plans for the site.

Should the City decide to approve these items, the applicant would then need to submit a final development plan for the site in addition to a final plat that will remove the outlot designation from this parcel. No building activity can take place until this second step is taken.

At this time, the applicant is seeking approval of a general site development plan that does not have as much detail as will be needed for the final development stage. The review conducted by Staff therefore has focused on the general plan that has been submitted, and in particular, whether or not the proposed use of this site is consistent with the City’s zoning regulations and the development plans and standards for the Eagle Point Business Park.

A more detailed description of the proposed use has been provided by the applicant and is included as an attachment to this report. The school would serve disabled students, primarily children with autism and emotional behavioral disorders, in grades kindergarten through eighth grade. Because of the population that it would be serving, the overall site impacts in terms of traffic, parking, and loading/unloading will be less than would be expected at a different type of school facility. The site plan incorporates a rather large amount of open play areas around the facility, and the building would be set back a significant distance from both Eagle Point Boulevard (which surrounds the applicant’s parcel on three sides) and a natural drainage-way on the western portion of the site. The plan submitted is very similar to a facility that the applicant is presently building in the City of Blaine.

The proposed Planned Unit Development (PUD) amendment has been requested because the PUD that was approved for the Eagle Point Business Park does not include public schools in the list of

uses allowed with in the Park. In order to facilitate the Commission's review of this request, and to better document the Eagle Point Business Park PUD development standards in the future, Staff has proposed to reformat these requirements as part of the City's review. There are no other changes being recommended to the list of development standards other than those needed to make public and private schools a conditional use. Please note that the City has recently updated the BP – Business Park Zoning District as part of the ongoing zoning ordinance update project. In cases where there is any conflict between the City's BP zoning regulations and the previously approved development standards for the business park, the more restrictive requirements will apply.

BACKGROUND

The Eagle Point Business Park was initially conceived as part of the City's 1992 Comprehensive Plan update in 1992, and the official Business Park zoning for this area was adopted in 1997. Over the next three years, United Properties submitted applications for a general concept plan for a business park, a general development stage plan, and a final plat and final plans for what is now called the Eagle Point Business Park. Overall, the business park occupies approximately 120 acres in the extreme southwestern portion of Lake Elmo both north and south of Hudson Boulevard. Since approving the overall plans for the park, the City has been reviewing final development plans for each of the buildings/phases that have been constructed since then.

The parcel on which the proposed school will be located was included as part of a final plat for the Eagle Point 7th Addition. This final plat created two buildable lots close to the entrance into the business park from Inwood Avenue in addition to an outlot (Outlot A) that was planned for development in the future. Because an outlot, by definition, is considered unbuildable, the applicant will need to submit a final plat as part of any future final development plans prepared for the site. Consistent with the other buildings within the Eagle Point Business Park, the applicant will need to submit final development plans as part of a future review by the City. The final plans will include much more detailed information concerning storm water management, erosion and sediment control, building design, landscaping, and other aspects of the development.

Outlot A of Eagle Point 7th Addition is the largest of the unplatted parcels within the business park at 19 acres, and is essentially in the middle of the park surrounded by Eagle Point Boulevard on three sides. There is a natural drainage way that flows through the western portion of the property, and the applicant is proposing to incorporate some of the requirement storm water improvements into this area. A portion of the required storm water improvements for the business park have been constructed as part of previous improvements; however, each new project that comes forward will need to be reviewed for consistency with the overall business park plans and the City's recently amended storm water and erosion control regulations.

PLANNING AND ZONING ISSUES

Eagle Point Business Park is one of two PUD's that have been approve by the City, and at present, there are still six lots that have yet to be developed within the park. The proposed PUD amendment would add public and private schools to the list of uses allowed as a conditional use permit, but would not make any changes to the other uses and activities permitted within the park. No other portion of the development standards would be amended as part of the request. As noted in the previous section, the final plans for the school project will need to conform to all of the PUD development standards in addition to the City's BP – Business Park zoning district regulations. Staff

will provide a much more detailed review of the development proposal for consistency with these requirements at the time a final development plan is submitted.

Should the Planning Commission and City Council agree to amend the PUD for the Business Park to allow public schools, the applicant will be able to proceed with the second part of the request concerning a conditional use permit (CUP). The application for a CUP includes an existing conditions survey, general site plan, proposed building layout, and preliminary architectural drawings depicting proposed building elevations. Without more detailed plans, which will be required at the time a final development stage plan is submitted to the City, it will not be possible for staff to conduct a complete assessment concerning compliance with all of the business park and zoning district requirements for the site. Upon the initial staff review, however it appears that the proposed plans will conform to all applicable requirements. Specifically, Staff would like to note the following:

- **Building Setbacks.** The building is located centrally on the lot and will comply with the required setbacks.
- **Building Height.** The proposed building is a one-story structure and will fall well under the maximum height of 60 feet.
- **Other Dimensional Standards.** The proposed building and site will conform to the minimum lot area, frontage, and building size requirements for the business park.
- **Storm Water and Erosion Control.** The applicant will need to submit detailed storm water and erosion control plans with the final development plans. These plans will need to conform to City of Lake Elmo and South Washington Watershed District (SWWD) requirements. As noted in the attached review letter from SWWD, a watershed district permit will be required. The applicant is strongly encouraged to meet with SWWD to review the district requirements prior to preparing this plan.
- **Architectural Design.** The proposed building will be subject to the City's recently adopted Design Guidelines and Standards Manual in addition to the architectural design guidelines for the Eagle Point Business Park.
- **Park Land Dedication.** The City established an overall fee in lieu of land dedication for the business park at the time of general concept plan approval and in conjunction with the final plat for the initial construction phase within the park. It appears that a portion of this fee is being paid with each building permit that is issued within the Eagle Point Business Park, and that this fee is proportional to the area being platted/developed. Staff will be researching the past fees within the business park to determine the appropriate amount that must be paid for Outlot A of the 7th Addition. Additionally, the City has adopted a new dedication requirement in the Subdivision Ordinance, this new fee schedule may be the appropriate mechanism to use to determine the applicant's dedication requirement.
- **Trails.** The original public improvement project for Eagle Point included the construction of a trail that runs near the western boundary of the applicant's site on the adjacent parcels. The City should consider the integration of this trail into the applicant's development plans. In addition, the City may want to consider a potential trail connection to the north of this site in order to provide access to the planned community trail system along the 5th Street corridor.
- **Access.** The proposed access points to Eagle Point Boulevard will comply with the City's access spacing requirements. The City will be working with the applicant as final plans are

developed to determine whether or not these access points would provide safer ingress and egress to the site in another location.

- **Parking.** Because none of the students will be driving themselves to the facility, the overall demand for parking for the building will be much less than other sites within the business park. The site plan depicts 121 total parking stalls for the site, which is consistent with the City parking requirements for schools based on the anticipated staffing levels.
- **Lighting.** A specific lighting plan has been not been submitted and should be included with the final development plans.
- **Signs.** The applicant has not provided a signage plan, which will need to conform to the sign plan for the Eagle Point Business Park PUD.

Because the project site is located within the middle of an established business park, previous issues concerning utility extensions, road alignments, overall site grading, wetlands, and other concerns have been addressed as part of the overall planning for the Eagle Point Business Park. To date, the City has approved permits for 11 larger developments in the park, including an office park condominium project, hotel and restaurant complex, business school, and other general office buildings. The park continues to offer the only sewer development opportunities in the community right now, and will remain as such until the Section 32 public improvement project (Lennar development and surrounding area) is complete.

REVIEW AND ANALYSIS

Staff is recommending that the Planning Commission recommend approval of the request to amend the Eagle Point PUD development standards in order to allow public and private schools as a conditional use permit within the park. The inclusion of schools on this list should not have a detrimental impact on the business park since the overall appearance and operation of the site will not be much different than offices and other commercial uses that are currently allowed. One concern that Staff has noted with the proposed school is that, as a public entity, the school district will not be required to pay property taxes. Since the site would have otherwise housed a non-exempt business, Staff is recommending that the applicant enter into a services agreement with the City to address any potential gap between the cost of public services required to serve the facility (including police, fire, and utilities) and the lack of associated revenue to support these services.

The proposed revision to the PUD standards is attached as a separate document. The Planning Commission is being asked to recommend approval of the use change in addition to the new formatting for these standards.

Staff is further recommending that the Planning Commission recommend approval of the Conditional Use Permit to allow the proposed school use on the property. The proposed use will be subject to the recently revised required findings for conditional uses, which include the following:

- 1) The proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 2) The use or development conforms to the City of Lake Elmo Comprehensive Plan.
- 3) The use or development is compatible with the existing neighborhood.
- 4) The proposed use meets all specific development standards for such use listed in Article 7 of this Chapter.

- 5) If the proposed use is in a flood plain management or shoreland area, the proposed use meets all the specific standards for such use listed in Chapter 150, §150.250 through 150.257 (Shoreland Regulations) and Chapter 152 (Flood Plain Management).
- 6) The proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- 7) The proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 8) The proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- 9) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 10) The proposed use 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.
- 11) Vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 12) The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

In reviewing this list, Staff finds that the applicant will be able to comply with the required findings in order to issue a conditional use permit. As previously discussed with the Planning Commission, Staff will be preparing a “findings of fact” worksheet for the meeting in order to facilitate the Planning Commission’s discussion on this matter. Please note that the Staff recommendation includes the following conditions of approval:

- 1) The applicant shall submit final development plans and a final plat consistent with the City’s Planned Unit Development and Subdivision requirements prior to the issuance of a building permit and prior to the commencement of any grading activity on the site.
- 2) The applicant shall secure any required permits from the South Washington Watershed District prior to commencing any grading or construction activity on the site.
- 3) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and Eagle Point Business Park PUD Standards.
- 4) The applicant shall submit detailed architectural plans at the time of the final development plan review by the City. These plans shall conform to the City’s Design Guidelines and Standards Manual and the Eagle Point Business Park Design Guidelines.
- 5) The final development plans shall include a signage plan.
- 6) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 7) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.

- 8) The applicant shall enter into a service agreement with the City prior to the issuance of a building permit for the site.

DRAFT FINDINGS

Please refer to the comments in the previous section. Staff will be reviewing a findings worksheet with the Planning Commission at the meeting.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of requests by BWBR Architects, acting on behalf of Northeast Metro 916 Intermediate School District and United Properties: 1) to amend the Eagle Point Business Park development standards to add “public schools” to the list of uses and activities allowed as a conditional use permit; and 2) to approve the request for a conditional use permit to authorize a public school for special needs children to be constructed on the site. This recommendation includes the following conditions of approval:

- 1) The applicant shall submit final development plans and a final plat consistent with the City’s Planned Unit Development and Subdivision requirements prior to the issuance of a building permit and prior to the commencement of any grading activity on the site.
- 2) The applicant shall secure any required permits from the South Washington Watershed District prior to commencing any grading or construction activity on the site.
- 3) The final development plans shall include detailed landscape plans that conform to the Lake Elmo Zoning Ordinance and Eagle Point Business Park PUD Standards.
- 4) The applicant shall submit detailed architectural plans at the time of the final development plan review by the City. These plans shall conform to the City’s Design Guidelines and Standards Manual and the Eagle Point Business Park Design Guidelines.
- 5) The final development plans shall include a signage plan.
- 6) The applicant shall pay a fee in lieu of park land dedication as determined by the City prior to the final plat being released for recording.
- 7) The final plat shall include all easements for drainage and utility and other purposes as required by the City Engineer.
- 8) The applicant shall enter into a service agreement with the City prior to issuance of a building permit for the site.

Suggested motion:

“Move to recommend approval of the request by BWBR Architects, acting on behalf of Northeast Metro 916 Intermediate School District and United Properties to amend the PUD standards for the Eagle Point Business Park and to recommend approval of the request for a conditional use permit to construct a public school facility on Outlot A of Eagle Point 7th Addition subject to the conditions of approval as recommended by Staff”

ATTACHMENTS:

1. Application Form

2. Application Contacts and Project Narrative
3. Proposed Eagle Point Business Park Development Standards
4. Review Comments – SWWD
5. Existing Conditions
6. General Site Development Plan
7. Building Interior Layout
8. Architectural Drawings (Building Elevations)

ORDER OF BUSINESS:

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

Date Received: _____
Received By: _____
Permit #: _____



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

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
 Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading

- Lot Line Adjustment Minor Subdivision

Applicant: BWDR/STEVE CRICKSON
Address: 380 ST. PETER ST., ST. PAUL, MN. 55102, SUITE 600
Phone #: 651-290-1935
Email Address: SCRICKSON@BWDR.COM

Fee Owner: UNITED PROPERTIES, MELISSA DUCE
Address: 3600 AMERICAN BLVD., SUITE 750,
Phone #: 952-897-8866
Email Address: MELISSA.DUCE@UPROPERTIES.COM

Property Location (Address and Complete (long) Legal Description): LOT 1 & OUT LOT A, EAGLE POINT BUSINESS PARK 7TH ADDITION

Detailed Reason for Request: PROPERTY IS CURRENTLY ZONED BY AS PART OF THE EAGLE POINT PUD. PUBLIC SCHOOLS ARE NOT ALLOWED IN THE EAGLE POINT PUD/BY BY DEFINITION. WE ARE REQUESTING AN AMENDMENT TO THE PUD TO BE CONSISTENT WITH LAKE ELMO'S CURRENT BY ZONING WHICH ALLOWS PUBLIC SCHOOLS AS A CONDITIONAL USE. WE ARE ALSO REQUESTING APPROVAL OF A CUP WITH CONDITIONS
*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

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

Signature of applicant: Melissa Duce Date: 11-6-13 / 11-12-13

City Use Only
Planning: Zoning District: _____ Date: _____
Reviewed by: _____ Subject to the following conditions: _____
Engineering: Reviewed by: _____ Date: _____
Subject to the following conditions: _____



**Northeast Metro 916
Intermediate School District
Lake Elmo/Eagle Point PUD
PUD | CUP Submittal**

BWBR Commission No. 3.2013230.00

Contacts

Melissa Duce – Owner | Agent
United Properties
3600 American Boulevard, Suite 750
Minneapolis, MN 55431
952.893.8866

Steve Erickson – Architect
BWBR
380 St. Peter Street, Suite 600
St. Paul, MN 55102
651.290.1935

Zac Essig – Civil Engineer
Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55126
651.203.1901

Jesse Symynkywicz – Landscape Architect
Damon Farber Associates
401 2nd Avenue North, #410
Minneapolis, MN 55401
612.332.7522

Sunde Land Surveying
9001 East Bloomington Freeway, Suite 118
Bloomington, MN 55420
952.881.2455

Site Data

- Current zoning – BP/Eagle Point PUD
- Proposed Zoning – Amend current Eagle Point PUD to be consistent with BP Zoning in current ordinance which allows public schools as a Conditional Use.
- Parcel Size – 19.490 Acres, 848,981/s.f.
- Lot 1 and Outlot A, Eagle Point Business Park 7th Addition

Property History

- The subject property is currently in agriculture use, corn is planted.
- Past use has been agricultural.

Design

The proposed use for this site is a public school serving Level 4 disabled students K-8. The population will be children with autism and emotional behavioral disorders.

The proposed school will be approximately 75,000 s.f with possible expansion to 95,000 s.f. The building will be primarily a one story building with a small lower level dedicated to mechanical equipment. Because of the nature of these students, they require ancillary services as part of their regular school day. Therefore, there is a very high staff to student ratio. Enrollment projections for this school would be 80 – 150 with staff projected to be 70 – 120.

In an effort to work with the natural contours of the site, the building will be generally located in the northeast quadrant of the site, with parking and circulation to the north and east. Site access would be at 2 locations; north and east, taking advantage of the straightest sections of the property perimeter for safety. Buses would enter the site from the north and exit on the east side. Steep slopes on the west side of the site adjacent to the stream will not be disturbed. Development will be set back from the stream approximately 200'.

Students in the programs are all transported by their home district transportation departments. Parents do not drop off and pick up their children because the school is typically not in their neighborhood. Therefore, the car traffic that is generated is by employees.

Traffic patterns are typically concentrated in the morning and late afternoon with most students and staff having exited the site prior to the typical end of the workday rush.

Parking will be limited to staff and visitors which are typically minimal. Parent and family involvement in school programs typically happens during the school day, so after school and weekend use is minimal.

Lighting for the access drives and parking area will be by luminaries with a 90 degree cut off mounted on poles with a maximum height of 20'.

Bus traffic will typically be 20 +/- busses per day and they will be a range of sizes. There will also be many districts that send their students in vans to the school. The number of vans will also be close to 20. Class times are typically from 8:00 to 2:00 or 9:15 to 3:15 each day and transportation vehicles start arriving a half hour ahead of that time.

There is very little activity in the school building during the evening or on weekends. Because students are coming from multiple districts across the metro, and they are transported by their home school district, it is not

feasible to have these types of events in the school. There will however be a few evening conferences and also student programs during the school day that are open for families to attend.

A large emphasis will be placed on open | play space. These areas are not structured and do not include baseball, soccer, or football fields. The west and south quadrants of the site will be reserved for open play space. The proposed building and site design will meet or exceed all Lake Elmo Development Standards. The building will be primarily brick with some metal accents. Because it will be a one story building, and have an irregular footprint, it will appear smaller than its square footage might indicate. It will blend well with adjacent existing buildings through the use of a similar palette of materials.

Northeast Metro 916 offers a unique, innovative and quality education options to its students. Because of the ancillary services provided for these students, the staff has a higher level of professional development than a typical elementary or middle school bringing a higher paid employee into the community.

The landscape design of the site will incorporate the following design principles.

- The front yard is to be sodded with street trees and berms.
- The parking lot islands are to receive trees, shrubs and rock mulch.
- Front drop off islands are to be sodded with accent ornamental trees.
- The front building foundation is to include steel edging, hardwood mulch and shrubs. The side and rear building foundation are not to receive edging or plantings.
- The rear yard is to include large turf seed play areas and two playgrounds (one fenced with rubber surfacing and one with hardwood mulch).
- Drainage basins and swales are to be seeded with prairie | wet meadow seed mixtures.

A low-impact stormwater management design approach will be taken to achieve the stormwater management rules and regulations of the City of Lake Elmo and the South Washington Watershed District. Water quality, rate, and volume requirements shall be met through the proposed treatment practices of vegetated swales, bioinfiltration basins and a pond. The program used to assist in the design shall be HydroCAD (SCS TR-20). Stormwater shall ultimately outlet into the existing ravine running along the entire western end of the property.

The stormwater surface runoff shall be directed through the vegetated pretreatment swales prior to reaching the basins and pond. The basins shall primarily achieve the pollutant removals by filtering the stormwater through at least 2 feet of engineered soil and infiltration shall be maximized depending on the native soil types. Soils are anticipated to be B/C soil types. The geotechnical report will be completed this month. The basins will be linked in series and outlet into the pond which shall accommodate the rate control prior to release into the existing ravine.

Water and sanitary utilities will be pulled from the perimeter Eagle Point Boulevard and have been determined to have ample depth to grade the proposed site to minimize earthwork.

Berms and landscaping shall be implemented at the perimeter of the project adjacent Eagle Point Boulevard in accordance to the comprehensive plan for the Eagle Point Boulevard corridor.



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

Development Standards for Eagle Point Business Park PROPOSED REVISIONS – 11/25/13

300.12 subd. (1)(B) and 300.12(2). No Business Park structure shall exceed 60' in height. Parapet walls shall not exceed more than 4' above the height permitted of the building.

300.13 subd (6)(A)(3) Parking spaces shall be 9' X 18' at the developments north of Hudson Blvd and 10' X 20' South of Hudson Blvd, with the exception of the hotel and restaurant which needs to be 9' X 18' spacing. Parking spaces for the handicapped shall be minimum of 12' X 20'. 20% of the spaces in an office development can be compact car size 8' X 16". The size of parking space may be altered upon approval of Zoning Administrator.

300.13 subd. (6)(B)(6)(D) The primary landscaping materials shall be shade trees with shrubs, hedges, etc., used only to complement trees, not as the sole means of landscaping. Landscaping and irrigation will be done on a project by project basis. If landscaping within the NSP easement is disturbed, it needs to be replaced by NSP, or the property owner. Berming and landscaping must be approved within one year of City Council approval.

Permitted Uses: Banks, medical clinics, offices, schools (~~business, professional and private trade~~), office showrooms.

Conditional Uses: Business services, conference centers, health clubs, hotels and motels, day care centers, limited retail, medical, dental and research labs, recording studios, restaurants and cafeterias, theaters, teleconferencing transmission facilities, veterinary clinics, and hotel, public and private schools.

Minimum Lot Area: 2.0 acres. Lots less than 2.0 acres might be approved on a project by project basis through a conditional use permit.

Minimum Lot Frontage: 200' with the exception of 50' pm a cul-de-sac.

Lot Width/Depth Ratio: 1/3.5

Minimum Building Setbacks: 50' for the front and street frontage, and 10' for side and rear frontage. When abutting residential uses, the current ordinance requirement will apply.

Minimum Parking Setbacks: Front: 20', Side: 10', Side(street): 20', Rear: 10'

Minimum Building Foundation Size: 10,000 s.f.

Parking Ratio: One space for each 250 s.f. of office building area or one space per two employees, whichever is greater. One space per 2,000 s.f of storage, warehouse and 1 space per 1,000 s.f. of showroom.

Pathways: 8' wide pathways as part of the City's trail system and the City will maintain.

Storm Water Control: Storm water management requirements should be averaged over the PUD area as a whole. The tributary setback will be 30' from the tributary setback, and the parking setback will be 10' from the tributary setback.

Lighting Height: 30' maximum

Sign Height: Businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case by case basis by the City.

Pond Maintenance: Recommend the creation of a District to take care of pond maintenance.



November 18, 2013

Mr. Kyle Klatt
Planning Director
3800 Laverne Ave N
Lake Elmo, MN 55042

RE: District 916 CUP & PUD Amendment – Eagle Point Business Park

Dear Mr. Klatt:

SWWD has reviewed the supplied information regarding the requested CUP and PUD amendment for the proposed construction of a District 916 facility in Eagle Point Business Park. The proposed facility is compatible with the existing regional drainage system with the following considerations:

- The proposed development is subject to SWWD review and permitting.
- The proposed development will be reviewed for potential adverse downstream impact.
- The proposed development will be expected to maintain peak runoff rates and volumes previously identified for the site.
- All potential impacts will be evaluated under current SWWD standards and guidance, including recently adopted Atlas 14 precipitation frequency estimates.

If you have any questions or need additional information, please contact me at 651/714-3714 or jloomis@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

A handwritten signature in black ink, appearing to read "John Loomis", written over a horizontal line.

John Loomis
Water Resource Specialist

En (1)

South Washington
Watershed District



Lake Elmo
Eagle Point Area

Ultimate Landuse

Model Results are for a
6.3-inch, 24-hour Rainfall Event
with a SCS Type II Distribution
PF = Peak Flow (cfs)
TV = Total Flow Volume Passing
through Pipe for Storm Event
DA = Drainage Area
Imp. = Watershed Impervious
Percentage
RV = Runoff Volume

Legend

Model Nodes

○ Non-Storage

Model Links

↘ Natural Channel

↘ Overflow Route

↘ Pipe

↘ Trapezoidal Channel

Storage Curves for Model Input

SubWatersheds



N

0 200 400 800 Feet



November 26, 2013

Mr. Mike Pearson, Honorable Mayor
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mayor Pearson:

As superintendent of Northeast Metro 916 Intermediate School District, I am writing to request your support regarding a conditional use permit for the property we have identified to build our K-8 school for special needs children.

The planning for our facilities improvement vision took place over a two-year period by partnering with representatives of our member school districts. These conversations re-established the necessary partnership, collaboration, and cooperation amongst our members of Northeast Metro 916 to provide this high level of specialized programming to families in their communities in a cost effective manner.

Presentations and discussions with each local school board took place to build understanding and consensus that this cooperative plan to build and fund improved school facilities was the most effective way to provide a quality environment for these students. After much deliberation amongst administrative leaders and school boards from the then ten member school districts, the Northeast Metro 916 School Board, comprised of one elected board member from each of our member school districts, voted in June 2012 to move ahead with our three-step facilities plan. The first step of that plan, a consolidated facility in the NW part of our district, is currently under construction.

The second step of the plan is a similar facility for member districts located in the SE part of our school district. In November of this year, our school board voted to approve the purchase agreement for the property under consideration, contingent upon the governmental approvals.

District Office

2540 County Road F East | White Bear Lake, Minnesota 55110

p | 651.415.5500 • f | 651.115.5510

www.nemetro.k12.mn.us

Mr. Mike Pearson, Honorable Mayor
November 26, 2013
Page two

I personally hope that the Council will recognize, as do our elected school board officials, that the students and families from the communities who live in or near the City of Lake Elmo, deserve appropriate, quality facilities just like their counterparts in the more traditional K-12 environments. School boards and school administrators recognize the need for these specialized services, so much so, that Northeast Metro 916 now has an additional member district as of this fall when the Forest Lake School District joined the Northeast Metro 916 Intermediate School District.

I sincerely hope that your fiduciary concerns can be balanced by the fact that you would be setting the stage for the children and families to have access to a quality facility--a foundation for their educational success.

Please feel free to contact me if you have any questions that I might be able to address prior to the Council vote. I will not be able to be in attendance at the meeting since our school board will be meeting at the same time. However, two of my administrators, Director Kristine Carr and Director Dan Naidicz will be available to the council should any questions arise.

Please find attached some specific information about the proposed school program and the students you might find useful.

Thank you so much for your consideration of our zoning request!

Sincerely,

A handwritten signature in cursive script that reads "Connie S. Hayes". The signature is written in black ink and is positioned above the printed name and title.

Connie S. Hayes
Superintendent

Who are we?

Northeast Metro 916 is one of only three intermediate school districts in Minnesota; we benefit our students and member school districts in a number of ways:

- By providing innovative and quality educational options that are limited or not available in our member districts.
- Through stable, expert staff that provides high quality and consistent learning support to our students and their families.
- By creating and delivering programs and services in partnership with our 11 member districts.
- Through shared administrative services and educational options that yield a high return on investment through economies of scale.

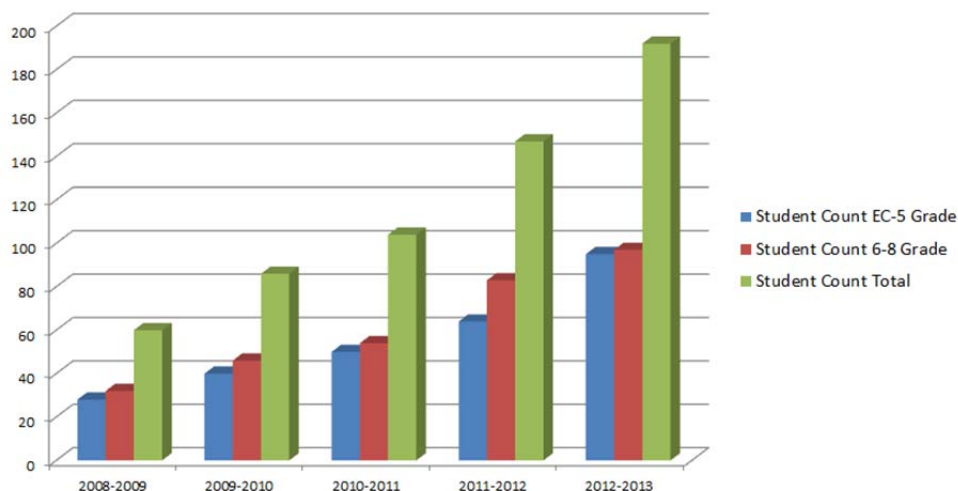
At Northeast Metro 916, we directly teach 4,000 students each year through shared programs that include Career and Technical education, Special Education services, Valley Crossing Community School, and our Area Learning Centers. We proudly partner with our 11 northeast metro area member school districts as well as supporting a number of other participating, non-member school districts. Our member school districts include Columbia Heights, Spring Lake Park, Mounds View, Roseville, Centennial, North St. Paul/Maplewood/Oakdale, White Bear Lake, Mahtomedi, Stillwater, and South Washington County and Forest Lake.

Why are we here?

We are here because we would like to purchase the 19 acre parcel of land located in the Eagle Point Business Park in Lake Elmo that is owned by United Properties in order to build a new K-8 school for our district.

What is the need / why now?

In the last five years our school district has seen a tremendous increase in the number of referrals for children at the elementary and middle school level, particularly children with autism. The chart below shows the increase in students referred to us just from school districts located in the southeast region of our school district. (South Washington County, Stillwater, North St. Paul/Maplewood/Oakdale, Mahtomedi, Forest Lake, Roseville, White Bear Lake, Inver Grove Heights, So St Paul, West St Paul, St. Paul and Hudson WI)



Historically we have only had six classrooms of elementary-aged students in our programs. This has now grown to sixteen classrooms and in 2012, for the first time in our history, we had to temporarily close several programs to non-member school districts. To create the additional classrooms, we have had to convert space in a middle school building to accommodate elementary-aged students and create small programs in temporary space provided by our member district schools. These solutions are not available to us on a long-term basis, and are not efficient or economical. For example, many highly specialized staff are spending time travelling between students at different sites, rather than working with students in the classroom. We are also spending scarce resources to modify rooms for our students in temporary locations that will have to be returned to our member districts in the next two to three years.

Our current programs are centrally located in our school district. (See attached map) This has worked in the past because the largest part of our student population (secondary students) could handle an extended bus ride. However, the long travel times to our centralized locations are an added burden for our increasing elementary population. As an example, some students are currently being transported from Fridley to Woodbury.

To try and address the above issues, Northeast Metro 916 has been working with our member district superintendents, special education directors and school boards on long-term facility planning for our students. The Northeast Metro 916 school board has approved a plan to regionalize our K-8 facilities with the long-term goal of creating a K-8 facility in both the northwest and southeast regions of our school district. They have officially approved construction of the first new facility in Blaine to serve the northwest region. This school will be opening in the Fall of 2014. This facility was the first priority because we currently do not have any presence in this area and we are losing five of our temporary classrooms to a member district in that area who needs the space to accommodate their own growth.

The land we are proposing to purchase in Lake Elmo would be the next priority and serve as the K-8 facility for the southeast region.

What is the planned size of the school and what kind of jobs does it represent?

The building we are planning would be approximately 70,000 square feet in size and serve up to 150 students. We are working with BWBR as the building architect, Hallberg Engineering as mechanical and electrical engineers, and Kraus Anderson to provide construction management for this building.

This educational program will serve level four disabled students. These students cannot be served in a regular K-12 school building and typically require ancillary services as part of their school day. Therefore, we have very high staff to student ratios in our school.

Based on our current enrollment, we anticipate opening the building with 80 students and 60 staff members. The table below outlines the starting and maximum capacity levels of jobs at this new school.

K-8 Facility Staffing			Ave	Ave	Start		Capacity	
	Start	Capacity	Salary *	Comp *	Salary *	Comp *	Salary *	Comp *
Licensed staff:	22	53	\$ 62,594	\$ 86,111	\$ 1,377,068	\$ 1,894,442	\$ 3,317,482	\$ 4,563,883
Support staff:								
Education assistants (1:2)	30	75	\$ 21,372	\$ 30,429	\$ 641,160	\$ 912,870	\$ 1,602,900	\$ 2,282,175
School nurse	1	1	\$ 38,461	\$ 49,018	\$ 38,461	\$ 49,018	\$ 38,461	\$ 49,018
Building engineer	1	1	\$ 51,496	\$ 78,533	\$ 51,496	\$ 78,533	\$ 51,496	\$ 78,533
Custodians	2	2.5	\$ 35,984	\$ 49,615	\$ 71,968	\$ 99,230	\$ 89,960	\$ 124,038
Building principal	1	1	\$ 108,725	\$ 124,388	\$ 108,725	\$ 124,388	\$ 108,725	\$ 124,388
Assistant manager	1	1	\$ 78,091	\$ 93,755	\$ 78,091	\$ 93,755	\$ 78,091	\$ 93,755
Due process secretary	1	1	\$ 38,461	\$ 49,018	\$ 38,461	\$ 49,018	\$ 38,461	\$ 49,018
Administrative assistant	1	1	\$ 38,461	\$ 49,019	\$ 38,461	\$ 49,019	\$ 38,461	\$ 49,019
Total all staff	<u>60</u>	<u>136.5</u>			<u>\$ 2,443,891</u>	<u>\$ 3,350,273</u>	<u>\$ 5,364,037</u>	<u>\$ 7,413,827</u>

* Averages shown for salary and total compensation package are based on FY13 contracts.

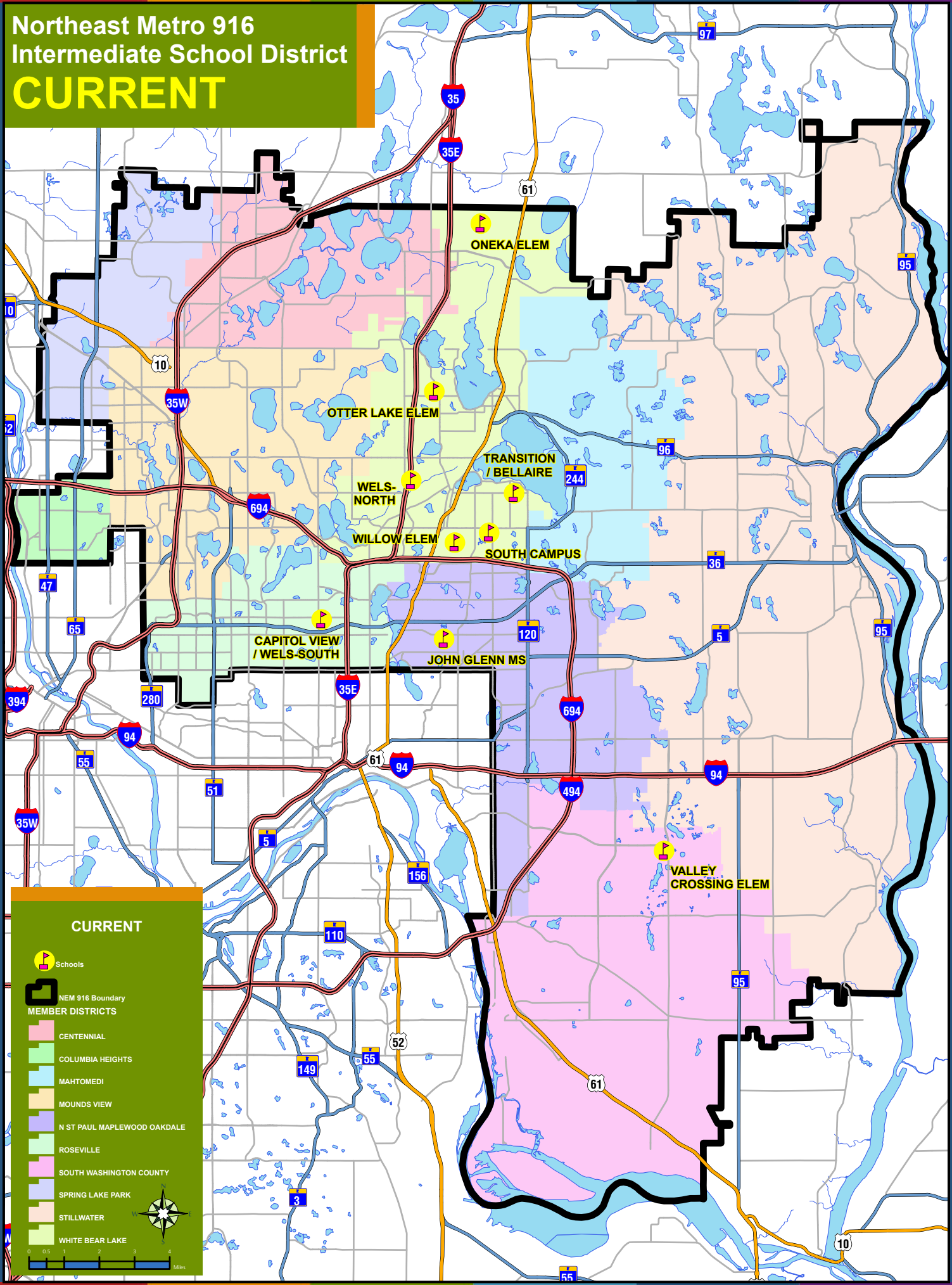
How much traffic would this school generate?

Students in our programs are all transported by their home district transportation departments. Parents do not drop off and pick up their children because the school is typically not in their neighborhood. Therefore, the car traffic that is generated is really generated by our employees.

Bus traffic will take the form of perhaps 20 or so busses per day and they will be any range of sizes. There will also be many districts that send their students in vans to our programs. This number might also be close to 20. Start times have not yet been set but our programs typically run from 8 to 2 or 9:15 to 3:15 each day and transportation vehicles start arriving a half hour ahead of that time.

There is very little activity in the school building during the evening or on weekends. Again, because our students are coming from multiple districts across the metro, and they are transported by their home school district, it is not feasible to have these types of events in our programs. There will however be a few evening conferences and student programs during the school day that are open for families to attend.

Northeast Metro 916 Intermediate School District CURRENT



CURRENT



Schools



NEM 916 Boundary

MEMBER DISTRICTS

- CENTENNIAL
- COLUMBIA HEIGHTS
- MAHTOMEDI
- MOUNDS VIEW
- N ST PAUL MAPLEWOOD OAKDALE
- ROSEVILLE
- SOUTH WASHINGTON COUNTY
- SPRING LAKE PARK
- STILLWATER
- WHITE BEAR LAKE





Kindergarten - 8th Grade Facility

PROGRAM OVERVIEW

Specialized programming will provide special education and related services to students kindergarten through grade 8 with Autism (ASD) and Emotional or Behavioral Disorders (EBD). Evidence-based instructional practices will be implemented in a highly supportive environment that will maintain a low student/teacher ratio to address the unique, educational and therapeutic needs of each child. Classroom teachers and related service providers will work together in a coordinated manner to maximize the educational benefits for students.

INSTRUCTION

Students will be carefully grouped each year for optimal learning in small classrooms. The program will focus on academic instruction with necessary accommodations, modifications and adaptations to the curriculum to ensure that students are able to reach their potential. Fully certified teachers -- with the assistance of highly trained educational assistants -- will provide academic instruction utilizing a multi-sensory approach in individual and small group settings.

Technology will be fully integrated into the instruction. Each classroom will be equipped with technology that will allow for seamless student access through a large variety of motivational and instructional educational software.

RELATED SERVICES

Related services identified on each student's Individualized Education Plan (IEP) are delivered in pull out, embedded and consultative formats. These services include, but are not limited to, the following:

- Speech/Language Pathology
- Mental Health Services
- Occupational Therapy
- Physical Therapy
- School Health Services
- Audiology

Related services are interwoven with the instructional program and delivered within the classroom setting whenever possible. An interdisciplinary team approach will ensure regular and cohesive communication and co-planning amongst teachers, related services and therapeutic staff.



Karner Blue Education Center

Roots to grow. Wings to fly.

Connecting students to their world through a compassionate and creative learning environment.

Compassionate School Philosophy:

Staff intentionally respond to challenges faced by students and families by offering support and removing barriers to learning. They seek to understand, support and create a healing learning environment. The model supports students to build caring relationships with adults and peers, self-regulate their emotions and behaviors, achieve in academic and non-academic areas, and be physically and emotionally healthy.

How We Teach in a Compassionate School

Empowerment

Positive
Regard

High
Expectations

Informed
Decisions

Relationships

Guided
Opportunities

Three Areas of Teaching in a Compassionate School

1

Safety
Connection
Assurance of Well-Being

2

Emotional + Behavioral
Self-Regulation

3

Competencies of Personal
Agency, Social Skills +
Academics

DESCRIPTION OF PROPERTY SURVEYED

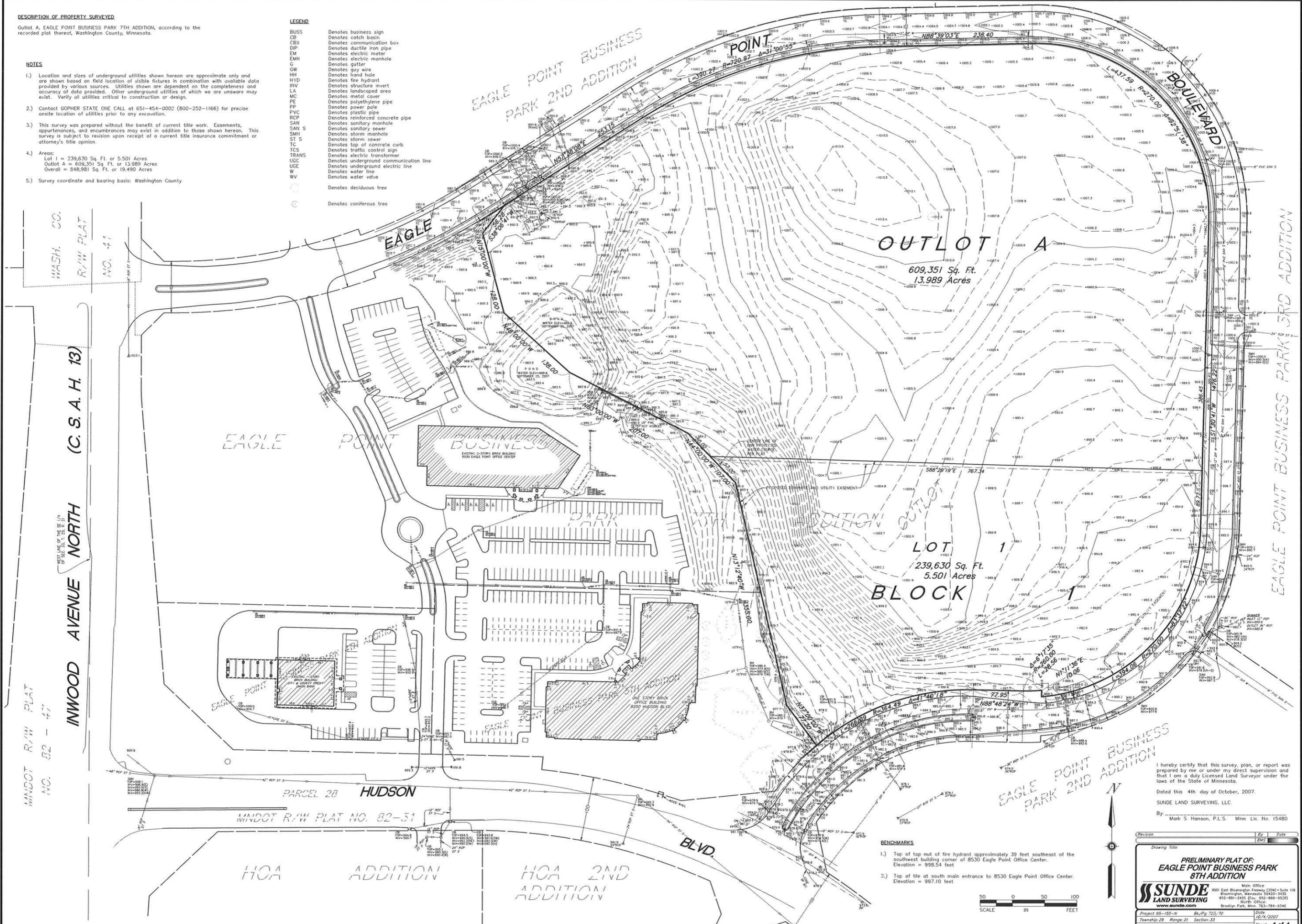
Outlot A, EAGLE POINT BUSINESS PARK 7TH ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

LEGEND

- BUSS Denotes business sign
- CB Denotes catch basin
- DIP Denotes ductile iron pipe
- EM Denotes electric meter
- EMH Denotes electric manhole
- G Denotes gutter
- GW Denotes guy wire
- HH Denotes hand hole
- HYD Denotes fire hydrant
- INV Denotes structure invert
- LA Denotes landscaped area
- MC Denotes metal cover
- PE Denotes polyethylene pipe
- PP Denotes power pole
- PVC Denotes plastic pipe
- RCP Denotes reinforced concrete pipe
- SAN Denotes sanitary manhole
- SAN S Denotes sanitary sewer
- SMH Denotes storm manhole
- ST S Denotes storm sewer
- TC Denotes top of concrete curb
- TCS Denotes traffic control sign
- TRANS Denotes electric transformer
- UC Denotes underground communication line
- UCE Denotes underground electric line
- W Denotes water line
- WV Denotes water valve
- Denotes deciduous tree
- Denotes coniferous tree

NOTES

1. Location and sizes of underground utilities shown hereon are approximate only and are shown based on field location of visible fixtures in combination with available data provided by various sources. Utilities shown are dependent on the completeness and accuracy of data provided. Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
2. Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.
3. This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.
4. Areas:
 Lot 1 = 239,630 Sq. Ft. or 5.501 Acres
 Outlot A = 609,351 Sq. Ft. or 13.989 Acres
 Overall = 848,981 Sq. Ft. or 19.490 Acres
5. Survey coordinate and bearing basis: Washington County

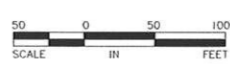


OUTLOT A
 609,351 Sq. Ft.
 13.989 Acres

LOT 1
 239,630 Sq. Ft.
 5.501 Acres

BLOCK 1

- BENCHMARKS**
- 1.) Top of top nut of fire hydrant approximately 39 feet southeast of the southwest building corner of 8530 Eagle Point Office Center. Elevation = 998.54 feet
 - 2.) Top of tile at south main entrance to 8530 Eagle Point Office Center. Elevation = 997.10 feet



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 4th day of October, 2007.
 SUNDE LAND SURVEYING, LLC.
 By: Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

Revision	By	Date

Drawing Title
**PRELIMINARY PLAT OF:
 EAGLE POINT BUSINESS PARK
 8TH ADDITION**

SUNDE LAND SURVEYING
 Main Office: 900 East Bloomington Freeway (151A) • Suite 118
 Bloomington, Minnesota 55420-3433
 952-881-2425 (Fax: 952-888-9528)
 North Office: Brooklyn Park, Minn. 764-764-9346
 www.sunde.com

Project: 85-155-N Blk/Pg. 723/70 Date: 10/4/2007
 Township: 29 Range: 21 Section: 33
 File: 85155NPrePlat.dwg Sheet: 1 of 1

Consultants

This document may be an electronic file or may be printed from an electronic file provided to the user. It is the sole responsibility of the user to ensure that all the contents and quality is consistent with the content and quality of the paper documents on file at BWBR.

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 ARCHITECT under the laws of the State of Minnesota.

Name _____

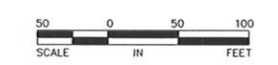
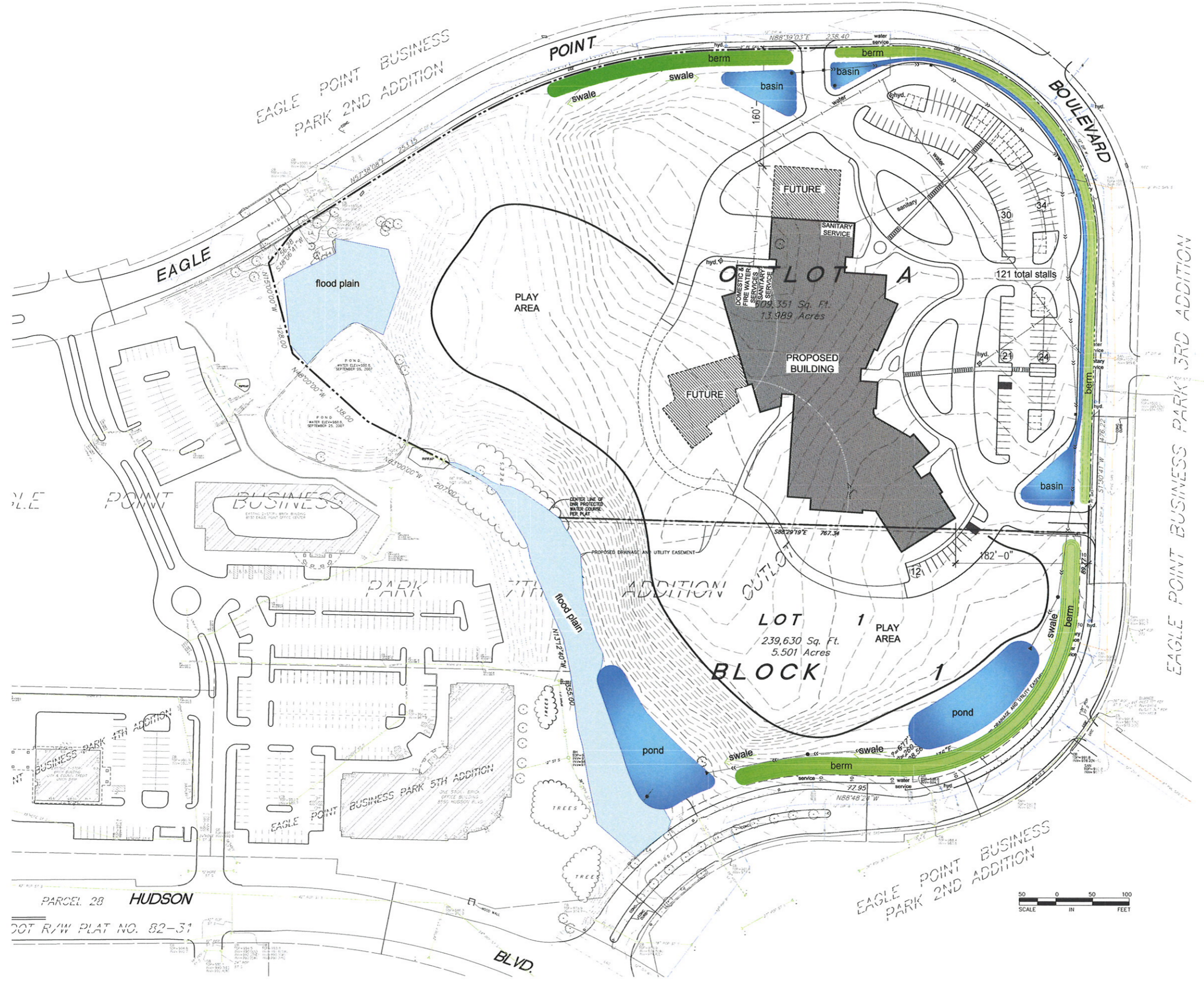
Date DESIGNED _____ Reg. No. REGIST _____

Issued For _____

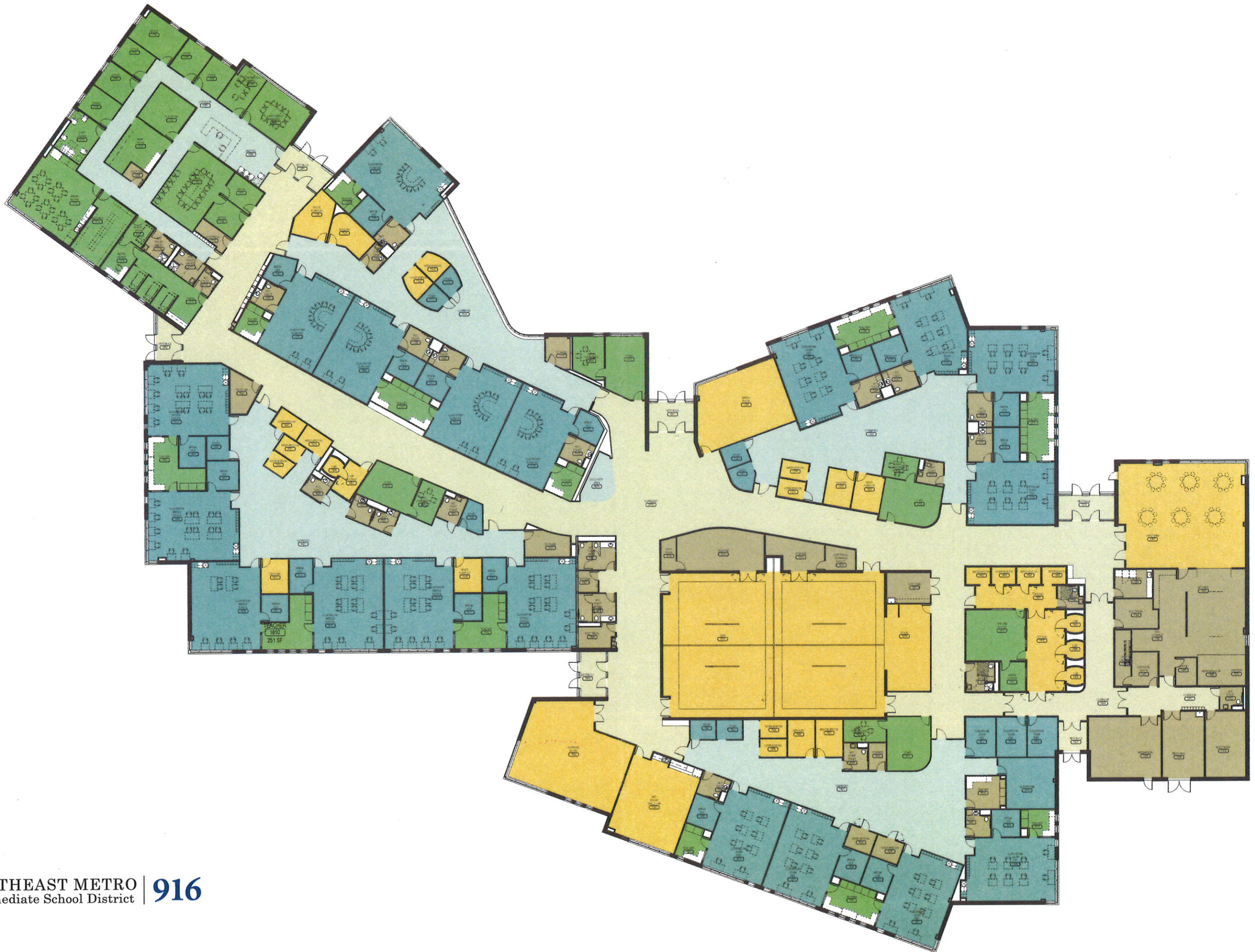
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THIS SHEET MAY BE A REDUCED-COPY. THE BAR ABOVE IS 1" LONG ON A FULL SIZE SHEET. DRAWING SCALES APPLY TO FULL SIZE SHEETS.

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Sheet Title	
SITEPLAN	
Sheet No.	
SK-200	



DATE: 03/15/2013
DRAWN: J. J. JENSEN
CHECKED: J. J. JENSEN









MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
REGULAR
ITEM #10

AGENDA ITEM: Comprehensive Plan and Zoning Map Amendment – 10689 60th Street North

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Tod Sherman, MnDOT

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission unanimously recommends denying the request to amend the City’s Comprehensive Plan and Zoning Map for a property located at 10689 60th Street North. In recommending to deny the request, the Planning Commission made three findings of fact related to the denial of the application.

FISCAL IMPACT: None – All costs incurred to the City through the review of the application are reimbursed by Land Use Application fees.

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider a request to amend the City’s Comprehensive Plan and Zoning Map to change the zoning of a property at 10689 60th Street North from Rural Residential to Commercial. The purpose of the request is to bring the property’s zoning into conformance with the existing use of the property, as the applicants currently use the site as a base of operations for three landscaping businesses. In reviewing the request, staff determined that the proposed amendment is not consistent with the intent of the Comprehensive Plan. In addition, the rezoning would represent a Spot Zoning

action in the judgment of staff. Finally, based upon the fact that the site is accessed via a direct driveway onto eastbound TH 36, staff does not find that adequate access is provided in order to serve a commercial site. The Planning Commission reviewed these findings and affirmed them with a unanimous recommendation to deny the applicant's request.

The Planning Commission is recommending that the City Council deny the request to amend the City's Comprehensive Plan and Zoning Map through the following motion:

“Move to adopt Resolution 2013-104, denying the Comprehensive Plan and Zoning Map Amendment request at 10689 60th Street North.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The City adopted the current version of the Comprehensive Plan in April of 2013 (Resolution #2013-025). The amendment to the Comprehensive Plan included a new Land Use Plan, designating three areas of the city for planning purposes; 1) the I-94 Corridor Planning Area, 2) the Village Planning Area, and 3) the Rural Planning Area. By designating three planning areas of the community in the Land Use Plan (Chapter III of the Comprehensive Plan), the intent was to plan for future growth and development in the I-94 Corridor and Village Planning Areas, while maintaining rural character in the Rural Planning Area. As part of this planning effort, the subject parcel (10689 60th Street N.) is located in the Rural Planning Area. The land use guidance for this parcel under the Comprehensive Plan is Rural Area Development (RAD). In addition, under the City's Zoning Map, the policy tool used to implement the Comprehensive Plan, the zoning for the subject parcel is Rural Residential. The Comprehensive Plan and the Zoning Map are the key policy documents as they pertain to the legislative history of this request.

Regarding the Planning Commission review of the request, it should be noted that a Public Hearing was held on November 25, 2013. During the Public Hearing, the Planning Commission received the following testimony:

- Mr. Keith Bergmann, 5833 Lake Elmo Ave. N., stated that he does not support the request to change the zoning at 10689 60th Street North to Commercial. While he stated that he does support more commercial zoning in Lake Elmo overall, particularly along TH-36, he does not support this request because he feels it is consistent with a spot zoning action. In addition, Mr. Bergmann noted that he owns the property next to the subject property. He stated that the applicants have not taken good care of the property and dumped debris on his property in the past. He does not support the applicant's request to rezone the property to Commercial.

After testimony was gathered, the Planning Commission discussed the application briefly and made a motion to recommend denial of the Comp Plan and Zoning Map Amendment request. The Planning Commission affirmed the three findings in the Staff Report, with the exception of modifying the third finding slightly. The findings of fact by the Planning Commission include the following:

1. That the proposed Comprehensive Plan Amendment is not consistent with the intent and purpose of the City's Land Use Plan, which encourages growth and development in the I-

94 Corridor and Village Planning Areas while maintaining rural character in the Rural Planning Area.

2. That rezoning the property to Commercial would represent a Spot Zoning action due to inconsistency with the City's Comprehensive Plan and incompatible surrounding land uses.
3. That direct driveway access onto TH 36 represents a hazard to public safety and poor access management, and is not consistent with the State, County and City planning efforts for the corridor to date.

BACKGROUND INFORMATION (SWOT):

Strengths: Denying the request to amend the City's Comprehensive Plan demonstrates the City's commitment to its Land Use Plan and vision for the community. When alternative access can be provided to the sites along TH-36, the City can revisit the long-term planning for the TH-36 Corridor. Maintaining the rural zoning for this area also relieves the City from the burden of a possible Spot Zoning action

Weaknesses: N/A

Opportunities: N/A

Threats: If the City proceeds with the rezoning of the subject property to Commercial, the City may be vulnerable in terms of completing a Spot Zoning action. The subject property is not planned for Commercial use in the City's Comprehensive Plan, and all surrounding lands are zoned in a manner that is consistent with the Rural Planning Area.

RECOMMENDATION:

Based on the aforementioned, the Planning Commission is unanimously recommending that the City Council deny the request to amend the City's Comprehensive Plan and Zoning Map through the following motion:

“Move to adopt Resolution 2013-104, denying the Comprehensive Plan and Zoning Map Amendment request at 10689 60th Street North.”

ATTACHMENTS:

1. Resolution 2013-104
2. Staff Report, 11-25-13
3. Land Use Application
4. Location Map
5. Site Aerial

6. Future Land Use Map (Map 3-3 from Comprehensive Plan)
7. Proposed Comprehensive Plan Amendment: RAD to C
8. Urban and Rural Areas (Map 3-1 from Comprehensive Plan)
9. Lake Elmo Zoning Map
10. Code Enforcement Letter/Agreement
11. City Engineer Review Letter
12. MnDOT Review Letter
13. "Understanding Spot Zoning", Daniel Shapiro, Esq.

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

RESOLUTION NO. 2013-104

*RESOLUTION DENYING AMENDMENTS TO THE CITY OF LAKE ELMO COMPREHENSIVE
PLAN AND ZONING MAP*

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

WHEREAS, the City of Lake Elmo has established a Zoning Map by Ordinance that implements the various land use policies in the City's Comprehensive Plan; and

WHEREAS, Brian Meyers, John Putzier and Joseph Skaar, 623 Cresthaven Drive, South St. Paul, MN, ("Applicant") have submitted an application to the City of Lake Elmo ("City") to amend the Lake Elmo Comprehensive Plan and Zoning Map, copies of which are on file in the City Planning Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on November 25, 2013 to consider the request to amend the Comprehensive Plan and Zoning Map; and

WHEREAS, on November 25, 2013 the Lake Elmo Planning Commission unanimously adopted a motion to recommend that the City Council deny the request to amend the Comprehensive Plan and Zoning Map; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan and Zoning Map at a meeting on December 3, 2013; and

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

FINDINGS

- 1) That the Applicant has submitted a request to amend the Comprehensive Plan and Zoning Map in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.
- 2) That the request to is to amend the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) of the Lake Elmo Comprehensive Plan and the Lake Elmo Zoning Map to specifically change the future land use designation and zoning for a parcel of land located at 10689 60th Street North from Rural Residential to Commercial.

- 3) That the proposed Comprehensive Plan Amendment is not consistent with the intent and purpose of the City’s Land Use Plan, which encourages growth and development in the I-94 Corridor and Village Planning Areas while maintaining rural character in the Rural Planning Area.
- 4) That rezoning the property to Commercial would represent a Spot Zoning action due to inconsistency with the City’s Comprehensive Plan and incompatible surrounding land uses.
- 5) That direct driveway access onto TH 36 represents a hazard to public safety and poor access management, and is not consistent with the State, County and City planning efforts for the corridor to date.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Lake Elmo City Council hereby denies the Applicant’s request to amend the Lake Elmo Comprehensive Plan and Zoning Map.

Passed and duly adopted this 3rd day of December 2013 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk



PLANNING COMMISSION
DATE: 11/25/13
AGENDA ITEM: 5B – PUBLIC HEARING
CASE # 2013-38

ITEM: Comprehensive Plan Amendment and Zoning Map Amendment – 10689 60th Street North

SUBMITTED BY: Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Rick Chase, Building Official
MnDOT

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a Public Hearing for a request to amend the Lake Elmo Comprehensive Plan and Zoning Map to change the land use designation and zoning for a property at 10690 60th Street North from Rural Residential (RR) to Commercial (C). The applicants currently operate multiple landscaping businesses on the site. Under the current zoning for the site, Rural Residential, landscaping businesses (classified under the use Trade Shop) are not a permitted use. The Comp Plan and Zoning Map Amendment requests are intended to bring the site's land use guidance under the Comp Plan and zoning under the City's Zoning Map into conformance with the existing use. Staff is recommending that the Planning Commission recommend denial of the request.

GENERAL INFORMATION

Applicant: Brian Meyers, John Putzier and Joe Skaar, 623 Cresthaven Drive, South St. Paul, MN 55075

Property Owners: Brian Meyers and John Putzier, 623 Cresthaven Drive, South St. Paul, MN 55075

Location: Part of Section 02 in Lake Elmo, immediately south of Trunk Highway (TH) 36 and approximately 1,300 feet west of Lake Elmo Avenue (CSAH-17). Property Identification Number (PIN): 02.029.21.11.0004.

Request: Application for Comprehensive Plan Amendment (Rural Area Development (RAD) to Commercial (C)) and Zoning Map Amendment (RR to C)

Existing Land Use: Trade Shop – Landscaping Business

Existing Zoning: RR – Rural Residential

Surrounding Land Use: North – TH 36; South and West – agricultural operation (Country Sun Farms); and South and East – Discover Crossing (Open Space Preservation (OP) Neighborhood).

Surrounding Zoning: RR – Rural Residential; and RR – Rural Residential with an OP Conditional Use Permit (CUP)

<i>Comprehensive Plan:</i>	Rural Area Development (RAD)
<i>Proposed Zoning:</i>	C – Commercial
<i>History:</i>	The subject property has been the site of a single family home since 1940 (according to County parcel data). In 1988, a 1,800 square foot accessory structure (pole barn) was added. Currently, the site is used as a base of operations by three landscaping businesses: Oak Meadows Landscape & Design, Northland Seasonal Outdoor Services, and Selfscapes.
<i>Deadline for Action:</i>	Application Complete – 11/8/13 60 Day Deadline for Action– 1/6/14 Extension Letter Mailed – No 120 Day Deadline – 3/7/14
<i>Applicable Regulations:</i>	Comprehensive Plan (Chapter III – Land Use) Article 9 – Rural Districts (RR): §154.400 Article 12 – Commercial Districts: §154.550

REQUEST DETAILS

The City of Lake Elmo has received a request from Mr. Brian Meyers, Mr. John Putzier and Mr. Joe Skaar for a Comprehensive Plan and Zoning Map Amendment to change the future land use designation and zoning of property (10689 60th Street North) immediately south of TH-36 and west of Lake Elmo Avenue from Rural Residential (RR) to Commercial (C). This property is located within the Rural Planning Area. The property is owned by Brian Meyers and John Putzier and is presently used as a base of operations for three landscaping businesses. Under the Rural Residential zoning, trade shops (which landscaping businesses are classified as under the Zoning Code) are not a permitted use in the RR district. Trade shops are a permitted use only in the Commercial zoning district. Therefore, the applicants have requested to rezone the property to make the zoning consistent with the existing use.

BACKGROUND

As a result of ongoing complaints related to outdoor storage of equipment and landscape materials, the property at 10689 60th Street is currently subject to the City's Code Enforcement Process. Beginning in July of 2013, the City has been working with the property owners to clean up their site due to a significant amount of debris and landscape materials. In addition, the City informed the property owners that the operation of a landscaping business on a parcel zoned Rural Residential is not permitted. To work with the property owners on cleaning up the site and ceasing the commercial activity, the City informally established deadlines to clean up landscaping materials and debris (December 2013) and cease all commercial activities on the site (April 2014). The established mitigation schedule can be reviewed in the attached Code Enforcement Letter (Attachment #8). This timeline would allow the property owners enough time to remove all of the debris and materials related to the landscaping business, as well as give the landowners the ability to use the site for snow removal activities during the winter.

As a result of the Code Enforcement agreement, the property owners have been successful in removing a substantial amount of the debris and materials. The City's Building Official, Rick Chase, has been working with the applicants on following through on the agreed-upon deadlines for debris removal. However, the issue of the illegal use of the property as a trade shop persists. In order to request the continued use of the site, the property owners met with staff to determine the correct course of action. This meeting resulted in the City communicating to the land owners that they could not continue to use the site for the existing use under the current Comprehensive Plan and zoning. Therefore, the landowners are requesting that the land use designation under the Comprehensive Plan and zoning be changed to Commercial.

Currently, three landscaping businesses use the site as a base of operations. These businesses include Oak Meadows Landscape & Design, Northland Seasonal Outdoor Services, and Selfscapes. The City is not able to pinpoint the total number of employees who use the site or the amount of traffic. In addition, it is not clear how long the property owners have been using the site for these businesses. However, this information should not have a critical bearing on the ultimate decision. The Comp Plan and Zoning Map Amendment requests should be evaluated based on the merits of changing the zoning of the subject property from Rural Residential to Commercial.

PLANNING AND ZONING ISSUES

Currently, the City's Comprehensive Plan does not guide any portion of the community along TH-36 for Commercial use. The subject property is in the Rural Planning Area, and is currently guided Rural Area Development. Under the purpose statement of the Comprehensive Plan, Purpose #2 states the following:

"2. The Land Use Plan is intended to be a guide for future development which reinforces the City's commitment to preserving a rural character. By focusing required and necessary growth into targeted and logical areas based on historical and transportation system factors, the City can ensure a vast majority of the community can and will retain its agricultural feel. The plan is responsive to development patterns in neighboring communities by focusing a majority of the proposed urbanized development South of 10th Street near or adjacent to similar developments in Oakdale and Woodbury. Rural boundaries with neighboring communities are also maintained."

With this purpose in mind, it was the goal of the City's Land Use Plan (Comprehensive Plan) to plan for growth and development in two specific areas: the I-94 Corridor and the Village. Considering this goal, planning for Commercial areas outside of the I-94 Corridor and Village conflict with the purpose of the City's Comprehensive Plan. While there are some areas of limited commercial activity in the community outside of the Village and I-94 Corridor, such as the Carriage Station and Prairie Ridge Office Parks, these areas were planned for and developed before the adoption of the City's current Comprehensive Plan. In addition, these sites were originally developed to accommodate commercial activities, with appropriate access, parking and circulation, whereas the subject property has been transitioned from a residential property to a commercial property without accounting for these important considerations related to developing commercial sites. For these reasons, it is the recommendation of Staff that amending the City's Future Land Use Map to change the future guidance of this property from Rural Area Development (RAD) to Commercial (C) would be in conflict with the intent of the City's Comprehensive Plan.

With regards to zoning, it should be noted that the purpose of the City's Zoning Map is to implement the Comprehensive Plan. As designated under the City's Zoning Map, the subject property is zoned Rural Residential (RR). Under the RR zoning, the applicants are operating a use, Trade Shop, that is

not permitted in the Rural Residential (RR) zoning district. Under the Lake Elmo Zoning Code (§154.012.B.3.q), Trade Shops are defined as the following:

“Any lot, land, building, or structure that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, masonry, carpentry, roofing, well drilling, landscaping and the like, where tools, equipment and materials used in the business are stored. The category also includes establishments involved in specialized trades such as sheet metal, sign painting, drapers, and exterminators.”

The only zoning district where trade shops are a permitted use is the Commercial zoning district. Given the definition, the applicants’ use of the property clearly falls under the classification of Trade Shop. Therefore, in order to legally operate a landscaping business on the site, the property would have to be zoned Commercial. It should also be noted that the surrounding properties are currently zoned Rural Residential (RR) and, in the case of Discover Crossing, Rural Residential with an Open Space Preservation (OP) Conditional Use Permit (CUP). Given the zoning of the surrounding properties, it is important to consider the potential issues related to consistency in zoning and land use compatibility if the request were to be approved. Due to these considerations, the rezoning request likely constitutes a Spot Zoning situation in the judgment of Staff. According to an article in *Issues in Land Use Law and Zoning* (Attachment #10), Spot Zoning is defined as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” Two of the key factors in determining if a request constitutes a Spot Zoning is evaluating the request based on consistency with the community’s Comprehensive Plan and consistency with surrounding land uses. In both cases, Staff has determined that the request would be characteristic of a Spot Zoning action.

It should also be noted that the applicants have stated in their application that other similar business currently operate along TH-36. They are correct in that some RAD properties along TH-36 do include some limited commercial activities. However, the commercial activities on these site were either in existence before the adoption of the Zoning Code, thereby making the uses legal non-conforming (“grandfathered”) uses, or the commercial activities have been permitted through a Conditional or Interim Use Permit. The most similar comparison for this case remains Lauseng Stone (9591 60th Street North). Before the adoption of the 1979 Zoning Code, commercial activities related to landscaping materials and an open sales lot were occurring on the property. After the adoption of the 1979 Code, the City required Lauseng Stone to apply for a Conditional Use Permit (CUP) to allow for the storage of landscape materials and an open sales lot. At this time, these activities were allowed by CUP in the agricultural zoning district. However, these activities are not currently permitted in the Rural Residential zoning district under the current Zoning Code. Therefore, the comparison between the applicant’s proposed use and other existing businesses along TH-36 is not applicable. The applicants did not establish their business at a time when these activities would have been permitted (even conditionally) in the Rural Residential zoning district.

REVIEW AND ANALYSIS

The subject property is 9.93 acres in size and is accessed by a driveway directly connected to eastbound TH-36. The site contains a single family home that serves as an office for the landscaping operation, as well as a 1,800 square-foot accessory building for the storage of equipment. The site is nearly divided in half from north to south by an approximately 90,000 square foot (nearly 2 acres) pond. The operation of the landscaping business and storage of equipment and materials primarily

occur on the north side of the pond. In addition, as noted by the applicants, the site is also underneath high-voltage power lines than run along the south side of TH-36.

Regarding adequate public facilities for a commercial use, the site does not currently have access to the City's municipal water system. However, a municipal water line connecting the Discover Crossing neighborhood to the Rockpoint Church facility from east to west is located approximately 350' to the south of the parcel boundary of the subject parcel. It could be feasible to connect the property to the municipal water system to this water line. In relation to wastewater facilities on the subject property, there is an on-site sub-surface sewage treatment system on site. To Staff's knowledge, this system has not been evaluated or inspected in terms of its ability to manage the wastewater produced by the existing landscaping business, as staff is not certain how many employees use the site. In reviewing the Comp Plan and Zoning Map Amendment requests, the City Engineer has stated that for the City to change the guidance and zoning of this property to Commercial, adequate public facilities should be provided. Adequate public facilities would include connecting to City's municipal water system and demonstrating a viable long term plan for wastewater on the site. Per the Engineer's review letter (Attachment #9), the site is not guided to be served by municipal sanitary sewer. In addition, no municipal sewer service is available in close proximity to the site. Given this condition, the long-term wastewater solution would most likely have to be accounted for on-site.

In addition to water and wastewater services, access is another critical component of demonstrating adequate public facilities. Given that the site is accessed via a direct driveway on TH-36, Staff does not find that there is adequate and safe access to the site for a Commercial use. The City Engineer notes that expanded access, i.e. rezoning to Commercial, should not be allowed due to safety concerns and access management considerations. If the City were to approve the amendment requests, the City Engineer recommends that an alternative access to the site must be provided. The City Engineer also notes that the City has been working with MnDOT and Washington County on extensive transportation planning efforts related to TH-36. These efforts have always included the elimination of existing driveway accesses, as opposed to expansion of existing access points. In addition to the City Engineer's review comments, Tod Sherman, MnDOT Planning Supervisor, notes that TH-36 is a principal arterial, emphasizing mobility as opposed to private property access. In addition, Mr. Sherman recommends minimizing the amount of traffic utilizing adjacent private driveways on TH-36. Rezoning the property to Commercial would not be minimizing the amount of traffic, but rather expanding the amount of traffic. MnDOT's review comments can be found in Attachment #10. Based upon the review of the City Engineer and MnDOT, Staff does not feel that there is adequate access to the site if used for Commercial purposes. It is Staff's determination that the lack of a safe access to the site is another factor demonstrating a lack of adequate public facilities to serve a property zoned Commercial. Overall, a lack of adequate public facilities for a Commercial use reinforces Staff's recommendation to recommend denial of the Comp Plan and Zoning Map Amendment requests.

DRAFT FINDINGS

Given that the request is not compatible with the City's Comprehensive Plan or the surrounding land uses, Staff is not supportive of the proposed amendments. In addition, Staff has determined that the applicant has not demonstrated that adequate public facilities are present to serve a Commercial use on the site. Staff is recommending denial of the requested amendments to the City's Comprehensive Plan and Zoning Map based on the following findings:

1. That the proposed Comprehensive Plan Amendment is not consistent with the intent and purpose the City’s Land Use Plan, which encourages growth and development in the I-94 Corridor and Village Planning Areas while maintaining rural character in the Rural Planning Area.
2. That rezoning the property to Commercial would represent a Spot Zoning action due to inconsistency with the City’s Comprehensive Plan and incompatible surrounding land uses.
3. That the applicant has not demonstrated that adequate public facilities exist on the site to serve a future Commercial land use. More specifically, that direct driveway access onto TH-36 represents a hazard to public safety and poor access management, and is not consistent with the State, County and City’s planning efforts for the corridor to date.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend denial of the request to amend the Lake Elmo Comprehensive Plan and Lake Elmo Zoning Map by changing the future land use designation and zoning of property at 10689 60th Street North from Rural Area Density (RAD) to the Commercial (C) land use category and the zoning from the Rural Residential (RR) to Commercial (C). Suggested motion:

“Move to recommend denial of the request to amend the Lake Elmo Comprehensive Plan and Lake Elmo Zoning Map at 10689 60th Street North based upon the findings outlined in the Staff Report”

ATTACHMENTS:

1. Land Use Application
2. Location Map
3. Site Aerial
4. Future Land Use Map (Map 3-3 from Comprehensive Plan)
5. Proposed Comprehensive Plan Amendment: RAD to C
6. Urban and Rural Areas (Map 3-1 from Comprehensive Plan)
7. Lake Elmo Zoning Map
8. Code Enforcement Letter/Agreement
9. City Engineer Review Letter
10. MnDOT Review Letter
11. “Understanding Spot Zoning”, *Daniel Shapiro, Esq.*

ORDER OF BUSINESS:

- Introduction City Planner
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair

- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members



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

Date Received: _____
Received By: _____
Permit #: _____

LAND USE APPLICATION

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

Applicant: Brian Meyers, John Putzier, Joe Skaar
Address: 623 Cresthaven Drive South St. Paul, MN 55075
Phone #: 651-246-0950
Email Address: brian@oakmeadowlandscape.com

Fee Owner: Brian Meyers, John Putzier, Joe Skaar
Address: 623 Cresthaven Drive South St. Paul, MN 55075
Phone #: 651-246-0950
Email Address: brian@oakmeadowlandscape.com

Property Location (Address and Complete (long) Legal Description: 10689 60TH ST N LAKE ELMO, MN 55042
PT W1/2-NE1/4 DESC AS FOLL: BEG AT INTERSECT OF ELY LINE SD W1/2-NE1/4 WITH SLY RAW LINE MN TRK HWY 36 AS LOCATED TRAVELED & MONUMENTED THN
SLY ALG SD ELY LINE 760FT THN WLY PAR WITH SD SLY RAW LINE 668.36FT
THN NLY PAR WITH SD ELY LINE 760FT ML TO SD SLY RAW THN ELY ALG SD ELY RAW LINE 569.35FT ML TO PT OF BEG SUBJ TO ASP CD EASEMENT DEFC IN BK 281 DEEDS PG 213 SECTION 02 TOWNSHIP 02S RANGE 021

Detailed Reason for Request: To be compliant with land use located in Lake Elmo and continue using for local business.
Our property is located along Highway 36 under power lines making it an undesirable location for residential homes. Other similar businesses operating
similar services operate along Highway 36. Our property is also unique in that it is divided by a pond and we primary use the north side.

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

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

Signature of applicant: [Signature] Date: 10/22/13
[Signature] Date: 10/22/13

City Use Only

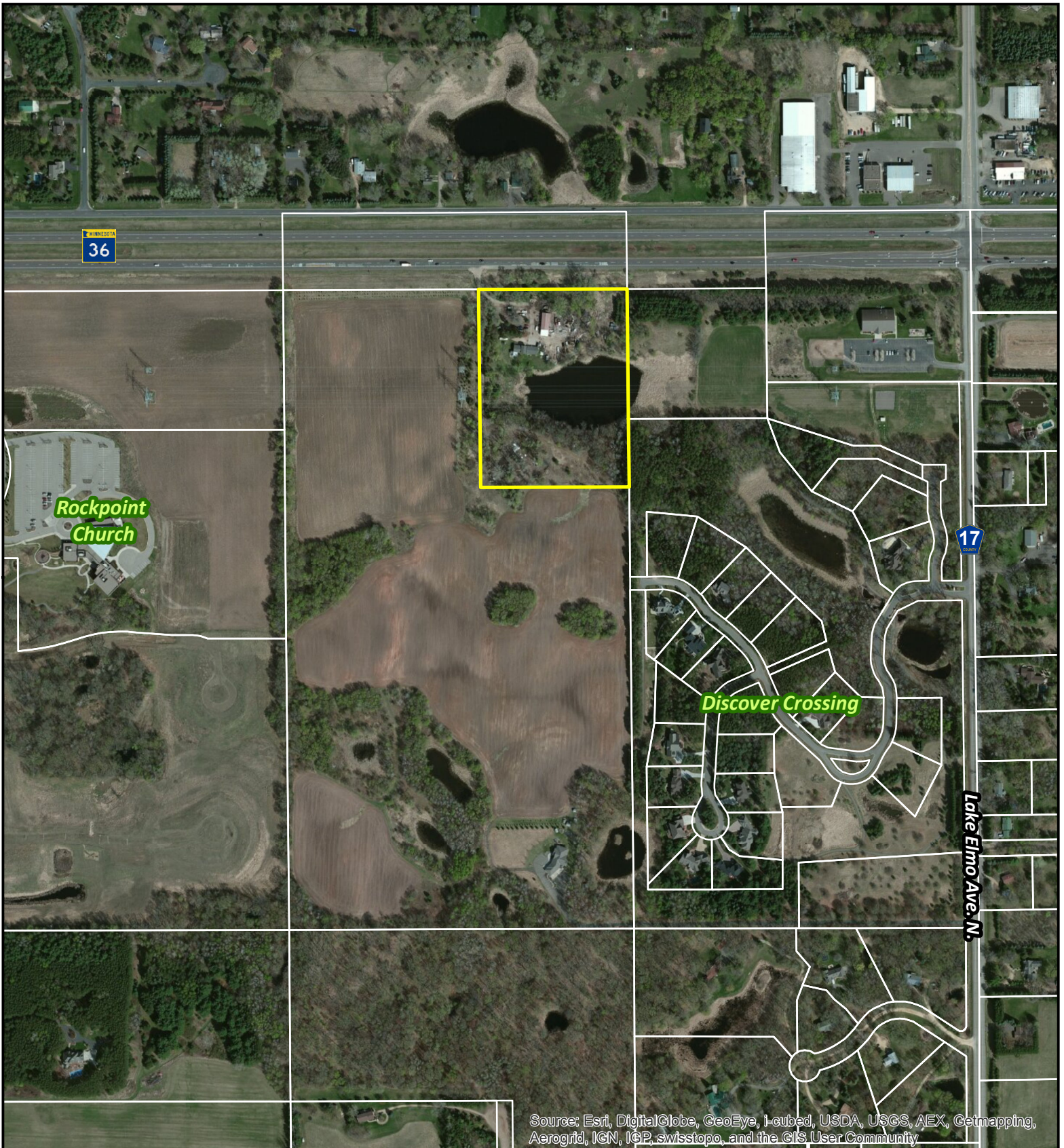
Planning: Zoning District: _____ Date: _____

Reviewed by: _____

Subject to the following conditions: _____

Engineering: Reviewed by: _____ Date: _____

Subject to the following conditions: _____



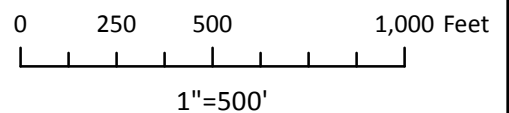
Location Map: 10689 60th Street N.



Data Source: Washington County, MN
11-20-2013




10689 60th Street N.





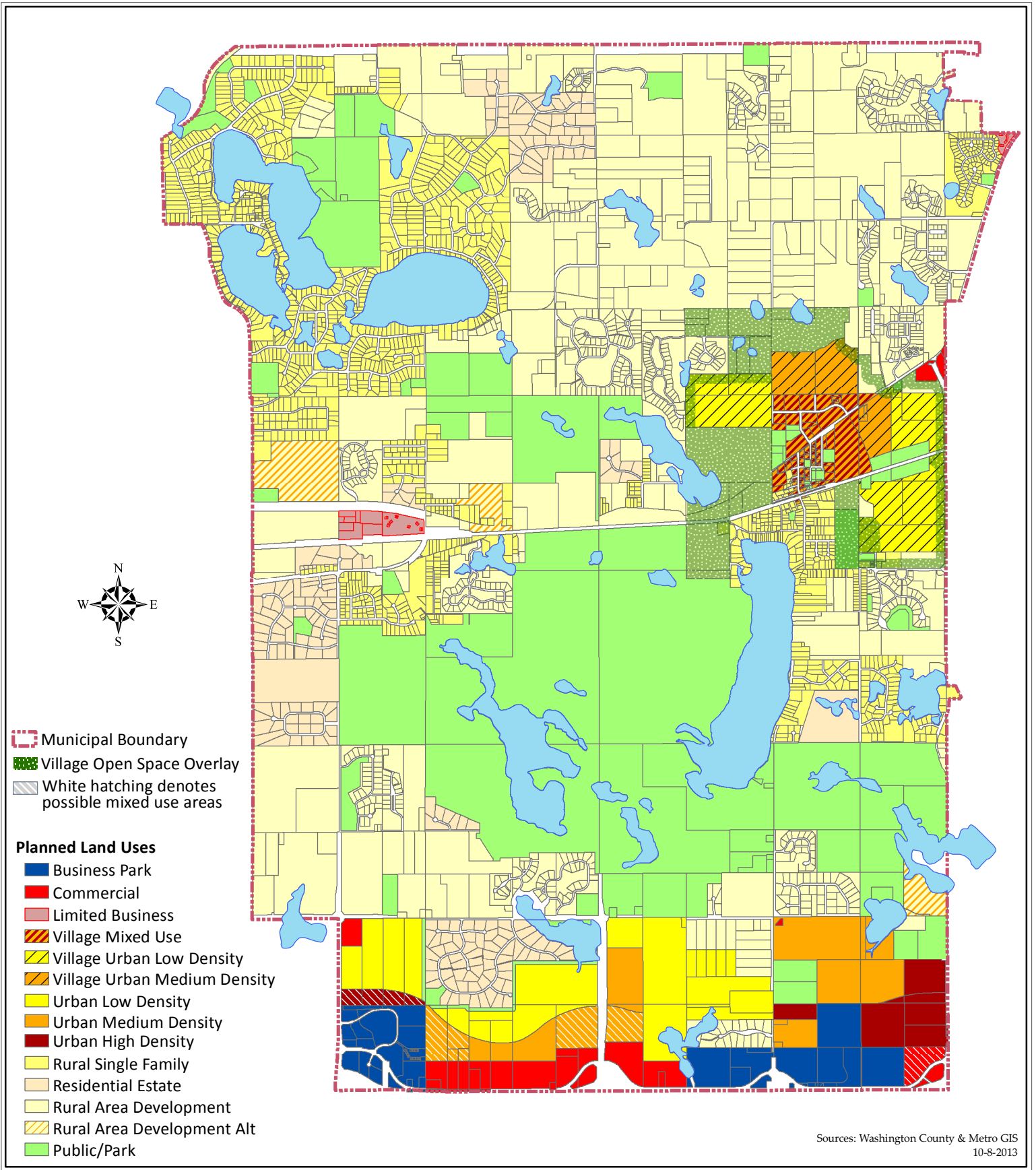
Site Aerial
10689 60th St.

 10689 60th Street N.

0 50 100 200 Feet

1"=100'



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

















Planned Land Use

Lake Elmo Comprehensive Plan 2030



-  Municipal Boundary
-  White hatching denotes possible mixed use areas

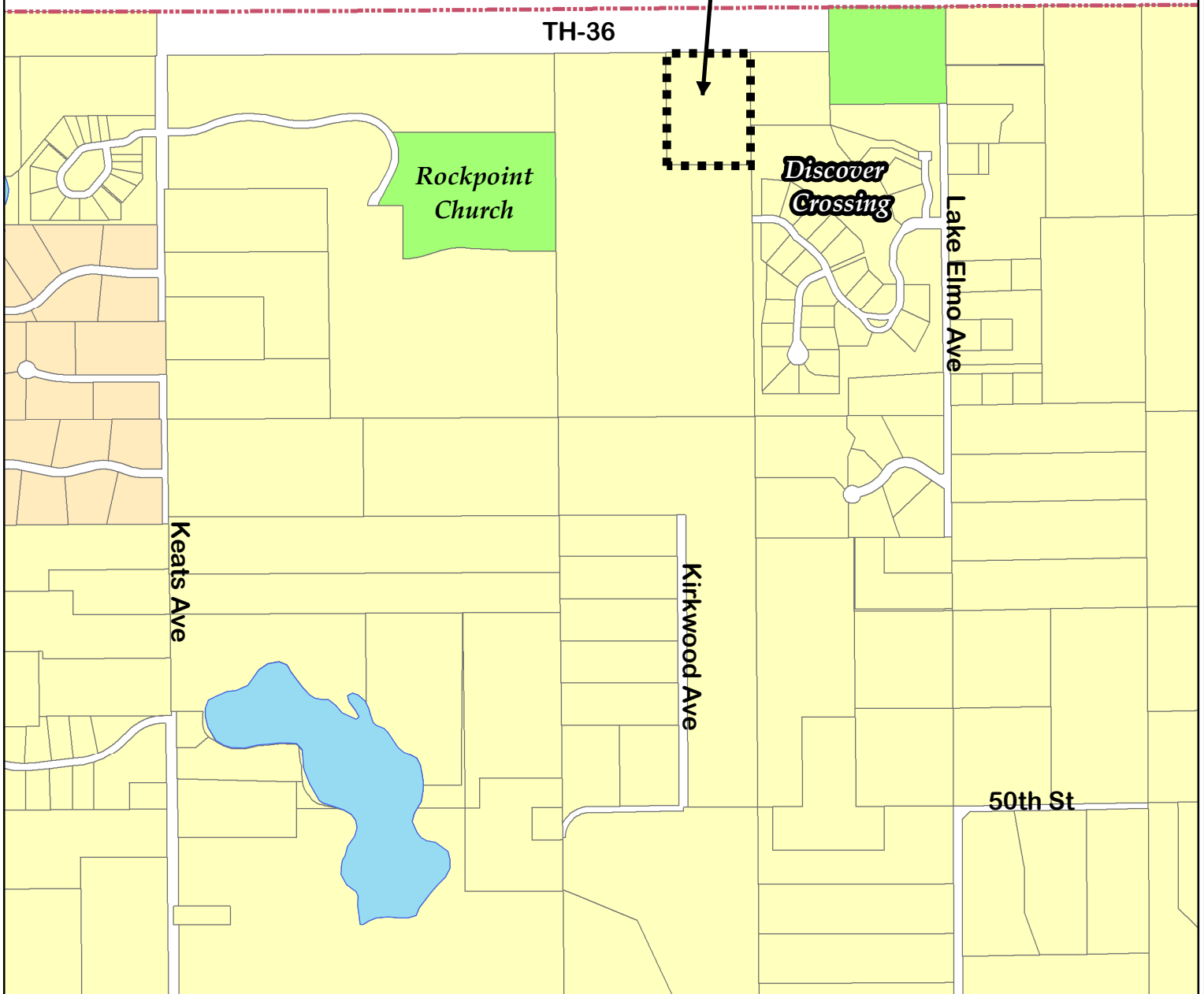
Planned Land Uses

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

Proposed Amendment: RAD to C



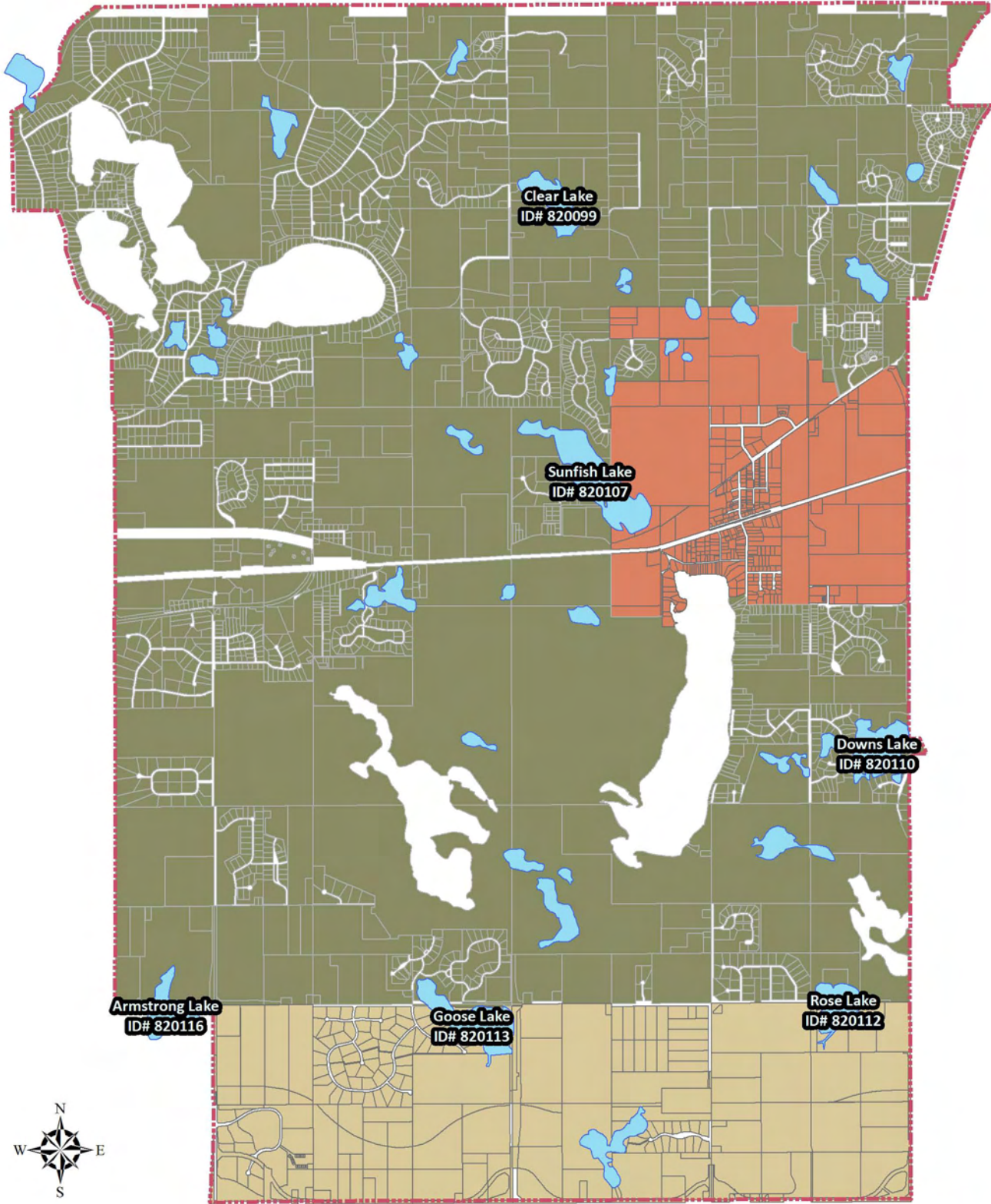
Sources: Washington County & Metro GIS
11-21-2013



Planned Land Use - Amendment

Lake Elmo Comprehensive Plan 2030









Sources: MetroGIS
7-6-12

Urban/Rural Areas & Surface Waters

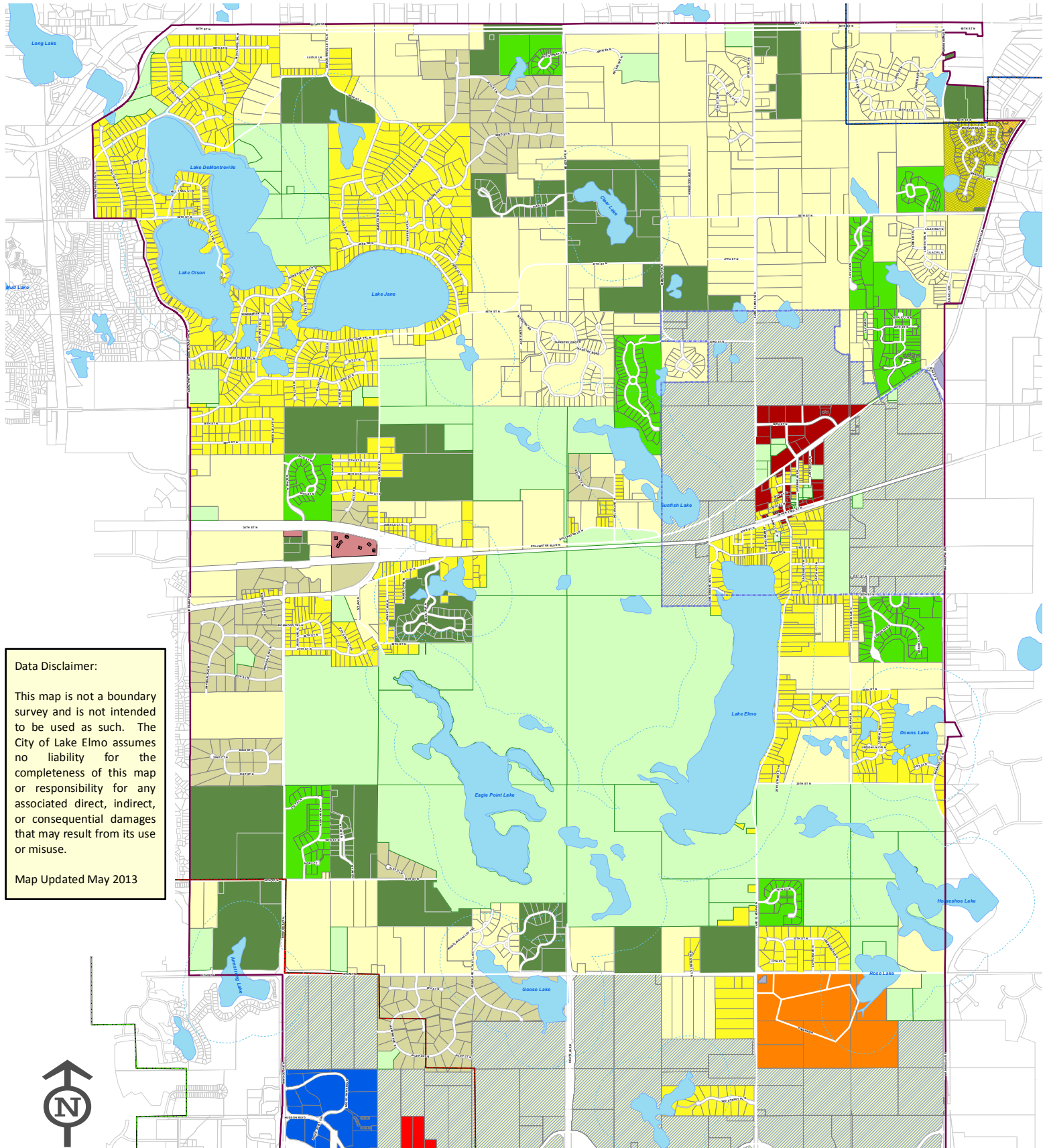
Lake Elmo Comprehensive Plan 2030

-  Municipal Boundary
-  Rural
-  Urban (I-94)
-  Urban (Old Village)



This map was created using MFRA's Geographic Information Systems (GIS). It is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFRA is not responsible for any inaccuracies contained herein.

Lake Elmo Zoning Map



Data Disclaimer:

This map is not a boundary survey and is not intended to be used as such. The City of Lake Elmo assumes no liability for the completeness of this map or responsibility for any associated direct, indirect, or consequential damages that may result from its use or misuse.

Map Updated May 2013



Legend

General

- Village Area
- Lakes
- Lake Elmo Boundary
- Shoreland District Boundary

Watershed Districts

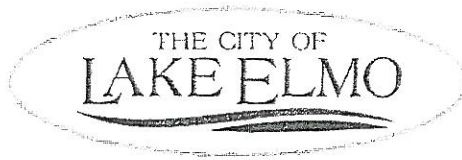
- Browns Creek
- South Washington
- Valley Branch

Zoning Districts

- | | | | | |
|----|--------|-----|--------|----|
| A | OP | HDR | CC | RT |
| RR | R2-PUD | BP | LC | PF |
| RE | LDR | C | LC-PUD | |
| RS | MDR | GB | VMX | |



Lake Elmo Planning Department
May 21, 2013



August 23, 2013

John Putzier
Brian Meyers
Joseph Skaar
W 8085 810th Ave.
River Falls, WI 54022

RE: Code Violations at 10689 60th Street North, Lake Elmo, MN

Mr. Putzier, Mr. Meyers and Mr. Skaar,

On August 13th, the City received your proposed schedule to address the various code violations on your property at 10689 60th Street North, Lake Elmo, MN. After reviewing the proposed schedule of removing the debris and work related equipment, the timeline for mitigating the various code violations is determined to be adequate. To be clear, this schedule would include removing all debris by November 30th, and removing 70% of the equipment by November 15th. We understand that you also store equipment related to snow removal that may be utilized over the course of the winter. The proposed schedule would only be acceptable if the equipment related to snow removal is the only equipment that remains on site after November 15th. This equipment would have to be removed by April 1st, 2014, effectively ending the use of this site for commercial purposes. In addition, the City only agrees to move forward with the proposed schedule under two conditions:

1. You must demonstrate incremental improvement related to debris cleanup and equipment removal leading up to the two critical dates (11/15 and 11/30). The proposed schedule allows for roughly 10 weeks to address the various code violations. The City will reinspect the property every 2.5 weeks (4 total inspections) to ensure that incremental progress is made. Given the time frame, it stands to reason that the debris cleanup should improve by 25% between each inspection date. The first phase of cleanup should focus on Areas #1 and #2 (as shown in attached pictures). Cleanup of Areas #3 and #4 will be determined after the cleanup of Areas #1 and #2 is completed. For the City to follow the proposed plan of cleanup, it is critical for the City that you show good faith in making incremental progress in the cleanup effort.
2. To ensure the tasks related to the cleanup of the code violations are completed, the city will require a security escrow in the amount of \$5,000. This escrow is to not only ensure that the cleanup proceeds as planned, but protect the City should the cleanup not proceed as planned. As you make incremental improvement in removing the debris and equipment, the City is willing to release portions of the escrow in the amount equal to the progress of cleanup (i.e. 25% of escrow released for 25% of debris and equipment removal).

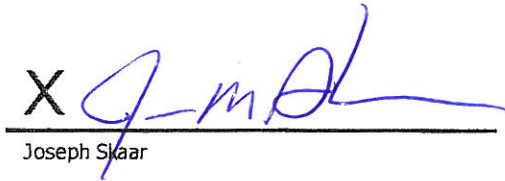
See
Page (2)
fm

As we have stated in previous meetings, the City wants to work with you to address the code violations in a reasonable timeframe. In reviewing your proposed schedule, the timeframe seems reasonable. However, the City has to ensure that incremental progress is being made on the site, and your intention to remove all business activities on the site is made in good faith.

If you are amenable to the proposed schedule and agree to execute it as determined by the City, please sign this document and return it to the City to the attention of the City Clerk, Adam Bell.

X 
John Putzier

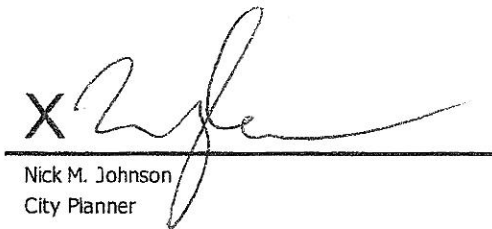
X 
Brian Meyers

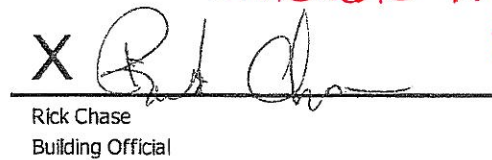
X 
Joseph Skaar

In addition to agreeing to the proposed schedule of cleanup, the City must have the security escrow in the amount of ~~\$5,000~~ posted to the City within 7 business days of receipt of this letter. As soon as the City receives the required security escrow and the signed letter, we can proceed with the proposed schedule and postpone further Code Enforcement action with the understanding that all required elements of the cleanup plan are followed.

Let us know if you have any further questions.

Sincerely,

X 
Nick M. Johnson
City Planner

X 
Rick Chase
Building Official

*\$1,000 Each
Separate checks
& receipts
Include Address
Escrow*

Second Letter

8/23/2013

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4285

Date: November 19, 2013

To: Nick Johnson, City Planner
Cc: Kyle Klatt, Community Development Director
From: Jack Griffin, P.E., City Engineer

Re: 10689 60th Street North
Comp Plan and Zoning Map Amendment

An engineering review has been completed for the above Comprehensive Plan and Zoning map amendment for 10689 60th Street North. The applicant has requested an amendment to the comprehensive plan and zoning map in order to change the land use designation and zoning for the subject property from residential to commercial. The applicant intends to use the property to operate a landscaping business.

STATUS/FINDINGS: An expanded access to TH 36 should not be allowed due to safety concerns and access management issues existing along the corridor. Any consideration given to allow the expanded use of the subject property should be done only after the applicant has demonstrated an acceptable alternative access for the use of the property. Further consideration should be given to requiring the applicant to connect to city water and demonstrate a viable long term plan for wastewater management.

-
- The property currently accesses TH 36 directly. As part of MnDOT's TH 36 Corridor Plan, this access point will need to be eliminated at some time in the future, and an alternative access will need to be provided.

Extensive transportation planning work has been completed over the years by the City, MnDOT and Washington County to address safe access to State Highway 36. MnDOT has designated TH 36 as an Inter-Regional Corridor. The City of Lake Elmo is in process of completing a State Highway 36 South Frontage Road Study to identify a long range access management plan and to identify an east-west collector roadway to facilitate this access for the community.

- The property resides outside of the city's planned sewer service areas. Sanitary sewer service is not available to this property and there are no future plans to provide this property with sanitary sewer service in the future.
- City water service is available in the vicinity of the property from the northern trunk watermain extension project. The property is not currently connected to city water.

From: [Sherman, Tod \(DOT\)](#)
To: [Nick Johnson](#)
Cc: [Josephson, Adam \(DOT\)](#)
Subject: Access off of TH 36
Date: Friday, November 22, 2013 12:03:30 PM

Nick:

Thank You for providing MnDOT information concerning the proposed zoning change for the property adjacent to Hwy 36. As you are aware, since there is no other reasonably convenient and suitable alternative access available for the property, MnDOT would likely continue to allow the property direct access onto Hwy 36. Hwy 36 is functionally classified as a principal arterial and therefore emphasizes mobility rather than private property access. Property access should be provided off local public streets wherever possible. Therefore, until access to this property can be relocated to the local roadway network, MnDOT recommends minimizing the amount of traffic using adjacent private driveways.

At a minimum, a MnDOT access permit will be needed for this property due to the change in use. With the permit review for the change in use, MnDOT will need to review plans (site plan, grading plan, landscaping plan, etc.) to insure safe access and to identify any additional permits that may be needed (such as a drainage permit).

Thank You, Tod

Tod Sherman, Planning Supervisor

Mn/DOT Metro District

1500 W. County Road B-2

Roseville, MN 55113

(651) 234-7794

tod.sherman@state.mn.us

Understanding Spot Zoning

by Daniel Shapiro, Esq.

November 7th, 2013

Editor's note: We're pleased to continue offering articles providing an overview of some of the key zoning and land use law issues planners and planning commissioners face. As with all such articles, we encourage you to consult with your municipal attorney as laws and legal practice vary from state to state.

Occasionally, planning boards or commissions are faced with a petitioner's request to re-zone property only to be challenged with an objector's claim that doing so would constitute illegal spot zoning. The plan commission often has a quandary; approve the development and risk making an improper, if not illegal decision, or deny the development which would have financially improved the community. To better assist with this difficult decision, it is beneficial for the commission to understand exactly what "spot zoning" is.

What Constitutes Spot Zoning

The "classic" definition of spot zoning is **"the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."**¹

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning.² When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the "public benefit." Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality's comprehensive plan.

Counties and municipalities both adopt comprehensive plans for the purposes of stating their long term planning objectives, and addressing the needs of the community in one comprehensive document that can be referred to in making many zoning decisions over time.

Comprehensive plans also typically map out the types (and locations) of future land use patterns which the municipality (or county) would like see — again, these provide guidance for changes in the zoning ordinance and zoning district maps.

The key point: rezonings should be consistent with the policies and land use designations set out in the comprehensive plan.

Importantly, each claim of spot zoning must be considered based upon its own factual scenario. Indeed, some courts engage in a

cost/benefit analysis to determine whether the challenged zoning is spot zoning.

For instance, in *Griswold v. Homer*,³ the Alaska Supreme Court found spot zoning to exist by considering a cost benefit analysis, as well as the size of the parcel in question and the rezoning in relationship to the comprehensive plan. Critically, it found that the spot zoning was absent because, among other things, the underlying ordinance resulted in genuine benefits to the City of Homer as a whole, and not just to the particular land owner.

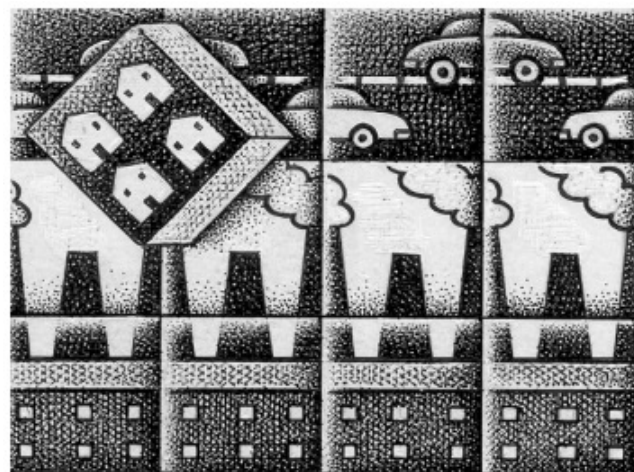


illustration by Paul Hoffman for PlannersWeb

Although courts often find spot zoning where the challenged zone is surrounded by other incompatible zones, spot zoning is less likely to occur when the rezoning has “slopped over” by the extension of the perimeter of an existing zone to include the rezoned area.



illustration by Paul Hoffman for PlannersWeb

Additionally, improper spot zoning is less likely when the disputed area is characterized by mixed uses or transitional areas. In other words, spot zoning is more frequently found in residential than in commercial neighborhoods.

When holding that spot zoning is invalid, some courts will couch their ruling in in terms of substantive due process — in other words, that the rezoning was not “reasonably related” to a legitimate state interest. Other courts will frame a ruling upon equal protection principles.⁴

Regardless, when courts declare such rezoning invalid they must base their declaration on: (1) the lack of connection of the rezoning to a legitimate power or purpose; (2) the lack of the rezoning’s conformity to the comprehensive plan; or (3) the rezoning’s representing an unreasonable inequality in the treatment of similarly situated lands. See, e.g., *Hanna v. City of Chicago*⁵ (spot zoning occurs when a relatively small parcel or area is rezoned to a classification out of harmony with the comprehensive plan).

Rebutting Spot Zoning

Spot zoning, however, may be rebutted when the challenged zoning is found to be consistent with a municipality’s recent zoning trends in the area, not just with the present surrounding uses.⁶ To illustrate the importance that each factual scenario must be closely addressed, rather than merely labeled, it should be noted that one Illinois court found that the rezoning of small parcels inconsistent with the zoning of surrounding areas is not necessarily unlawful.⁷ The size of a parcel is just one factor to be considered in determining spot zoning.

A claim of spot zoning may also lack merit, for instance, when the zoning or planning regulations consider the boundaries of the property in dispute to contain a line of demarcation between zoning districts which would appropriately separate one zoning district from another.⁸

Most importantly though, if the zoning is enacted in accordance with a comprehensive plan, it is typically not “spot zoning.”⁹

What’s a Planning Commission to Do?

When considering zoning map amendments, the planning commission or board must not only determine whether the petitioner has satisfactorily responded to the traditional standards in support of his or her application, but it should also closely scrutinize whether a potential exists for spot zoning. In doing so, the commission should look at the comprehensive plan and the surrounding uses to the property at issue.

While the commission is not qualified to make legal determinations of spot zoning, it is nonetheless the gatekeeper of identifying that such an issue may exist. It is therefore appropriate for the commission to defer its decision and consult with its municipal attorney *before* voting to approve the rezoning and referring it to the governing body for adoption.

Summing Up:

Spot zoning must be addressed upon the facts and circumstances of each case. As such, when faced with allegations of spot zoning, the courts will closely look at factors such as the size of the parcel; the anticipated public benefit; the consistency with the community’s comprehensive plan; and the consistency with surrounding zoning, and uses, to make a determination of the validity of the rezoning.



Dan Shapiro is a partner with the law firm of Robbins, Salomon and Patt, Ltd in Chicago, Illinois. He practices in the areas of land use, zoning, governmental relations, municipal law, and civil litigation.

Dan represents a wide variety of private developers as well as governmental entities and advises his clients closely on issues of concern. As part of his practice, he has successfully presented legislative and administrative matters before plan commissions, zoning boards, and other village, city, and county bodies.

Dan also is an adjunct professor teaching land use at Kent Law School in Chicago, and is the Chairman of the Village of Deerfield (Illinois) Plan Commission.

Notes:

1. Anderson’s American Law of Zoning, 4th Edition, § 5.12 (1995). __
2. See, e.g., *Jones v Zoning Board of Adjustment of Township of Long Beach*, 32 N.J. Super 397,108 A.2d 498, 502 (1954). __
3. *Griswold v. Homer*, 926 P.2d 1015 (Alaska 1996) __
4. See, e.g., *Rando v. Town of N. Attleborough*, 692 N.E.2d 544 (Mass. App. Ct. 1998). __
5. *Hanna v. City of Chicago* 771 N.E.2d 13 (2002) __
6. See e.g., *1350 Lakeshore Associates v. Casalino*, 352 Ill.App.3d 1027, 816 N.E.2d 675 (1st Dist. 2004). __
7. See, e.g., *Goffinet v. County of Christian*, 65 Ill.2d 40 357 N.E.2d 442 (1976). __

8. See, e.g., *LaSalle National Bank v. City of Highland Park*, 344 Ill.App.3d 259, 799 N.E.2d 781 (2nd Dist. 2003).
—
9. See, e.g., *Jones v. Zoning Board of Adjustment of Township of Long Beach*, 32 N.J. Super. 397, 108 A.2d 498, 502 (1954). —

Tags: [Land Use Law](#), [Zoning & Land Use Regulations](#)

Printed From: <http://plannersweb.com/2013/11/understanding-spot-zoning-2/>



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013
REGULAR
ITEM # 11

AGENDA ITEM: Driveway Ordinance
SUBMITTED BY: Nick M. Johnson, City Planner
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Rick Chase, Building Official

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: Staff recommends amending the City’s driveway provisions to incorporate multiple best practices that are currently not addressed in the City Code. The proposed ordinance is recommended for approval by the Planning, Building, Engineering and Fire Departments.

FISCAL IMPACT: None – All costs incurred to the City through the review of driveways are reimbursed by applicable permit fees.

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider an update to the City’s driveway provisions in Chapter 93 of the City Code. In advance of higher density growth and development, staff is seeking to incorporate best practices related to the design and construction of residential driveways in Lake Elmo. The intent of the action is to establish sound design principles and construction practices to improve public safety and access to public streets, as well as increase efficiency in the processing of driveway permits.

Staff is recommending that the City Council adopt the proposed Driveway Ordinance through the following motion:

“Move to adopt Ordinance 08-096, incorporating best practices related to driveway design and construction to improve public safety and access to public streets.”

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

“Move to adopt Resolution 2013-105, authorizing summary publication of Ordinance 08-096.”

LEGISLATIVE HISTORY: The City’s driveway provisions have remained the same at least since the adoption of the 1997 City Code. At this time, the City was not planning for any areas of urban growth and development. Given that sewered growth will bring residential neighborhoods of a higher density than what currently exists in the City, now is the appropriate time to update the ordinance to incorporate best practices from other communities that have experienced such development.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed driveway ordinance includes the adoption of several best practices that currently are not included in the City’s driveway regulations. The following best practices have been incorporated into the proposed ordinance:

- Driveway width: The current ordinance does not specify a minimum width for driveways. Requiring a minimum driveway width is important for the purpose of emergency vehicle access.
- Number of curb cuts: The current ordinance does not limit the number of driveways that residential properties are allowed to have. In order to ensure sound and safe access management to City and County streets, it is important to specify rules regarding the allowed number of driveways.
- Driveway grade: The current ordinance does not specify a maximum grade for driveways. Grade is an important safety consideration, especially given Minnesota’s long winter season.
- Driveway materials: The current ordinance does not specify required materials for driveways. Requiring certain materials for driveways is especially important in urban districts with roads that have curb and gutter.

Weaknesses: The existing driveway regulations do not include several best practices that staff utilize to ensure safe and efficient access to the public street. Not having these best practices directly in the City Code represents a weakness in that the ordinance is ineffective at communicating safe and sound design and construction practices. Given this situation, staff is not able to promote effective driveway design and construction

when presented with a proposed driveway that raises concern over safety or maintenance of City streets.

Opportunities: Including these proposed best practices directly in the City Code clearly communicates the City's standards and expectations as they pertain to driveways. In addition, with clear and effective standards in place, the City should be better able to manage access to City streets in a manner that is conscious of public safety and overall maintenance of City infrastructure.

Threats: Staff is confident that the proposed ordinance will not create any threats or pitfalls. Existing driveways in Lake Elmo are able to maintain the same design through the legal non-conforming statute. In addition, the proposed ordinance is conscious of the many rural properties that exist in the community by allowing crushed rock as an approved material in rural zoning districts. If situations with extenuating circumstances do arise, where property owners are unable to meet a specific standard, City staff will work with the applicant to reach the safest and best design possible within the context of the subject property.

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council adopt the proposed Driveway Ordinance through the following motion:

“Move to adopt Ordinance 08-096, incorporating best practices related to driveway design and construction to improve public safety and access to public streets.”

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

“Move to adopt Resolution No. 2013-105, authorizing summary publication of Ordinance 08-096.”

ATTACHMENTS:

1. Ordinance 08-096
2. Resolution No. 2013-105
3. Existing Driveway Ordinance (§93.20)
4. Analysis of Driveway Regulations from Other Communities

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-096

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S DRIVEWAY REQUIREMENTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Sections 20 through 27 to read the following:

DRIVEWAYS

§ 93.20 Purpose

The purpose of §§ 93.20 *et seq.* is to control the location of driveways and curb cuts in order that traffic hazards be reduced, adequate street drainage be maintained, and that ingress and egress from properties shall not constitute a hazard or impair the health, safety, or general welfare of the residents of the city.

§ 93.21 Permit Requirements

No driveway shall be constructed in any location where motor vehicles will be provided with access to any public right-of-way without first obtaining a permit for construction. Prior to the issuance of the permit, the provisions of this Ordinance shall be complied with.

§ 93.22 Application

Applications for permits shall be made in writing upon printed forms furnished by the City. Each application for a permit shall have thereon the correct legal description of the property and a drawing of the land showing the location of the proposed driveway with respect to the boundary lines of the property. The written application shall describe the project along with a site plan that indicates that the requirements of this Ordinance are met.

§ 93.23 Permit Fees

The permit fees shall be set in the City's Fee Schedule by ordinance by the City Council.

§ 93.24 Permit Revocation

The permit issued may be revoked by the City at any time after its issuance for failure to comply with the conditions of the permit or the directions of the City relative to the work covered by the permit.

§ 93.25 General Requirements

- A. *Licensed Contractor.* All work done within the right-of-way of the street shall be done by a City licensed contractor as specified in Chapter 115 of the City Code.
- B. *Scope.* The requirements of §§ 93.20 *et seq.* apply to all new construction and to repairs and changes to old driveways which do not conform to present requirements.
- C. *Site Plan.* Prior to the construction of a driveway, a scaled plan must be submitted which indicates the location and specifications for driveways and curb cuts, the widths and dimensions at the street, property line and building structure, the slope of the driveway, and the location of the curb box as applicable in accordance with §§ 93.20 *et seq.* The site plan submitted shall be approved prior to the issuance of a permit for a driveway.

§ 93.26 Driveway Standards

The following regulations shall apply to all driveways and curb cuts. All driveway work shall be constructed in accordance with the approved site plan. No deviations or changes shall be made in the field without first obtaining permission from the City.

- A. *Driveway Width.* All driveways shall conform to the following requirements:
 - 1. Residential Districts
 - a. *Minimum Width.* All driveways shall have a minimum width of ten (10) feet.
 - b. *Maximum Width.* All driveways shall have a maximum width of twenty-two (22) feet at the point it intersects the right-of-way line. In the absence of platted right-of-way, the setback at which point the driveway width is measured shall be established by the prescriptive easement as determined by the City Engineer.
 - c. *Curb Cut.* A curb cut must not exceed the width of the driveway approach at the property line by more than ten (10) feet.
 - 2. Commercial and Mixed-Use Districts
 - a. *Minimum Width.* All driveways shall have a minimum width of twenty (20) feet.
 - b. *Maximum Width.* All driveways shall have a maximum width of thirty-four (34) feet at the point it intersects the right-of-way line.
 - c. *Curb Cut.* A curb cut must not exceed the width of the driveway approach at the property line by more than ten (10) feet.
- B. *Vertical Clearance.* There must be fourteen (14) feet of vertical clearance above all driveways.
- C. *Number of Curb Cuts.* In Residential Districts, each property shall be limited to one curb cut per dwelling unit. Exceptions may be allowed when neither access is onto a major street, and when the lot exceeds one hundred and fifty (150) feet in width or is a corner lot. All requests for a second curb cut shall be reviewed by the City Engineer.
- D. *Distance between Driveways.* The minimum distance between curbs of driveways at right-of-way line shall be 10 feet in any residential district. Lots that have been

developed with zero lot line setbacks may be exempt from this provision. In all other districts, the minimum distance shall be 20 feet.

- E. *Distance from Intersection.* No driveway or curb cut shall be less than 20 feet from any right-of-way line of any street intersection, except that in high density residential, commercial and mixed-use zoning districts, the minimum distance shall be 50 feet.
- F. *Driveway Angle.* All driveways shall connect to the public street at 90 degree angles, or must be approved by the City Engineer. Exceptions must demonstrate an inability to meet the 90 degree angle due to extenuating circumstances.
- G. *Driveway Grade.* Driveways exceeding a grade of 10% must be approved by the City Engineer. Exceptions must demonstrate an inability to meet the 10% maximum grade due to extenuating circumstances.
- H. *Driveway Materials.*
 - 1. *Urban Districts.* All driveways shall be constructed of bitumen, concrete or a durable material approved by the City Engineer.
 - 2. *Rural Districts.* Driveways may be constructed of crushed rock or equivalent crushed material provided that the portion of the driveway within the road right-of-way shall be constructed of bitumen or concrete when accessing an improved street.
- I. *Curb Box, Residential Districts.* Curb boxes located within driveway shall be protected with an A1 Ford Lid or approved equal.
- J. *Control of Traffic.*
 - 1. Where other alternatives exist, commercial sites should not be accessed from local residential streets.
 - 2. Traffic shall be controlled to ensure that the location of driveways shall not constitute a hazard nor be injurious to adjacent residential uses.
- K. *Access to Major Streets (Thoroughfares).* On properties having frontage on both thoroughfares and minor roads, access shall be provided via the minor road unless otherwise approved by the City Engineer. Access may be restricted on any non-residential local road. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.
- L. *State and County Highway Requirements.* Driveways constructed to access any street designated as a state or county highway shall meet all additional specifications of the appropriate jurisdiction. Access drives onto state and county roads shall require a review by the road authority and the City Engineer. The state, county and City Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- M. *Distance from Driveways to Side Lot Line.* A driveway must be at least 5 feet from any side lot line.
- N. *Emergency Vehicle Access.* Driveways to principal structures that traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles.

§ 93.27 Parking Areas

The parking restrictions applicable to driveways are stated in the zoning code and §§ 150.001 *et seq.*

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-096 was adopted on this third day of December 2013, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-096 was published on the ___ day of _____, 2013.

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

RESOLUTION NO. 2013-105

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-096 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-096, an ordinance to the City's regulations pertaining to Driveways; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-096 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-096, which amends the current sections of the City Code pertaining to Driveways. The ordinance includes the following provisions.

- The ordinance establishes minimum driveway widths.
- The ordinance establishes standards for the number and maximum width of allowed curb cuts.
- The ordinance establishes a maximum grade of 10% for driveways. Driveways that exceed this standard must be approved by the City Engineer.
- The ordinance establishes approved building materials for driveways.

The full text of Ordinance No. 08-096 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: December 3, 2013.

Mayor Mike Pearson

ATTEST:

Adam Bell, City Clerk

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

Print

Lake Elmo, MN Code of Ordinances

DRIVEWAYS

§ 93.20 PURPOSE.

The purpose of §§ 93.20 *et seq.* is to control the location of driveways and curb cuts in order that traffic hazards be reduced, adequate street drainage be maintained, and that ingress and egress from properties shall not constitute a hazard or impair the health, safety, or general welfare of the residents of the city.

(1997 Code, § 1405.01)

§ 93.21 PERMIT REQUIREMENTS.

No driveway shall be constructed in any location where motor vehicles will be provided with access to any public right-of-way without first obtaining a permit for the construction from the properly designated city employee, who shall require a grade to establish the driveway. Prior to the issuance of the permit, the provisions of §§ 93.20 *et seq.* shall be complied with.

(1997 Code, § 1405.02) Penalty, see § 10.99

§ 93.22 APPLICATION.

Any person desiring the permit shall present written application to the city describing the project along with a site plan that indicates that the requirements of §§ 93.20 *et seq.* is met. For new residential developments, these site plans shall be reviewed by the City Building Inspector. In commercial districts, driveways shall be reviewed as part of the site plan review by the City Planner

(1997 Code, § 1405.03)

§ 93.23 PERMIT FEES.

The permit fees shall be set, from time to time, by ordinance by the Council.

(1997 Code, § 1405.04)

§ 93.24 PERMIT REVOCATION.

The permit issued may be revoked by the city at any time after its issuance for failure to comply with the conditions of the permit or the directions of the city relative to the work covered by the permit.

(1997 Code, § 1405.05)

§ 93.25 GENERAL REQUIREMENTS.

(A) *Licensed contractor.* All work done within the right-of-way of the street shall be done by a regularly licensed contractor under the supervision of the proper city employee, who will see that all regulations are rigidly followed.

(B) *Driveway surface.* Whenever a driveway is constructed, all that portion of the boulevard designated as driveway shall be surfaced with a plant-mixed machine laid bituminous material conforming to standards approved by the City Engineer and in accordance with plans approved by the City Engineer. Concrete specifications approved by the City Engineer may also be used for driveway surfacing at the property owner's own risk. Should it subsequently become necessary to repair or replace the concrete surfacing in whole or in part, the owner, or owners, of property serviced by the concrete driveways shall pay all costs of the repairs or replacements.

(C) *Scope.* The requirements of §§ 93.20 *et seq.* apply to all new construction and to repairs and changes to old driveways which do not conform to present requirements.

(D) *Notification of construction.* The city is to be notified at least 24 hours in advance of the date the construction will start.

(E) *Plot plan.* Prior to the construction of a driveway, a plan must be submitted which indicates the location and specifications for driveways and curb cuts in accordance with §§ 93.20 *et seq.* The plat plan submitted shall be approved prior to the issuance of a permit for a driveway.

(1997 Code, § 1405.06) Penalty, see § 10.99

§ 93.26 STANDARDS.

The following regulations shall apply to all driveways, curb cuts and aisles.

(A) *Width.* The width of driveways in any zoning district shall provide adequate egress and ingress to the site for the safety of residents, and provide access for emergency vehicles. The maximum width of driveways in residential districts is 22 feet, except that in the Residential Estates (RE) Zoning District, the maximum width at a lot line shall be 12 feet and the maximum width at the public street shall be 18 feet. The maximum width of driveways in commercial districts is 34 feet. Driveways shall be included on all site plans for new residential permits for review by the Building Official. In commercial districts, driveways shall be reviewed as part of the site plan review by the City Planner.

(Am. Ord. 97-18, passed 9-16-1997)

(B) *Distance between driveways.* The minimum distance between curbs of driveways at right-of-way line shall be 10 feet in any residential district. In all other districts, the minimum distance shall be 20 feet.

(C) *Width of aisles.* Any aisle in any parking lot in a zoning district other than a residential district shall be a minimum of 24 feet. Any aisle in a parking lot in any residential district serving a building containing 3 or more dwelling units shall also be a minimum of 24 feet.

(D) *Distance from intersection.* No driveway or curb cut shall be less than 20 feet from any right-of-way line of any street intersection, except that in retail, business, and industrial zoning districts, the minimum distance shall be 50 feet.

(E) *Driveway angle.* The minimum driveway angle from a 2-way access street shall be 90 degrees. The minimum driveway angle from a 1-way street shall be 30 degrees.

(F) *Control of traffic.*

(1) Where commercial land uses are adjacent to residential districts, ingress and egress from the commercial uses on streets leading to or through the residential districts shall not be permitted unless it can be demonstrated that adequate access to public right-of-way is thereby denied.

(2) In this manner, traffic shall be controlled to ensure that the location of driveways shall not constitute a hazard nor be injurious to adjacent residential uses.

(G) *Access to thoroughfares.* On properties having frontage on both thoroughfares and minor roads, access shall be provided via the minor road wherever feasible in order to reduce the number of curb cuts on thoroughfares.

(H) *State and county highway requirements.* The proposed driveway is to be constructed so that if it opens into any street designated as a state or county highway, all additional specifications of the appropriate highway departments will apply.

(I) *Distance from driveways to side lot line.* A driveway must be at least 5 feet from any side lot line, except that in the Residential Estates (RE) Zoning District, a driveway must be at least 10 feet from any side lot line.

(1997 Code, § 1405.07) Penalty, see § 10.99

§ 93.27 PARKING AREAS.

The parking restrictions applicable to driveways are stated in the zoning code and §§ 150.001 *et seq.*

(1997 Code, § 1405.08)

Residential Driveway Analysis										
City	Width			Curb Opening	Setback to Property Line	Setback to Intersection (local road)	Max Slope	Angle	# of Access	Materials
	Min	Max	R.O.W.							
Eagan	-	22'	22'	-	-	-	10% or approved by Engineer	-	-	-
Woodbury	10'	30'	-	5'	-	-	-	-	-	concrete, pavers or blacktop
Shoreview	-	-	24'	-	20'	-	-	90 degrees	1 per street frontage ³	-
Inver Grove Heights	9"	30'	-	5'	-	-	-	-	-	bitumin, concrete or paving blocks ²
Minnetonka	-	35'	20'	30'	-	-	-	90 degrees or approved by engineer	-	-
Cottage Grove	12'	28'	-	-	20'	-	-	60-90 degrees	1 ⁵	-
Eden Prairie	-	-	-	3'	-	-	-	-	-	concrete, pavers or blacktop
Apple Valley	-	36'	-	30'	-	-	10% or approved by Engineer	-	1 per street frontage ³	concrete, pavers or blacktop

- Notes:
1. Minimum driveway width for access drives longer than 150' in length is 12'.
 2. Properties in rural districts are allowed crushed rock (ROW of improved street must be paved).
 3. Allowed additional curb cuts if lot exceeds 120' in width or corner lot (frontage on two public streets).
 4. Allowed additional curb cuts if lot exceeds 110' in width or corner lot (frontage on two public streets).
 5. Only 1 access is allowed for all residential lots with curb and gutter.



MAYOR & COUNCIL COMMUNICATION

DATE: 12/3/13
REGULAR
ITEM #12
ORDINANCE 08-097

AGENDA ITEM: RAD-ALT Moratorium
SUBMITTED BY: Kyle Klatt, Community Development Director
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The City Council is authorized under State Statutes to adopt a moratorium on specific development when the City is undertaking a planning effort related to the type of development or activity that is being reviewed. The Planning Commission has been reviewing the City’s rural development areas, and given a potential reduction in the City’s future household and population forecast, has recommended that the City Council adopt a moratorium on development activity within the City’s RAD-ALT category while this matter is being studied. A moratorium would also allow the City to incorporate the final 2040 forecast numbers into any future decision concerning the RAD-ALT category.

FISCAL IMPACT: No public fiscal impacts. The moratorium would not allow private land owners to develop their property until the moratorium has been expired or is rescinded by the Council.

SUMMARY AND ACTION REQUESTED: The Planning Commission has spent a portion of its last two meetings discussing the City’s rural development areas. As part of this discussion, the Commission has noted that the RAD-ALT (formerly identified as RAD-2) land use category

may not be needed in order to achieve the City's pending 2040 household and population forecasts. The RAD-2 land use category was created as a direct result of the previous 2030 forecast and the subsequent adoption of the Memorandum of Understanding between the City and Metropolitan Council. In 2005, the City guided approximately 120 acres for this type of use, which was needed for the City to reach the projected household numbers with the rural development areas based on the amount of land available outside of future sewer areas. Since then, the City has added an additional 24 acres to this category, which was renamed RAD-ALT as part of the most recent land use plan amendment.

Staff has attached the most recent Planning Commission report concerning rural development areas for consideration by the Council, and will provide previous staff reports or minutes from previous Commission meetings on this topic to members of the Council upon request.

The Commission has given Staff direction to continue working on options for growth and development within rural areas as part of the Commission's 2014 work plan, but did express some concern that the RAD-ALT land use category may not be necessary in the future (especially if the 2040 numbers are reduced in the manner previously proposed by the City Council). In order to give the Commission time to research this issue, and to also allow the City to further consider the RAD-ALT land use after the 2040 forecast is finalized, the Planning Commission has recommended that the City Council adopt a moratorium within these planning areas for a period of nine months. This action will help ensure that the City does not need to review any development activity on land that is guided for RAD-ALT while this matter is being studied.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Ordinance No. 08-097 adopting a moratorium on RAD-ALT development for a period of nine months”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The Planning Commission has been reviewing rural development areas over its past two meetings. A detailed Staff report to the Commission from its last meeting is attached for consideration by the Council. The Council may also want to review the Staff report from the October 28th Planning Commission meeting as well (not attached). A moratorium does not require a public hearing.

BACKGROUND INFORMATION (SWOT):

Strengths

- Provides time to review rural development areas.
- Allows the public review to occur without needing to respond to development requests.
- Will allow the City to incorporate the final 2040 forecast numbers into a final decision
- Does not alter the Comprehensive Plan or ordinances until after the review period has ended

- Weaknesses**
- Prohibits development on three City parcels until the moratorium has expired
 - Puts these properties into a waiting state until the moratorium is lifted
- Opportunities**
- Gives the City time to ensure that the Comprehensive Plan truly reflects the stated objective to maintain rural character
- Threats**
- The loss of potential developments that would have otherwise been able to move forward in the absence of a moratorium

RECOMMENDATION: The Planning Commission is recommending that the City Council adopt a moratorium on the development of property within the City's RAD-ALT land use category for a period of nine months. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Ordinance No. 08-097 adopting a moratorium on RAD-ALT development for a period of nine months”

ATTACHMENTS:

1. Ordinance No. 08-097
2. Planning Commission Staff Report – 11/13/13

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

ORDINANCE NO. 08-097

**AN INTERIM ORDINANCE DECLARING A MORATORIUM FOR A PERIOD OF NINE MONTHS ON
THE APPROVAL OF ANY DEVELOPMENT PROJECT OR SUBDIVISION OF LAND
ON PROPERTY GUIDED FOR RAD-ALT DEVELOPMENT IN THE COMPREHENSIVE PLAN**

WHEREAS, the City of Lake Elmo has received a preliminary 2040 regional forecast from the Metropolitan Council that would reduce the number of households and total community population by a substantial margin from the 2030 forecast; and

WHEREAS, the Lake Elmo City Council has developed a response to this forecast that reduces the overall household and population forecasts for the community, which will include reductions in the City rural development areas; and

WHEREAS, the City's portion of the regional forecast will not be finalized until the spring of 2014; and

WHEREAS, the Lake Elmo Planning Commission is studying the City's rural development areas, and in particular, is currently reviewing future development options for these areas;

WHEREAS, the City's RAD-ALT land use category was created in order to help the City achieve its 2030 growth forecast;

WHEREAS, the City is reviewing alternate strategies for growth and development within the rural development areas that will help the City achieve its household and population forecast while also observing the goals and objectives of the Comprehensive Plan, and in particular, the City's efforts to preserve its rural character; and

WHEREAS, while the Planning Commission is reviewing the land use plan for rural development areas in advance of the 2040 forecast being finalized by the Metropolitan Council, the City Council believes it is reasonable and appropriate and in the best interests of the City of Lake Elmo, for purposes of protecting the planning process and the health, safety and welfare of the citizens of Lake Elmo, to limit the establishment of any new development within the RAD-ALT land use category; and

WHEREAS, Minnesota Statutes Sec. 462.355, Subd. 4 provides for the adoption of an Interim Zoning Ordinance during a planning process as heretofore and herein described.

NOW, THEREFORE, based on the foregoing, the City Council of the City of Elmo City does ordain:

SECTION 1. RAD-ALT Land Use. That for a period of nine (9) months from the date hereof, there is hereby declared a moratorium on the consideration and/or approval of any

subdivision or development project within land that is guided for Rural Area Development - Alternative Density (RAD-ALT) as defined and identified in the Lake Elmo Comprehensive Plan, Chapter III - Land Use Plan.

SECTION 2. This Ordinance shall be effective upon its legal passage and publication.

SECTION 3. Adoption Date. This Ordinance 08-097 was adopted on this 3rd day of December 2013, by a vote of ___ Ayes and ___ Nays.

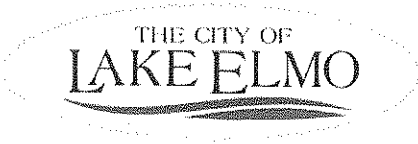
LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-097 was published on the ____ day of _____, 2013.



PLANNING COMMISSION
DATE: 11/13/13
AGENDA ITEM: 5A – BUSINESS ITEM
CASE # 2013-036

ITEM: Rural Area Development Analysis and Discussion – Further Review
SUBMITTED BY: Kyle Klatt, Community Development Director
REVIEWED BY: Nick Johnson, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to continue its discussion from its October 28, 2013 meeting concerning the City's rural development areas. The Commission is specifically asked to further review the RAD-ALT land use category and to conduct an analysis of the potential to expand the use of Residential Estates zoning in the future. Staff is therefore seeking a recommendation from the Commission on the following:

1. Whether or not to continue guiding areas in the RAD-ALT land use category as part of the City's Future Land Use Map; and
2. Whether or not the City should pursue Comprehensive Plan and zoning amendments that would either expand the use of the Residential Estates land use category or revise the rural development standards in some other manner in order to allow additional development opportunities on parcels less than 40 acres.

The first inquiry may be acted upon with an amendment to the City's Future Land Use Map in the Comprehensive Plan while the latter issue will require further review and discussion by the Planning Commission should the Commission want to pursue such changes.

GENERAL INFORMATION

Applicant: City-initiated action for discussion
Request: Continue previous review and discussion of land use plans and policies concerning Rural Development Areas
History: The City revised its Comprehensive Plan for rural areas in the early-mid 1990's to allow for open space developments. The amendments from this time period limited the use of the Residential Estates as a future land use and instead encouraged any future development of land to be consistent with the City's open space regulations. The RAD-2 category was added to the Plan in 2005 in response to Met Council growth directives.
Deadline for Action: None
Applicable Regulations: Comprehensive Plan – Chapter III: Land Use Plan
Zoning Ordinance – Article 9: Rural District Standards

REVIEW AND ANALYSIS

After considering the history of the City's rural development areas and reviewing recent population projections with Staff, the Planning Commission is being asked to further discuss two aspects of this discussion from its October 28, 2013 meeting as described above. Rather than repeating the information presented at the last meeting, Staff has attached the previous Staff report for further review and discussion by the Commission. The two questions that are now being carried forward for further discussion include the future application of the RAD-ALT land use category and the potential for additional development opportunities within smaller parcels in the City's rural areas.

RAD-ALT LAND USE CATEGORY

The City of Lake Elmo currently guides 157 acres in the RAD-ALT land use category, which corresponds to roughly 314 units of housing. The three areas that have been assigned this designation include the following parcels:

PIN	Owner	Area (acres)
16.029.21.24.0002	3M Company	96
15.029.21.31.0001	Irvin Friedrich	24
25.029.21.44.0001	Terry Emerson	37

The 3M and Emerson properties were changed to the RAD-ALT category as part of the 2005 Comprehensive Plan amendment, while the Friedrich parcel was changed to this category as part of a stand-alone amendment approved by the City in 2010. There were no corresponding reductions or revisions elsewhere in the code with the 2010 amendment, and at that time, the City found that the affected area was small enough that it would not significantly alter any of City's household projections. The Council has previously discussed the idea of implementing a development rights transfer program in order to allow transfers of density between RAD and RAD-ALT development sites, but has not taken any action since 2010 to create such a program.

As the Planning Commission considers the future status of the RAD-ALT land use category, Staff would like to point out the following:

- To date, there have been no developments approved in the City's RAD-ALT areas, and only one proposal for RAD-ALT development has been brought forward at a conceptual level.
- The concept plan noted above was for a 52-unit senior living and farm-based preschool proposal that is no longer a valid development application. The time limit for the submission of a preliminary plan for the site has expired. No new development plans for this property have come forward, although the former applicant has approached Staff recently to discuss an alternative concept plan.
- The Friedrich family does not support any changes to the future land use for their property that would lower the current density of the site.
- As part of its discussions with the Met Council concerning the recently released preliminary population and household forecasts for Lake Elmo, the City will be seeking reductions in these numbers when the forecast is finalized. As presented in Staff's previous report to the City Council, the proposed reductions would allow the City to lower the number of

households that are expected in rural development areas. Should the Met Council accept these numbers, the RAD-ALT category would not be needed to meet the old forecasts. The City may decide to keep this land use classification for other reasons (i.e. to encourage a wider mix of uses in rural development areas).

During previous discussions concerning the RAD-ALT district and based on the City's review of previous open space projects, the following questions and concerns have been raised

- The RAD-ALT category allows for 2 units of housing per acre, which is a density that is much closer to an urban or suburban form of development than a rural type of development. For comparison purposes, the single family areas within the future Lennar development are slightly under 3 units per acre on a net density basis, while the Carriage Station subdivision was platted to meet a density of 2 units per acre.
- The use of well and septic systems in RAD-ALT areas presents challenges for developers because there is so little area to work with once the homes, roads, and other infrastructure is taken into consideration. While more homes mean a more reasonable allocation of costs for shared systems, more users also require a much larger and more costly system as well.
- The Planning Commission has previously discussed the potential to serve RAD-ALT areas with public sanitary sewer. Given the relatively small differences in density between RAD-ALT and the low density urban areas, it might be better to simply guide these sites for sewer residential densities if the City wants to support more development outside of the existing sewer service area boundaries.
- Some of the areas that are guided for RAD-ALT development are located adjacent to general RAD areas or other existing lower density residential neighborhoods. The compatibility between these areas has been a concern for the neighbors surrounding the Friedrich property.
- There is also the question of whether or not it is truly feasible to develop a project under the RAD-ALT ordinance given the current requirement to preserve half of a site as open space. Acknowledging the downturn in the economy that has affected the housing market since the late 2000's, there have been no RAD-ALT projects approved by the City (and only one that even made it to a concept stage) in the last eight years.

Staff is recommending that the Planning Commission further review and discuss the City's RAD-ALT land use classification at its next meeting and provide direction to Staff should any the Comprehensive Plan changes be deemed necessary by the Commission. The options that should be considered by the City include the following:

- 1) Eliminate the RAD-ALT land use category from the Comprehensive Plan and change all areas presently guided in this manner to RAD.
- 2) Eliminate some of the RAD-ALT areas and leave only those areas as RAD-ALT that the Planning Commission believes should be guided in this manner.
- 3) Wait to make any changes to the RAD and RAD-ALT land use classifications until after the Met Council has finalized the City's 2014 forecast. This action is expected to occur sometime in the spring of 2014.

- 4) Do not take any action at this time to make changes to the Comprehensive Plan.
- 5) Expand the areas that are guided for RAD-ALT in the Comprehensive Plan or move the current areas guided for such density to other parcels.
- 6) Consider revisions to the RAD-ALT land use in order to address concerns regarding compatibility between uses.
- 7) Consider other revisions to the RAD-ALT land use to either expand the uses allowed within these areas or to further revise the regulations to promote certain types of activities (i.e. to allow certain types of housing or only low traffic-generating activities).

Of these options, Staff is recommending that the Planning Commission follow number (3) and take this issue up as part of a broader Comprehensive Plan discussion once the 2014 forecast is finalized. In the meantime, the Commission should be aware that taking this course of action would allow developments to come forward under the present guidelines, but any such projects would be subject to new public hearings and would require review by the Planning Commission. Staff does not recommend a moratorium on RAD-ALT development because the MOU between the City and Met Council is still in effect. The City should continue to work towards implementation of the current plan as long as the MOU remains in effect.

GENERAL RURAL DEVELOPMENT REGULATIONS

One of the Commission's discussion items from the last meeting also included the City's rural development areas in general, and in particular, how to best plan for the future use of parcels that are under 40 acres in size. The City's current open space ordinance allows for OP developments on parcels that are 40 acres or more in size, but would only allow such development on smaller parcels through an exception process. In practice there have only been a few OP developments that have been created on properties with less than 40 acres. Under current zoning regulations, parcels that are less than 40 acres and zoned RR – Rural Residential could be split into lots no smaller than 10 acres, while parcels zoned A – Agriculture could not be further subdivided.

The Commission may also want to further discuss the RED (Residential Estates) land use category to assess whether or not this land use could be expanded into new areas in order to provide alternative development options on smaller parcels. At present, the City's Comprehensive Plan does not identify any new areas for RED development outside of existing developments or areas that were planned for such land use prior to the 2005 land use plan. The Staff comments below concerning residential development on smaller rural parcels take into account an expansion of the RED classification.

In order to provide the Planning Commission with a better perspective on the remaining undeveloped land in the City's rural development areas, Staff will be bringing a report with a summary of the lot sizes in these areas for discussion at the meeting.

Some facts that should be considered by the Commission as it discusses this item include the following:

- There have been around 20 OP developments approved and constructed over the past 20 years in Lake Elmo. Some of these developments have been recognized nationally for best practices in conservation-based subdivisions.

- There have been no new OP developments approved by the City within since 2007. This is due partly to the downturn in the economy.
- At present, there are roughly 40-50 vacant lots available within OP developments. This number continues to drop by 20-30 lots each year, meaning the current supply of OP lots will last no more than 2 years without additional subdivisions coming forward.
- The City has seen several large lot subdivision created in the last several years (10 acre lots) that have removed land from potential development under OP regulations.
- Staff has observed a fairly healthy market for lots within RS – Rural Single Family areas, and periodically older, existing homes are razed to make way for new, larger structures within these areas. The significant number of lake-frontage lots in the Tri-Lakes area will continue to be a factor in the demand for redevelopment of existing lots.
- The City has made recent agreements to extend public sewer service into a small rural single family area on the west side of Lake Olson and has agreed to extend sewer into at least one open space development outside of the Village. Staff expects pressure to provide sewer service to the Tri-Lakes area and to open space developments that are located close to the urban service areas will be one of the more important land use decisions that should be addressed in the next major Comprehensive Plan update.
- The City has rejected proposals in the past to split land in RAD areas into parcels less than 10 acres. Staff has found that it is very difficult for potential applicants to meet all of the City's variance criterion for these types of and use applications.

Should the Planning Commission and City Council decide to pursue changes to the minimum lot sizes allowed in rural development areas or to expand the use of the Residential Estates land use to new developments, Staff would like to offer the following as general comments:

- Maintaining an adequate amount of road frontage for every platted lot will be very problematic for most parcels that are less than 40 acres in size. The City does allow one parcel to be split without road frontage in rural development areas, but this often leads to situations in which a driveway is either shared by two parties or a driveway easement crosses someone else's land. This type of situation may be acceptable when there are over 20 acres to work with, but could become problematic on smaller lots.
- The cost of servicing developments with lots that are larger than $\frac{1}{4}$ to $\frac{1}{2}$ of an acre in size is much higher than in developments with smaller and/or clustered lots. Even in situations in which sewer and water are installed on an each individual lot, the City must still provide roads, storm water improvements, fire protection, and other services that are now spread across a greater area.
- As lots become smaller, it is more difficult to find suitable area for adequate on-site septic systems. Smaller lots also provide less land that could be used to address failing systems.
- The platting of lots less than 10 acres in size would eliminate large areas of open space that are protected by the current minimum lot area requirements. One of the foremost goals in the

City Comprehensive Plan is the preservation and open space and rural character. The platting of lots of less than ten acres in size may not help the City achieve these objectives.

- Further subdivision of lots in rural areas into parcels of 2 to 5 acres in size would create an environment in these areas that is much more suburban than rural in character. With additional homes the City can expect to see additional traffic, more buildings, fewer agricultural parcels, and less vegetation than presently exists in these areas.

Because the Planning Commission has only recently completed its work on major Comprehensive Plan amendments for the City's future sewer service areas, the Commission may want to consider looking at options for updating the Comprehensive Plan and ordinances concerning rural development areas. Staff would recommend that any such work, if the Planning Commission finds that the City should study this issue further, be considered as part of the work plan for 2014.

To help the Planning Commission with its discussion on this topic, Staff has developed the following options that could be considered for further study:

- 1) Revise the Zoning Ordinance to allow OP developments on parcels of less than 40 acres in size. At one time the minimum lot size for an OP project was 20 acres; however, this provision was changed in order to encourage the preservation of larger open space areas throughout the City. The previous Staff analysis that was shared with the Planning Commission noted that this course of action would be needed in order to meet the City's 2030 growth forecasts. A revised 2040 forecast would greatly reduce the need to change the current OP ordinance minimum lot area requirement.
- 2) Change the minimum lot areas requirements in the City's A and RR zoning districts to allow smaller parcels to be created in these areas. For example, the City could reduce the minimum lot area in RR zones to 5 acres and A zones to 20 acres. A change in the minimum lot area may require the City to reconsider how it manages road frontage and lot ratio requirements in these zoning districts.
- 3) Expand the use of the Residential Estates classification to areas that are not currently guided for this type of density. Consistent with the Staff comments above, the City's RED developments have a much different look and feel than the City's OP developments, even though the OP developments allow for more homes. The Planning Commission should take this into consideration if it would like to pursue this type of land use change.
- 4) Create a new land use category that would allow for limited development of parcels less than 40 acres in size while still adhering to the basic principles for an open space development. A new land use category could potentially allow for clustering of development on smaller lots provided the undeveloped portions of a site are either protected or retained under common ownership. Staff suggests that a new category should only be created if it can meet certain expectations, for instance, allowing for efficient delivery of public services, preserving open spaces, maintaining the City's rural character, providing environmental protection, reducing storm water impacts, etc. Staff is planning on doing some additional research into how a new land use category could be created prior to the Planning Commission meeting and will share some additional information with the Commission on this concept at the meeting.
- 5) Other options or alternatives as recommended by the Planning Commission.

Because any of the options noted above will require a fair amount of time and effort to implement, Staff is recommending that the Commission conduct a general review of these options at the meeting and give Staff some general direction as to one or more specific options that are chosen for further study and analysis. At this time, Staff does not have a specific recommendation for action on any of these alternatives.

RECOMMENDATION:

Staff is recommending that the Planning Commission review the RAD-ALT options as listed in the above report, but that the Commission not take any action to amend the City's Comprehensive Plan for the rural development areas (including RAD and RAD-ALT land use classifications) until after the Met Council 2014 regional forecast is finalized.

Staff further recommends that the Commission provide Staff with direction on which, if any, of the general rural development options should be pursued in the future.

ATTACHMENTS:

1. Staff Report – 10/28/13 Planning Commission Meeting
2. Rural Zoning District Standards
3. OP Zoning Regulations
4. OP-2 Zoning Regulations
5. Lake Elmo Future Land Use Map (Map 3-3)

ORDER OF BUSINESS:

- Introduction Community Development Director
- Report by Staff Community Development Director
- Questions from the Commission Chair & Commission Members
- Public Comments Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



2014 City of Lake Elmo Plan of Work

The 2014 City of Lake Elmo Plan of Work has been developed to reflect the governing principles established by the 2014 Lake Elmo City Council, which are:

1. **Efficient, low cost taxpayer serviced-based government;**
2. **Disciplined and balanced market driven growth;**
3. **Well-ordered, low regulatory burdened quality of life**

From an operational standpoint five core ideas of local government have been applied to reflect public trust and accountability. **First**, our work must be proactive and taxpayer-centered. **Second**, the program must add value to the community in all aspects. **Third**, our operations must be efficient, stable and consistently fair. **Fourth**, program must be cross-functional and team based. And **Fifth**, staff members must be allowed to demonstrate expertise in their individual fields.

Taxpayer Service

Mission Statement: To provide the citizens of Lake Elmo with the most informed, efficient and transparent customer service experience possible.

2014 Goals & Objectives

1. Continue to develop a multi-platform information strategy that includes a relevant website, daily, weekly and quarterly news updates, and pertinent mailings on key community issues;
2. Create procedures and standard operating guidelines to insure a 24 hour turnaround response on all taxpayer issues including an established FAQ section of the website; Continue a consistent and transparent method for taxpayer input that includes website polling, citizen surveys, focus groups and neighborhood meetings
3. Improve utilization of cable access capabilities & web streaming to maximize technology and inform the community via production of public affairs programming.
4. Continue implementation of the Speak Your Peace civil dialogue project in cooperation with Lake Elmo Elementary, Jaycees and Rotary.
5. Continue development of Next Gen Leaders group for community building and leadership development.
6. Conduct (5) neighborhood outreach meetings in community parks.

Land Use Planning

Mission Statement: To thoughtfully adopt a City-wide Comprehensive Plan that maintains the open space character of the community while balancing attractive, sustainable growth opportunities that meet the requirements of the Metropolitan Council. *(Planning Dept. will enhance plans formally by year end)*

2014 Goals & Objectives

1. Adoption of the City Zoning Code
2. Adoption of Form Based Code for Old Village;

3. Streamline & Improve Policies /Procedures for the handling of routine land matters including but not limited to variances, site plan review, setbacks et al;
4. Reduce the population expectations to 18,000 by 2040 and eliminate the MOU with the Met Council.
5. Efficiently process / approve final plats for Lennar, Amaris, Hammes, Ryland, Gonyea, Chase, Pratt and Engstrom for future housing developments as prescribed by the Comprehensive Plan
6. Resolve zoning conflicts with the Metropolitan Airports Commission / MNDOT.
7. Add Planning module from Permit Works for project tracking.
8. Fully implement escrow and developers agreement process.

Municipal Code / Recordkeeping

Mission Statement: To create a City Code that is based on the development of an orderly community, reflects state-of-the-art municipal governance, and can be fairly understood and applied to the matter regulated. To create a record retention system that provides orderly access and transparency.

2014 Goals & Objectives

1. Convert paper files from years 2000-2012 to Laserfiche record retention.
2. Establish public document destruction plan consistent with MN State Statutes.
3. Conduct, in the Spring of 2014 an Open Meeting, Data Practices & Ethics Seminar for all elected and appointed officials.

Finance

Mission Statement: To efficiently steward the tax dollars and other resources of the City of Lake Elmo in a manner that eliminates waste, maximizes the investment of our residents and maintains an affordable tax rate that is in the bottom quartile of MN Cities.

2014 Goals & Objectives

1. Implement Performance Based Budgeting for the 2015 Budget;
2. Complete City's first Comprehensive Annual Financial Review prior to 2014 Borrowing;
3. Complete New Water and Sewer Rate Study Prior to the 2015 Billing Cycle;
4. Complete Audit by May 15th / Maintain Aa2 Bond Rating;
5. Implement ACH – Credit Card electronic payment system for fees, utility bills, etc.
6. 100% recovery or assessments/ fees for service of developer created operational expense in 2014.

Public Safety / Quality of Life / Building Inspection

Mission Statement: To provide the resources and manpower to sufficiently protect taxpayers and their property values from harm.

2014 Goals & Objectives

1. To modernize the fire fleet through purchase of 78' aerial/engine that ensures state-of-the art fire suppression and maximizes firefighter safety;
2. To reduce the number of nuisance properties by 50% by the end of fiscal year 2014;
3. Improve permit review time to 5 working days or less.
4. Full implementation of electrical inspection policy
5. Implement hearing appeal process for Code Enforcement and Animal Control Issues

Streets & Utilities

Mission Statement: To construct and maintain efficient infrastructure (streets and utilities) for the purpose of providing safe thoroughfares, potable drinking water, and the elimination of waste.

2014 Goals & Objectives:

1. Construct watermain line on Inwood to I-94 corridor;
2. Construct watermain line on LE Avenue to the I-94 corridor;
3. Develop a Village sewer phasing plan with 2015 Phase I construction;
4. Develop a water tower timing and siting plan including land acquisition;
5. Complete design specifications for Village Parkway for new development;
6. Hire (2) additional FTES for frontline sewer & water maintenance.

Sustainable Growth

Mission Statement: To allow Lake Elmo to develop as a community in an environmentally sustainable manner at a pace that reflects "open space" character and marketplace realities.

2014 Goals & Objectives:

1. Develop Business Improvement District in the Old Village District – Establish TIF District;
2. Complete stormwater studies (with VBWS) for growth areas
3. Create "Fresh" community Image / Branding Campaign that emphasizes open space character.
4. Recruit (3) new commercial businesses in the I-94 corridor.

Transportation

Mission Statement: To develop efficient and safe local transportation policy that allows for orderly, lawful traffic flow.

2014 Goals & Objectives:

1. Complete and approve a Highway 36 corridor plan;
2. Actively participate in the design process for the reconstruction of Lake Elmo Avenue in 2015 including the development of a downtown streetscape improvement plan;
3. Partner & Enhance Washington County's Manning Avenue Re-Construction Plan.
4. Design, Build & Assess 5th Street via 429 Process between Inwood and Keats / Design, Build & Assess 5th Street for Lake Elmo East (Ryland/Diedrich). ***Parkway will incorporate theming elements.*
5. Complete railroad crossing trade out for the creation of a new Village parkway crossing by the End of 2014.

Elections

Mission Statement: To provide for an orderly process that allows for all Lake Elmo residents to exercise their right to vote.

2014 Goals & Objectives:

1. Conduct successful primary and general elections in 2014.

Park & Recreation

Mission Statement: To develop a comprehensive and fully accessible park, recreation and trail plan that provides use opportunities for all citizens.

2014 Goals & Objectives:

1. Obtain grant funding for the construction of the Lake Elmo Regional Trail.
2. Complete Park Commission Strategic Plan of Work (see attached)
3. Complete Sun Fish Lake Park Utilization Plan

Groundwater / Storm Water / Environmental

Mission Statement: To balance the monetary realities with the protection of natural resources of the City of Lake Elmo through carefully policy development, deliberate advocacy for clean groundwater, drinking water and surface water, and proper management of storm water.

2014 Goals & Objectives:

1. Work with State Legislature secure funds \$4 million in bonding to alleviate infrastructure costs associated with the provision of clean drinking water to our taxpayers as a result of the 3M groundwater contamination – Continue to Pursue Economic Remedies of 3M Contamination;
2. Create wetland and woodlands overlay districts within land use map;
3. In cooperation with waste haulers, develop a community-wide recycling program that utilizes single-stream recycling, a centralized drop-off for over-sized items, and continual education. Create a garbage pick-up schedule that allows for free market competition and reduce the impact on the local roads;
4. Work with Washington County and the Valley Branch District to mitigate current surface water flooding issues associated with the Old Village.

Process / Procedure

Mission Statement: To create a lean and efficient government that properly stewards taxpayer dollars and resources.

2014 Goals & Objectives:

1. Complete 30 standard operating procedure protocols in six disciplinary areas using key success factor looping;
2. Paperless Council & Planning Commission Meetings by 3rd Quarter 2014.

Council / Commission / Board Priorities

Mission Statement: To establish the public trust in policy-making by creating a productive, trust-based meeting process that is relevant to the issues at hand and civil in dialogue.

2014 Goals & Objectives:

1. Complete 24 policy-focused meetings & 10 technically-based workshops;
2. Continue the creation of a citizen based Committee structure utilizing the expertise of the community;
3. Complete an error free, sound record-keeping and technically sound broadcast of all affected Planning Commission and City Council meetings.



MAYOR & COUNCIL COMMUNICATION

DATE: December 03, 2013
REGULAR
ITEM # 14a & b
Public Hearing (2); Resolution (2)

AGENDA ITEM: Diedrich-Rieder Easement Vacation: a) Public Utility Easement and Agreement & b) Temporary Construction Easement and Agreement

SUBMITTED BY: Adam Bell, City Clerk

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Beckie Gumatz, Program Assistant

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Dean Zuleger, City Administrator

FISCAL IMPACT:

The consideration given for the initial easements was \$16,141.71. Of that amount, \$8,070.85 was paid to Gerhard Rieder and \$8,070.86 to Tammy Diedrich on 4/16/13. City staff is diligently working out the details of the repayment of those funds to the City.

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to hold a public hearing to consider the vacation of the Permanent easement on the related property. Following the hearing, Council is further requested to approve Resolution No. 2013-106A, A Resolution Vacating a Permanent Public Utility Easement and Agreement by taking the following action:

“Move to approve Resolution No. 2013-106A, A Resolution Vacating A Permanent Public Utility Easement And Agreement, contingent upon the City of Lake Elmo receiving the repayment of negotiated easement purchase funds ”

In addition, Council is also respectfully requested to hold a public hearing to consider the vacation of the temporary construction easement on the related property. Following the hearing, Council is further requested to approve Resolution No. 2013-106B, A Resolution Vacating a Temporary Construction Easement and Agreement by taking the following action:

“Move to approve Resolution No. 2013-106B, A Resolution Vacating a Temporary Construction Easement and Agreement, contingent upon the City of Lake Elmo receiving the repayment of negotiated easement purchase funds ”

LEGISLATIVE HISTORY:

On April 19, 2013 the City obtained permanent and temporary easements from property owners Tammy Diedrich and Gerhard Rieder for consideration as part of the Lake Elmo sewer and water infrastructure project. Those easements were subsequently recorded in the Washington County Property Records.

The location of the easements was changed at the request of the land owners and developers to facilitate development and make for more efficient infrastructure placement. New easements with the updated information were obtained by staff; however the city has been requested to vacate the previously recorded easements.

Pursuant to Minn. Stat. §§ 412.861 and 462.358, subd. 7, a city may vacate a public utility easement in the same manner as vacating streets. By law, in order to vacate a recorded easement, Council must hold a public hearing on the vacation and then pass a resolution vacating the easement.

On November 6, 2013 Council approved Resolution Nos. 2013-90A & 2013-90B calling for the public hearings to vacate the easements. Notice of the hearing was published, posted, and mailed to affected property owners by the City Clerk as required by law. Tonight Council is expected to hold those public hearings.

BACKGROUND INFORMATION (SWOT):

Strengths Granting this vacation will allow for continued disciplined and balanced market-driven growth. Granting the vacation extends the notion that the City is a favorable place to develop and partner with.

Weaknesses Specific tangible weaknesses are difficult to determine. One potential weakness identified by staff is the negative financial impact on property owners of being required to repay funds.

Opportunities While each specific case is potentially different and has varying factors, increased and improved process and communication during the easement obtaining process would be beneficial.

Threats The obvious threat to the City is that the purchase money is never repaid. However, in that case, the resolution is never effective and the City will retain the easement on the property. That scenario will have an impact in any future development of that specific parcel. It is impossible to predict what future needs the city may have for that specific easement. Because the resolutions are not effective until the easement purchase funds are repaid to the City, there is ultimately a limited threat.

A resolution granting a vacation commenced solely on the initiative of the city council requires a four-fifths majority vote in favor of the resolution. Both the City Engineer and City Attorney have reviewed this process.

RECOMMENDATION: Based on the aforementioned, following the public hearings, the staff recommends the appropriate guiding motions:

- a) ***“Move to approve Resolution No. 2013-106A, A Resolution Vacating A Permanent Public Utility Easement And Agreement, contingent upon the City of Lake Elmo receiving the repayment of negotiated easement purchase funds ”***

- b) ***“Move to approve Resolution No. 2013-106B, A Resolution Vacating a Temporary Construction Easement and Agreement, contingent upon the City of Lake Elmo receiving the repayment of negotiated easement purchase funds ”***

ATTACHMENTS:

1. Resolution No. 2013-106A, A Resolution Vacating a Permanent Public Utility Easement and Agreement
2. Resolution No. 2013-106B, A Resolution Vacating a Temporary Construction Easement and Agreement

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

RESOLUTION NO. 2013 – 106A

**A RESOLUTION VACATING A PERMANENT PUBLIC UTILITY EASEMENT AND
AGREEMENT**

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City Council previously passed Resolution No. 2013-90A noting its interest in vacating pursuant to Minnesota Statute § 412.851 a Permanent Public Utility Easement and Agreement on the subject property legally described as:

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situated in Washington County, Minnesota;

and

WHEREAS, that said public utility easement located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

A perpetual easement for public utility purposes over, under and across the following described property:

Over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said perpetual easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 40.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.64 feet; thence South 87 degrees 08 minutes 18 seconds East a distance of 187.72 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 483.28 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 424.06 feet to the south line of said north 474,06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

and setting a public hearing to consider the vacation of such street; and

WHEREAS, a public hearing to consider the vacation of such street was held on the third day of December, 2013, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the seventh day of November, 2013, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by promoting disciplined and balanced market-driven growth; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA, that such petition for vacation is hereby granted and the easement described as follows is hereby vacated:

A perpetual easement for public utility purposes over, under and across the following described property:

Over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said perpetual easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 40.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.64 feet; thence South 87 degrees 08 minutes 18 seconds East a distance of 187.72 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 483.28 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 424.06 feet to the south line of said north 474,06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF DECEMBER, 2013.

EFFECTIVE DATE: _____

AYES

NAYS

Mike Pearson, Mayor

Wally Nelson, Council Member

Anne Smith, Council Member

Justin Bloyer, Council Member

Mike Reeves, Council Member

Approved:

CITY OF LAKE ELMO

By: _____

Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk

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

RESOLUTION NO. 2013 – 106B

**A RESOLUTION VACATING A TEMPORARY CONSTRUCTION EASEMENT AND
AGREEMENT**

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City Council previously passed Resolution No. 2013-90B noting its interest in vacating pursuant to Minnesota Statute § 412.851 Temporary Construction Easement and Agreement legally described as:

A temporary easement for construction purposes over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said temporary easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 90.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.85 feet; thence South 79 degrees 36 minutes 58 seconds East a distance of 190.69 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 408.06 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 349.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating;

and setting a public hearing to consider the vacation of such street; and

WHEREAS, a public hearing to consider the vacation of such street was held on the third day of December, 2013, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the seventh day of November, 2013, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by promoting disciplined and balanced market-driven growth; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA, that such petition for vacation is hereby granted and the easement described as follows is hereby vacated:

A temporary easement for construction purposes over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said temporary easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 90.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.85 feet; thence South 79 degrees 36 minutes 58 seconds East a distance of 190.69 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 408.06 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 349.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF DECEMBER, 2013.

EFFECTIVE DATE: _____

	AYES	NAYS
_____ Mike Pearson, Mayor	_____	_____
_____ Wally Nelson, Council Member	_____	_____
_____ Anne Smith, Council Member	_____	_____
_____ Justin Bloyer, Council Member	_____	_____
_____ Mike Reeves, Council Member	_____	_____

Approved:

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)

ATTEST:

Adam Bell
City Clerk