



*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 2, 2014 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

### AGENDA

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Order of Business
- E. Approval of Agenda
- F. Accept Minutes
  - 1. Accept November 18, 2014 City Council Meeting Minutes
- G. Council Reports
  - Mayor
  - Council
- H. Presentations/Public Comments/Inquiries
  - 2a. Fire Department – Conditional Job Offer to New Recruit
  - 2b. Fire Department – Swear in New Lieutenant
- I. Finance Consent Agenda
  - 3. Approve Payment of Disbursements and Payroll
  - 4. ~~Authorize Certification to the Washington County Auditor for unpaid Water Utility Bills~~
  - 5. Well No. 4 Connecting Watermain Improvements – Change Order No. 1
  - 6. Well No. 4 Connecting Watermain Improvements – Compensating Change Order No. 2
  - 7. Well No. 4 Connecting Watermain Improvements – Pay Request No. 4 (FINAL)
- J. Other Consent Agenda
  - 8. 2015 Liquor License Renewals
  - 9. Washington County Subsurface Sewage Treatment System Inspection Services Agreement
  - 10a. Gonyea Preliminary Plat Extensions – Village Park Preserve; **Resolution No. 2014-90**
  - 10b. Gonyea Preliminary Plat Extensions – Village Preserve; **Resolution No. 2014-91**
- K. Regular Agenda
  - 11. Public Hearing: 2015 Proposed Tax Levy and General Fund Budget – Adopt 2015 Budget and Tax Levy; **Resolution No. 2014-92**
  - 12. Inwood EAW – Response to Comments, Findings of Fact, Record of Decision, and Declaration of No Need for an EIS; **Resolution No. 2014-93**
  - 13. Inwood PUD Preliminary Plat and Preliminary Development Plans; **Resolution No. 2014-94**
  - 14. 2835 Legion Avenue – Request to Connect to Legion Avenue 201 Wastewater System
  - 15. Emmerson IUP Renewal for a Bus/Trucking Terminal at 11530 Hudson Boulevard; **Resolution No. 2014-95**
  - 16. Halcyon Cemetery Sketch Plan Review
  - 17. Lake Elmo Avenue Project (CSAH 17) Cooperative Agreement; **Resolution No. 2014-96**
- L. Staff Reports and Announcements
  - City Administrator
  - City Attorney
  - Planning Director
  - City Engineer
  - Finance Director
  - City Clerk
- M. Adjourn

LAKE ELMO CITY COUNCIL MINUTES  
NOVEMBER 18, 2014

CITY OF LAKE ELMO  
CITY COUNCIL MINUTES  
NOVEMBER 18, 2014

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

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

Staff present: City Administrator Zuleger, City Attorney Snyder, Community Development Director Klatt, and City Clerk Bell.

**PLEDGE OF ALLIGENCE**

**APPROVAL OF AGENDA**

Council Member Smith pulled Items 11 and 12 for discussion.

**MOTION:** *Council Member Nelson moved TO APPROVE THE NOVEMBER 18, 2014 CITY COUNCIL AGENDA AS AMENDED. Council Member Reeves seconded the motion. MOTION PASSED 5-0.*

**ITEM 1: ACCEPT MINUTES**

**THE NOVEMBER 5, 2014 CITY COUNCIL MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS.**

**THE NOVEMBER 12, 2014 CANVASS BOARD MINUTES WERE APPROVED AS PRESENTED BY CONSENSUS.**

**THE JULY 22, 2014 CITY COUNCIL MINUTES WERE APPROVED AS AMENDED BY CONSENSUS.**

**THE OCTOBER 7, 2014 CITY COUNCIL MINUTES WERE AMENDED AS PRESENTED BY CONSENSUS.**

**COUNCIL REPORTS:**

**Mayor Pearson:** attended Gateway Corridor meeting; announced City received its first CAFR; public bonfire will be held in Sunfish Lake Park on 11/20 from 2pm to dusk.

**Council Member Bloyer:** no report

**Council Member Reeves:** attended Gateway Corridor meeting. There is an upcoming development forum in January that will discuss transit oriented development. East Metro Strong holding visioning meeting; Parks Commission meeting included forester report; commended resident Wendy Griffin and her work on buckthorn management.

**Council Member Smith:** noted Sunfish Lake Park is largest upland forest in the county.

**Council Member Nelson:** finance committee meeting. The Committee discussed past issues with developer agreements and escrow funds. Item 15 is a result of those discussions. Mr. Nelson also called for Council to review the CIP and consider the streets that were put off as it will need to be approved this year.

**PUBLIC COMMENTS/INQUIRIES**

**FINANCE CONSENT AGENDA**

2. Approve Payment of Disbursements and Payroll in the amount of \$1,171,537.52.
3. Accept Financial Report dated October 31, 2014
4. Accept Building Report dated October 31, 2014
5. Accept City Assessor Report dated October 31, 2014
6. Pumphouse No. 4 Improvements – Change Order No. 1
7. Pumphouse No. 4 Improvements – Pay Request No. 6
8. 39<sup>th</sup> Street N; Street and Sanitary Sewer Improvements – Pay Request No. 2

9. Lake Elmo Avenue Trunk Watermain Improvements – Pay Request No. 4
10. Rotating Schedule for Sign Purchases

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

#### **OTHER CONSENT AGENDA**

11. ~~Assign Council Member Bloyer to County Library System Discussions~~
12. ~~Assign Council Member Smith to Gateway Corridor Discussions~~
13. Acceptance of the Koch Pipeline Easement proposed in the Demontreville Wildlife Area

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

#### **ITEM 11: ASSIGN COUNCIL MEMBER BLOYER TO COUNTY LIBRARY SYSTEM DISCUSSIONS**

Council Member Smith wants this decision to be taken up after the New Year when the new Council is seated. Mayor Pearson noted that he is trying to take care of business while the city agenda is relatively light. Council Member Nelson noted that Council Member Bloyer serves on the Library Board, so it would make sense for him to be involved in the discussions.

Ms. Smith also noted she has no interest in serving on the Gateway Corridor discussion.

Mr. Bloyer stated that as a Library Board Member he would like to be involved in the library discussions.

**MOTION:** Council Member Nelson moved **TO ASSIGN COUNCIL MEMBER BLOYER TO THE COUNTY LIBRARY SYSTEM DISCUSSIONS**. Council Member Reeves seconded the motion. **MOTION PASSED 4-1 (SMITH – NAY).**

#### **ITEM 12: ASSIGN COUNCIL MEMBER SMITH TO GATEWAY CORRIDOR DISCUSSIONS**

Council Member Smith declined the assignment. Council Member Bloyer volunteered.

**MOTION:** Council Member Nelson moved **TO ASSIGN COUNCIL MEMBER BLOYER TO THE GATEWAY CORRIDOR DISCUSSIONS**. Council Member Reeves seconded the motion. **MOTION PASSED 5-0.**

#### **REGULAR AGENDA**

##### **ITEM 14: LAKE JANE 201 SYSTEM**

City Engineer Griffin presented an overview of the 201 public septic systems. They are owned and operated by the City. There are four in the Old Village and four in the Tri-Lakes area.

It was stated that there is no imminent health threat with the specific system at issue. The system is not failing, but would be considered non-compliant along with some functionality issues. It was also explained that despite the fact the system was compliant when installed, now that the rules have been changed, it is no longer compliant. There is no grandfathering in of those systems.

Staff asked for direction on possibility of purchasing land and expanding the number of users from the surrounding properties to deal with future non-compliant systems. The alternative is to limit it to just the current users and obtain a smaller parcel.

Council Member Nelson asked about the maintenance. It was explained that the City used to track maintenance and the users were required to pump regularly – every one to two years. That has not been done for a few years.

**LAKE ELMO CITY COUNCIL MINUTES  
NOVEMBER 18, 2014**

Lucy Golish, 9369 Jane Road, spoke about her history with the system. The tank has been pumped annually. Her husband recently passed away, and she is trying to sell the property. Her son Rob Golish also attested to the inspection and maintenance activity.

City Administrator Zuleger explained that the City had Inspector Paul Brandt perform an inspection. His report was included in the Agenda Packet. Depending on what the City elects to do, that the city could provide a letter of intent to the residents to allow the property to be sold with the expectation that the septic would be addressed next year.

The minimum size for a septic system was explained. The minimum size is at 20,000 feet. It was also explained that it would be cost-prohibitive to bring sewer to the area.

Council Member Smith asked why the county is not responsible for providing the septic solution. It was explained that the 201 systems are a City responsibility as part of the federal grant funding the City received when the systems were installed.

Non-compliance vs. non-operational was further clarified. Mr. Griffin explained the various options: Repair, replace and expanding the system. The City also has the option to get out of the business after the system is made whole. The estimated number of parcels that would potentially need to connect is not known at this time.

Council Member Smith asked how the City can verify users pump the systems regularly. Mr. Griffin said a program to verify would have to be established. It was noted that the systems were designed to be 20 year-systems. It has now been 30 years.

Council direction is to investigate and return to council with specific options and details. This would entail authorizing Paul Brandt to study the individual specific issue. Expected costs were discussed. The specific costs are not known at this time. Mr. Zuleger suggested adding not to exceed \$5000 language to motion. The immediate concern is to address the smaller issue, not the possible larger system. There is a chance that the current site can be rehabilitated, but Mr. Brandt does not think it is likely.

***MOTION: Council Member Bloyer moved TO DIRECT STAFF TO INVESTIGATE POTENTIAL REPAIR/REPLACEMENT ALTERNATIVES FOR THE JANE ROAD 201 WASTEWATER SYSTEM (TRI-LAKES REMOTE D), NOT TO EXCEED \$5000. Council Member Reeves seconded the motion.***

Council Member Nelson wants the City to look at the bigger picture. Mr. Nelson stated that the other systems are at some point going to fail. It is incumbent upon the city to address it. He is not in favor of being in this business, but it has to be addressed. The urgency of addressing the current property was discussed.

City Administrator Zuleger suggested clarifying that the costs should be funded from the sewer fund with costs applied to a future assessment. That language was added to the motion.

Council Member Smith is concerned that current residents may not be interested in joining the septic when they do not need it at the moment. The Council consensus is in agreement but also believes it is prudent to conduct survey because eventually the systems will fail. The systems have to be compliant for the properties to be sold.

***FINAL MOTION: DIRECT STAFF TO INVESTIGATE POTENTIAL REPAIR/REPLACEMENT ALTERNATIVES FOR THE JANE ROAD 201 WASTEWATER SYSTEM (TRI-LAKES REMOTE D), NOT TO EXCEED \$5000, FUNDED FROM THE SEWER FUND WITH COSTS APPLIED TO A FUTURE ASSESSMENT. MOTION PASSED 5-0.***

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NOVEMBER 18, 2014**

**ITEM 14: DEVELOPER ESCROW RELEASE PROCEDURES; RES. NO. 2014-89**

Council Member Nelson explained the background of this item and the Finance Committee's proposal. The Council agreed the proposal was a good step. The new policy is only related to developer agreements and not individual permits.

***MOTION: Council Member Nelson moved TO APPROVE RESOLUTION NO. 2014-89, DIRECTING THAT EFFECTIVE IMMEDIATELY ALL DEVELOPER ESCROW REFUNDS MUST BE APPROVED BY THE LAKE ELMO CITY COUNCIL PRIOR TO RELEASE. Council Member Smith seconded the motion.***

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

**STAFF REPORTS AND ANNOUNCEMENTS**

**City Administrator Zuleger:** working with MPCA and DNR on parkland in the landfill; staff is trying to reconcile the Carriage Station Park status; upcoming staff retreat; rebooting efforts with the EDA following the recent Planning Commission meeting; upcoming milfoil meeting to work on grant funding; Met Council rebalancing discussion upcoming on 12/5 at 10AM; Discovery Crossing island was completed and related vandalism was addressed; City received its first CAFR. It is very important for City bond rating.

**City Attorney Snyder:** routine development documents.

**Community Development Director Klatt:** Planning is reviewing development submittals; City received an application for a new cemetery proposal.

**City Engineer Griffin:** Well No. 4 pump house is completed; 39<sup>th</sup> Street construction is postponed due to the weather

**City Clerk Bell:** Neither Lake Elmo precinct was selected for Post-Election Review; the City is accepting applications for Rink Attendant position.

***Mayor Pearson Adjourned the meeting at 8:05 pm.***

**LAKE ELMO CITY COUNCIL**

ATTEST:

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

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



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**PRESENTATIONS**  
**ITEM –** 2a

**AGENDA ITEM:** Conditional Job Offer to New Recruit William McClellan

**SUBMITTED BY:** Greg Malmquist, Fire Chief

**THROUGH:** City Administrator, Dean Zuleger

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

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** Hiring process of fire department.

**FISCAL IMPACT:** Additional member on the payroll, which has been budgeted for. Possible reimbursement to MBFTE if applicant does not successfully complete FFI/II training.

**SUMMARY AND ACTION REQUESTED:** William McClellan has completed the hiring process to date. He has attended 3 dept training drills, completed a background check, successfully completed the Dept. Ability Test as well as the interview process. Council is being asked to approve the next phase of the hiring process which is for the candidate to successfully complete a Pre-Placement Physical Exam and Psychological Exam. Upon completion of these requirements, the applicant will be placed on Probation Status as a Probationary Firefighter and begin training. The suggested motion for this action is as follows:

*“Move to approve a Conditional Job Offer to New Recruit William McClellan, pending the outcome of a Pre-Placement Physical Exam and Psychological Exam.”*

**LEGISLATIVE HISTORY:** Established hiring process of the fire department.

**BACKGROUND INFORMATION (SWOT):**

<b>Strengths</b>	New recruit to help us achieve a full roster. Previous Firefighter in Wisconsin.
<b>Weaknesses</b>	Possibly “wash out” before completion of probationary period and dept. would be responsible to reimburse the MBFTE
<b>Opportunities</b>	Long term Firefighter to serve the community.
<b>Threats</b>	Retention

**RECOMMENDATION:** Council is being asked to approve the next phase of the hiring process which is for the candidate to successfully complete a Pre-Placement Physical Exam and Psychological Exam. The recommended motion for this action is as follows:

***“Move to approve a Conditional Job Offer to New Recruit William McClellan, pending the outcome of a Pre-Placement Physical Exam and Psychological Exam.”***



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**PRESENTATION**  
**ITEM –** 2b

**AGENDA ITEM:** Fire Department – New Officers

**SUBMITTED BY:** Greg Malmquist, Fire Chief

**THROUGH:** Public Safety Committee

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

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** Public Safety Committee

**FISCAL IMPACT:** Reduction in Officer Pay costs by one position. Long term impact will be less likelihood of Officers stepping down and loosing those training dollars spent.

**SUMMARY AND ACTION REQUESTED:** During the course of fire department structure by the Public Safety Committee, the officer structure was looked at. The structure consisted of 1-Chief, 2-District Chiefs, 4-Captains (only 2 of these positions filled due to low personnel #'s) and 2-Safety Officers. At the recommendation of Public Safety Committee this has been restructured to 1-Chief, 1-Assistant Chief, 4-Captains (only 2 of these positions filled due to low personnel #'s) and 2-Lieutenants.

NOTE: Safety Officers were not a supervisory position, they dealt strictly with Safety matters. The creation of Lieutenants is a Jr. Fire Officer with supervisory responsibility.

Job descriptions were eliminated and rewritten. Each position was posted for 2 weeks followed by an interview process. While there were several applicants for the Station #1 Lt's. position and it has been filled, we had only one applicant for the Station #2 Lt's. position. The lone applicant



then withdrew the application for personal reasons. The dept. officers discussed at length and determined the best course of action was to delay re-posting of the position for 6 months. This will allow us to implement the new position at Station #1, make adjustments and will also stagger the 1 year terms of Lt. which will benefit us into the future.

We are now filling the second Lieutenant position at Station #2. We had two applicants and interviews were conducted by Station #2 Captain Noah Malmquist, Assistant Chief Mike Cornell and Chief Malmquist.

This completes the officer restructuring process.

**BACKGROUND INFORMATION (SWOT):**

<b>Strengths</b>	More efficient operation. Creation of Lieutenants positions will build a better prepared and trained officer program. Support the Station Captains.
<b>Weaknesses</b>	Safety responsibilities now fall on all personnel and more specifically the officers. Shift in roles and responsibilities.
<b>Opportunities</b>	Greater opportunities for personnel to try officer role with minimal commitment.
<b>Threats</b>	Adjusting to new roles and responsibilities. Adjusting to Lieutenants role at emergency scenes.

**RECOMMENDATION:** Recognition of, Oath of Office and pinning of new officer in the fire department

Station #2 Lieutenant – Brian Johnson



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM#** 3

**AGENDA ITEM:** Approve Disbursements in the amount of \$134,017.52

**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:** \$134,017.52

**SUMMARY AND ACTION REQUESTED:** As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$134,017.52. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

**LEGISLATIVE HISTORY:** NA

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

<b>Claim #</b>	<b>Amount</b>	<b>Description</b>
ACH	\$ 12,732.47	Payroll Taxes to IRS & MN Dept of Revenue 11/26/14
ACH	\$ 6,498.01	Payroll Retirement to PERA 11/26/14
DD5935-DD5962	\$ 31,899.70	Payroll Dated (Direct Deposits) 11/26/14
42136-42172	\$ 82,647.34	Accounts Payable 12/2/14
2517-2520	\$ 240.00	Library Card Reimbursement 12/2/14
<b>TOTAL</b>	<b>\$ 134,017.52</b>	

**RECOMMENDATION:** Based on the aforementioned, the staff recommends the City Council approve as part of the Consent Agenda the aforementioned disbursements in the amount of \$134,017.52.

**ATTACHMENTS:**

1. Accounts Payable – check registers

# Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 11/25/2014 - 10:33 AM

Batch: 018-11-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
AMAZONIN Amazon Inc										
3253610566	11/12/2014	429.02	0.00	12/02/2014	Books		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	41.18	0.00	12/02/2014	Teen Books		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	211.70	0.00	12/02/2014	Childrens		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	80.69	0.00	12/02/2014	DVDs		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	35.68	0.00	12/02/2014	1000 Books before K		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	35.49	0.00	12/02/2014	Office Supplies		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	-17.82	0.00	12/02/2014	Credit		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
3253610566	11/12/2014	10.70	0.00	12/02/2014	Kindle Book		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	3253610566 Total:	826.64								
	AMAZONIN Total:	826.64								
AMDAHL Chris Amdahl Locksmith, Inc										
10809	10/19/2014	55.60	0.00	12/02/2014	Primus keys cut, locks installed		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	10809 Total:	55.60								
10995	10/19/2014	405.40	0.00	12/02/2014	Primus keys cut, locks installed		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	10995 Total:	405.40								
	AMDAHL Total:	461.00								
DELAPP DeLapp Steve										
Receipts	10/25/2014	562.07	0.00	12/02/2014	Blinds		-	No		0000
206-450-5300-42230	Building Repair Supplies									
	Receipts Total:	562.07								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	DELAPP Total:	562.07								
DEPREY Deprey Nate	10/09/2014	132.21	0.00	12/02/2014	Conference - Mileage		-	No		0000
206-450-5300-43310	Mileage									
206-450-5300-44300	Miscellaneous	93.82	0.00	12/02/2014	Conference - Lodging		-	No		0000
	Total:	226.03								
	DEPREY Total:	226.03								
EMERGAPP Emergency Apparatus Maint. Inc	11/07/2014	909.35	0.00	12/02/2014	Emergency Repair - Brakes		-	No		0000
77526	Repairs/Maint Eqpt									
101-420-2220-44040	77526 Total:	909.35								
	EMERGAPP Total:	909.35								
EMMONS&O Emmons & Olivier Resources Inc	11/17/2014	734.24	0.00	12/02/2014	Easton Village		-	No		0000
TO 3	Developer Payments									
803-000-0000-22910	TO 3 Total:	734.24								
	TO 5	11/17/2014								
803-000-0000-22910	Developer Payments	478.25	0.00	12/02/2014	Hunters Crossing		-	No		0000
	TO 5 Total:	478.25								
	EMMONS&O Total:	1,212.49								
GKSERVIC G&K Services	11/03/2014	36.76	0.00	12/02/2014	Uniforms		-	No		0000
1182585846	Uniforms									
101-430-3100-44170	1182585846 Total:	36.76								
	1182597218	11/03/2014								
101-430-3100-44170	Uniforms	36.76	0.00	12/02/2014	Uniforms		-	No		0000
	1182597218 Total:	36.76								
	GKSERVIC Total:	73.52								
GWSALAND GWSA Land Development, LLC	11/10/2014	10,000.00	0.00	12/02/2014	Refund 39th Street Escrow		-	No		0000
803-000-0000-22910	Developer Payments									
	Total:	10,000.00								
	GWSALAND Total:	10,000.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
HOLIDAYC Holiday Credit Office										
	11/15/2014									
101-420-2220-42120	Fuel, Oil and Fluids	354.52	0.00	12/02/2014	Fuel		-		No	0000
	Total:	354.52								
	HOLIDAYC Total:	354.52								
HYDRO Hydromethods										
201411502	11/04/2014	546.00	0.00	12/02/2014	2015 Street/Utility Feasibility		-		No	0000
602-495-9450-43030	Engineering Services	546.00								
	201411502 Total:	546.00								
	HYDRO Total:	546.00								
KORTHER KORTH ERIC										
	11/12/2014	27.50	0.00	12/02/2014	Cable Operations FC 11/12/14		-		No	0000
101-410-1450-43620	Cable Operations	82.50	0.00	12/02/2014	Cable Operations PC 11.24.14		-		No	0000
101-410-1450-43620	Cable Operations	25.00	0.00	12/02/2014	Bonus		-		No	0000
	Total:	135.00								
	KORTHER Total:	135.00								
Landscap Landscape Architecture, Inc										
TO 6	09/18/2014	1,040.00	0.00	12/02/2014	Kwik Trip		-		No	0000
803-000-0000-22910	Developer Payments	1,040.00								
	TO 6 Total:	1,040.00								
	Landscap Total:	1,040.00								
LibraryI Library Ideas										
41795	09/30/2014	5.50	0.00	12/02/2014	Freeding pay as you go		-		No	0000
206-450-5300-42500	Library Collection Maintenance	5.50								
	41795 Total:	3.50	0.00	12/02/2014	Freeding pay as you go		-		No	0000
42346	10/31/2014	3.50								
206-450-5300-42500	Library Collection Maintenance	3.50								
	42346 Total:	9.00								
	LibraryI Total:	9.00								
LOFF Loffler Companies, Inc.										
1864850	11/12/2014	622.50	0.00	12/02/2014	Copy machines contract		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	622.50								
	1864850 Total:	622.50								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	LOFF Total:	622.50								
MNDOHEDU Minnesota Dept. of Health	11/24/2014	1,661.00	0.00	12/02/2014	4th Qtr Water Connection Service				No	0000
601-494-9400-43820 Water Utility	Total:	1,661.00								
MNDOHEDU Total:		1,661.00								
MNLIBRAS Minnesota Library Assn	10/17/2014	300.00	0.00	12/02/2014	2014 MLA Annual Conference				No	0000
200000589 Conferences & Training	200000589 Total:	300.00								
MNLIBRAS Total:		300.00								
NICKLAY Nicklay Matt	11/24/2014	203.99	0.00	12/02/2014	Work Boots				No	0000
101-430-3100-44170 Uniforms	Total:	203.99								
NICKLAY Total:		203.99								
NORTHDAL Northdale Construction Co, INC	11/19/2014	24,003.24	0.00	12/02/2014	2013.131 Well 4 Connecting Watermain				No	0000
Pay Request 4 Engineering Services	Pay Request 4 Total:	24,003.24								
NORTHDAL Total:		24,003.24								
NYTIMES THE NEW YORK TIMES	11/02/2014	202.80	0.00	12/02/2014	Subscription				No	0000
206-450-5300-42500 Library Collection Maintenance	Total:	202.80								
NYTIMES Total:		202.80								
PARALLEL Parallel Technologies, Inc	11/12/2014	7,728.13	0.00	12/02/2014	Fiber Optics				No	0000
41981 Information Technology/Web	41981 Total:	7,728.13								
PARALLEL Total:		7,728.13								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
PINKY Pinky's Sewer Service, Inc.										
69168	11/18/2014	100.00	0.00	12/02/2014	Pumped two tanks		-	No		0000
206-450-5300-44010 Repairs/Maint Bldg										
69168 Total:										
PINKY Total:										
PPMAGAZ People										
206-450-5300-42500	11/02/2014	26.28	0.00	12/02/2014	Subscription		-	No		0000
Library Collection Maintenance										
Total:										
PPMAGAZ Total:										
RYLAND Ryland Homes										
2014-577	11/13/2014	1,500.00	0.00	12/02/2014	Escrow Release 404 LE Avenue		-	No		0000
803-000-0000-22900 Deposits Payable										
2014-577 Total:										
RYLAND Total:										
S&T S&T Office Products, Inc.										
01QR1088	11/13/2014	2.00	0.00	12/02/2014	Admin		-	No		0000
101-410-1320-42000 Office Supplies										
01QR1088	11/13/2014	13.56	0.00	12/02/2014	Building		-	No		0000
101-420-2400-42000 Office Supplies										
01QR1088	11/13/2014	98.33	0.00	12/02/2014	PW- office supplies		-	No		0000
101-430-3100-42000 Office Supplies										
01QR1088 Total:										
S&T Total:										
SPRINT Sprint										
761950227-133	11/18/2014	62.49	0.00	12/02/2014	Admin		-	No		0000
101-410-1940-43210 Telephone										
761950227-133	11/18/2014	221.58	0.00	12/02/2014	Fire		-	No		0000
101-420-2220-43210 Telephone										
761950227-133	11/18/2014	45.09	0.00	12/02/2014	Building		-	No		0000
101-420-2400-43210 Telephone										
761950227-133	11/18/2014	84.69	0.00	12/02/2014	PW		-	No		0000
101-430-3100-43210 Telephone										
761950227-133	11/18/2014	85.16	0.00	12/02/2014	Parks		-	No		0000
101-450-5200-43210 Telephone										
761950227-133	11/18/2014	55.28	0.00	12/02/2014	Taxpayer Services		-	No		0000
101-410-1450-43210 Telephone										



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
761950227-133	11/18/2014	14.70	0.00	12/02/2014	Planning		-	No		0000
101-410-1910-43210	Telephone									
	761950227-133 Total:	568.99								
	SPRINT Total:	568.99								
<hr/>										
STILLGAZ Stillwater Gazette										
11/08/2014		74.00	0.00	12/02/2014	1 year renewal		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	Total:	74.00								
	STILLGAZ Total:	74.00								
<hr/>										
STPAUL St Paul Stamp Works, Inc.										
316927	11/14/2014	78.21	0.00	12/02/2014	2015 Dog tags		-	No		0000
101-420-2700-44300	Miscellaneous									
	316927 Total:	78.21								
	STPAUL Total:	78.21								
<hr/>										
TASCH T.A. Schifsky & Sons Inc										
14-085/#1	11/10/2014	18,190.00	0.00	12/02/2014	57th Street Circle Improvements		-	No		0000
603-496-9500-45300	Improvements Other Than Bldgs									
	14-085/#1 Total:	18,190.00								
	TASCH Total:	18,190.00								
<hr/>										
TDS TDS Metrocom - LLC										
6517798882	11/13/2014	89.45	0.00	12/02/2014	Fire		-	No		0000
101-420-2220-43210	Telephone									
6517798882	11/13/2014	370.14	0.00	12/02/2014	PW		-	No		0000
101-430-3100-43210	Telephone									
6517798882	11/13/2014	82.50	0.00	12/02/2014	Lift Station Alarms		-	No		0000
602-495-9450-43210	Telephone									
6517798882	11/13/2014	43.25	0.00	12/02/2014	Well House #2 alarms		-	No		0000
601-494-9400-43210	Telephone									
	6517798882 Total:	585.34								
	TDS Total:	585.34								
<hr/>										
THEWALLS The Wall Street Journal										
10/15/2014		323.88	0.00	12/02/2014	Subscription Renewal		-	No		0000
206-450-5300-42500	Library Collection Maintenance									
	Total:	323.88								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
THEWALLS Total:		323.88								
USCYNBAD USCYNBAD/Grain on Main										
592646	11/14/2014	106.42	0.00	12/02/2014	Repair Bench Seat for E1		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt	106.42								
592646 Total:		106.42								
USCYNBAD Total:		106.42								
VALUEPUB Value Line Publishing, LLC										
JL-Pending 14	11/05/2014	2,200.00	0.00	12/02/2014	Value Line Library Basic		-		No	0000
206-450-5300-42500	Library Collection Maintenance	2,200.00								
JL-Pending 14 Total:		2,200.00								
VALUEPUB Total:		2,200.00								
VINCO Vinco, Inc.										
2014-388	11/24/2014	1,000.00	0.00	12/02/2014	Escrow Release 3303 Langley Court		-		No	0000
803-000-0000-22900	Deposits Payable	1,000.00								
2014-388 Total:		1,000.00								
VINCO Total:		1,000.00								
Whiteani White Anita										
101-410-1450-43620	11/18/2014	55.00	0.00	12/02/2014	Cable Operations CC 11/18/2014		-		No	0000
Cable Operations		55.00								
Total:		55.00								
Whiteani Total:		55.00								
Report Total:		75,999.29								

# Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 11/25/2014 - 10:52 AM

Batch: 019-11-2014

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
DELTA Delta Dental Of Minnesota 5760249 101-000-0000-21706	11/15/2014 Medical Insurance	1,687.05	0.00	12/02/2014	December Dental Coverage		-	No		0000
5760249 Total:		1,687.05								
DELTA Total:		1,687.05								
LEASSOC Lake Elmo Associates, LLP 11/25/2014 101-410-1320-44120	Rentals - Building	2,461.00	0.00	12/02/2014	December Rent		-	No		0000
Total:		2,461.00								
LEASSOC Total:		2,461.00								
RABOUIN RABOUIN, INC 11/25/2014 101-410-1320-43100	Assessing Services	2,500.00	0.00	12/02/2014	December Monthly Installment		-	No		0000
Total:		2,500.00								
RABOUIN Total:		2,500.00								
Report Total:		6,648.05								



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM #** 5

**AGENDA ITEM:** Well No. 4 Connecting Watermain Improvements –Change Order No. 1

**SUBMITTED BY:** Chad Isakson, Project Engineer

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

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

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

- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:** \$1,400.41.

This change order provides compensation to the contractor for additional work completed on the project at the request of the City. The work includes the relocation of a service stub to a home and restocking a hydrant. The work increases the contract amount by \$1,400.41. With approval of this change order the revised contract amount is \$443,884.54. The construction contract therefore remains within the original total project budget as authorized on March 4, 2014.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving, *as part of the consent agenda*, Change Order No. 1 for the Well No. 4 Connecting Watermain Improvements Project, thereby increasing the Contract amount by \$1,400.41. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve Change Order No. 1 for the Well No. 4 Connecting Watermain Improvements thereby increasing the contract amount by \$1,400.41.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

This change order provides compensation to the contractor to change the location of an individual water service stub creating the need for the contractor to dig and restore an extra pit not planned for as a part of the original contract. The service stub was relocated at the property owner's request to better accommodate the property owner's future connection to City water. In addition this change order includes a hydrant restocking fee to return a hydrant that was ordered and delivered to the site but required a different hydrant to better fit the existing rural ditch conditions.

The above described changes were not included in the original contract and result in a contract increase of \$1,400.41. With this change order the total project budget remains within the authorized budget.

**RECOMMENDATION:**

Staff is recommending that the City Council consider, *as part of the Consent Agenda*, approving Change Order No. 1 for the Well No. 4 Connecting Watermain Improvements thereby increasing the contract amount by \$1,400.41. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Change Order No. 1 for the Well No. 4 Connecting Watermain Improvements thereby increasing the contract amount by \$1,400.41.”***

**ATTACHMENT(S):**

1. Change Order No. 1

**CONTRACT CHANGE ORDER FORM**

CITY OF LAKE ELMO, MINNESOTA WELL NO. 4 CONNECTING WATERMAIN PROJECT NO. 2013.131	<b>FOCUS</b> ENGINEERING, inc.
---	--------------------------------

CHANGE ORDER NO. 1 DATE: November 19, 2014

TO: NORTHDALE CONSTRUCTION CO INC, 9760 71ST NE, ALBERTVILLE, MINNESOTA 55301

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

**CHANGE ORDER DESCRIPTION / JUSTIFICATION:**

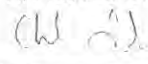
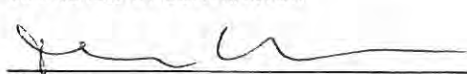
This change order is being processed at the request of the City to change the location of an individual water service stub creating the need for the contractor to dig and restore an extra pit not included in the contract. The location of the service stub was changed from the plan to better accommodate the property owner's future connection to City water. In addition a hydrant that was ordered and delivered to the site per plan but was returned at the request of the City. This was required to install a hydrant which better fit the existing rural ditch conditions.

Attachments (list documents supporting change): None

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
CO1-1	WATER SERVICE STUB PIT RESTORATION	LS	1	\$1,043.63	\$1,043.63
CO1-2	HYDRANT RESTOCKING FEE	EA	1	\$356.78	\$356.78
<b>NET CONTRACT CHANGE</b>					<b>\$1,400.41</b>

Amount of Original Contract	\$	442,484.13
Sum of Additions/Deductions approved to date (CO Nos. )	\$	0.00
Contract Amount to date	\$	442,484.13
Amount of this Change Order (ADD) ( <del>DEDUCT</del> ) ( <del>NO-CHANGE</del> )	\$	1,400.41
Revised Contract Amount	\$	443,884.54

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

APPROVED BY ENGINEER: FOCUS Engineering, inc.  _____ ENGINEER 11/19/2014 _____ DATE	APPROVED BY CONTRACTOR  _____ BY 11/19/14 _____ DATE
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA _____ BY _____ DATE	



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM #** 6

**AGENDA ITEM:** Well No. 4 Connecting Watermain Improvements –Compensating Change Order No. 2

**SUBMITTED BY:** Chad Isakson, Project Engineer

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

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

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

- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:** \$4,537.47.

This change order reconciles the estimated and actual quantities installed on the project and increases the contract amount by \$4,537.47. With this change order and previous change orders on the project the final contract amount is \$448,422.01, or 1.3% over the original construction contract award. The total project costs remain within the original project budget as authorized on March 4, 2014.

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving, *as part of the consent agenda*, Compensating Change Order No. 2 for the Well No. 4 Connecting Watermain Improvements to reconcile the estimated and actual quantities installed on the project. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve Compensating Change Order No. 2 for the Well No. 4 Connecting Watermain Improvements thereby increasing the final contract amount by \$4,537.47.”***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Northdale Construction Company was awarded a construction contract on March 4, 2014 to construct the Well No. 4 Connecting Watermain Improvements. The contractor has completed the work in accordance with the contract and with approval of this change order the contract amount will be adjusted to reflect quantities actually installed as a part of the project. Added project costs relate primarily to additional quantities of service pipe and fittings needed to locate each service stub in the appropriate location for the property. The overall increase in the contract amount for this change order is \$4,537.47 as detailed on the attached itemization.

The final contract amount is \$448,422.01, or 1.3% over the original construction contract award. The total project costs remain within the original project budget authorized on March 4, 2014.

**RECOMMENDATION:**

Staff is recommending that the City Council consider, *as part of the Consent Agenda*, approving Compensating Change Order No. 2 for the Well No. 4 Connecting Watermain Improvements thereby increasing the final contract amount by \$4,537.47. If removed from the consent agenda, the recommended motion for this action is as follows:

***“Move to approve Compensating Change Order No. 2 for the Well No. 4 Connecting Watermain Improvements thereby increasing the final contract amount by \$4,537.47.”***

**ATTACHMENT(S):**

1. Compensating Change Order No. 2



**CONTRACT CHANGE ORDER FORM**

CITY OF LAKE ELMO, MINNESOTA WELL NO. 4 CONNECTING WATERMAIN IMP PROJECT NO. 2013.131	<b>FOCUS</b> ENGINEERING, inc.
---	--------------------------------

CHANGE ORDER NO. 2 DATE: November 19, 2014

TO: NORTHDAL CONSTRUCTION CO INC, 9760 71ST NE, ALBERTVILLE, MINNESOTA 55301

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

**CHANGE ORDER DESCRIPTION / JUSTIFICATION:**

Per the project Contract Documents the original contract amount and basis of award is established using the estimated quantities for each item of work listed in the bid schedule and multiplying them by the Contractor's corresponding unit bid price. The Contractor is paid for the actual final quantities installed on the project at the unit bid prices.

At the completion of the project, a compensating change order is prepared to revise the estimated quantities for each work item listed in the bid schedule to the actual quantities installed and the corresponding Contract Amount is revised accordingly.

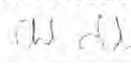
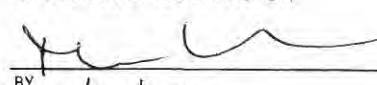
This compensating change order reflects a net increase to the contract amount by \$4,537.47. The primary areas of increased pay items included service piping and fittings required to complete the work.

**Attachments (list documents supporting change):** None

ITEM	DESCRIPTION OF PAY ITEM	UNIT	QTY	UNIT PRICE	INCREASE/(DECREASE)
	**See attached itemization for Change Order items				\$4,537.47
<b>NET CONTRACT CHANGE</b>					<b>\$4,537.47</b>

Amount of Original Contract	\$	442,484.13
Sum of Additions/Deductions approved to date (CO No. 1)	\$	1,400.41
Contract Amount to date	\$	443,884.54
Amount of this Change Order (ADD) (DEDUCT) (NO-CHANGE)	\$	4,537.47
Revised Contract Amount	\$	448,422.01

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

APPROVED BY ENGINEER: FOCUS Engineering, inc.  _____ ENGINEER 11/19/2014 _____ DATE	APPROVED BY CONTRACTOR  BY 11/19/14 _____ DATE
APPROVED BY OWNER: CITY OF LAKE ELMO, MINNESOTA  _____ BY _____ DATE	

COMPENSATING CHANGE ORDER NO. 2

WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS  
 CITY OF LAKE ELMO, MINNESOTA  
 PROJECT NO. 2013.131

**FOCUS** ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			TOTAL TO DATE		COMPENSATING CO #2	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	NET CHANGE	AMOUNT
1	MOBILIZATION	LS	1	\$19,640.77	\$19,640.77	1.00	\$19,640.77	-	\$0.00
2	TRAFFIC CONTROL	LS	1	\$2,275.00	\$2,275.00	1.00	\$2,275.00	-	\$0.00
3	CLEAR AND GRUB TREE	EA	5	\$375.00	\$1,875.00	-	\$0.00	-5.00	-\$1,875.00
4	CONNECT TO EXISTING 12" WATERMAIN	EA	1	\$1,033.82	\$1,033.82	-	\$0.00	-1.00	-\$1,033.82
5	CONNECT TO EXISTING 16" WATERMAIN	EA	1	\$3,353.64	\$3,353.64	1.0	\$3,353.64	-	\$0.00
6	6" DIP, CL. 52 WATERMAIN	LF	40	\$76.89	\$3,075.60	45.5	\$3,498.50	5.50	\$422.90
7	12" DIP, CL. 52 WATERMAIN	LF	76	\$118.02	\$8,969.52	133.0	\$15,696.66	57.00	\$6,727.14
8	12" HDPE WATERMAIN, DIRECTIONAL DRILL	LF	4,347	\$50.57	\$219,827.79	4290.0	\$216,945.30	-57.00	-\$2,882.49
9	6" GATE VALVE AND BOX	EA	8	\$1,214.39	\$9,715.12	8.0	\$9,715.12	-	\$0.00
10	12" GATE VALVE AND BOX	EA	9	\$4,755.14	\$42,796.26	9.0	\$42,796.26	-	\$0.00
11	VALVE BOX EXTENSION	LF	9	\$138.70	\$1,248.30	-	\$0.00	-9.00	-\$1,248.30
12	HYDRANT	EA	8	\$6,752.79	\$54,022.32	8.0	\$54,022.32	-	\$0.00
13	HYDRANT EXTENSION	LF	3.5	\$991.24	\$3,469.34	-	\$0.00	-3.50	-\$3,469.34
14	1" TYPE "K" COPPER WATER SERVICE	LF	5	\$31.09	\$155.45	4.5	\$139.91	-0.50	-\$15.55
15	1" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	220	\$43.50	\$9,570.00	251.0	\$10,918.50	31.00	\$1,348.50
16	1.5" TYPE "K" COPPER WATER SERVICE	LF	65	\$39.74	\$2,583.10	101.5	\$4,033.61	36.50	\$1,450.51
17	1.5" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	215	\$46.83	\$10,068.45	239.0	\$11,192.37	24.00	\$1,123.92
18	1" CORPORATION STOP W/ FUSABLE SADDLE	EA	4	\$469.74	\$1,878.96	4.0	\$1,878.96	-	\$0.00
19	1" CURB STOP & BOX	EA	4	\$712.75	\$2,851.00	4.0	\$2,851.00	-	\$0.00
20	1.5" CORPORATION STOP W/ FUSABLE SADDLE	EA	6	\$527.08	\$3,162.48	6.0	\$3,162.48	-	\$0.00
21	1.5" CURB STOP & BOX	EA	6	\$755.16	\$4,530.96	6.0	\$4,530.96	-	\$0.00
22	OFF ROAD STRUCTURE MARKER	EA	9	\$71.25	\$641.25	8.0	\$570.00	-1.00	-\$71.25
23	DUCTILE IRON FITTINGS	LB	1,500	\$8.55	\$12,825.00	2205.0	\$18,852.75	705.00	\$6,027.75
24	POTHOLE EXISTING UTILITY	EA	24	\$275.00	\$6,600.00	23.0	\$6,325.00	-1.00	-\$275.00
25	PATCH BITUMINOUS STREET	SY	25	\$90.00	\$2,250.00	-	\$0.00	-25.00	-\$2,250.00
26	TOPSOIL BORROW (CV)	CY	100	\$26.50	\$2,650.00	130.0	\$3,445.00	30.00	\$795.00
27	SEED MIX 250 & EROSION CONTROL BLANKET	SY	3,000	\$1.60	\$4,800.00	6400.0	\$10,240.00	3400.00	\$5,440.00
28	SODDING	SY	1,000	\$4.57	\$4,570.00	-	\$0.00	-1000.00	-\$4,570.00
29	SILT FENCE, MACHINE SLICED	LF	350	\$4.20	\$1,470.00	100.0	\$420.00	-250.00	-\$1,050.00
30	STREET SWEEPER WITH PICK UP BROOM	HR	5	\$115.00	\$575.00	4.5	\$517.50	-0.50	-\$57.50

**TOTALS - BASE CONTRACT** \$442,484.13 \$447,021.60 \$4,537.47

**CHANGE ORDER NO. 1**

CO1-1	WATER SERVICE STUB PIT RESTORATION	LS	1.0	\$1,043.63	\$1,043.63	1.0	\$1,043.63	0.0	\$0.00
CO1-2	HYDRANT RESTOCKING FEE	EA	1.0	\$356.78	\$356.78	1.0	\$356.78	0.0	\$0.00

**TOTALS - CHANGE ORDER NO. 1** \$1,400.41 \$1,400.41 \$0.00

**TOTALS - DIFFERENCE IN CONTRACT AND ACTUAL WORK COMPLETE** \$443,884.54 \$448,422.01 \$4,537.47



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM #** 7

**AGENDA ITEM:** Well No. 4 Connecting Watermain Improvements – Accept Improvements and Pay Request No. 4 (Final)

**SUBMITTED BY:** Chad Isakson, Project Engineer

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

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

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

- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Engineering

**FISCAL IMPACT:**

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

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider accepting the improvements and approving Pay Request No. 4 (Final) for the Well No. 4 Connecting Watermain Improvements. The work has been reviewed by the Engineer and is fully completed in accordance with the Contract, Plans and Specifications and Change Orders. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to accept the improvements for the Well No. 4 Connecting Watermain Improvements and approve Pay Request No. 4 (Final) to Northdale Construction Company in the amount of \$24,003.24”.***

**LEGISLATIVE HISTORY/BACKGROUND INFORMATION:**

Northdale Construction Company has completed the Well No. 4 Connecting Watermain Improvements in accordance with the construction contract awarded by the council on March 4, 2014. The Project Engineer has prepared a Certification of Completion indicating that all work is completed including all punchlist items and is recommending the acceptance of the improvements and release of the final retainage. Project acceptance will initiate the one-year warranty period for the improvements. The one-year warranty will begin on December 3, 2014 and will extend through December 2, 2015.

The final total construction costs for the project is \$448,422.01 which is 1.3% over the original contract amount of \$442,484.13. Added project costs are primarily related to added service piping and fittings required to complete the improvements. The project is being partially funded through the MN-DEED water system grant and through the levy of special assessments to the benefitting properties. A breakdown of the project costs compared with the previously approved budget is shown below.

	Post Construction Costs	Authorized Project Budget Costs
<b>Total Project Costs:</b>	\$543,194	\$575,000
<b>Funding Source:</b>		
<i>DEED Water Agreement Funds:</i>	\$228,560	\$260,000
<i>Water Enterprise Funds:</i>	\$285,634	\$286,000
<i>Water Assessment Revenue:</i> <i>(10 Units at \$2,900 each)</i>	\$29,000	\$29,000

Final payment will be made to the Contractor, including the release of all retained funds, upon receipt of all lien waivers, consent of surety, and IC-134s from the Contractor.

**RECOMMENDATION:**

Staff is recommending that the City Council consider, *as part of the Consent Agenda*, accepting the improvements for the Well No. 4 Connecting Watermain Improvements and approving Pay Request No. 4 (Final) in the amount of \$24,003.24. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to accept the improvements for the Well No. 4 Connecting Watermain Improvements and approve Pay Request No. 4 (Final) to Northdale Construction Company in the amount of \$24,003.24”.***

**ATTACHMENT(S):**

1. Certificate of Completion
2. Partial Pay Estimate No. 4 (Final)

**CERTIFICATE OF COMPLETION**

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DATE OF ISSUANCE: **DECEMBER 2, 2014**

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OWNER: CITY OF LAKE ELMO, MN  
CONTRACTOR: NORTHDALE CONSTRUCTION COMPANY, INC.  
PROJECT NAME: WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS  
PROJECT NO.: 2013.131

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- This Certification of Completion applies to all work under the Contract Documents  
 This Certification of Completion applies to the following specified parts of the Contract Documents

I do hereby certify that the work to which this Certificate applies has been constructed in accordance with the Contract dated **APRIL 14, 2014**. The above-mentioned improvement is hereby declared to be complete and acceptance of this work is recommended.

DATE OF COMPLETION: **DECEMBER 2, 2014**

Chad Isakson

Reg. No. 49028



FOCUS Engineering, Inc.

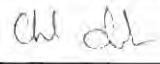

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THE WARRANTY PERIOD BEGINS DEC. 3, 2014 AND ENDS DEC. 2, 2015

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**PROJECT PAY FORM**

PARTIAL PAY ESTIMATE NO. <u>4 (FINAL)</u>		<b>FOCUS</b> ENGINEERING, inc.										
WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS PROJECT NO. 2013.131		PERIOD OF ESTIMATE FROM <u>7/9/2014</u> TO <u>11/19/2014</u>										
PROJECT OWNER: CITY OF LAKE ELMO 3800 LAVERNE AVENUE NORTH LAKE ELMO, MN 55042 ATTN: JACK GRIFFIN, P.E., CITY ENGINEER		CONTRACTOR: NORTHDAL CONSTRUCTION COMPANY INC. 9760 71ST ST. NE ALBERTVILLE, MN 55301 ATTN: THOMAS WILEBSKI										
<b>CONTRACT CHANGE ORDER SUMMARY</b>		<b>PAY ESTIMATE SUMMARY</b>										
No.	Approval Date	Amount										
		Additions	Deductions									
1	12/2/2014	\$1,400.41										
2	12/2/2014	\$4,537.47										
TOTALS		\$5,937.88	\$0.00									
NET CHANGE		\$5,937.88										
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 5px;">START DATE: <u>4/14/2014</u></td> <td style="width:33%; padding: 5px;">ORIGINAL DAYS <u>86</u></td> <td style="width:34%; padding: 5px;">ON SCHEDULE</td> </tr> <tr> <td style="padding: 5px;">SUBSTANTIAL COMPLETION: <u>6/9/2014</u></td> <td style="padding: 5px;">REVISED DAYS <u>0</u></td> <td style="padding: 5px;">YES <input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">FINAL COMPLETION: <u>7/9/2014</u></td> <td style="padding: 5px;">REMAINING <u>-133</u></td> <td style="padding: 5px;">NO <input checked="" type="checkbox"/></td> </tr> </table>				START DATE: <u>4/14/2014</u>	ORIGINAL DAYS <u>86</u>	ON SCHEDULE	SUBSTANTIAL COMPLETION: <u>6/9/2014</u>	REVISED DAYS <u>0</u>	YES <input type="checkbox"/>	FINAL COMPLETION: <u>7/9/2014</u>	REMAINING <u>-133</u>	NO <input checked="" type="checkbox"/>
START DATE: <u>4/14/2014</u>	ORIGINAL DAYS <u>86</u>	ON SCHEDULE										
SUBSTANTIAL COMPLETION: <u>6/9/2014</u>	REVISED DAYS <u>0</u>	YES <input type="checkbox"/>										
FINAL COMPLETION: <u>7/9/2014</u>	REMAINING <u>-133</u>	NO <input checked="" type="checkbox"/>										
ENGINEER'S CERTIFICATION: The undersigned certifies that the work has been reviewed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.		FOCUS Engineering, inc.  _____ ENGINEER <u>11/19/2014</u> _____ DATE										
CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.		CONTRACTOR  _____ BY <u>11/19/14</u> _____ DATE										
APPROVED BY OWNER: <b>CITY OF LAKE ELMO, MINNESOTA</b>												
BY: _____		BY: _____										
DATE: _____		DATE: _____										

PARTIAL PAY ESTIMATE NO. 4 (FINAL)

WELL NO. 4 CONNECTING WATERMAIN IMPROVEMENTS  
 CITY OF LAKE ELMO, MINNESOTA  
 PROJECT NO. 2013.131

**FOCUS** ENGINEERING, inc.

ITEM	DESCRIPTION OF PAY ITEM	UNIT	CONTRACT			THIS PERIOD		TOTAL TO DATE	
			QUANTITY	UNIT PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION	LS	1	\$19,640.77	\$19,640.77	-	\$0.00	1.00	\$19,640.77
2	TRAFFIC CONTROL	LS	1	\$2,275.00	\$2,275.00	-	\$0.00	1.00	\$2,275.00
3	CLEAR AND GRUB TREE	EA	5	\$375.00	\$1,875.00	-	\$0.00	-	\$0.00
4	CONNECT TO EXISTING 12" WATERMAIN	EA	1	\$1,033.82	\$1,033.82	-	\$0.00	-	\$0.00
5	CONNECT TO EXISTING 16" WATERMAIN	EA	1	\$3,353.64	\$3,353.64	-	\$0.00	1.0	\$3,353.64
6	6" DIP, CL 52 WATERMAIN	LF	40	\$76.89	\$3,075.60	-	\$0.00	45.5	\$3,498.50
7	12" DIP, CL 52 WATERMAIN	LF	76	\$118.02	\$8,969.52	-	\$0.00	133.0	\$15,696.66
8	12" HDPE WATERMAIN, DIRECTIONAL DRILL	LF	4,347	\$50.57	\$219,827.79	-	\$0.00	4290.0	\$216,945.30
9	6" GATE VALVE AND BOX	EA	8	\$1,214.39	\$9,715.12	-	\$0.00	8.0	\$9,715.12
10	12" GATE VALVE AND BOX	EA	9	\$4,755.14	\$42,796.26	-	\$0.00	9.0	\$42,796.26
11	VALVE BOX EXTENSION	LF	9	\$138.70	\$1,248.30	-	\$0.00	-	\$0.00
12	HYDRANT	EA	8	\$6,752.79	\$54,022.32	-	\$0.00	8.0	\$54,022.32
13	HYDRANT EXTENSION	LF	4	\$991.24	\$3,469.34	-	\$0.00	-	\$0.00
14	1" TYPE "K" COPPER WATER SERVICE	LF	5	\$31.09	\$155.45	-	\$0.00	4.5	\$139.91
15	1" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	220	\$43.50	\$9,570.00	-	\$0.00	251.0	\$10,918.50
16	1.5" TYPE "K" COPPER WATER SERVICE	LF	65	\$39.74	\$2,583.10	-	\$0.00	101.5	\$4,033.61
17	1.5" TYPE "K" COPPER WATER SERVICE, DIRECTIONAL DRILL	LF	215	\$46.83	\$10,068.45	-	\$0.00	239.0	\$11,192.37
18	1" CORPORATION STOP W/ FUSABLE SADDLE	EA	4	\$469.74	\$1,878.96	-	\$0.00	4.0	\$1,878.96
19	1" CURB STOP & BOX	EA	4	\$712.75	\$2,851.00	-	\$0.00	4.0	\$2,851.00
20	1.5" CORPORATION STOP W/ FUSABLE SADDLE	EA	6	\$527.08	\$3,162.48	-	\$0.00	6.0	\$3,162.48
21	1.5" CURB STOP & BOX	EA	6	\$755.16	\$4,530.96	-	\$0.00	6.0	\$4,530.96
22	OFF ROAD STRUCTURE MARKER	EA	9	\$71.25	\$641.25	-	\$0.00	8.0	\$570.00
23	DUCTILE IRON FITTINGS	LB	1,500	\$8.55	\$12,825.00	-	\$0.00	2205.0	\$18,852.75
24	POTHOLE EXISTING UTILITY	EA	24	\$275.00	\$6,600.00	-	\$0.00	23.0	\$6,325.00
25	PATCH BITUMINOUS STREET	SY	25	\$90.00	\$2,250.00	-	\$0.00	-	\$0.00
26	TOPSOIL BORROW (CV)	CY	100	\$26.50	\$2,650.00	10.00	\$265.00	130.0	\$3,445.00
27	SEED MIX 250 & EROSION CONTROL BLANKET	SY	3,000	\$1.60	\$4,800.00	-	\$0.00	6400.0	\$10,240.00
28	SODDING	SY	1,000	\$4.57	\$4,570.00	-	\$0.00	-	\$0.00
29	SILT FENCE, MACHINE SLICED	LF	350	\$4.20	\$1,470.00	-	\$0.00	100.0	\$420.00
30	STREET SWEEPER WITH PICK UP BROOM	HR	5	\$115.00	\$575.00	-	\$0.00	4.5	\$517.50

**TOTALS - BASE CONTRACT** \$442,484.13 \$265.00 \$447,021.60

**CHANGE ORDER NO. 1**

CO1-1	WATER SERVICE STUB PIT RESTORATION	LS	1.0	\$1,043.63	\$1,043.63	1.0	\$1,043.63	1.0	\$1,043.63
CO1-2	HYDRANT RESTOCKING FEE	EA	1.0	\$356.78	\$356.78	1.0	\$356.78	1.0	\$356.78

**TOTALS - CHANGE ORDER NO. 1** \$1,400.41 \$1,400.41 \$1,400.41

**COMPENSATING CHANGE ORDER NO. 2**

CC02-1		LS	1.00	\$4,537.47	\$4,537.47	0.0	\$0.00	0.0	\$0.00
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**TOTALS - COMPENSATING CHANGE ORDER NO. 2** \$4,537.47 \$0.00 \$0.00

**TOTALS - REVISED CONTRACT** \$448,422.01 \$1,665.41 \$448,422.01



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM #** 8

**AGENDA ITEM:** Consider Approval of 2015 Liquor License Renewals

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

**THROUGH:** Dean Zuleger, City Administrator

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

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECOMMENDER:** Staff

**FISCAL IMPACT:** license application revenue of \$8,150

**SUMMARY AND ACTION REQUESTED:** The City has received liquor license applications for 2015, 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. If removed from the Consent Agenda, staff recommends the following motion:

*“Move to approve 2015 Liquor License Renewals, as presented.”*

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

**BACKGROUND INFORMATION:** The City is respectfully requested to consider granting the following 2015 Liquor License 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 Department.
- 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 Department.
- Off-sale intoxicating liquor license to **Village Wine & Spirits**; contingent upon approval by the Washington County Sheriff's Department.
- On-sale intoxicating liquor license (second location) for the **Lake Elmo Inn Event Center**; contingent upon approval by the Washington County Sheriff's Department.
- **Lake Elmo Wine Company** has not renewed their license as they are no longer in business.

**RECOMMENDATION:** As all applications are in order, it is respectfully requested that the City Council approve all liquor license renewals. As part of its Consent Agenda, no formal motion is required. If removed from the Consent Agenda, staff recommends the following motion:

*“Move to approve 2015 Liquor License Renewals, as presented.”*



**MAYOR & COUNCIL COMMUNICATION**

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM #: 9**

**AGENDA ITEM:** 2015-2016 Washington County Subsurface Sewage Treatment Inspection Services Agreement  
**SUBMITTED BY:** Adam Bell, Asst. City Administrator/Clerk  
**THROUGH:** Mayor Mike Pearson  
**REVIEWED BY:** Dean Zuleger, City Administrator

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

- 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:**

The agreement reduces time and material expenses for City by eliminating the permitting and inspection costs. In 2012, this was estimated at an average of \$25,000-\$27,000 per year.

**SUMMARY AND ACTION REQUESTED:**

The Council is respectfully requested to renew contract with Washington County for the Inspection of Private Septic Systems for FY 2015-2016. *As part of its Consent Agenda, no formal motion is required.* If removed from the Consent Agenda, staff recommends the following motion:

***“Move to Approve of the Subsurface Sewage Treatment Inspection Services Agreement Between the City of Lake Elmo and Washington County for Private Septic System Inspections.”***

**LEGISLATIVE HISTORY:**

To better serve its taxpayer and reduce costs, the City of Lake Elmo has contracted in the past with Washington County for septic system inspections. This agreement allows for one-stop

permit approval process for the taxpayer installing / modifying a private septic service. The current agreement expires at the end of 2014.

**BACKGROUND INFORMATION/STAFF REPORT:**

Staff has evaluated the contract based on service delivery, cost to the City, and cost to the taxpayer. The agreement places the certification process in the hands of the technical experts of Washington County. Experientially, the lines of communication and troubleshooting efforts between the City of Lake Elmo and Washington County are very good and result in efficient turnaround service for our taxpayers.

**RECOMMENDATION:**

Based on the aforementioned information, the City Staff recommends approval of the agreement. *As part of its Consent Agenda, no formal motion is required.* If removed from the Consent Agenda, staff recommends the following motion:

***“Move to Approve of the Subsurface Sewage Treatment Inspection Services Agreement Between the City of Lake Elmo and Washington County for Private Septic System Inspections.”***

**ATTACHMENTS:**

1. Washington County Letter from Girard Goder, Environmental Program Supervisor
2. Washington County Subsurface Sewage Treatment Inspection Services Agreement



Department of Public  
Health and Environment

Lowell Johnson  
Director

Sue Hedlund  
Deputy Director

November 6, 2014

City of Lake Elmo  
Adam Bell  
3800 Laverne Ave N  
Lake Elmo, MN 55042

Washington County, through its Department of Public Health and Environment (Department), has historically provided, and it is the county's desire to continue to provide, septic system permitting and inspection services for the City of Lake Elmo.

The most recent Agreement between the city and the county will expire on December 31, 2014. Please be assured there will be no interruption of service to the city while we work jointly to execute a new Agreement.

The changes to the Agreement include:

- **TERMS AND EFFECTIVE DATE** – Dates changed to reflect effective date of January 1, 2015 and termination date of December 31, 2016.

Please review the enclosed Agreement, and, if the language is satisfactory, return the signed original Agreement to the **attention of Stephanie Holt**. We will send a fully executed copy of the Agreement to the city as soon as it is signed by the County Board Chair and County Administrator. If, however, there are paragraphs in the Agreement you would like to discuss, please contact our Department at your earliest convenience.

We would also like to use this opportunity to remind you that the Department is currently in the process of revising our Subsurface Sewage Treatment System Ordinance. If there are any questions regarding this process, please let us know.

We look forward to continued service to your community. If you have any questions or if we can be of further assistance, please contact me at 651-430-6768 or via email at [girard.goder@co.washington.mn.us](mailto:girard.goder@co.washington.mn.us) or Stephanie Holt at 651-430-6678 or via email at [stephanie.holt@co.washington.mn.us](mailto:stephanie.holt@co.washington.mn.us).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Goder", written over a light blue horizontal line.

Girard Goder  
Environmental Program Supervisor

Enclosure: Agreement

# **Agreement for Subsurface Sewage Treatment System Inspection Services**

This agreement is made and entered into, by and between the County of Washington (hereinafter referred to as the County) and City of Lake Elmo (hereinafter referred to as the City).

## **I. WITNESSETH**

**WHEREAS**, the City wishes to contract with the County to perform subsurface sewage treatment system (SSTS) inspection services within the City's boundaries; and

**WHEREAS**, the City adopted the County's Subsurface Sewage Treatment System Regulations Ordinance #179 (Washington County Development Code Chapter 4), hereinafter SSTSRO, regulating subsurface sewage treatment systems, which applies to all areas of the City; and

**WHEREAS**, the County agrees to provide subsurface sewage treatment system inspection services under the terms and conditions hereinafter set forth; and

**WHEREAS**, this contract is authorized under Section 471.59 of the Minnesota Statutes.

**NOW THEREFORE**, it is mutually agreed between the County and City as follows:

## **II. SCOPE OF SERVICES**

### **County's Responsibilities**

1. The County agrees to provide, through its Department of Public Health and Environment, subsurface sewage treatment system inspection services for the City. The County shall provide a Qualified Employee(s), as described in Minn. Rule 7083.1010 and 7083.0020 subp 17.
2. The standards of performance, method of providing subsurface sewage treatment system inspection services, and other matters incident to the performance of services under this Agreement, including personnel to be employed, shall be determined by the County. The City shall be notified in advance of any proposed changes in standards of performance or methods of providing services.
3. The County shall provide the necessary SSTS application review and sewage system plan approval as required by laws, regulations and ordinances, provide all job site inspections of projects under permit, and conduct special inspections as deemed necessary to ensure compliance with the SSTSRO. Services shall include clerical support incidental to the performance of this agreement.

4. The County shall provide and issue all sewage permits as required by the SSTSRO, existing laws or regulations and shall maintain records of all such permits. If the City requests a copy of a granted permit, the County shall provide a copy to the City within 5 (five) working days.
5. The County shall send a copy of the County's issuance of a certificate of compliance of the sewage system's completion to the City within 10 (ten) working days of the County granting the certificate.
6. In the event of a violation or threatened violation of the SSTSRO or sewage permit the County may pursue the administrative issuance of stop work orders on the installation of the septic system, and/or issue corrective orders, and/or issue notices of non-compliance.
7. The County shall advise the City if a misdemeanor citation is warranted for any violation of a sewage permit or SSTSRO.
8. The County may request appropriate actions or proceedings be brought by the City, to prevent, restrain, correct or abate violations or threatened violations of a sewage permit or SSTSRO.
9. The County will cooperate with the City's officials and/or employees in fulfilling its obligations under this Agreement.

**City's Responsibilities:**

1. In areas not served by municipal sewer, the City shall not issue a building permit for new dwelling construction and/or for the addition of bedrooms until the County has issued a sewage permit for the new construction and/or addition of bedrooms.
2. The City shall act on all applications for special permits and SSTSRO variance requests.
3. Upon request from the County the City shall issue a stop work order on projects commencing construction prior to the issuance of a sewage permit.
4. The City is responsible for commencing appropriate actions or proceedings to prevent, restrain, correct or abate violations or threatened violations of a sewage permit or SSTSRO and shall represent the County during appeals of the administrative remedies issued by the County.
5. The City may issue misdemeanor citations for violations of the SSTSRO or sewage permit.
6. The City shall not issue a certificate of occupancy for new construction or the addition of bedrooms prior to receipt of the County's certificate of compliance.

7. The City, and its agents and employees, will cooperate and assist the County in the performance of this Agreement.
8. In the event of County SSTS Ordinance revision, the City may adopt a revised SSTS Ordinance which is consistent with or more restrictive than the County's revised SSTS Ordinance no more than 12 (twelve) months after the County revised SSTS Ordinance has been adopted.

### **III. SCHEDULE OF FEES AND CHARGES**

1. The County shall establish the schedule of fees for its subsurface sewage treatment system inspection services. The septic permit application and installation fees shall be in accordance with the fee schedule adopted annually by the Washington County Board of Commissioners. The County shall collect, receipt for, disburse, and maintain records for all fees and charges collected incident to the administration of subsurface sewage treatment system inspection and permit services contained herein.
  1. Fees and charges shall be due and payable by the applicant upon issuance of the permit and will be collected by the County from the applicant for said permit.
  2. The City agrees that in payment for the subsurface sewage treatment system inspection and permit services provided by the County that the County shall retain, out of the fees and charges collected incident to this service, an amount equal to one hundred percent (100%) of all SSTS permit fees.
  3. The City shall not assume any liability for the direct payment of any salary, wage, or other compensation to any County employee performing subsurface sewage treatment system inspection services pursuant to this agreement.

### **IV. GENERAL TERMS AND CONDITIONS**

#### **Data Privacy**

1. All data collected, created, received, maintained or disseminated for any purposes by the activities of the County because of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal Regulations on data privacy, including but not limited to, the Health Insurance Portability and Accountability Act (HIPAA) where it applies. The City and County agree to abide by these statutes, rules and regulations and as they may be amended.

## **Indemnity Clause**

2. The City agrees that it will indemnify and hold harmless the County, its officers and employees, against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the City's negligent performance or failure to adequately perform its obligations pursuant to this Agreement.

The County agrees that it will indemnify and hold harmless the City, its officers and employees, against any and all liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the County's negligent performance or failure to adequately perform its obligations pursuant to this Agreement.

## **Insurance**

3. The City further agrees that in order to protect itself, as well as the County, under the indemnifications provisions set forth above that it shall at all times during the terms of this Agreement, provide maximum tort liability limits as set forth in Minnesota Statute, Sections 3.736 and 466.04. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

The County further agrees that in order to protect itself, as well as the City, under the indemnifications provisions set forth above that it shall at all times during the terms of this Agreement, provide maximum tort liability limits as set forth in Minnesota Statute, Section 466.04. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

## **Records – Availability and Retention**

4. Pursuant to Minnesota Statute 16C.05, Subd 5., the County/City agrees that the County/City, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures of the County/City and involve transactions relating to this agreement. The County/City agrees to maintain these records for a period of six years from the date of termination of this Agreement and make available as requested.

## **Nondiscrimination**

4. The provisions of Minn. Stat. 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set forth herein, and



shall be part of any Agreement entered into by the parties with any contractor, subcontractor, or material suppliers.

### **Merger and Modification**

6. It is understood and agreed that the entire Agreement between the parties is contained here and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter.

Any material alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an amendment and signed by the parties.

### **Severability**

7. Every section, provision or part of this Agreement is declared severable from every other section, provision or part thereof to the extent that if any sections, provision or part of this Agreement shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

## **V. TERM AND EFFECTIVE DATE**

1. The effective date of this agreement shall be January 1, 2015, notwithstanding the date of the signatures below.
2. This agreement shall run until December 31, 2016, at which time it will automatically terminate unless it is renewed by official action of both the City and the County prior to the termination date. Notice of either the City's intent or the County's intent not to renew the agreement should be given to the other party ninety (90) days in advance of the December 31, 2016, termination date.

IN WITNESS WHEREOF, the City has caused this agreement to be signed by its Mayor and attested to by its Clerk, and the County of Washington, by order of its Board of County Commissioners, has caused this Agreement to be signed by its Board Chair and attested to by its County Administrator.

City of Lake Elmo, Minnesota

Washington County, Minnesota

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Chair, Board of Commissioners

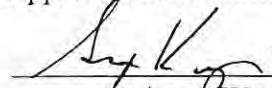
Date: \_\_\_\_\_

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

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
County Administrator

Approved as to Form:

  
\_\_\_\_\_  
Assistant Washington County Attorney



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**CONSENT**  
**ITEM #** 10a&b

**AGENDA ITEM:** Final Plat Submission Extension for Village Preserve and Village Park Preserve Residential Subdivisions

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

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

**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 is recommending that the City Council approve a request by GWSA Land Development, LLC to extend the Final Plat submission deadline for both the Village Preserve and Village Park Preserve residential subdivisions.

**FISCAL IMPACT:** TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from GWSA Land Development, LLC to extend the Final Plat submission deadline for both the Village Park Preserve and Village Preserve residential subdivisions. The City’s subdivision ordinance requires a Final Plat application to be filed within 180 days of Preliminary Plat approval for a proposed subdivision. The Village Park Preserve Preliminary Plat was approved on September 16, 2014 (Resolution 2014-74). The Village Preserve Preliminary Plat was approved on July 15, 2014 (Resolution 2014-59). Both residential subdivisions are located in the Village Planning Area. GWSA Land Development, LLC is requesting a 6-month extension for the submission of the Village Park Preserve Final Plat, as well as an 18-month extension for the Village Preserve Final Plat. Both requests relate to the immediate availability of utilities, as

well as the outcome of a upcoming storm water management study being completed by the Valley Branch Watershed District.

*Staff is recommending that the City Council approve the request to extend the Final Plat submission deadline for the Village Park Preserve residential subdivision through the following motion:*

***“Move to adopt Resolution No. 2014-90, extending the Final Plat submission deadline for the Village Park Preserve residential subdivision by 6 months.”***

*In addition, Staff is recommending that the City Council approve the request to extend the Final Plat submission deadline for the Village Preserve residential subdivision through the following motion:*

***“Move to adopt Resolution No. 2014-91, extending the Final Plat submission deadline for the Village Preserve residential subdivision by 18 months.”***

#### **STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:**

**Strengths:** Approval of the extension requests for the submission of the Village Park Preserve and Village Preserve Final Plats will allow the applicants to finalize utility and stormwater management plans. As utilities are not directly adjacent to either site, the applicants are working on final plans to complete the extensions of sanitary sewer and water. In addition, extension of the submittal deadline will allow for the completion of the Valley Branch Watershed District study related to the Goetschel Pond diversion of stormwater. This study is critical in finalizing a final stormwater management plan for the Village Preserve residential subdivision. The requested extensions provide a reasonable timeframe to move into construction for both residential subdivisions given the existing conditions surrounding each site.

**Weaknesses:** None

**Opportunities:** Approval of the Final Plat submission extensions will allow the applicants enough time to complete the Final Construction Plans for the residential subdivisions within a more reasonable and appropriate timeframe.

**Threats:** The delay of the submission of Final Plat does delay future payment of sewer and water availability charges for the proposed subdivisions. However, given the circumstances of each site, Staff views the requested extensions as reasonable solutions to resolve the outstanding issues and preparation of Final Construction Plans.

#### **RECOMMENDATION:**

*Based on the aforementioned, Staff is recommending that the City Council approve the request to extend the Final Plat submission deadline for the Village Park Preserve residential subdivision through the following motion:*

***“Move to adopt Resolution No. 2014-90, extending the Final Plat submission deadline for the Village Park Preserve residential subdivision by 6 months.”***

*In addition, Staff is recommending that the City Council approve the request to extend the Final Plat submission deadline for the Village Preserve residential subdivision through the following motion:*

***“Move to adopt Resolution No. 2014-91, extending the Final Plat submission deadline for the Village Preserve residential subdivision by 18 months.”***

**ATTACHMENTS:**

1. Resolution No. 2014-90
2. Resolution No. 2014-91
3. Village Park Preserve and Village Preserve Extension Requests
4. Location Map
5. Resolution No. 2014-74: Village Park Preserve Preliminary Plat Approval
6. Resolution No. 2014-59: Village Preserve Preliminary Plat Approval

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

**RESOLUTION NO. 2014-90**

*A RESOLUTION APPROVING AN EXTENSION FOR THE FINAL PLAT APPLICATION  
DEADLINE FOR THE VILLAGE PARK PRESERVE RESIDENTIAL SUBDIVISION*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, GWSA Land Development, LLC, 10850 Old County Road 15, Suite 200, Plymouth, MN, submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for a 100-unit single family subdivision on an approximately 64 acre parcel in the Village Planning Area (PIDs: 13.029.21.43.0004 and 13.029.21.44.0002) to be called Village Park Preserve, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, on September 8, 2014, the Lake Elmo Planning Commission reviewed and recommended approval of the Village Park Preserve Preliminary Plat; and

**WHEREAS**, on September 16, 2014, the Lake Elmo City Council adopted Resolution 2014-74, approving the Village Park Preserve Preliminary Plat; and

**WHEREAS**, GWSA Land Development, LLC has requested a 6-month extension to the Final Plat submittal deadline of the approved plan to allow for additional time to prepare Final Utility and Stormwater Management Plans;

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve a 6-month extension to the Final Plat deadline for the Village Park Preserve residential subdivision, thereby extending the Final Plat application deadline to September 16, 2015.

Passed and duly adopted this 2<sup>nd</sup> day of December 2014 by the City Council of the City of Lake Elmo, Minnesota.

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

ATTEST:

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

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

**RESOLUTION NO. 2014-91**

*A RESOLUTION APPROVING AN EXTENSION FOR THE FINAL PLAT APPLICATION  
DEADLINE FOR THE VILLAGE PRESERVE RESIDENTIAL SUBDIVISION*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, GWSA Land Development, LLC, 10850 Old County Road 15, Suite 200, Plymouth, MN, submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for a 97-unit single family subdivision on an approximately 40-acre parcel in the Village Planning Area (PID: 12.029.21.33.0001) to be called Village Preserve, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, on June 30, 2014, the Lake Elmo Planning Commission reviewed and recommended approval of the Village Preserve Preliminary Plat; and

**WHEREAS**, on July 15, 2014, the Lake Elmo City Council adopted Resolution 2014-59, approving the Village Preserve Preliminary Plat; and

**WHEREAS**, GWSA Land Development, LLC has requested an 18-month extension to the Final Plat submittal deadline of the approved plan to allow for additional time to prepare Final Utility and Stormwater Management Plans;

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve an 18-month extension to the Final Plat deadline for the Village Preserve residential subdivision, thereby extending the Final Plat application deadline to July 15, 2016.

Passed and duly adopted this 2<sup>nd</sup> day of December 2014 by the City Council of the City of Lake Elmo, Minnesota.

---

Mike Pearson, Mayor

ATTEST:

---

Adam Bell, City Clerk



Monday, November 10, 2014

Nick Johnson  
City Planner  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Nick:

On behalf of GWSA Land Development, LLC, the developer, and pursuant to Lake Elmo City Ordinance Section 153.07 Subdivision L, I am requesting an extension for the deadline to present the final plat of Village Park Preserve to the City. Prior to the development of this property, we will be extending sanitary sewer from the lift station on 30<sup>th</sup> Street to connect with Easton Village and ultimately the 39<sup>th</sup> Street sewer project. Our plan is to begin construction on the sewer extension as soon as weather permits and then begin construction of Village Park Preserve. Village Park Preserve received preliminary plat approval on September 16, 2014 making the deadline for final plat application March 16, 2015. Due to the urgency to extend sanitary sewer and weather uncertainty that will dictate timing to begin construction of the sanitary sewer extension, we would like to request a six month extension to September 16, 2015 for final plat application. We feel this extension will be in the best interest of GWSA Land Development and the City.

Thank you for your consideration.

Cordially,

A handwritten signature in black ink, appearing to read "Craig Allen", written in a cursive style.

Craig Allen  
Principal - Gonyea Company





Monday, November 10, 2014

Nick Johnson  
City Planner  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Nick:

On behalf of GWSA Land Development, LLC, the developer, and pursuant to Lake Elmo City Ordinance Section 153.07 Subdivision L, I am requesting an extension for the deadline to present the final plat of Village Preserve to the City. Since our Preliminary Plat application and July 15, 2014 approval, Valley Branch Watershed District initiated a study that will greatly influence the stormwater management of our site. Study results will not be available until January 1, 2015 at the earliest, leaving us 14 days to analyze, engineer and make the appropriate changes before final plat application is due on January 15, 2015.

Due to this delay and the uncertainty, we immediately began planning Village Park Preserve and received preliminary plat approval on September 16, 2014. Our plan is now to start developing Village Park Preserve in late spring/early summer 2015 which will include extending sewer north to Easton Village, 39<sup>th</sup> Street and ultimately stub into our Village Preserve development.

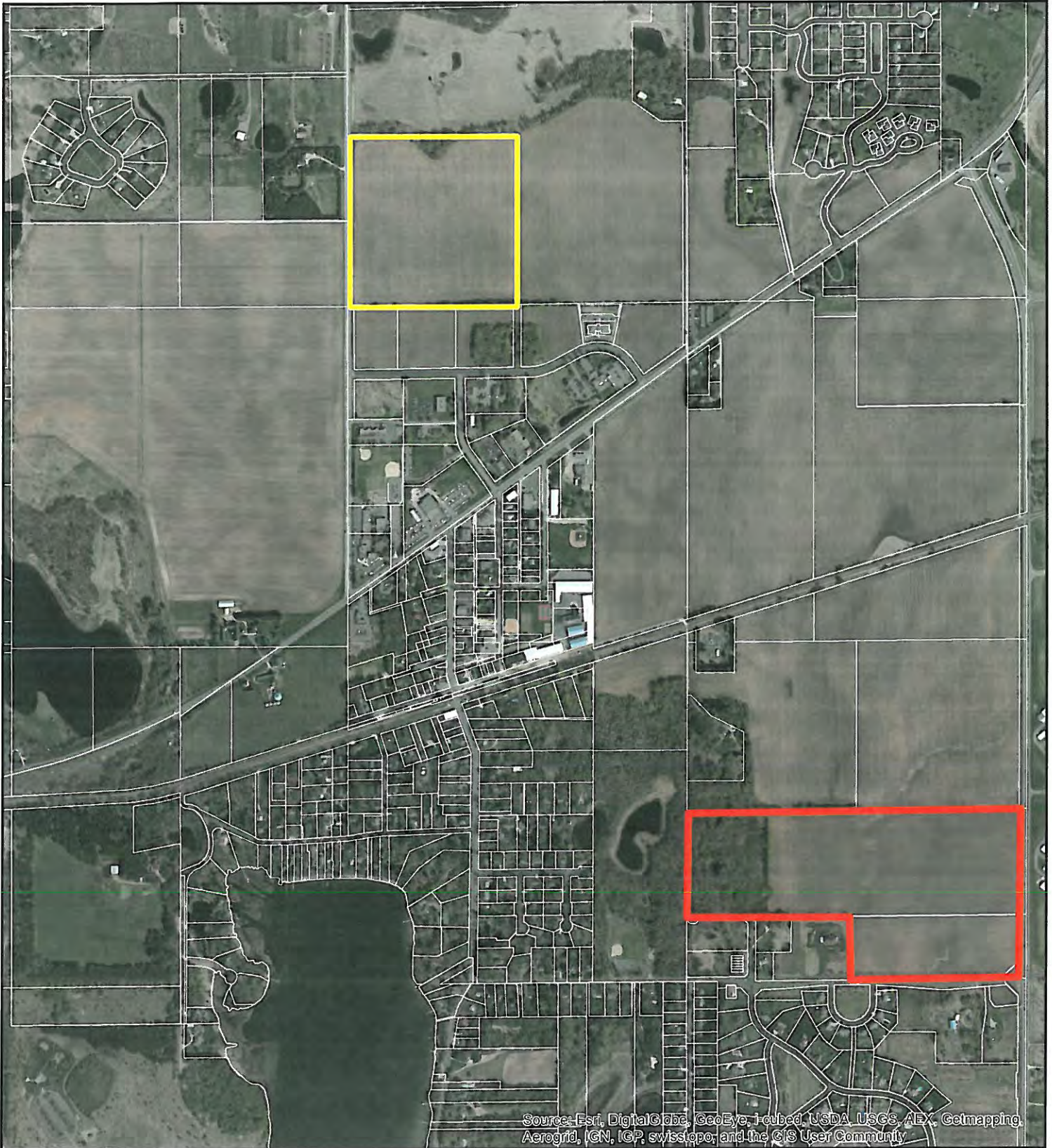
We would like to request an 18 month extension to the final plat application for Village Preserve. This would extend the deadline from January 15, 2015 to July 15, 2016 and allow for the sanitary sewer extension north to the property and give us time to develop and begin selling homes in Village Park Preserve.

Thank you for your consideration.

Cordially,

A handwritten signature in black ink, appearing to read "Craig Allen". The signature is fluid and cursive, written over a light blue horizontal line.

Craig Allen  
Principal - Gonyea Company

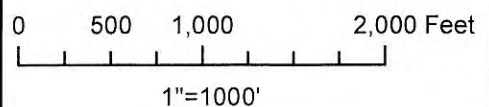


## Location Map: Plat Extension Request

THE CITY OF  
**LAKE ELMO**

Data Source: Washington County, MN  
11-21-2014

- Village Preserve
- Village Park Preserve



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

**RESOLUTION NO. 2014-74**

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR VILLAGE PARK PRESERVE*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, GWSA Land Development, LLC, 10850 Old County Road 15, Suite 200, Plymouth, MN, has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for a 104-unit single family subdivision on an approximately 64 acre parcel in the Village Planning Area (PIDs: 13.029.21.43.0004 and 13.029.21.44.0002) to be called Village Park Preserve, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on September 8, 2014 to consider the Preliminary Plat request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat subject to 13 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from City Planner Nick Johnson for the September 16, 2014 Council Meeting; and

**WHEREAS**, the City Council reviewed the Preliminary Plat at its meeting held on September 16, 2014 and made the following findings of fact:

- 1) That the Village Park Preserve Preliminary Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area conditioned upon receiving final approval for the Metropolitan Council for the Comprehensive Plan Amendment for the Holliday parcel.
- 2) That the Village Park Preserve Preliminary Plat complies with the City's LDR- Urban Low Density Residential zoning district.
- 3) That the Village Park Preserve Preliminary Plat complies with the City's Subdivision Ordinance.
- 4) That the Village Park Preserve Preliminary Plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, and other ordinances, except where noted in the conditions of approval or the attachments to this report.

- 5) That the Village Park Preserve Preliminary Plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated September 4, 2014.
- 6) That the Village Park Preserve Preliminary Plat provides effective and safe pedestrian facilities, providing access to Reid Park and a future connection to downtown Lake Elmo, contributing to a walkable community as guided by the Village Land Use Plan.
- 7) That the Village Park Preserve Preliminary Plat provides a significant expansion of Reid Park, as recommended by the Village Land Use Plan.
- 8) That the Village Park Preserve residential subdivision will allow for the completion of the Village Parkway minor collector road from 30<sup>th</sup> Street to Easton Village, providing a critical transportation improvement needed for the Village Planning Area.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Village Park Preserve Preliminary Plat subject to the following conditions:

- 1) The Metropolitan Council must approve the Comprehensive Plan Amendment for the Holliday parcel in advance of the City's consideration of an application for Final Plat for the Village Park Preserve Subdivision.
- 2) In advance of Final Plat application, the applicant shall provide adequate title evidence satisfactory to the City Attorney.
- 3) All required modifications to the plans as requested by the City Engineer in a review memorandum dated September 4, 2014 shall be incorporated into the plans prior to consideration of a Final Plat.
- 4) The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements.
- 5) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 6) Related to the proposed storm water discharge to the south, the applicant must provide written permission from all property owners of the affected parcels located south of the proposed 30<sup>th</sup> Street culvert consenting to the discharge location, volume and rate(s) in advance of submitting Final Plat.
- 7) The applicant shall be responsible for the submission of final plans and the construction of all improvements within the 30<sup>th</sup> Street right-of-way as required by the City and further described in the review memorandum from the City Engineer dated September 4, 2014.
- 8) The applicant shall observe all right-of-way and other requirements included in a review memorandum from Washington County dated September 3, 2014.

- 9) The Landscape Plan shall be updated per the recommendations of the City's Landscape Consultant, describe in a memo dated September 4, 2014. Tree protection measures for trees intended to be saved according to the submitted Tree Survey must be included in the Final Landscape Plan.
- 10) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 11) The applicant shall install an additional row of trees in the rear of Lots 1-3, Block 1 to provide additional screening for the eastern boundary of the Mcleod property to satisfy the condition of approval related to the requested Comprehensive Plan Amendment.
- 12) The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site.
- 13) The developer shall submit a letter from the Metropolitan Airports Commission agreeing to design of stormwater facilities acceptable to the City prior to submitting Final Plat application.

Passed and duly adopted this 16<sup>th</sup> day of September 2014 by the City Council of the City of Lake Elmo, Minnesota.

  
Mike Pearson, Mayor

ATTEST:

  
Adam Bell, City Clerk

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

**RESOLUTION NO. 2014-59**

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR VILLAGE PRESERVE*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, GWSA Land Development, LLC, 10850 Old County Road 15, Suite 200, Plymouth, MN, has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for a 97-unit single family subdivision on an approximately 40 acre parcel in the Village Planning Area (PID: 12.029.21.33.0001) to be called Village Preserve, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

**WHEREAS**, the Lake Elmo Planning Commission held public hearing on June 30, 2014 to consider the Preliminary Plat request; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat subject to 13 conditions of approval; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from City Planner Nick Johnson for the July 15, 2014 Council Meeting; and

**WHEREAS**, the City Council reviewed the Preliminary Plat at its meeting held on July 15, 2014 and made the following findings of fact:

- 1) That the Village Preserve Preliminary Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Village Preserve Preliminary Plat complies with the City's MDR- Urban Medium Density Residential zoning district.
- 3) That the Village Preserve Preliminary Plat complies with the City's subdivision ordinance.
- 4) That the Village Preserve preliminary plat meets other City zoning ordinances, such as landscaping, tree preservation, erosion and sediment control, and other ordinances, with the exceptions noted in the conditions of approval.
- 5) That the Village Preserve preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated June 23, 2014.
- 6) That the Village Preserve preliminary plat provides effective and safe pedestrian facilities, contributing to a walkable community as guided by the Village Land Use Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Village Preserve Preliminary Plat subject to the following conditions:

- 1) Within six months of preliminary plat approval, the applicant shall complete the following:
  - a. The applicant shall provide adequate title evidence satisfactory to the City Attorney.
  - b. The applicant shall submit a revised Preliminary Plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for Final Plat and prior to the commencement of any grading activity on the site.
- 2) The City Engineer shall review and approve all revised Preliminary Plans that are submitted to the City in advance of Final Plat to satisfy Condition #1.
- 3) The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements.
- 4) All required modifications to the plans as requested by the City Engineer in a review letter dated June 23, 2014 shall be incorporated into the plans prior to consideration of a Final Plat.
- 5) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 6) Related to proposed storm water discharge to the north, the applicant must provide written permission from the property owner of the parcel located immediately north of the proposed Village Preserve subdivision consenting to the discharge location, volume and rate(s) in advance of submitting Final Plat.
- 7) The applicant shall be responsible for the submission of final plans and the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014.
- 8) The Landscape Plan shall be updated per the recommendations of the City's Landscape Consultant, describe in a memo dated 6/25/14.
- 9) The developer shall be required to submit an updated parkland dedication calculation in advance of Final Plat to clarify the proposed amount of dedication being provided in the Village Preserve Subdivision. For whatever amount of land the applicant is short of the required parkland dedication amount, the applicant will either:
  - a. Subdivide the parcel under contract with Schiltgen Farms, Inc. and dedicate the land being proposed for parkland dedication east of Reid Park; or
  - b. Post an escrow in the amount equal to the fees in lieu of land dedication for the equal market value of the remaining land dedication requirement for Village Preserve until such time the land is dedicated east of Reid Park.

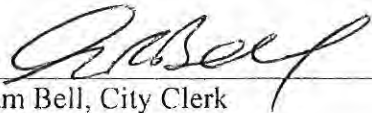
- 10) Secondary access to the site must be provided as part of the 2<sup>nd</sup> phase of the Village Preserve Subdivision. Said access must be included in the Final Plat and final construction documents for the 2<sup>nd</sup> phase of the development.
- 11) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 12) Application for Final Plat for the Village Preserve subdivision will not be accepted until approved plans for the extension of sanitary sewer to the site have been accepted or ordered by the City.
- 13) All of the outlots within the Village Preserve Preliminary Plat that serve as parkland or storm water management shall be dedicated to the City.

Passed and duly adopted this 15<sup>th</sup> day of July 2014 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk





# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**REGULAR**  
**ITEM#** 11

**AGENDA ITEM:** Approve 2015 Final General Fund, Debt Service Fund & Library Fund Annual Budget and Tax Levy

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

**THROUGH:** Cathy Bendel, Finance Director

**REVIEWED BY:** Finance Committee

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Finance Director
- Report/Presentation.....Finance Director/Finance Committee Chair
- Questions from Council to Staff..... Mayor Facilitates
- Call for Public Hearing ..... Mayor Facilitates
- Close Public Hearing.....Mayor Facilitates
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** Finance Director and Finance Committee

**FISCAL IMPACT:** NA

**SUMMARY AND ACTION REQUESTED:** Pursuant to State law, the City is required to hold a Truth in Taxation hearing regarding the adoption of the 2015 General Fund, Debt Service Fund and Library Fund Budgets. The City Council is asked to approve the Final 2015 Annual Budget and Levy for these funds and hold a public hearing.

**BACKGROUND INFORMATION:** The City of Lake Elmo has both the legal and fiduciary authority and responsibility under Minnesota State Statute to adopt a 2015 General Fund, Debt Service Fund and Library Fund annual budgets; all of which impact the annual Property Tax Levy. On September 2, 2014, the Preliminary Annual Budgets for these funds were approved and subsequently certified to Washington County. The final levy and budgets for these funds must be adopted and certified to Washington County by December 28th, 2014, after holding a Truth in Taxation hearing.

**STAFF REPORT:** At the budget workshop on August 13, 2014 the City Council reviewed an in-depth budget and levy presentation for 2015 related to the General Fund. At the budget workshop on August 26, 2014 the City Council reviewed an in-depth budget and levy presentation for 2015 related to the Library Fund. No further changes were identified since that time and as such the City Council is respectfully being asked that the budgets be made final and the 2015 Levies be adopted.

**RECOMMENDATION:** It is recommended that the City Council hold a public hearing related to these budgets and if no issues arise as a result, pass Resolution 2014-92, thereby approving the final 2015 General Fund, Debt Service Fund and Library Fund Annual Budget's and Levies by undertaking the following motion:

***“Move to approve Resolution No. 2014-92 adopting the final 2015 General Fund, Debt Service Fund and Library Fund Annual Budget's and Levies”***

**ATTACHMENT:**

1. Resolution No. 2014-92

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

**RESOLUTION NO. 2014-92**

**RESOLUTION APPROVING 2014 TAX LEVY, COLLECTIBLE IN 2015  
AND  
ADOPTING THE 2015 GENERAL FUND BUDGET**

WHEREAS, the City Council has conducted budget council workshops and meetings to review the 2014 Tax Levy, collectible in 2015, and the final 2015 General Fund, 2015 Debt Fund, and 2015 Library Fund Budgets; and

WHEREAS, the City is required to adopt a final 2015 general fund budget payable 2015 and certify its final property tax levy payable in 2015.

WHEREAS, the City of Lake Elmo held it's Truth in Taxation hearing on December 2, 2014;

WHEREAS, the City of Lake Elmo closed the public hearing on the 2015 General Fund, Debt Fund and Library Fund budgets at the close of the meeting on December 2, 2014 without need for continuation;

BE IT RESOLVED that the City adopts the final 2015 General Fund, Debt Fund and Library Fund Budgets,

BE IT FURTHER RESOLVED by the Council of the City of Lake Elmo, County of Washington, Minnesota that the following sums of money be levied for the current year, collectible in 2015, upon taxable property in the City of Lake Elmo, for the following purposes:

Total General Fund Levy	\$2,421,588
Total G.O. Debt Levy	\$ 484,814
Library Levy	<u>\$ 231,261</u>
Total Levy	\$3,137,663

BE IT FUTHER RESOLVED that the City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Washington County, Minnesota.

ADOPTED, by the Lake Elmo City Council on the 2nd day of December, 2014.

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

ATTEST:

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



# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**REGULAR**  
**ITEM #** 12

**AGENDA ITEM:** InWood EAW (Hans Hagen Homes) Response to Comments, Findings of Fact, Record of Decision, and Declaration of No Need for an EIS

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

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Nick Johnson, City Planner  
Jack Griffin, City Engineer  
(Drafted by Hans Hagen Homes)

**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:** With the end of the comment period for the InWood Environmental Assessment Worksheet (EAW), the City Council must respond to the comments received and establish findings of fact related to the comments. As part of this process, the Council must also decide on whether or not to require an Environmental Impact Statement (EIS) for the project. Staff is recommending that the City Council adopt the attached Resolution and official response to comments as drafted by Hans Hagen Homes and reviewed by Staff.

**FISCAL IMPACT:** None – Hans Hagen Homes has prepared the EAW and has drafted the attached document. Staff has been involved in reviewing the developer’s work and revising the documents to address City comments and concerns.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to approve a response to comments, findings of fact, and record of decision for the InWood PUD Environmental Assessment Worksheet (EAW). As a part of this review, the Council is also being asked to adopt a resolution approving the InWood EAW and finding no need for an

Environmental Impact Statement. The City Council has previously authorized distribution of the EAW, which been prepared for the proposed Hans Hagen Homes and Inwood 10, LLC mixed use development project (InWood PUD) located within the I-94 Corridor planning area on approximately 157 acres of land southeast of the intersection of Inwood Avenue and 10<sup>th</sup> Street. The EAW document has been prepared under the direction of the City of Lake Elmo acting as the RGU (Responsible Governing Unit).

Staff recommends that the City Council adopt the attached document establishing a response to comments, findings of fact, and a record of the decision for the InWood EAW and to declare no need for an EIS by taking the following action / with the following motion:

***“Motion to adopt Resolution No. 2014-93 approving the InWood EAW and finding no need for an Environmental Impact Statement”***

**BACKGROUND:** The Environmental Assessment Worksheet (EAW) was prepared, published, and distributed by City of Lake Elmo for the proposed InWood mixed use development pursuant to Minnesota Rules, Chapter 4410. The completed EAW was distributed to the Environmental Quality Board (EQB) and persons and agencies listed on the official EQB EAW Distribution List in accordance with Minnesota Rules 4410.1500. The notification was published in the EQB Monitor on September 29, 2014, initiating the 30-day comment period and posted on the City’s website for public viewing. The 30-day comment period ended on October 29, 2014.

The EAW and comments on it have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the project has potential for significant environmental effects. This document includes the Response to Comments for all comments received by the City of Lake Elmo, the Findings of Fact supporting the decision, and the Record of Decision.

The purpose of the EAW, comments and comment responses is to provide the record on which the RGU can base a decision about whether an EIS needs to be prepared for a project. EIS need is described in the rules: “An EIS shall be ordered for projects that have the potential for significant environmental effects” (part 4410.1700, subpart 1). An EAW is not to be used to justify a decision, nor do indications of adverse environmental effects necessarily require that a project be disapproved. EAWs are used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality (Minnesota Rules 4410.0300, Subp. 3).

**STAFF REPORT:** The City of Lake Elmo received six comments concerning the InWood EAW within the 30-day comment period, and all are included as part of the attached record and decision making document. None of the comments received indicated the potential for significant environmental impacts as further described in the findings of fact. Staff has sent the response to comments to the six respondents in advance of the meeting.

**BACKGROUND INFORMATION (SWOT):**

- Strengths**
- The EAW and supporting documents will help identify and

- mitigate any potential environmental impacts associated with the proposed InWood PUD development.
- The EAW and comments received do not indicate that any further environmental analysis is necessary.
- Weaknesses**
- The EAW does identify potential impacts that can be mitigated through the development review process.
- Opportunities**
- The EAW provides the City (and reviewing individuals and bodies) with the opportunity to review and address potential environmental issues prior to any development taking place.
- Threats**
- The City will need to follow through on the recommendations and comments that were received through this process.

**RECOMMENDATION:** Based upon the above background information and Staff report it is recommended that the City Council adopt the attached document establishing a response to comments, findings of fact, and a record of the decision for the InWood EAW and to declare no need for an EIS with the following motion:

*“Motion to adopt Resolution No. 2014-93 approving the InWood EAW and finding no need for an Environmental Impact Statement”*

**ATTACHMENTS:**

1. Resolution No. 2014-93
2. Response to Comments, Findings of Fact, and Record of Decision – InWood EAW

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

**Resolution No. 2014-93**

**A RESOLUTION APPROVING THE INWOOD PROJECT ENVIRONMENTAL  
ASSESSMENT WORKSHEET (EAW) AND FINDING NO NEED FOR AN  
ENVIRONMENTAL IMPACT STATEMENT (EIS)**

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, under Minnesota Rules Part 4410.1100 Subp 6. (EAW Decision) the City of Lake Elmo ordered the preparation of an EAW for the InWood PUD Mixed-Use Development Project.

**WHEREAS**, on August 19, 2014, an EAW was completed for the InWood Project, which will be located on approximately 157 acres of primarily agricultural land in the southwestern portion of Lake Elmo. The project is proposing 275 single-family lots, 264 multi-family units, and 90,870 square feet of commercial space; and

**WHEREAS**, beginning on September 8, 2014, copies of the EAW were distributed to all persons and agencies on the official Environmental Quality Board (EQB) mailing list and other interested parties; and

**WHEREAS**, on September 29, 2014, the EAW was publicly noticed in the EQB Monitor, commencing the 30-day public comment period; and

**WHEREAS**, the 30-day comment period ended on October 29, 2014 at 4:30 p.m., and

**WHEREAS**, the City of Lake Elmo accepted and responded to all written comments received.

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

**FINDINGS**

- 1) The EAW was prepared, published, and distributed in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700 (1997).

- 2) The EAW, combined with the supplemental information contained in the Response to Comments, satisfactorily addressed all the issues raised and comments received for which existing information could have been reasonably obtained, and further investigation is therefore not required.
- 3) Based on the criteria established in Minnesota Rules Part 4410.1700, the project does not have the potential for significant environmental effects.
- 4) City of Lake Elmo makes a "Negative Declaration" on the need for an EIS.
- 5) The City of Lake Elmo City Council adopts a "Negative Declaration".
- 6) An EIS is not required, and
- 7) The City of Lake Elmo shall maintain a Record of Decision, including the Response to Comments on the EAW, and will notify in writing, within five days, all persons on the EAW distribution list, all persons who commented in writing during the 30-day comment period, and any other person upon written request. City of Lake Elmo will also send notice of this decision to the project proposer and the EQB.

Passed and duly adopted on this 2<sup>nd</sup> day of December, 2014 by the City Council of the City of Lake Elmo, Minnesota.

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

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.



**City of Lake Elmo  
RESPONSE TO COMMENTS, FINDINGS OF FACT,  
AND RECORD OF DECISION  
FOR THE  
InWood  
Environmental Assessment Worksheet (EAW)**

**November 24, 2014**

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**City of Lake Elmo**  
**RESPONSE TO COMMENTS, FINDINGS OF FACT,**  
**AND RECORD OF DECISION**  
**FOR THE**  
**Inwood**  
**Environmental Assessment Worksheet (EAW)**

***November 24, 2014***

**I. INTRODUCTION**

The City of Lake Elmo is the Responsible Governmental Unit for this project. The Project Proposer is Hans Hagen Homes.

An Environmental Assessment Worksheet (EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The project consists of a mix of single family homes, multi-family, and commercial land uses on 157 acres of property located in Lake Elmo. The EAW was developed to assess the impacts of the project to determine if an Environmental Impact Statement (EIS) is necessary. The EAW was filed with the Minnesota EQB and circulated for review and comments to the required EAW distribution list. A "Notice of Availability" was published in the EQB Monitor on September 29, 2014. A Notice of Availability was posted to the City of Lake Elmo's website. This notice provided a brief description of the project and information on where copies of the EAW were available, and invited the public to provide comments that would be used in determining the need for an EIS for the proposed project. The EAW was made available for public review at Lake Elmo City Hall. The EAW public comment period concluded on October 29, 2014.

Written comments were received from various agencies on the distribution list during the EAW comment period. No formal written comments were received from the general public. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period, and responses to these comments, are provided below. Based upon the information in the record, which consists of the EAW for the proposed project, the comments received during the 30 day public comment period, the responses to the comments, and other supporting documents, the City of Lake Elmo makes a negative declaration on the need for an Environmental Impact Statement for InWood based on the following findings of fact and conclusions.

### COMMENTS RECEIVED

Six agencies submitted written comments on the EAW, and all of the comments were dated or received prior to the comment period deadline. Copies of the comment letters are included at the end of this document. The following table lists the comment letters received:

<b>No.</b>	<b>Comment Letter Received From</b>	<b>Signatory</b>	<b>Abbreviation</b>	<b>Date</b>
1	Minnesota Historical Society	Sarah J. Beimers		10-8-2014
2	Metropolitan Council	LisaBeth Barajas	MetCouncil	10-29-2014
3	South Washington Watershed District	John Loomis	SWWS	10-27-2014
4	Minnesota Department of Transportation	Karen Scheffing	MnDOT	10-9-2014
5	Washington County	Ann Pung-Terwedo		10-28-2014
6	Minnesota Department of Natural Resources	Brooke Haworth	DNR	10-27-2014

## II. PROJECT INFORMATION

### A. Project Description

Hans Hagen Homes and Inwood 10, LLC are proposing to construct a mixed use development consisting of commercial, multi-family, and single family homes on approximately 157 acres. The proposed land uses are consistent with the City's Comprehensive Plan. The detached single family neighborhood occupies approximately 90 acres and will include 278 single family lots. The multi-family will include an additional 458 units consisting of: 1) 176 rental townhomes, 2) 120 senior housing units, 3) 150 multifamily units, and 4) 12 townhomes. The commercial land uses will consist of approximately 73,000 square feet of office and retail uses.

Project development will convert approximately 157 acres of agricultural fields to a new mixed use neighborhood that includes streets, homes, retail goods and services, offices, lawns, landscaping, parkland, trails, and stormwater ponding. Public streets will serve the development including the construction of a minor collector roadway, which will be known as 5<sup>th</sup> Street.

The City's approved Comprehensive Land Use Plan provides for an additional 6,600 Residential Equivalent Connections (RECs) of regional sewer service by 2030. The subject property is guided for a mix of Urban High Density, Urban Low Density, and Commercial. Development of the subject property will be consistent with the total level of density guided by the Land Use Plan.

Development of the property will occur in multiple phases with the first phase expected to begin in 2014. Full build-out is anticipated in 2020; however, construction timing will ultimately depend upon market conditions.

**Minnesota Rules Part 4410.1000 Subp 2. Mandatory EAW Categories.** An EAW shall be prepared for any project that meets or exceeds the thresholds of any of the EAW categories listed in part 4410.4300 or any of the EIS categories listed in part 4410.4400.

The proposed Inwood exceeds this mandatory EAW threshold and will include 275 single-family units, and 264 multi-family units.

### Site Description and Existing Conditions

The existing site conditions include the following Cover-types on the Property: Estimated Before and After Cover Types

Land Cover	Before (acres)	After (acres)
Wetlands	0.28	0.10
Deep water/streams	0.20	0.20
Wooded/forest	14.70	5.00
Brush/grassland	0.00	0.00
Cropland	142.80	0.00
Lawn/landscaping	0.00	52.00
Impervious surface	0.00	60.00

<b>Land Cover</b>	<b>Before (acres)</b>	<b>After (acres)</b>
Stormwater pond	0.00	7.70
Other	0.00	41.50
<b>Totals</b>	<b>157</b>	<b>157</b>

### **B. Changes in the Project Since the EAW was Published**

Since the EAW was published, the following project items have changed or been updated:

1. The number of single family homes was reduced from 278 to 275 units.
2. The number of multi-family housing units was reduced from 458 to 264 units.
3. The amount of commercial increased from 73,000 to 90,870 square feet.

The change in the above land uses is a result of the City's desire to see less multi-family housing and more commercial. Specially, the multi-family housing in the northwest corner of the property was replaced with 33,000 square feet of commercial.

While there is a slight increase in the amount of commercial space, the reduction of 197 residential units off sets the potential for any significant environmental effects.

### **III. RESPONSE TO COMMENTS:**

Minnesota Rules 4410.1600 states that the comments shall address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project. Comments that do not address these areas have been noted for the record, but are not necessarily addressed in the response. As part of the process in determining whether an EIS is needed, City of Lake Elmo must respond to all substantive comments received during the 30-day comment period (Minnesota Rules 4410.1700, Subp. 4 and 5).

The City received written comments from six governmental agencies. A copy of the comment letters is attached. No comments were received from the general public.

A response to the comments is provided below:

#### **A. Minnesota Historical Society**

The Historical Society found that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological property in the area that will be affected by this project. The RGU agrees with this finding.

#### **B. Metropolitan Council**

The Metropolitan Council found the EAW to be complete and accurate, and finds no need to prepare an EIS. The RGU concurs.

The Metropolitan Council found that the EAW will have a positive impact on Metro Transit ridership, and recommended pedestrian facilities and connections be incorporated in the project to connect the neighborhood to adjacent employment and mass transit. The RGU concurs with these comments and will make sure the proposed project includes the appropriate pedestrian connections.

#### **C. South Washington Watershed District (SWWD)**

The SWWD found that the project does not have the potential for significant unmitigated environmental impacts and that an EIS is not necessary. The RGU concurs with the Watershed's findings.

SWWD recommends a north/south trail connection through the project as part of the District's Greenway Plan. The InWood neighborhood will have a north south trail located within a linear public park.

Regarding wetlands, the Watershed notes that the wetland delineation has been approved, but that no impacts or replacement plan has been approved. Since the publication of the

EAW, the Project Proposer has amended the development plan to avoid the wetland impacts. Accordingly, no wetland impacts are proposed at this time.

The Watershed indicated that the project needs to comply with SWWD standards and that additional treatment and/or on-site storage capacity may be necessary to prevent downstream flooding. InWood is designed to comply with the SWWD rules. The Project Proposer will need to submit for permit approval through the SWWD.

#### **D. Minnesota Department of Transportation (MnDOT)**

##### *Traffic*

MnDOT's comments correctly reflect that the InWood development would not cause problems at the I-94/Inwood ramps. MnDOT's comments further suggest that a traffic impact study should be done to look at the cumulative impacts of development occurring in Woodbury, Oakdale, and Lake Elmo. While this additional regional study may be desirable, it is beyond the scope of this EAW. The InWood neighborhood is not connected to any of the projects proposed in Oakdale, Woodbury, or Lake Elmo.

Minnesota Administrative Rules 4410.0220, Subp. 9c. defines a connected action as, "Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the following ways:

- a. One project would directly induce the other;
- b. One project is a prerequisite for the other and the prerequisite project is not justified by itself; or
- c. Neither project is justified by itself."

InWood is not connected to any of the projects occurring elsewhere in Lake Elmo or in adjoining communities.

Development and redevelopment of surrounding parcels in adjacent communities may have cumulative impacts on local and regional transportation systems. These cumulative impacts have been thoughtfully contemplated and addressed in the City's Comprehensive Plan, including the Transportation element of the Plan. Moreover, the City's Transportation Plan was reviewed by the Metropolitan Council and was found to be consistent with regional plans.

Washington County, as a part of the Gateway Corridor Commission, is preparing a Draft Environmental Statement (DEIS) for a proposed transitway through the I-94 "Gateway Corridor" from St. Paul to the Oakdale/Lake Elmo Area, including a potential transit station on the north side of I-94. As stated by Washington County, this transitway and station will impact adjacent roadways. Lake Elmo, acting as the RGU for InWood, would recommend that Washington County work with MnDOT to look at the regional transportation issues impacting Oakdale and Woodbury as part of the DEIS for the Gateway Corridor.

*Water Resources*

MnDOT's comments note that the project site will ultimately drain through a culvert underneath I-94. MnDOT's policy is to not permit an increase in discharge through MnDOT's drainage system.

InWood is over 0.5 miles from the MnDOT culvert. The storm water and infiltration basins on the project site are designed so that there is no increase in the runoff rate from the site. In fact, there will be a substantial reduction of runoff rates from the preexisting conditions. Under a 2-year storm event, the runoff rate is reduced from 20.1 cfs to 3.3 cfs. The 10-year event is reduced from 75 cfs to 32 cfs, and under the 100-year storm event the rates are reduced from 255 cfs to 97 cfs.

**E. Washington County**

Washington County found that the InWood EAW is consistent with the City's Comprehensive Plan, and will assist the County in implementing portions of its Comprehensive Plan. Accordingly, Washington County found no need for an EIS.

*Permits*

The Project Proposer will need to obtain permits for work in the County's right-of-way.

*Water Resources*

The County does not allow an increase of storm water runoff into the County's drainage system. As proposed, the InWood Development would not increase the rate or volume of runoff into County road side ditches.

*Noise*

Washington County commented that adjacent roads may produce noise in excess of MnPCA noise standards. The County further states that they will not provide noise mitigation measures and that the Project Proposer should consider providing for noise mitigation on the property.

The proposed single family homes in InWood would be over 400 feet from CSAH 13/Inwood Avenue, and would be separated by both berms future commercial buildings. As such, no noise impacts are anticipated from CSAH 13.

The traffic on CSAH 10 (10<sup>th</sup> Street) is significantly less than CSAH 13. CSAH 10 is expected to have a daily traffic volume of 11,050 by the year 2030, which is less than one half the traffic proposed for CSAH 13<sup>th</sup>. While traffic noise from CSAH 10 is not expected to cause significant environmental impacts, the Project Proposer is proposing increased



setbacks and berming along CSAH 10. Single family homes would be approximately 140 feet from CSAH 10. An earthen berm that is 6-10 feet high will separate the homes from CSAH 10. Landscaping will be placed on top of the berm. With the increased setbacks, berm, and landscaping, no significant environmental impacts are anticipated as a result of noise.

#### *Transportation*

Washington County agrees with the findings of the Traffic Impact Study.

The RGU agrees with the comments provided by Washington County regarding transportation improvements. The InWood project as planned will incorporate the necessary improvements recommended by Washington County.

The RGU further agrees to work with Washington County and the City of Oakdale to prepare a Memorandum of Understanding (MOU) for access management along CSAH 13 and CSAH 10.

Washington County also recommended that the RGU consider the need for pedestrian and bicycle facilities to serve the neighborhood. A regional trail currently exist along CSAH 13. InWood will include trails and sidewalks to serve the need of residents of Lake Elmo. A major east/west trail will be constructed along 5<sup>th</sup> street. A north/south trail will be constructed through the neighborhood within a linear park system. Additional trails and sidewalks will provide connection within and through the neighborhood. See trail and sidewalk plan below.



**F. Minnesota Department of Natural Resources (DNR)**

*Permits*

The DNR correctly noted that they EAW stated in two locations that a Water Appropriation Permit is required, and requested that one of the citations be deleted as only one permit is necessary. The RGU agrees.

### *Surface Waters*

The DNR notes that the City's shoreland ordinance is not yet approved by the DNR and that the DNR will be responsible to approve the portions of the PUD within the shoreland district.

The DNR's PUD standards assume PUDs are being used to increase density. The InWood PUD does not request any increase in density above what is allowed under the City's Comprehensive Plan. Furthermore, none of the property within the InWood PUD falls within the Shoreland Tier Dimensions. Areas of the project that fall within the Shoreland District will need to comply with applicable Shoreland requirements.

### *Site Runoff*

The DNR has requested copies of the stormwater model and calculations. The project proposer has sent a copy to the DNR.

The DNR requested more detail on, "what considerations have been taken by the developer to include best management practices within the project design that increase infiltration and reduce the amount of rainfall this is converted to run off prior to reaching the storm water ponds."

InWood incorporates infiltration basins to reduce runoff entering the storm pond system. Most all of the residential streets incorporate rain gardens/infiltration basins to capture runoff from the streets, driveways, and front yard areas. The storm water and infiltration basins on the project site are designed to reduce the runoff rates from the preexisting conditions. Under a 2-year storm event, the runoff rate is reduced from 20.1 cfs to 3.3 cfs. The 10-year event is reduced from 75 cfs to 32 cfs, and under the 100-year storm event the rates are reduced from 255 cfs to 97 cfs.

### *Water Resources, Surface Water, and Other Surface Waters*

The DNR requested additional information on what specific measures will be taken to reduce direct runoff and impact into the unnamed public watercourse.

The project will not involve the physical or hydrologic alteration of the unnamed creek. Runoff from impervious surfaces will not go directly into the unnamed creek. All runoff is captured in storm water improvements or infiltration areas and directed to a storm water pond, prior to discharging into the unnamed creek.

The project incorporates both infiltration and storm water treatment ponds necessary to protect the unnamed creek. The construction of these improvements is subject to the review and approval of the applicable permitting authorities.

### *Rare Species*

At the time the EAW was prepared, the Project Proposer had not yet received a Natural Heritage letter from the DNR. After preparation of the EAW, a Natural Heritage review letter was received from the DNR and was also attached to the DNR's comment letter.

The DNR Natural Heritage review states that Blanding's turtles, a state-listed threatened species, have been reported from the vicinity of the proposed project, although no records or documented siting of the Blanding's turtles has been identified on the project site.

The project site does not contain suitable habitat for the Blanding's turtles for the following reasons:

1. Almost all of the upland acreage has been actively tilled and planted for crop production for many years.
2. Very little of the property has any type of natural vegetative cover that will be impacted as a result of development
3. If suitable habitat for the Blanding's turtles was present, it has been diminished or eliminated by ongoing agricultural use of the property.
4. The existing wetland basins are farmed wetlands with ephemeral hydrology that are currently planted with crops. The wetlands would typically lack inundation from July through March.
5. The wetland basins are poor habitat because they are surrounded with tilled uplands on the all sides, and heavily travelled roads directly to the north and west. There are no hydrological connections to nearby wetlands that are not interrupted by tilled fields or roads.
6. The unnamed creek in the southwest corner is generally dry, and any flows in the creek will be unaffected by the project allowing for continued wildlife movement.

#### *Minimization Measures*

The DNR recommends a number of measures to minimize adverse impacts to wildlife. These measures include:

1. Keeping ditches and ponds aware from busy roadways. *Response:* The location of ponds is dictated by the natural topography of the site, because ponds need to be located in the low areas in order to appropriately direct storm water runoff. As proposed, the large main pond is over 950 feet from Inwood, and the smaller southern pond is over 500 feet from Inwood. An infiltration basin is approximately 150 feet from Inwood Avenue.
2. Use of surmountable curbs. *Response:* The project makes use of surmountable curbs.
3. Wildlife-friendly erosion control products. *Response:* Erosion control measures will consist of erosion control fencing where necessary, as well as sedimentation logs which have been shown to be more wildlife friendly. Where netting is required, the Project Proposer will use a rectangular-shaped mesh. Most importantly, the Project Proposer will quickly establish vegetative cover after disturbance and remove the erosion control.

4. Recommending using native plants. *Response:* The individual lots within the neighborhood will be privately owned. While the homeowners association will maintain the yard areas, each individual homeowner will select landscaping for their yard. Native plants will be encouraged by the Project Proposer.

*Cumulative Potential Effects*

The DNR requested that the responses discuss the cumulative potential effect to Armstrong Lake and the unnamed public stream.

A small portion of the property lies within the shoreland overlay district of Armstrong Lake. None of the property drains toward Armstrong Lake. The InWood property is on the opposite side of a divided 4-lane highway from Armstrong Lake, and is separated by a commercial/office development. As such, any development on the subject property will not impact Armstrong Lake. The RGU is not aware of any other projects near Armstrong Lake that would have cumulative potential effects.

The unnamed creek has been ditched and impacted by past agricultural use of the property, as well as chloride from the adjacent County Highway that drains into this stream. As is the case with Armstrong Lake, the RGU is not aware of any additional projects in the vicinity that would drain or otherwise impact the unnamed creek. As such, no cumulative potential effects are anticipated.

#### **IV. FINDINGS OF FACT**

1. On August 12, 2014, the project proposers presented a Concept Plan to the City of Lake Elmo for the Inwood mixed use development.
2. The City of Lake Elmo City Council authorized the EAW submittal to the Environmental Quality Board (EQB) on August 19, 2014.
3. On September 29, 2014 the City of Lake Elmo published the EAW in the EQB Monitor.
4. The EAW is incorporated by reference in the Record of Decision.
5. As indicated in the EAW, the proposed InWood development is proposed on approximately 157 acres of primarily agricultural land in the southwestern portion of Lake Elmo. The project is proposing 275 single-family lots, 264 multi-family units, and 90,870 square feet of commercial space in Washington County, City of Lake Elmo, Minnesota.
6. The EAW was filed with the EQB and notice for its availability for public review and comment was published in the EQB monitor on September 29, 2013. A copy of the EAW was sent to all persons on the EQB Distribution list and to persons who requested a copy. The EAW was also made available at Lake Elmo City Hall and on the City of Lake Elmo's website.
7. The 30-day public review and comment period for the EAW began on September 30, 2014, and ended on October 29, 2014.
8. During the 30-day review and comment period, the City of Lake Elmo received 6 written comments on the EAW. Comments were received from: Minnesota Historical Society, Metropolitan Council, South Washington Watershed District, Minnesota Department of Transportation, Washington County, and the Minnesota Department of Natural Resources.

## **V. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT**

### **Criteria for Determining Whether the Project has the Potential for Significant Environmental Effects**

Minnesota Rules 4410.1700 Subp. 1 states “An EIS shall be ordered for projects that have the potential for significant environmental effects”. In deciding whether a project has the potential for significant environmental effects, Minnesota Rules 4410.1700 Subp. 7 indicates that the City of Lake Elmo must consider the following factors:

Criteria A: The type, extent, and reversibility of environmental effects;

Criteria B: The cumulative potential effects of related or anticipated future projects;

Criteria C: The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and,

Criteria D: The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EIS's.

### **A. Type and Extent of Impacts**

The City of Lake Elmo finds that the EAW is adequate to determine whether the project has the potential for significant environmental effects. The EAW described the type and extent of impacts anticipated from the proposed project. This report provides clarifications and additional information since the EAW was published. The EAW and this report also identify mitigative measures that will be incorporated into the final design of the project, or will be coordinated with local and state agencies during the permitting process.

### **B. Cumulative Potential Effects of Related or Anticipated Future Projects**

The RGU is not aware for any related or future projects that would have the potential for cumulative impacts. Existing and planned projects are and will be consistent with the City of Lake Elmo's Comprehensive Plan. These projects, whether public or private, are subject to permitting in accordance with local, state, and federal requirements, including wetland mitigation and stormwater management requirements. As discussed in the EAW, the cumulative potential effect of related or anticipated future development has been considered and the proposed project has low potential for cumulative impacts to the resources directly or indirectly affected by the project.

### **C. Extent to Which the Environmental Effects are Subject to Mitigation by**

## Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Permits and approvals that have been obtained or may be required prior to project construction include those listed in the EAW.

### Permits and Approvals Required

Unit of Government	Type of Application	Status
City of Lake Elmo	Concept Plan Approval	Completed
City of Lake Elmo	Preliminary Plat Approval	To be applied for
City of Lake Elmo	Final Plat Approval	To be applied for
City of Lake Elmo	EAW Negative Declaration	To be applied for
City of Lake Elmo	Grading Permit	To be applied for
City of Lake Elmo	Building Permit	To be applied for
City of Lake Elmo	Municipal Water Connection Permit	To be applied for
City of Lake Elmo	Sanitary Sewer Connection Permit	To be applied for
City of Lake Elmo	Rezoning	To be applied for (if needed)
City of Lake Elmo	Wetland Delineation Confirmation	Applied for
City of Lake Elmo	Wetland Conservation Act No-Loss Determination	Applied for
Washington County	Right-of-Way Permit	To be applied for
Washington County	Access Permit	To be applied for
Washington County	Obstruction Permit	To be applied for (if needed)
Washington County	Transportation Permit	To be applied for (if needed)
Metropolitan Council	Sanitary Sewer Connection Permit	To be applied for
Minnesota Department of Health	Water Main Extension Approval	To be applied for
Minnesota DNR Division of Waters	Water Appropriation Permit	To be applied for (if needed)
Minnesota Pollution Control Agency	NPDES / SDS	To be applied for
Minnesota Pollution Control Agency	Sanitary Sewer Extension Approval	To be applied for
U. S. Army Corps of Engineers	Section 404/Letter of No Jurisdiction	Applied for
MN DNR Division of Waters	Water Appropriation Permit(s)	To be applied for if needed
MN Pollution Control Agency	NPDES/SDS General Permit	Covered under general permit; submit NOI prior to construction.



Note: All required permits and approvals will be obtained. Any necessary permits or approvals that are not listed in the table above were not intentionally omitted.

The potential environmental effects associated with this project are not significant and will be mitigated in compliance with applicable rules, regulations, and permit requirements. The City of Lake Elmo therefore finds that the potential environmental effects of the project are “subject to mitigation by ongoing public regulatory authority” (Minnesota Rules 4410.1700 Subp. 7.D.).

**D. Extent to Which Environmental Effects Can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer, Including Other Environmental Impact Statements.**

The final factor the City must consider is the “extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of EIS’s previously prepared on similar projects” (Minnesota Rules 4410.1700 Subp. 7 (D)). The City’s findings are set forth below.

The proposed project is reasonably similar to other residential development projects located in City of Lake Elmo and in surrounding communities. Other projects of similar scope, accompanied by similar land use, natural resources, surface water, traffic studies, and associated mitigation, have, in general, successfully mitigated potential environmental impacts.

The EAW, in conjunction with this document, contains or references the known studies that provide information or guidance regarding environmental effects that can be anticipated and controlled. No EIS that addresses a similarly sized project is known to be available in City of Lake Elmo or the surrounding area.

In light of the results of environmental review and permitting processes for similar projects, City of Lake Elmo finds that the environmental effects of the project can be adequately anticipated and controlled. Based on the original EAW, comments received from agencies and individuals, the responses to comments, and the criteria above, City of Lake Elmo finds that the Savona Project does not have the potential for significant environmental effects and does not require the preparation of an EIS.

### RECORD OF DECISION

Based on the EAW, the Response to Comments, and the Findings of Fact, City of Lake Elmo as the RGU for this environmental review, concludes the following:

The EAW was prepared, published, and distributed in compliance with Minnesota Statutes, Chapter 116D, to implement the environmental review procedures established by the Minnesota Environmental Policy Act and Minnesota Rules Parts 4410.1000 to 4410.1700 (1997).

The EAW, combined with the supplemental information contained in the Response to Comments and Findings of Fact, satisfactorily addressed and responded to all of the issues raised and comments received for which existing information could have been reasonably obtained, and further investigation is therefore not required.

Based on the criteria established in Minnesota Rules Part 4410.1700, the project does not have the potential for significant environmental effects.

An EIS is not required for the InWood Project.

The City of Lake Elmo Council adopts a "Negative Declaration".

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

**Resolution No. 2014-93**

**A RESOLUTION APPROVING THE INWOOD PROJECT ENVIRONMENTAL  
ASSESSMENT WORKSHEET (EAW) AND FINDING NO NEED FOR AN  
ENVIRONMENTAL IMPACT STATEMENT (EIS)**

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, under Minnesota Rules Part 4410.1100 Subp 6. (EAW Decision) the City of Lake Elmo ordered the preparation of an EAW for the InWood PUD Mixed-Use Development Project.

**WHEREAS**, on August 19, 2014, an EAW was completed for the InWood Project, which will be located on approximately 157 acres of primarily agricultural land in the southwestern portion of Lake Elmo. The project is proposing 275 single-family lots, 264 multi-family units, and 90,870 square feet of commercial space; and

**WHEREAS**, beginning on September 8, 2014, copies of the EAW were distributed to all persons and agencies on the official Environmental Quality Board (EQB) mailing list and other interested parties; and

**WHEREAS**, on September 29, 2014, the EAW was publicly noticed in the EQB Monitor, commencing the 30-day public comment period; and

**WHEREAS**, the 30-day comment period ended on October 29, 2014 at 4:30 p.m., and

**WHEREAS**, the City of Lake Elmo accepted and responded to all written comments received.

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

**FINDINGS**

- 1) The EAW was prepared, published, and distributed in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700 (1997).

- 2) The EAW, combined with the supplemental information contained in the Response to Comments, satisfactorily addressed all the issues raised and comments received for which existing information could have been reasonably obtained, and further investigation is therefore not required.
- 3) Based on the criteria established in Minnesota Rules Part 4410.1700, the project does not have the potential for significant environmental effects.
- 4) City of Lake Elmo makes a "Negative Declaration" on the need for an EIS.
- 5) The City of Lake Elmo City Council adopts a "Negative Declaration".
- 6) An EIS is not required, and
- 7) The City of Lake Elmo shall maintain a Record of Decision, including the Response to Comments on the EAW, and will notify in writing, within five days, all persons on the EAW distribution list, all persons who commented in writing during the 30-day comment period, and any other person upon written request. City of Lake Elmo will also send notice of this decision to the project proposer and the EQB.

Passed and duly adopted on this 2<sup>nd</sup> day of December, 2013 by the City Council of the City of Lake Elmo, Minnesota.

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

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.

**Comment**

**Letters**

**Received**



Minnesota  
Historical Society

Using the Power of History to Transform Lives  
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STATE HISTORIC PRESERVATION OFFICE

October 8, 2014

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

RE: EAW – InWood - Lake Elmo  
Lake Elmo, Washington County  
SHPO Number: 2014-3024

Dear Mr. Klatt:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Based on our review of the project information, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, Procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal permit or license, it should be submitted to our office by the responsible federal agency.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in black ink that reads "Sarah J. Beimers".

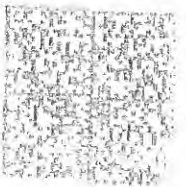
Sarah J. Beimers, Manager  
Government Programs and Compliance



Minnesota  
Historical Society

Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102

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



Using the Power of History to Transform Lives  
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8504288999



October 29, 2014

Kyle Klatt, Planning Director  
City of Lake Elmo  
3800 Laverne Avenue N  
Lake Elmo, MN 55042

**RE: City of Lake Elmo Environmental Assessment Worksheet (EAW) – InWood**  
Metropolitan Council Review File No. 21284-1  
Metropolitan Council District 12

Dear Mr. Klatt:

The Metropolitan Council received an EAW for the proposed InWood development on September 18, 2014. The InWood project is a proposed 157-acre development that will include 278 single family homes, 458 multi-family homes, and approximately 73,000 square feet of office and retail uses. The proposed project is located in the southeast quadrant of 10<sup>th</sup> Street North and Inwood Avenue North.

The staff review finds the EAW is complete and accurate with respect to regional concerns and raises no major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

Staff offer the following advisory comments for your consideration.

**Transit and Station Area Planning**

Metro Transit Route 375 offers the nearest transit service ½ mile from the proposed single and multi-family development. Route 375 provides peak-only express service between the Guardian Angels Park & Ride and downtown Minneapolis. The proposed development will likely have a positive impact on ridership given the current transit investment in this area and the proposed number of multi-family units near the current park-and-ride.

The EAW also notes that the multi-family units of the development will be located along the southern edge of the property, which is adjacent to the existing office park. In addition, the proposed commercial land uses are on the west side of the property adjacent to Inwood Avenue. These concentrations of the development are closest to the proposed Inwood Avenue Station of the Gateway Corridor, albeit on the outer edges of the proposed station area. Based on the materials in the EAW, it appears that high density portions in the south have roughly a gross density of 15 units per acre.

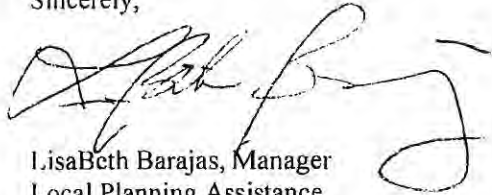
It is unclear in the EAW materials whether the development proposes any connections to the existing sidewalk facilities on the west side of Inwood Avenue. As discussed in the Council's Draft Transportation Policy Plan, pedestrian orientation and connections are vital to the success of a transit station. We recommend that the City and the developer consider the future pedestrian environment in this area given the proximity to the proposed station to the southwest, since the traditional land uses in this area have not been conducive to pedestrian activity. Pedestrian facilities and connections should be considered both within the development site itself, and at the 9th Street/Inwood Avenue, 5th Street/Inwood Avenue and, possibly, the Eagle Point Blvd/Inwood Avenue intersections.



Kyle Klatt, Planning Director  
October 29, 2014  
Page 2

This concludes the Council's review of the EAW. The Council will take no formal action on the EAW. If you have any questions or need further information, please do not hesitate to contact me at 651-602-1895.

Sincerely,



LisaBeth Barajas, Manager  
Local Planning Assistance

CC: Crystal Shepcke, MHFA  
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Harry Melander, Metropolitan Council District 12  
Raya Esmaeili, Reviews Coordinator



October 27, 2014

via email

Mr. Kyle Klatt  
City of Lake Elmo  
3800 Laverne Ave North  
Lake Elmo, MN 55042

**RE: InWood-Hans Hagen Homes EAW**

Dear Mr. Klatt:

SWWD has reviewed the InWood EAW published September 29, 2014. We believe that the project does not have the potential for significant unmitigated environmental impact and that an EIS is not necessary. We do however, offer the following comments for clarification:

**Land Use:** SWWDs Greenway Plan identifies the subject parcel as a key link in the SWWD greenway connecting Lake Elmo Regional Park to Cottage Grove Ravine Regional Park. We strongly encourage the City and developer to incorporate a North/South greenway and trail corridor through the proposed development.

**Water Resources:** The EAW indicates wetland impacts. SWWD is the WCA LGU for wetlands on site. To date, only a wetland boundary decision has been approved by SWWD. No wetland impacts or replacement plan have been approved by SWWD.

**Stormwater:** SWWD standards require the developer to maintain existing runoff rates for the 2, 10, and 100 year Atlas 14 events. And, while SWWD does not prohibit increases in runoff volume, we will review the project for potential downstream impacts at its I94 and Wilmes Lake regional assessment locations. SWWD may require additional treatment and/or on-site storage capacity to prevent downstream flooding.

**Cumulative Effects:** The proposed development is tributary to SWWDs northern watershed (NWS). Along with ongoing and planned development throughout the NWS, the proposed InWood development will result in increases in stormwater runoff beyond the capacity of existing regional storage. Because the NWS does not currently have a controlled overflow, that increase in runoff results in risk of residential flooding in the City of Cottage Grove. SWWD is currently in the process of constructing an overflow for the NWS. To ensure that the overflow system functions as designed, SWWD will enforce strict compliance with its stormwater management development standards.

If you have questions or need additional information, please contact me at 651-714-3714 or [jloomis@ci.woodbury.mn.us](mailto:jloomis@ci.woodbury.mn.us).

Sincerely,  
South Washington Watershed District

A handwritten signature in black ink, appearing to read 'John Loomis', with a long horizontal flourish extending to the right.

John Loomis  
Water Resource Program Manager



## Minnesota Department of Transportation

Metropolitan District

Waters Edge Building

1500 County Road B2 West

Roseville, MN 55113

OCT 14 2014

October 9, 2014

Kyle Klatt

Planning Director, City of Lake Elmo

3800 Laverne Avenue N.

Lake Elmo, MN 55042

[kklatt@lakcelmo.org](mailto:kklatt@lakcelmo.org)

SUBJECT: InWood EAW14-010  
North of I-94, East of Inwood Ave. N.  
Lake Elmo, Washington County  
Control Section 8282

Dear Mr. Klatt:

Thank you for the opportunity to review the InWood EAW. MnDOT has reviewed the EAW and has the following comments:

### ***Traffic***

The Traffic Impact Study (TIS) that was conducted suggests no problems at our ramps in 2019. MnDOT Metro Traffic strongly recommends looking at a 20 year forecast when evaluating future impacts. There is significant development potential for Lake Elmo/ Woodbury/ Oakdale in the area around the I-94 ramps at Radio/ Inwood and the I-694 ramps at 10<sup>th</sup> St N. All of the future development has the potential to adversely affect freeway ramps operations when taken as a whole. We recommend including these impacts in a TIS and identifying potential mitigation.

The recommendation of new signals for the development will create/ add to existing signal corridors. It is suggested that discussions take place between Washington County and MnDOT to develop a plan regarding coordinating these corridors (both Radio/ Inwood and 10<sup>th</sup> St N). For questions concerning these comments, please contact Kaare Festvog (651-234-7814) in MnDOT Metro District's Traffic Engineering Section.

### ***Water Resources***

There is significant future development planned for this area. Currently, MnDOT is also reviewing a drainage permit for Boulder Ponds housing development, which is located just southeast of the project. Both projects ultimately discharge to the same MnDOT 72" storm sewer pipe that crosses underneath Trunk Highway I-94. MnDOT's policy is that the offsite runoff coming to MnDOT drainage system and/or right-of-way will not increase as a result of the proposed project. This is quantified as a "no increase in discharge" criteria for the 2-year, 10-year and 100-year storm events. A MnDOT drainage permit will be required. Please see attached drainage permit review checklist for required submittal information with the application. In addition, the submitted information must include consideration of the project impact to flood levels within the TH94 right of way. Depending on the proposed outlet situation, increased runoff

volume has the potential to adversely affect flood levels at TH94. For this reason, additional information and modeling might be requested to show that the impact to 100 year flood levels within MnDOT right of way is minimal.

The permittee must also meet the requirements of South Washington Watershed District rules.

If you have any questions regarding these comments please direct them to Jodi Hreha at 651-234-7533 or [jodi.hreha@state.mn.us](mailto:jodi.hreha@state.mn.us).

***Review Submittal Options:***

MnDOT's goal is to complete the review of plans within 30 days. Submittals sent electronically can usually be turned around faster. There are four submittal options:

1. One (1) electronic pdf version of the plans. MnDOT accept plans at [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) provided that each e-mail is less than 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Send plans to:

MnDOT – Metro District Planning Section  
Development Reviews Coordinator  
1500 West County Road B-2  
Roseville, MN 55113

3. One (1) compact disk.
4. Plans can also be submitted to MnDOT's External FTP Site at:  
<ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning>. Internet Explorer may not work using FTP so use an FTP Client or your Windows Explorer (My Computer). Notify [metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us) indicating the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at 651-234-7784.

Sincerely,



Karen Scheffing  
MnDOT Principal Planner

**Copy sent via E-Mail:**

Buck Craig, Permits  
Nancy Jacobson, Design  
Bryce Fossand, Water Resources  
Tiffany Kautz, Right-of-Way  
Ryan Coddington, Area Engineer  
Karre Festvog, Traffic  
Russ Owens, Metropolitan Council



Minnesota Department of Transportation  
 Metropolitan District Waters Edge  
 1500 West County Road B-2  
 Roseville, MN 55113-3174

*Kyle Klatt  
 Planning Director City of Lake Shore  
 3800 LaVerne Ave North  
 Lake Shore MN 55402*

9504238839

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**Public Works Department**

Donald J. Theisen, P.E.  
Director

Wayne H. Sandberg, P.E.  
Deputy Director/County Engineer

---

October 28, 2014

Kyle Klatt  
Community Development Director  
City of Lake Elmo  
3600 Laverne Avenue North  
Lake Elmo, Mn 55042

**Re: Washington County Comments on Environmental Assessment Worksheet (EAW) for the Inwood Development Project in the City of Lake Elmo**

Dear Mr. Klatt,

Thank you for the opportunity for Washington County to submit comments on the City of Lake Elmo's Environmental Assessment Worksheet (EAW) for Inwood in Section 33, City of Lake Elmo, dated September 5, 2014. The Inwood Project, located north of Interstate 94 at CSAH 13/Inwood Avenue and 10<sup>th</sup> Street/CSAH 10, includes 278 single family lots, 458 multi-family uses including 176 rental townhomes, 120 senior housing units, 150 multifamily units and 12 townhomes. The commercial land uses will consist of approximately 73,000 square feet of office and retail uses.

Washington County supports the City of Lake Elmo efforts to allow for the expansion of urban services (MUSA) for development of a variety of single family and multifamily residential developments as well as commercial and office uses on the site.

The county has prepared the following comments in the context of the Washington County, the Washington County Comprehensive Plan 2030 and the Public Works Department transportation responsibilities to ensure the health, safety and welfare of county residents, ensure environmental compliance, and minimize environmental impacts:

**Section 8. Permits and approvals required**

Any work in the county right-of way as it relates to the development including grading for the installation of culverts, installation of water and sewer services, turn lane modifications, road improvements, trails, Americans with Disability Act ramp improvements will require a right-of-way permit.

The county agrees that an access permit will be required for access to the site at the proposed locations since this is a change and intensification of land uses on the site.

## **Section 9. Land Use**

From a land use perspective, intensifying the uses at this site is appropriate to complement the office, commercial and residential development along CSAH 13/Inwood Avenue south of the project and to the west in the City of Oakdale. It is also located near other campus office uses in this area of Lake Elmo adjacent communities and the East Metro Area.

The development implements the land use goals of the Washington County Comprehensive Plan 2030, Land Use Goal to design the land use plan to support economic development by the following policies:

- *Locate commercial and industrial growth where urban services are available; continue to prohibit commercial and industrial land use in unsewered areas.*
- *Promote commercial and industrial development in planned clusters such as business parks and mixed-use developments.*
- *Support land use patterns that efficiently connect housing, jobs, transportation, transit, and retail and commercial centers.*

The development also implements the transportation goals of the Washington County Comprehensive Plan 2030, to develop and maintain a roadway system that accommodates the safe and efficient movement of people and goods. Strategies in the plan include the following:

- *Increased Jobs and Housing Concentrations:*
  - *Transportation investments and land development along major transportation corridors will be coordinated to intensify job centers, increase transportation links between job centers and medium-to-high density residential developments, and improve the jobs/housing connections with policies that include:*
  - *Plan for, design, and construct roadways to accommodate existing and future traffic growth.*
  - *Use effective transportation planning to accommodate existing and planned land uses, while preserving natural, cultural, and historic resources.*
  - *Develop a collaborative process with local municipalities to identify fiscally responsible system improvements that are consistent with county priorities and meet the needs of municipalities.*
  - *Coordinate with other agencies to promote a well balanced transportation system.*
  - *Coordinate with communities and provide feedback on development and redevelopment proposals.*



### **Section 11. Water Resources**

Although the county has not reviewed a stormwater plan to date, the developer, city or watershed district must submit the drainage report and calculations for review of any downstream impacts to the county drainage system. Along with the drainage calculations, written conclusions that the volume and rate of stormwater run-off into any county right-of way will not increase as part of the project.

### **Section 17. Noise**

Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds.

County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

### **Section 18. Transportation**

The County agrees with the purpose of the study to determine if improvements are needed to nearby intersections that may be impacted by traffic from the built out development. The objectives of the study included the following:

- Document how the study intersections currently operate.
- Forecast the amount of traffic expected to be generated by the proposed development.
- Determine how the study intersections will operate in the year 2019 with no development traffic.
- Determine how the study intersections will operate in the year 2019 with development traffic.
- Determine how the surrounding roadways will operate in the year 2030 with development traffic added.
- Recommend improvements, if needed.

October 28, 2014

Washington County Comments on EAW for Inwood PUD

Kyle Klatt, Planning Director

There is also agreement with the study intersections surrounding the site which included the following:

- CSAH 13 & I-94 Southern Ramp
- CSAH 13 & I-94 Northern Ramp
- CSAH 13 & Hudson Boulevard
- CSAH 13 & Eagle Point Road
- CSAH 13 & 5th Street Access Road
- CSAH 13 & 9th Street
- CSAH 13 & CSAH 10
- CSAH 10 & Western Site Access Road
- CSAH 10 & Eastern Site Access Road
- Eagle Point Road & Site Access Road

As documented in the TIS report dated July 8, 2014, the county agrees with the following conclusions in regard to the proposed Inwood Development with the introduction of new commercial, office and residential uses.

The traffic impacts of the proposed development on the study intersections were analyzed in the 2019 build-out conditions. The County is in agreement with principal findings which are:

- All study intersections will operate acceptably through the 2019 build-out condition except the CSAH 13/Eagle Point Boulevard and CSAH 13/5th Street intersections.
- The CSAH 13/5th Street intersection will likely need a signal before the development is fully built and occupied and should be monitored as construction occurs to determine when a signal should be installed.
- The CSAH 13/5th Street intersection should be built with an exclusive southbound left turn lane, a northbound right turn lane, a westbound left turn lane and a westbound right turn lane.
- The traffic signal at the CSAH 13/5th Street intersection as well as alternate routes should allow the CSAH 13/Eagle Point Boulevard intersection to operate acceptably. The County will monitor the intersection, however, in case the traffic balancing does not occur and a traffic signal is needed at the intersection, the intersection will be placed on the County's Intersection Control Ranking System priority list to be funded through the County Capital Improvement Planning process. Any improvements to this intersection will be completed under the County's Cost Participation Policy.
- The site access at CSAH 13/9th Street should be constructed such that vehicles exiting the site can only make right turns.
- The site access at CSAH 10/Western Site Access should be built as a  $\frac{3}{4}$  intersection with vehicles exiting the development only able to make right turns.

- The Eastern Site Access on CSAH 10 can be built as a full movement intersection.

Washington County in coordination with the City of Lake Elmo and the City of Oakdale will prepare a Memorandum of Understanding (MOU) for access management along CSAH 13 (Inwood Avenue) and CSAH 10 (10<sup>th</sup> Street) to provide direction on future access to this development project as well as other developments in the area.

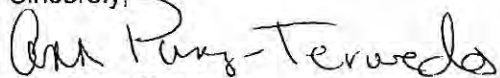
Washington County, as a part of the Gateway Corridor Commission, is preparing a Draft Environmental Statement (DEIS) for a proposed transitway through the I-94 "Gateway Corridor" from St Paul to the Oakdale/ Lake Elmo area. One of the potential transit stations would be south of the project area near County Road 13 on the north side of I-94. The ability of the transit alternative to mitigate any of the project impacts to adjacent roadways will be dependent on a number of factors that have yet to be determined including the distance of the project area from the station location chosen, the level of bicycle, pedestrian and feeder bus connections linking the station to the project area the presence of transit supportive uses within the project area.

There should be additional detail provided on the mitigation measures identified on the effect of the proposed development on the need for pedestrian and bicycle facilities. CSAH 10 (10<sup>th</sup> Street) is identified as a Planned County Trail in the Washington County Comprehensive Plan 2040, Planned Trail System.

If the comments in this letter are addressed in the EAW, the county does not feel the need for the preparation of an Environmental Impact Statement for the planned project; however, future studies, environmental documentation, and mitigation measures will need to be addressed as development occurs in the area.

If you have any questions or comments to the responses on the Inwood EAW, please contact me at [Ann.pung-terwedo@co.washington.mn.us](mailto:Ann.pung-terwedo@co.washington.mn.us).

Sincerely,



Ann Pung-Terwedo  
Senior Planner

- c. Wayne Sandberg, County Engineer  
Jan Lucke, Transit and Planning Manager

# Minnesota Department of Natural Resources

Division of Ecological and Water Resources  
1200 Warner Road  
Saint Paul, MN 55106-6793



October 27, 2014

Transmitted via Electronic Mail

Mr. Kyle Klatt, Planning Director  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Mr. Klatt,

The Minnesota Department of Natural Resources (DNR) has reviewed the EAW for Inwood-Lake Elmo, and offers the following comments for your review.

Item 8. Permits and approvals required:

This table lists DNR Water Appropriation Permit two times. Please remove the second entry or replace Water Appropriation Permit with Public Waters Permit under one of the entries. There are two categories of DNR public waters permits that could be applied for if needed.

Item 11.i. Water resources. Description of Surface water:

Because the City of Lake Elmo's shoreland ordinance is not approved by DNR at this time and the City does not include all of the state's PUD standards in its shoreland PUD provision, (for example, tiers for weighting density are not included), DNR will be required to approve PUDs that are within the City's shoreland district until the City's shoreland ordinance is approved by DNR.

Item 11.ii. Water resources. Stormwater. Post-development Site Runoff:

- Has a stormwater model or stormwater calculations for the site post-construction been completed? If so, please include results in the narrative to provide justification for the statement that only extreme conditions such as those occurring in connection with 50- or 100-year storm events will result in measurable increases in runoff volume and associated pollutant transport. The 2-, 5-, and 10-year storm events are more frequent and are also impacted by increases in impervious surface.
- Please discuss in more specific detail what considerations have been taken by the developer to include best management practices within the project design (post-construction) that increase infiltration and reduce the amount of rainfall that is converted to runoff prior to it reaching the stormwater ponds included in the project area.

[mndnr.gov](http://mndnr.gov)  
An Equal Opportunity Employer

- Please quantify how much the open space areas will reduce runoff.

Item 11.iv. Water resources. Surface waters. a. Wetlands and b. Other surface waters:

- Please further describe what specific measures will be taken to reduce direct runoff into the unnamed public watercourse (07010205-745).
- List specific project design elements that have been added to the project to reduce impacts to the unnamed stream.

Item 13. Fish, wildlife, plant communities, and rare features:

This section of the EAW does not sufficiently discuss the treatment of wildlife and rare species resources impacted by this project.

b. Rare species:

The Natural Heritage Information Survey (NHIS) response letter is attached to these comments. As stated in the letter, the Blanding's turtle (*Emydoidea blandingii*), a state-listed threatened species, has been documented in the vicinity of the proposed project. The EAW should discuss potential impacts to this rare turtle and identify any measures (e.g., fact sheet recommendations) that will be implemented to avoid or minimize disturbance.

d. Minimization measures:

This project site is located less than one mile from Lake Elmo Regional Park Reserve, a 2100 acre area that provides varied habitats for multiple animal species. We recommend the following activities to minimize adverse impacts to wildlife associated with the periphery of this large landscape feature:

- Avoid creating wetlands, ditches, and water retention ponds near busy roadways. These aquatic habitats may attract wildlife, but then act as a population sink by increasing mortality rates as a result of more frequent road crossings. This is especially important in areas where Blanding's Turtles may occur.
- We recommend the use of surmountable curbs, and wildlife-friendly stormwater drains.
- We recommend the use of wildlife-friendly erosion control products. Traditional erosion control mesh is known to cause injury and may be fatal to wildlife, particularly reptiles and amphibians. Please see attached factsheet.
- We recommend the use of native plants in green space development; native wildlife is best adapted to native plants. Native flowering plants and grasses serve the additional function of providing food and habitat for butterflies and other native pollinators.

Item 19. Cumulative potential effects:

- Please discuss cumulative potential effects to both Armstrong Lake and the unnamed public stream.
- Is the concept plan included with the EAW the most current concept plan? If not, please include the most recent concept plan.

We appreciate the opportunity to review this document. If you have any questions regarding these comments, please feel free to contact me.

Sincerely,

*Brooke Haworth*

Brooke Haworth  
Environmental Assessment Ecologist, Central Region  
MnDNR Division of Ecological and Water Resources  
1200 Warner Road, St. Paul, MN 55106  
Phone: 651-259-5755  
Email: [Brooke.haworth@state.mn.us](mailto:Brooke.haworth@state.mn.us)

ERDB 20150027

Attachments: NHIS review; Blanding's Turtle Factsheet; Wildlife-friendly Erosion Control



## Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: [lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)

August 29, 2014

Correspondence # ERDB 20150027

Mr. John Rask  
Hans Hagen Homes  
941 NE Hillwind Road, Suite 300  
Fridley, MN 55432

RE: Natural Heritage Review of the proposed Inwood Creek Mixed-Use Development,  
T29N R21W Section 33, Washington County

Dear Mr. Rask,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following **rare features may be adversely affected** by the proposed project:

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project. Although we have no records from directly within the project site, turtles may use the site if it contains suitable habitat. Blanding's turtles use upland areas up to and over a mile distant from wetlands, as well as wetlands. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Because of the tendency to travel long distances over land, Blanding's turtles regularly travel across roads and are therefore susceptible to collisions with vehicles. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels. Other factors believed to contribute to the decline of this species include wetland drainage and degradation, and the development of upland habitat.

For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** There are specific recommendations regarding roads, utilities, landscaping, and sediment and erosion control (see enclosed fact sheet regarding plastic mesh netting) that may pertain to this project. If greater protection for turtles is desired, the second list of additional recommendations can also be implemented.

The attached flyer should be given to all contractors working in the area. If Blanding's turtles are encountered on site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm's way, otherwise they should be left undisturbed.

- The Environmental Assessment Worksheet should clearly discuss potential impacts to Blanding's turtles and identify any measures (e.g., fact sheet recommendations) that will be implemented to avoid, minimize, or mitigate disturbance.
- Please include a copy of this letter in any DNR license or permit application.

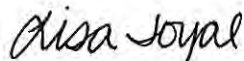
The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. **If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.**

For environmental review purposes, this Natural Heritage Review is valid for one year; it is only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. To determine whether there are other natural resource concerns associated with the proposed project, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at [http://www.dnr.state.mn.us/eco/ereview/erp\\_regioncontacts.html](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal  
Endangered Species Review Coordinator

enc. Blanding's Turtle Fact Sheet and Flyer  
Wildlife Friendly Erosion Control

cc: Brooke Haworth  
Erica Hoaglund



# CAUTION



## BLANDING'S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-280-5070); or St. Paul (651-259-5764).

**DESCRIPTION:** The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS  
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

## Environmental Review Fact Sheet Series

### Endangered, Threatened, and Special Concern Species of Minnesota

## Blanding's Turtle (*Emydoidea blandingii*)

Minnesota Status: Threatened  
Federal Status: none

State Rank<sup>1</sup>: S2  
Global Rank<sup>1</sup>: G4

### HABITAT USE

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

### LIFE HISTORY

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding's turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

### IMPACTS / THREATS / CAUSES OF DECLINE

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade\* and road kills during seasonal movements
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

\*It is illegal to possess this threatened species.

## RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	List 2. <i>Additional</i> recommendations for areas known to be of state-wide importance to Blanding's turtles.
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is <i>critical</i> that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1 <sup>st</sup> and before June 1 <sup>st</sup> ).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

**Protecting Blanding's Turtle Nests:** Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is *very important* that the fencing be **removed before August 1<sup>st</sup>** so the young turtles can escape from the nest when they hatch!

## REFERENCES

- <sup>1</sup>Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). <http://www.natureserve.org/ranking.htm> (15 April 2001).
- Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

**REFERENCES (cont.)**

- Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.
- Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.
- Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding' s turtle in central Minnesota. *Chelonian Conservation and Biology* 3(4):626-636.

## Wildlife-friendly Erosion Control

Wildlife entanglement in, and death from, plastic netting and other man-made plastic materials has been documented in birds (Johnson, 1990; Fuller-Perrine and Tobin, 1993), fish (Johnson, 1990), mammals (Derraik, 2002), and reptiles (Barton and Kinkead, 2005; Kapfer and Paloski, 2011). Unfortunately, the use of these materials for erosion control continues in many cases, often without consideration for wildlife impact. This plastic netting is frequently used for erosion control during construction and landscape projects and can negatively impact terrestrial and aquatic wildlife populations as well as snag in maintenance machinery, resulting in costly repairs and delays. However, erosion-control materials that are wildlife friendly do exist and are sold by several large companies. Below are a few key considerations before starting a project.

### Know Your Options

- Remember to consult with local natural resource agencies (DNR, USFWS, etc.) before starting a project. They can help you identify sensitive areas and rare species.
- When erosion control is necessary, select products with biodegradable netting (natural fiber, biodegradable polyesters, etc.).
- DO NOT use products that require UV-light to biodegrade (also called “photodegradable”) as they do not biodegrade properly when shaded by vegetation.
- Use netting with rectangular-shaped mesh (not square mesh).
- Use netting with flexible (non-welded) mesh.



Woven 100% natural fiber erosion-control materials being utilized along a central Minnesota stream. ©MN DNR, Nick Proulx

### Know the Landscape

- It is especially important to use wildlife-friendly erosion control around:
  - Areas with threatened or endangered species.
  - Wetlands, rivers, lakes, and other watercourses.
  - Habitat-transition zones (prairie – woodland edges, rocky outcrop – woodland edges, steep rocky slopes, etc.).
- Use erosion mesh wisely; not all areas with disturbed ground necessitate its use. Do not use plastic mesh unless it is specifically required. Other erosion-control options exist (open weave textile (OWT), rolled erosion control products (RECPs) with woven, natural fiber netting).



Fish trapped and killed by welded-plastic square erosion-control mesh improperly placed along a small central Minnesota stream. Photo courtesy of Ben Lowe.

## Protect Wildlife

- Avoid photodegradable erosion-control materials where possible.
- Use only biodegradable materials (typically made from natural fibers), preferably those that will biodegrade under a variety of conditions.
- The cost of erosion-control material that is wildlife friendly is often comparable to conventional plastic netting.



Plains Gartersnake trapped and killed by welded-plastic square erosion-control mesh placed along a newly installed cement culvert in southern Minnesota. ©MN DNR, Carol Hall



A small vole that was strangled and killed by plastic erosion-control material with welded and square mesh. Photo taken in southern Minnesota and provided courtesy of Tom Jessen.

## Literature Referenced

Barton, C. and K. Kinkead. 2005. Do erosion control and snakes mesh? Soil and Water Conservation Society 60:33A-35A.

Derraik, J.G.B. 2002. The pollution of the marine environment by plastic debris: a review. Marine Pollution Bulletin 44:842-852.

Fuller-Perrine, L.D., and M.E. Tobin. 1993. A method for applying and removing bird-exclusion netting in commercial vineyards. Wildlife Society Bulletin 21:47-51.

Johnson, S.W. 1990. Distribution, abundance, and source of entanglement debris and other plastics on Alaskan beaches, 1982-1988. Proceedings of the Second International Conference on Marine Debris 331-348.

Kapfer, J.M., and R.A. Paloski. 2011. On the threat to snakes of mesh deployed for erosion control and wildlife exclusion. Herpetological Conservation and Biology 6:1-9.





# MAYOR & COUNCIL COMMUNICATION

**DATE:** December 2, 2014  
**REGULAR**  
**ITEM #** 13

**AGENDA ITEM:** Inwood PUD - Preliminary Plat and Preliminary PUD Plan

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

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick M. Johnson, City Planner  
Jack Griffin, City Engineer  
Greg Malmquist, Fire Chief  
Stephen Mastey, Landscape Consultant

**SUGGESTED ORDER OF BUSINESS:**

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

**POLICY RECCOMENDER:** The Planning Commission and Staff are recommending that the City Council approve a request by Hans Hagen Homes and Inwood 10, LLC for a mixed-use Planned Unit Development (PUD) to be located on 157 acres of land at the southeast corner of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo. The City’s Subdivision and PUD Ordinance requires that the City Council review and approval a preliminary plat and preliminary development plans before an applicant may proceed with the preparation and recording of a final plat.

**FISCAL IMPACT:** TBD – The City will require that the applicant enter into a developer’s agreement with the City to specify the financial responsibilities for various aspects of the subdivision and related public improvements. The project will include oversizing of sewer and water infrastructure, as well as improvements to County roads that will require cost participation by the City. The financial responsibility for these improvements will be negotiated as part of a development contract for the project.



**SUMMARY AND ACTION REQUESTED:** The City of Lake Elmo has received a request from Hans Hagen Homes and InWood 10, LLC for approval of a preliminary plat and preliminary development plans associated with the InWood Planned Unit Development. The PUD will be located on 157 acres of land located southeast of the intersection of Inwood Avenue and 10th Street in Lake Elmo, and is consistent with the development uses and areas as depicted in the general concept plan for the property. The submitted plans cover the entire site; however, the developer intends to proceed construction of only the single family areas at this time, and will need to submit more detailed plans for the multi-family and commercial areas in the future.

The application for a Preliminary Plat and Preliminary PUD Plan follows the City's approval of a general concept plan for the site, and the plans as submitted are consistent with this earlier approval. While the overall plans include a mix of single-family residential, medium to high density residential, and commercial development, the applicant has provided detailed preliminary plans for only the single-family portion of the site. The proposed plat includes 275 single family detached lots, while the remainder of the site will be platted as outlots for future open space, commercial, and multi-family uses. As documented in the updated concept plan, the future development areas will include up to 264 multi-family units south of 10<sup>th</sup> Street and approximately 90,000 square feet of commercial activity immediately east of Inwood Avenue. Preliminary development plans will need to be submitted in the future for these other planned uses.

The Planning Commission and Staff are recommending that the City Council approve the InWood Preliminary Plat and Preliminary PUD Plan with 19 conditions of approval through the following motion:

***“Move to adopt Resolution No. 2014-94, approving the Inwood Preliminary Plat and Preliminary PUD Plan subject to 19 conditions of approval.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** Attached is the original detailed Staff Report that was provided to the Planning Commission concerning the Inwood Preliminary Plat and Preliminary PUD Plans in advance of its November 24, 2014 meeting. The report includes information about the application, a summary of the relevant planning and zoning issues, a thorough review of the proposed plat and public improvements, draft findings, and the staff recommendation to the Planning Commission. It should be noted that the City approved the Inwood General Concept Plan on September 24, 2014 (Resolution 2014-0072). Approval of the concept plan allows the applicant to prepare a preliminary PUD plan and preliminary plat.

In addition to the general information noted above, the Planning Commission report includes a breakdown of the changes made to the concept plan in response to specific City conditions and a summary of the flexibility being requested as part of the PUD plans. There were also a few aspects of the plan that have not been revised based on the Council's direction for the Planning Commission to reconsider these particular aspects of the plan, which are also further described in this report.

The Planning Commission reviewed the InWood Preliminary Plat and Preliminary PUD Plan request at its November 24, 2014 meeting and conducted a public hearing at this time. Before the public hearing was opened, John Rask from Hans Hagen Homes, made a brief presentation and spent time answering questions from Commissioners concerning the development. After the applicant addressed the Commission, the public hearing was opened. During the public hearing, the City received the following testimony:

- Curt Montieth, 331 Julep Ave. N., asked about the installation and maintenance of the street lights. Klatt noted that the developer must install the lights and the City will lease them from Xcel. Mr. Montieth also asked about snow removal of the loop roads and the possibility of locating the water tower in the 2-acre park next to the multi-family area. He noted that he supports the lower design speed of 5th street because it will slow people down. Montieth suggested that design standards be put in place now for the multi-family areas since these units will be built after the single-family homes are in place. Mr. Montieth suggested that the park area adjacent to Stonegate have adequate parking. He also requested that a berm be put in place in Stonegate Park to buffer some of the nearby residential properties. He requested that the developer and the Park Commission meet with nearby Stonegate residents to work on the park design.
- Clayton Lance, Oakdale resident, expressed concern about the existing intersection of 9<sup>th</sup> Street and Inwood Avenue. He noted that it is difficult to make left-hand turns onto Inwood Ave. with the current levels of traffic. Mr. Lance stated that the future commercial users are a concern, and that he would prefer commercial uses that are not 24 hours a day, 7 days a week.

In addition to the public testimony received, the City did receive one letter regarding the preliminary plat and plans:

- Klatt read a letter from the City of Oakdale into the public record. Emily Shively, City Planner, noted that Oakdale does not support restricted access at Oak Marsh Drive and 9th Street. She asked that any proposed access restrictions be considered via an open process with significant stakeholder input. In addition, the City of Oakdale recommend that a trail be installed on the east side of Inwood Avenue.

As part of the presentation to the Planning Commission Staff distributed an additional set of comments from the City Engineer pertaining to 5<sup>th</sup> Street and a further study of this road that had been completed by SRF Engineering. These comments are also attached to the City Council report, and essentially provide further recommendations that should be considered as the plans for this roadway segment are finalized by the developer. The proposed road and curve design as documents in the attached plans have been found to be an acceptable design, subject to the access spacing modification and submission of additional details as recommended by the City Engineer.

Staff also recommended changes to the conditions of approval as drafted to strengthen the language used in conditions 4 and 9 and to add a reference to condition 12 concerning the additional City Engineering comments dated November 24, 2014.

After closing the public hearing, the Planning Commission reviewed the proposed development plans and adopted motions to amend the Staff recommendation in the following manner:

- To revise the proposed findings of fact to clarify the specific flexibility being requested by the applicant through the PUD review process.
- To add conditions as follows:
  - To require the submission of additional details on the landscape plan for the proposed plantings around Pond 200.
  - To incorporate elements from the City's theming study at the intersections of "Street B" and 10<sup>th</sup> Street and 5<sup>th</sup> Street and Inwood Avenue.
  - To require that the developer install a trail along 10<sup>th</sup> Street between "Street B" and Inwood Avenue.
  - To specify that the trail through the eastern buffer area be kept as far west on the applicant's property as possible.

All of the Commissions revisions to the findings of fact and the additional conditions of approval are incorporated into the attached Resolution 2014-094 for review by the City Council.

The Commission also adopted two general motions outside of the scope of the Commission's PUD review that are noted below for consideration by the City Council as follows:

- That the Park Commission prioritize Stonegate Park, including the Inwood development portion, in light of the overall development plans for the area around this park.
- That when HOA's are established, before homeowners move into development, that the City makes sure that a bank account and accounting system is set up to ensure that HOA is viable.

After discussing the InWood Preliminary Plat and Preliminary PUD Plan, the Planning Commission recommended approval subject to 19 conditions of approval. The motion to approve the PUD passed with a vote of 5 to 2 (Commissioners Lundgren and Haggard voted against the motion).

#### **STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:**

##### **Strengths**

- The Planning Commission and Staff have found the Preliminary PUD plans to be consistent with the General Concept Plan for the development.
- Approval of the Inwood PUD Concept Plan allows the applicants to move forward with the preparation of a PUD Final Plan and Final Plat application.
- The City Council has determined that the proposed Concept Plan is consistent with the City's Comprehensive Plan.
- The proposed planned development offers unique design that is consistent with the City's desire to promote walkable single family neighborhoods with common open space.

##### **Weaknesses**

- The project includes several conditions of approval that will need to be met by the applicant.

- Opportunities**
- The PUD will add users to the City’s public water and sanitary sewer system (with connection fees).
  - The project includes a major piece of the planned 5<sup>th</sup> Street minor collector road.
  - The developer and the City have generally agreement concerning the location of the water tower needed to serve this area.
- Threats**
- The EAW for the project identifies environmental concerns that will need to be considered during the development process.
  - The City of Oakdale has raised concerns about transportation access issues along Inwood Avenue. Washington County has agreed to assist in the development of an access spacing plan for Inwood Avenue in the near future.

**RECOMMENDATION:** Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Inwood Preliminary Plat and Preliminary PUD Plans with the 19 conditions of approval as documented in the resolution of approval by taking the following action / with the following motion:

*“Move to adopt Resolution No. 2014-94, approving the Inwood Preliminary Plat and Preliminary PUD Plan subject to 19 conditions of approval.”*

**ATTACHMENTS:**

1. Resolution No. 2014-094
2. Planning Commission Staff Report – 11/24/14
3. InWood PUD Application Booklet
4. PUD Plans
  - a. Application Forms
  - b. PUD Narrative
  - c. Open Space Plan
  - d. Plat Narrative
  - e. Preliminary Plat
  - f. Grading Plan (Available Online)
  - g. Utility Plan (Available Online)
  - h. Landscape Plan (Available Online)
  - i. HOA Documents (Available Online)
5. Park “N” Concept
6. City Engineer Review Memorandum, dated 11/16/14
7. Fire Chief Review Memorandum, dated 11/17/14
8. Landscape Consultant Review Memorandum, dated 11/18/14
9. Washington County Review Memorandum, dated 11/17/14
10. City Council Meeting Minutes – Excerpt from 9/16/14 Meeting

11. City Engineer Comments, dated 11/24/14
12. City of Oakdale Letter, dated 11/20/14
13. *Not Included in Packet – Available Upon Request:*
  - a. *Storm Water Management Plan*

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

**RESOLUTION NO. 2014-94**

*A RESOLUTION APPROVING THE INWOOD PRELIMINARY PLAT AND  
PRELIMINARY PUD PLAN*

**WHEREAS**, Hans Hagen Homes, 941 NE Hillwind Road, Suite 300, Fridley, MN and Inwood 10, LCC, 95 South Owasso Boulevard West, St. Paul, MN (“Applicants”) have submitted an application to the City of Lake Elmo (“City”) for a Preliminary Plat and a Planned Unit Development (PUD) Preliminary Plan for a planned development to be called InWood, copies of which are on file in the City Planning Department; and

**WHEREAS**, the proposed Planned Unit Development is for a mixed-use Planned Unit Development on 157 acres of land located at the southeast corner of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo and will include 275 single-family residential lots, 264 multi-family residential units, and approximately 90,000 square feet of commercial/office uses; and

**WHEREAS**, the Preliminary Plat and Preliminary Plans include the single family portions of the overall PUD development; and

**WHEREAS**, the Lake Elmo City Council approved the InWood PUD Concept Plan on September 16, 2014, and

**WHEREAS**, the Lake Elmo Planning Commission held a Public Hearing on November 24, 2014 to consider the Preliminary Plat and Preliminary Plans for the PUD; and

**WHEREAS**, on November 24, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Inwood PUD Preliminary Plat and Preliminary Plans; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Inwood PUD Preliminary Plat and Preliminary Plans to the City Council as part of a memorandum from the Planning Department dated December 2, 2014; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission and the proposed Inwood PUD Preliminary Plat and Preliminary Plans at a meeting on December 2, 2014.

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

## FINDINGS

- 1) That the procedure for obtaining approval of said PUD Preliminary Plan is found in the Lake Elmo City Code, Section 154.800.
- 2) That all the requirements of said City Code Section 154.800 related to the PUD Preliminary Plan have been met by the Applicant.
- 3) That the InWood preliminary plat complies with the City's subdivision ordinance and is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 4) That the proposed PUD Preliminary Plan is for a mixed-use Planned Unit Development on 157 acres of land located at the southeast corner of Inwood Avenue and 10<sup>th</sup> Street in Lake Elmo and that the Preliminary Plan includes 275 single-family residential lots.
- 5) That the PUD Preliminary Plan will be located on property legally described on the attached Exhibit "A".
- 6) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

<u>Setback</u>	<u>LDR Zoning District (Min.)</u>	<u>Inwood PUD (Min.)</u>
Front Yard	25 feet	20 feet
Interior Side Yard	10 Feet Principal Structure Side / 5 Feet Garage Side	4 Feet
Rear Yard	20 feet	20 feet
Lot Area	8,000 square feet	4,250 square feet
Lot Depth	N/A	110 feet
Lot Width	60 feet	38 feet

- a) The InWood PUD shall be exempt from Section 154.457 of the Lake Elmo Zoning Ordinance concerning the width of attached garages
  - b) All other requirements for the City's LDR zoning district will apply, including the allowed uses and other site and development standards
- 7) That the InWood PUD General Concept Plan was approved by the City on September 16, 2014, and that the submitted Preliminary Plat and Preliminary PUD Plan is consistent with the approved General Concept Plan.

- 8) That the InWood preliminary plat and preliminary PUD plan are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area, with the exception of the narrowing and extending of the commercial area further south of 10<sup>th</sup> Street along Inwood Avenue as approved in the General Concept Plan.
- 9) That the InWood preliminary plat and preliminary PUD plan generally complies with the City's LDR - Urban Low Density Residential and HDR – High Medium Density Residential zoning districts with the exceptions to lot size, lot width, setbacks, and garage width requirements as specified above.
- 10) That the InWood preliminary plat and preliminary PUD plan comply with the City's subdivision ordinance.
- 11) That the InWood preliminary plat and preliminary PUD plan comply with the City's Planned Unit Development Regulations.
- 12) That the InWood preliminary plat and preliminary PUD plan comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 11/16/14 and 11/24/14.
- 13) That the InWood preliminary plat and preliminary PUD plan comply with other City ordinances, such as landscaping, tree preservation, and erosion and sediment control.
- 14) That the InWood preliminary plat and preliminary PUD plan achieve multiple identified objectives for planned developments within Lake Elmo.

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the Applicants' application for a PUD Concept Plan is granted, provided the following conditions are met:

- 1) The applicant shall work with Community Development Director to name all streets in the subdivision in a manner acceptable to the City prior to the submission of final plat.
- 2) The City and the applicant shall reach an agreement concerning the location and dedication of land associated with the proposed water necessary to provide adequate water service to the InWood project area prior to the acceptance of a final plat for any portion of the PUD area.
- 3) The preliminary landscape plan shall be updated to address the review comments from the City's landscape architecture consultant as noted in a review letter dated November 18, 2014.
- 4) Prior to the submission of a final plat for any portion of the InWood PUD, the developer shall reach agreement with the City to determine the appropriate park dedication calculations for the entire development area.
- 5) As part of any development agreement that includes improvements to one of the adjacent County State Aid Highways (CSAH 13 and 10<sup>th</sup> Street), the City and the developer shall determine the appropriate responsibility for the cost of these improvements.



- 6) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 7) The applicant shall continue to work with the City on the final design of 5<sup>th</sup> Street, and in particular, the transition from the InWood PUD to properties located further to the east (including the Boulder Ponds development and land owned by Bremer Financial Services).
- 8) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties.
- 9) The proposed public street access to 5<sup>th</sup> Street from Streets D2 and the southeast park area (Park 1) shall be eliminated from the preliminary development plans in order to bring the proposed spacing into conformance with the City's access spacing guidelines. The developer shall provide access into the park to the satisfaction of the City Engineer.
- 10) All center median planting areas as depicted on the preliminary plat and plans shall be owned by the City of Lake Elmo and maintained by the Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park, trails, or open space on the final plat.
- 11) The applicant must either move the planned north/south trail through Park 1 further to the west around an existing wetland area located approximately 400 feet south of 10<sup>th</sup> Street or will need to work with the South Washington Watershed District to design a multi-purpose trail through the buffer area that complies with all applicable watershed district's requirements.
- 12) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memoranda dated November 16, 2014 and November 24, 2014.
- 13) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within County rights-of-way as required by Washington County and further described in the review letter received from the County dated November 17, 2014.
- 14) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 15) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the South Washington Watershed District Permit.
- 16) The developer shall provide landscape material along the west side of Pond #200 to the satisfaction of the City's landscape consultant.
- 17) The developer shall incorporate elements from the Lake Elmo Theming Study at the intersection of "Street B" and 10th Street and at the intersection of 5th Street and Inwood Avenue.
- 18) The developer shall install a multi-purpose trail along 10th Street between "Street B" and Inwood Avenue.

- 19) The multi-purpose trail through the eastern buffer area shall be kept as far west on the applicant's property as possible, and the final alignment of this trail shall be subject to review by the City's landscape consultant.

Passed and duly adopted this 2<sup>nd</sup> day of December 2014 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Adam Bell, City Clerk