

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, September 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 August 19, 2014 City Council Meeting Minutes
- G. Council Reports
 - Mayor
 - Council
- H. Presentations/Public Comments/Inquiries
 - Lake Elmo Jaycees
 - Status of 100% Developer Infrastructure Cost Policy
- I. Proclamation
 2. Community Media Week
- J. Finance Consent Agenda
 3. Approve Payment of Disbursements and Payroll
 4. Approving the TNT Public Hearing Date for the 2015 Budget and Tax Levy; **Resolution No. 2014-65**
- K. Other Consent Agenda
 5. Encroachment Agreement – 1668 Ivy Ave N
 6. Encroachment Agreement – 1650 Ivy Ave N
 7. Encroachment Agreement – 10938 57th Street N
 8. Library Board Appointment – Margo Sieleni
- L. Regular Agenda
 9. Savona Subdivision Conditional Use Permit; **Resolution No. 2014-66**
 10. Wildflower at Lake Elmo Comprehensive Plan Amendment; **Resolution No. 2014-46**
 11. Approve Proposed General Levy and Proposed 2015 Budget; **Resolution No. 2014-67**
 12. Discussion: Council/Staff Communications
- M. Staff Reports and Announcements
 - City Administrator
 - City Attorney
 - Planning Director
 - City Engineer
 - Finance Director
 - City Clerk
- N. Adjourn

LAKE ELMO CITY COUNCIL MINUTES
AUGUST 19, 2014

CITY OF LAKE ELMO
CITY COUNCIL MINUTES
AUGUST 19, 2014

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

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

Absent: Council Member Mike Reeves

Staff present: City Administrator Zuleger, City Attorney Snyder, Assistant City Engineer Jack Griffin, Finance Director Bendel, and Deputy Clerk Gumatz.

PLEDGE OF ALLIGENCE

APPROVAL OF AGENDA

Council Member Smith asked about the Planning Commissioner interview from last week not being on the agenda. Mayor Pearson stated that it was not put on this agenda because he has not heard back from the interviewee.

Council Member Nelson added Item 9.5: Updated Special Assessments-2015-2028 CM Properties- PID 34.029.21.44.0007 to the Finance Consent Agenda.

Mayor Pearson requested that Item 9 be pulled from Consent for discussion.

MOTION: Mayor Pearson moved **TO APPROVE THE AUGUST 19, 2014 CITY COUNCIL AGENDA AS AMENDED. Council Member Bloyer seconded the motion. **MOTION PASSED 4-0.****

ITEM 1: ACCEPT MINUTES

THE JULY 15, 2014 CITY COUNCIL MINUTES WERE APPROVED BY CONSENSUS OF THE CITY COUNCIL.

COUNCIL REPORTS:

Mayor Pearson: will appoint Margo Sieleni as newest library board member. Attended library board meeting. They picked library director – Nate Deprey. Also attended Park Commission meeting this week where the talked about possible improvements to Tablyn Park, the volleyball courts that Council discussed at its last meeting, and he suggested they add the downtown baseball fields to their work plan. Also attended a meeting with Gateway Officials and Lake Elmo property owners regarding the BRT proposal.

Council Member Smith: no report.

Council Member Nelson: no report.

Council Member Bloyer: was contacted by email from a resident who was promised some improvements to their development and has directed staff to look into it. Met with the Chair of the Library Board. Happy to hear things are moving forward with the Parks Commission.

PUBLIC COMMENTS/INQUIRIES

FINANCE CONSENT AGENDA

2. Approve Payment of Disbursements and Payroll
3. Accept Financial Report dated July 31, 2014
4. Accept Building Report dated July 31, 2014
5. Accept City Assessor Report dated July 31, 2014
6. Pumphouse No. 4 Improvements – Pay Request No. 3
7. 2014 Street Improvements – Pay Request No. 1
8. Lake Elmo Watermain Improvements – Pay Request No. 1
9. ~~Purchasing Policy~~
- 9.5 Updated Special Assessments – 2015-2028 CM Properties – PID 34.029.21.44.0007

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MOTION: Council Member Nelson moved **TO APPROVE THE FINANCE CONSENT AGENDA AS AMENDED.** Mayor Pearson seconded the motion. **MOTION PASSED 4-0.**

ITEM 9: PURCHASING POLICY.

Mayor Pearson thanked the Finance Committee for their work on this item. There was one change he would like to make, striking the last sentence in the second paragraph.

MOTION: Mayor Pearson moved **TO APPROVE ITEM 9: UPDATED PURCHASING POLICY AS SUGGESTED BY THE FINANCE COMMITTEE STRIKING "CONSIDERATION OF MADE IN THE USA, ECONOMIC, ENVIRONMENTAL AND SOCIAL FACTORS SHOULD ALSO BE CONSIDERED."** Council member Nelson seconded the motion.

Council Member Bloyer thanked Mayor Pearson for bringing this up.

MOTION PASSED 4-0.

REGULAR AGENDA

ITEM 10: VILLAGE EAST TRUNK SANITARY SEWER: UP RAIL TO TH 5 – IMPROVEMENTS HEARING AND ORDER IMPROVEMENTS; RESOLUTION NO. 2014-62.

City Engineer Jack Griffin gave a presentation on this item. This is closely related to Agenda Item #11 as both projects are being presented simultaneously, but are on a separate track. Mr. Griffin went over the three pieces of the project. After initiating the feasibility report and doing the Public Hearing for the 39th Street project, there were two property owners who requested that three parcels be included in the project and have their parcels be assessed for their part of the cost. The Feasibility Report has been completed for what that assessment amount would be. After bids were taken on July 10, the construction prices came in higher. On July 21, there was a stakeholder meeting with all property owners and consensus was to move forward. This requires the Feasibility Report to be amended tonight with the higher amounts. Mr. Griffin went over the updated cost and updated proposed assessment costs to the three parcels. All waivers have been collected securing the updated amount of \$358,000. Mr. Griffin also laid out the remaining project schedule.

Council Member Smith asked if all waivers have been secured. City Engineer Griffin responded that all waivers and easements have been received from the two property owners for the three parcels. Council Member Smith asked about the Schiltgen waiver. City Administrator Zuleger responded that there was a drainage easement with Easton Village that was needed. Both property owners were satisfied with it and Mr. Schiltgen signed the easement.

Mayor Pearson asked if the Public Hearing was still needed. City Engineer Griffin responded that this meeting was set up to have a public hearing but since 100% of the waivers and easements were secured that does waive the formal process. City Attorney Snyder stated that it is still necessary to have a resolution by the Council ordering the improvement and ordering the assessments, so Council should hold the Public Hearing.

MOTION: Council Member Nelson moved **TO OPEN THE PUBLIC HEARING.** Council Member Smith seconded the motion. **MOTION PASSED 4-0. PUBLIC HEARING OPENED AT 7:15 PM.**

No public input.

City Administrator Zuleger informed council, on behalf of the property owners affected, that Staff has received waivers of appeal for the assessments and the easements and there are no objections to the assessments as listed. He also noted that Staff did meet with all property owners where the difference between the two assessment amounts was explained and that it was the consensus of these two property owners that we should move ahead with the project this fall rather than wait until possibly the spring or re-bid it out.

City Attorney Snyder noted that the motion should include a resolution to adopt and assess the properties as proposed by the City Engineer.

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Council Member Nelson offered a friendly amendment to add "ASSESS THE PROPERTIES AS PROPOSED BY THE CITY ENGINEER." Council Member Smith seconded the friendly amendment.

MOTION: Council Member Bloyer moved TO CLOSE THE PUBLIC HEARING. Mayor Pearson seconded the motion. MOTION PASSED 4-0. PUBLIC HEARING CLOSED AT 7:17 PM.

MOTION: Council Member Bloyer moved TO ADOPT RESOLUTION NO. 2014-62, ACCEPTING THE AMENDED FEASIBILITY REPORT AND ORDERING THE VILLAGE EAST TRUNK SANITARY SEWER IMPROVEMENTS; TRUNK HIGHWAY 5 TO SOUTH OF THE UNION PACIFIC RAILROAD ADOPTING AND ASSESSING THE PROPERTY OWNERS PER THE CITY ENGINEER. Mayor Pearson seconded the motion. MOTION PASSED 4-0.

ITEM 11: 39TH STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS (VILLAGE EAST) – ACCEPT BIDS AND AWARD CONTRACT; RESOLUTION NO. 2014-63.

City Engineer Jack Griffin presented on this item. This item now includes the Village East Trunk Sewer. Mr. Griffin reviewed the proposed improvements. There will be sidewalk put in on the south side of 39th Street and bituminous trail put in on the north side. There are 11 properties that are impacted and being assessed. Waiver of Appeal and Assessment Agreements were sought and received for the original amount. When the bids came in higher, amended Agreements were sent out.

City Administrator Zuleger stated that we have 10 of 11 waiver agreement signs. Missing is one property owner who signed the original agreement, but would not sign the updated agreement. The increased price is \$367.

Council Member Nelson asked if that property owner will pay the original amount. City Engineer Griffin responded that he will still be assessed the full amount. The waiver agreement is to waive his right to appeal. The one property owner can still appeal on the \$367.

Council Member Bloyer asked if the property owner could appeal on the entire amount and what the entire amount was. City Administrator Zuleger responded that the property owner waived the first portion. He could still appeal the entire amount. City Engineer Griffin stated that the entire amount was roughly \$2,300. It is now roughly \$2,667.

City Engineer Griffin touched on where the cost increases were. The City cost was previously \$1,247,000. It is now \$1,711,300. Mr. Griffin went over the breakdown of where the costs go to. Street and Storm Sewer saw an increase of \$145,100. Eighty percent is assessable so the increased cost to the City is \$29,020. For the Bituminous Trail there was a decrease of \$8,300 coming out of the park funds. The Water System saw an increase of \$120,300. Trunk Sanitary Sewer saw an increase of \$207,200. The Village Trunk Sanitary Sewer Improvements total project cost is \$412,600.

City Administrator Zuleger stated that the City has already borrowed for this project at the previous estimate. Finance Director Bendel went over the spreadsheet that shows the differences. General fund would be impacted up to \$29,000. Water fund would be impacted up to \$120,000. Sewer fund would be impacted up to \$163,000. The key shift was that some of the amount the City thought would be picked up by the developer shifted over to the assessed costs.

Mayor Pearson asked about the total bonding increase. Finance Director Bendel responded that it would be \$487,000 in total. Council Member Nelson asked if that would then be added to 2015 bonding. Finance Director Bendel answered yes. Council Member Nelson asked if the City had the cash to make up the amount coming from the general levy if the City would still need to bond for it. Finance Director Bendel responded if the City had the funds in reserve the City would propose withdrawing that amount. Same with the water fund.

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Council Member Nelson asked about the \$174,000 number and where it comes from. Finance Director Bendel responded that it is an in and out, the money comes from the Assessment dollars to pay the debt. There was further discussion on this point.

Council Member Bloyer asked about the initially proposed numbers vs what they came in at for the streets and trails portion. City Engineer Griffin stated that both of those numbers came in under the Feasibility Report so they went down.

Council Member Nelson asked about the water component that got added and why it is there now. City Engineer Griffin responded that the watermain was added because as Public Works went out and as they were exercising the valves they found the valve covers were full of water. When this happens, it is anticipated that every valve will need to be inspected and see what kind of condition it is in. This project has an amount built in to replace all the valves but engineering will be looking at all the valves and deciding whether or not to keep them, replacing parts of them, or replacing the entire valve. The amount included for replacing valves is \$55,000. There is also \$45,000 for replacing five fire hydrants. There is also a cost of about \$15,000 for providing temporary water to the buildings while construction is taking place. There is also a cost for restoration.

Council Member Nelson asked if the City has enough cash flow in the sewer and water fund to carry until bonding next year. Finance Director Bendel answered that we do.

Council Member Smith asked about the outstanding assessment and who is responsible if the property owner does not pay the \$2,667. City Administrator Zuleger stated that the property owner has committed to the \$2,300. Mayor Pearson asked City Attorney Snyder if the City would be on the hook for the amount. City Attorney Snyder stated that he does not think so. Council needs to adopt the Resolution ordering the assessments as put forth by the City Engineer.

Council Member Smith asked about putting an assessment or a lien on the property when it goes to be sold. City Attorney Snyder stated that he believes so but Council needs to pass the resolution ordering the assessments. Council Member Smith stated that she would be more comfortable with this being done.

MOTION: Mayor Pearson moved TO APPROVE RESOLUTION NO. 2014-63, ACCEPTING BIDS AND AWARDING A CONTRACT TO GEISLINGER & SONS, INC. IN THE AMOUNT OF \$1,760,458.80 FOR THE 39TH STREET NORTH: STREET AND SANITARY SEWER IMPROVEMENTS INCLUDING ADD ALTERNATE NO. 1 AND ORDERING THE ASSESSMENT AS MODIFIED BY OUR ENGINEER. Council Member Nelson seconded the motion.

Council Member Bloyer spoke about the project being over budget.

Council Member Smith spoke about the how sidewalk benefiting all 1,200 new homes that will be coming to this area. She is also concerned about spending \$1.7 million dollars and about what might happen in the future, but she also wants to do the project right if Council is going to approve it and that it is a good investment. There was further discussion on the sidewalk and maintenance issues.

Mayor Pearson stated that he understands Council Member Bloyer's concerns but that the property owners are paying for 80% and the City is picking up 20%. Most developments now are doing sidewalk like this. He also stated that there was no pushback from property owners on putting in sidewalk. Mayor Pearson stated that he also has concerns with the project but that it makes complete sense.

Council Member Nelson stated that he agrees with both Council Member Bloyer and Mayor Pearson. He also has concerns about adding the sidewalk, and that it is something he feels could be added later, but it is something that is going to be done.

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Mayor Pearson stated that he believes the City is being as risk averse as it can.

Council Member Bloyer stated that he believes this is a good project to start up development in this area and that a lot of good will come from it. Council Member Smith agreed.

City Administrator Zuleger asked City Engineer Griffin to speak about how this project helps with the downtown area. City Engineer Griffin spoke about how we got to this project. That this sewer line is getting put in first helps to downsize the downtown project a little bit. It will save the City money on the sewer. He stated that this is a good project and that it sets the table for a lot of things to happen.

Mayor Pearson stated that part of this is incumbent upon what happens south of the railroad, from 30th Street to Highway 5. He would like staff to consider that and let Council know if that part of the project becomes delayed so that Council could compel them. City Administrator Zuleger stated that staff will inform Council if that happens.

MOTION PASSED 4-0.

City Attorney Snyder thanked Council for all their work on this item. Mayor Pearson thanked staff as well for all their work.

ITEM 12: INWOOD DEVELOPMENT- HANS HAGEN HOMES AND INWOOD 10, LLC EAW, SPECIFY RGU AND AUTHORIZE FOR DISTRIBUTION

City Administrator Dean Zuleger spoke on the EAW. Mr. Zuleger summarized this item in three main points; 1) The City has determined that an EAW is necessary for the development approval, the development is proposing 695 residential units. A mandatory EAW is triggered at 300 units, so the Council needs to establish that an EAW is necessary by motion. 2) Council need to establish the City of Lake Elmo as the Responsible Government Unit (RGU). The project is in the Lake Elmo jurisdiction so Council must establish the City as the RGU by motion. 3) Council needs to authorize the distribution of the EAW for public comment. This authorizes the publication of the EAW in the Environmental Quality Board publication "The Monitor" and once it is published starts the 30 day comment period. This is a procedural matter. There is no opposition from the developer on this item.

MOTION: Council Member Bloyer moved TO DETERMINE THAT AN EAW IS REQUIRED, DESIGNATE THE CITY AS THE RGU, AND AUTHORIZE DISTRIBUTION OF THE DRAFT EAW FOR THE INWOOD MIXED-USE DEVELOPMENT PROJECT STARTING THE 30-DAY EAW PUBLIC COMMENT PERIOD. Council Member Nelson seconded the motion.

Council Member Smith stated that she had a meeting with Mr. Hagen. This project is very different from any project she has ever seen and it will be very interesting to see it come forward. She would like to see the Council and Planning Commission go to the current development happening up in Blaine to see what the final project will look like. She was very impressed by the project.

MOTION PASSED 4-0.

ITEM 13: ENTER INTO A LEASE WITH LAKE ELMO ASSOCIATES, LLP FOR THE PURPOSE OF LEASING 2,461 SQUARE FEET OF OFFICE SPACE AT 3880 LAVERNE AVE N FOR THE PURPOSE OF OPERATING THE CITY OF LAKE ELMO

City Administrator Zuleger presented on this item. He stated that the City is currently busting at the seams, and that the Annex is having some HVAC and leveling issues. The Annex also does may not meet the city's building code. The City was trying to figure out how to accommodate some needs such as 1) more meeting space 2) privacy 3) larger work spaces for planning and the building inspector. Some space became available across the street in the Brookman Building. Mayor Pearson, Council Member Nelson, and John Thompson approached Mr. Zignego about possibly purchasing the building or what it might take to rent some space.

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They were able to come up with a 5 year lease for the space at the price of \$12/sq ft for the first two years. The lease comes with electric, water, garbage, parking, bathrooms, and use of a common area. The only utilities the City is responsible for would be telephone and data lines going into the building. The space comes as is with fixtures, it has some working stations that would meet the City's needs. The terms of the lease are \$12/sq ft for the first two years, \$13/sq ft for years three and four and \$13.50/sq ft for the fifth year with a 90 day opt out clause. City Attorney Snyder reviewed the lease earlier today. Mr. Zuleger stated that they have also priced other office space in the area and there is not a lot that can accommodate the City's needs, especially being so close to the current. Mr. Zuleger went over who would be officed out of which building. He also stated that time is of the essence on this issue because Mr. Zignego has offered to give the City a free month of rent for September so we could move in and get situated. Mr. Zuleger also stated that the City would be given first right of refusal to purchase the building. Mr. Zuleger spoke about running the lease by John Thompson, who is a premiere leasing agent, and he described it as a good deal. He thanked the Mayor, Council Member Nelson, and John Thompson for doing a lot of the work on this issue.

Council Member Smith asked if this is more of a want or a need. She understands that down the road we will be adding more staff, but right now it seems like a lot of money to spend. Ms. Smith also asked if it would be more logical to move planning to the other building to be next to engineering and leave administration staff in the current building.

Mayor Pearson responded that we need more space. He also spoke about the risk of waiting being that someone else may take the space. He and Council Member Nelson have looked at other spaces and they are more expensive and do not provide the convenience of this space. Mayor Pearson also spoke about being able to get rid of the Annex if we accept this lease. He thinks this lease is a good deal and it is a good time to move.

Finance Director Bendel reminded Council that the net book value of the Annex at the end of 2014 is about \$42,000. If it is demolished that amount will need to be expensed. The City has written off about \$10,000 a year for it, so we planned on having the Annex for about four more years. The City paid close to \$100,000 for the Annex.

Council Member Smith spoke about when the Annex was first purchased. She asked if when sewer and water are put in, will the owners be able to raise the City's rent in that building, or are we locked into this rent number.

City Attorney Snyder responded that paragraph 1b of the lease responds to that. There was also some additional language that Counsel wants to suggest to the property owner. He asked Council if it is their direction to staff that the cost associated with assessments should not be borne by the City. Council responded yes.

Mayor Pearson spoke about negotiating utility expenses if they go up dramatically from year to year. He believes that is fair.

City Attorney Snyder stated that other than a few refining points, the lease is all there.

Council Member Nelson asked a question regarding the top of page two of the lease. City Attorney Snyder responded that that is a part that needs clarification, as our percentage of the prorated share is not defined and the years are in need of adjustment. He also stated that one common way of dealing with unintended increases in CAM (Community Area Maintenance) costs is to put a cap on it, that they won't increase year over year by "x percent" without consent of the tenant. City Attorney Snyder also noted that there are often other CAM costs in a lease that are paid by the tenant so this lease is fairly tenant favorable.

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Mayor Pearson asked how to address those concerns in this motion. City Attorney Snyder responded that Council could approve the lease "subject to staff revision of CAM and other related costs."

Council Member Nelson asked about limiting the scope of staff review. City Attorney Snyder stated that staff would bring the lease back if they got to an issue that they couldn't resolve. Council Member Smith was comfortable with that notion.

MOTION: Mayor Pearson moved TO APPROVE THE FIVE YEAR LEASE WITH LAKE ELMO ASSOCIATES, LLP FOR CERTAIN RENTAL SPACE OF 2,461 SQUARE FEET IN A BUILDING LOCATED AT 3880 LAVERNE AVENUE NORTH FOR THE PURPOSES OF IMPROVING OFFICE EFFICIENCY FOR THE GENERAL ADMINISTRATION FOR THE CITY OF LAKE ELMO, SUBJECT TO STAFF REFINEMENT OF CAM RELATED CHARGES. Council Member Nelson seconded the motion.

Council Member Bloyer spoke about bonding in 2005. The City bonded for a new City Hall, but one was never built. Finance Director Bendel stated that that bonding money was used to pay down the debt on the loan that was taken out in 2005. Mayor Pearson suggested that Council Member Bloyer work with Staff on this issue.

City Administrator Zuleger stated that the needs the City has are for additional meeting space, more privacy, and more space for the building inspector to look at plans.

Council Member Smith voiced her concerns about spending \$30,000 a year right now while trying to have a zero based budget.

Council Member Nelson understands that the City needs more space. He spoke about having some friends of his also look at the lease and they thought it was a good deal. He also stated that he has looked around the City for other places that may suite our needs and this is the best deal. He felt that leasing the space gives the City 5 years to make a decision about what to do about a new City Hall.

Mayor Pearson spoke about the downsides of the Annex. He believes that the building next door would be better than using the Annex. His concern is that when the growth comes, if that space has been leased by someone else, then the City will really be in trouble as far as space goes and may have to do something reckless.

Council Member Smith agreed that the five years gives us time. She asked if there was any way to keep the Annex and let Washington County use it rather than getting rid of it and have to pay it all off at once. City Administrator Zuleger responded that it could be used, but the HVAC has issues and it is an expensive building and it does not level well anymore. There are some structural integrity issues.

Mayor Pearson reminded Council that they do not need to decide tonight about what to do with the Annex. He also stated that the Annex is a usable space but that there is an expense to keep using it. Council Member Smith would like to see a spreadsheet of the costs to keep using the Annex.

MOTION PASSED 4-0.

Council Member Bloyer spoke about paving the park aprons. He believes it needs to happen before fall. City Administrator Zuleger stated that with the late spring the City has fallen behind a bit.

STAFF REPORTS AND ANNOUNCEMENTS

City Administrator Zuleger: Finance Committee meeting tomorrow night. Handed out agenda for next week's workshop. Working with developers on final touches, Ryland on construction of 50th Street and Lennar on their second addition plat. Working with Jack and Nick on downtown drainage solution. Did some code enforcement, and working on 5th street median design.

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City Attorney Snyder: no update.

City Engineer Griffin: did receive written agreement for site acquisition for the booster station. Lake Elmo Avenue Trunk Watermain project is under construction and City has received two requests from folks to hook up.

Finance Director Bendel: working on budget.

Deputy Clerk Gumatz: Primary Election was last week. Turnout at Precinct 1 was about 7% and Precinct 2 was about 10%.

Mayor Pearson spoke on the agenda for the meeting next Tuesday. He would like to move forward with the Library discussion.

Mayor Pearson adjourned meeting at 8:45 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Beckie Gumatz, Deputy Clerk

CITY OF LAKE ELMO

**CELEBRATE COMMUNITY MEDIA WEEK AND 30 YEARS OF
COMMUNITY TELEVISION**

RWSCC – Ramsey/Washington Counties Suburban Cable Commission

WHEREAS, community cable television provides citizens, local non-profits and governmental and other institutions with access to electronic communications training, equipment, facilities and delivery systems; and enable civic dialogue and participation via cable communications;

WHEREAS, community cable television provides viewers with local coverage of municipal meetings as well as other valuable governmental programming;

WHEREAS, community cable television contributes to the quality of life in our community;

WHEREAS, the Ramsey Washington Suburban Cable Commission (“Cable Commission”) during its thirty year history of offering community television has made a significant contributions to the citizens and government of Lake Elmo;

WHEREAS, the Ramsey/Washington Counties Suburban Cable Commission (“Cable Commission”) is planning on behalf of its member municipalities “Celebrate Community Media Week” – September 15-19, 2014;

NOW, THEREFORE, BE IT RESOLVED that the City of Lake Elmo hereby proclaims the week of September 15, 2014, as Celebrate Community Media Week in our community and additionally invites and encourages residents to join in celebrating 30 Years of Community Media by attending the week long Open House and activities for the public to be held at the SCC Community Media Center, 2460 East County Road F, White Bear Lake, Minnesota.

Signed this September 2, 2014.

Mike Pearson, Mayor



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
CONSENT
ITEM #3
MOTION

AGENDA ITEM: Approve Disbursements in the amount of \$84,870.86

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: \$84,870.86

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to approve disbursements in the amount of \$84,870.86. No specific motion is needed as this is recommended to be part of the *Consent Agenda*.

LEGISLATIVE HISTORY: NA

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

| Claim # | Amount | Description |
|----------------|---------------------|---|
| ACH | \$ 11,172.80 | Payroll Taxes to IRS & MN Dept of Revenue 8/21/14 |
| ACH | \$ 5,636.87 | Payroll Retirement to PERA 8/21/14 |
| DD5710-DD5757 | \$ 29,090.95 | Payroll Dated (Direct Deposits) 8/21/14 |
| 41717 | \$ 378.17 | Payroll (Check) 8/21/14 |
| 41718-41795 | \$ 38,112.07 | Accounts Payable 9/02/14 |
| 2454-2453 | \$ 480.00 | Library Card Reimbursement 9/02/14 |
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| | | |
| TOTAL | \$ 84,870.86 | |

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 \$84,870.86.

ATTACHMENTS:

1. Accounts Payable – check registers

Accounts Payable To Be Paid Proof List

User: PattyB
 Printed: 08/25/2014 - 2:07 PM
 Batch: 015-08-2014

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|---------------------------------|--------------------------------|----------|----------|------------|----------------------------|-----------|------|------|------|----------------|
| ALERTALL Alert-All Corp | | | | | | | | | | |
| 214080135 | 08/19/2014 | 1,120.00 | 0.00 | 09/02/2014 | Fire Prevention Supplies | | - | | | No 0000 |
| 101-420-2220-43050 | Physicals | | | | | | | | | |
| | 214080135 Total: | 1,120.00 | | | | | | | | |
| | ALERTALL Total: | 1,120.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| BOLTONME Bolton & Menk, Inc | | | | | | | | | | |
| 0168640 | 07/31/2014 | 3,120.00 | 0.00 | 09/02/2014 | 2013.132 Pumphouse No 4 | | - | | | No 0000 |
| 601-494-9400-43030 | Engineering Services | | | | | | | | | |
| | 0168640 Total: | 3,120.00 | | | | | | | | |
| | BOLTONME Total: | 3,120.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| BRO Brodart Company | | | | | | | | | | |
| 312071 | 08/12/2014 | 189.28 | 0.00 | 09/02/2014 | Book Covers | | - | | | No 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | | | | | | | | | |
| | 312071 Total: | 189.28 | | | | | | | | |
| | BRO Total: | 189.28 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| BRYAN Bryan Rock Products, Inc. | | | | | | | | | | |
| 3491 | 08/15/2014 | 1,865.90 | 0.00 | 09/02/2014 | Road Maintenance Materials | | - | | | No 0000 |
| 101-430-3120-42240 | Street Maintenance Materials | | | | | | | | | |
| | 3491 Total: | 1,865.90 | | | | | | | | |
| | BRYAN Total: | 1,865.90 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| CARQUEST Car Quest Auto Parts | | | | | | | | | | |
| 2055-326117 | 08/13/2014 | 146.37 | 0.00 | 09/02/2014 | Service Parts | | - | | | No 0000 |
| 101-450-5200-42210 | Equipment Parts | | | | | | | | | |
| 2055-326117 | 08/13/2014 | 39.90 | 0.00 | 09/02/2014 | Synth.Oil | | - | | | No 0000 |
| 101-430-3120-42120 | Fuel, Oil and Fluids | | | | | | | | | |
| | 2055-326117 Total: | 186.27 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|---------------------------------|--------------------------|--------|----------|------------|-------------------------|-----------|------|------|------|----------------|
| CARQUEST Total: | | 186.27 | | | | | | | | |
| CENTPOW Century Power Equipment | | | | | | | | | | |
| 631680 | 07/25/2014 | 59.95 | 0.00 | 09/02/2014 | Trimmer String | | - | | No | 0000 |
| 101-450-5200-42210 | Equipment Parts | | | | | | | | | |
| 631680 | 07/25/2014 | 11.34 | 0.00 | 09/02/2014 | 2cycle oil | | - | | No | 0000 |
| 101-430-3120-42120 | Fuel, Oil and Fluids | | | | | | | | | |
| | 631680 Total: | 71.29 | | | | | | | | |
| 633460 | 08/14/2014 | 14.34 | 0.00 | 09/02/2014 | Oil | | - | | No | 0000 |
| 101-450-5200-42210 | Equipment Parts | | | | | | | | | |
| 633460 | 08/14/2014 | 16.99 | 0.00 | 09/02/2014 | Parts | | - | | No | 0000 |
| 101-430-3120-42120 | Fuel, Oil and Fluids | | | | | | | | | |
| | 633460 Total: | 31.33 | | | | | | | | |
| 634096 | 08/22/2014 | 43.94 | 0.00 | 09/02/2014 | Ignition Module | | - | | No | 0000 |
| 101-450-5200-42210 | Equipment Parts | | | | | | | | | |
| | 634096 Total: | 43.94 | | | | | | | | |
| CENTPOW Total: | | 146.56 | | | | | | | | |
| CENTURYL CenturyLink | | | | | | | | | | |
| | 07/19/2014 | 126.86 | 0.00 | 09/02/2014 | Phone Service - Library | | - | | No | 0000 |
| 206-450-5300-43210 | Telephone | | | | | | | | | |
| | 07/19/2014 | 38.44 | 0.00 | 09/02/2014 | Internet - Library | | - | | No | 0000 |
| 206-450-5300-43250 | Internet | | | | | | | | | |
| | Total: | 165.30 | | | | | | | | |
| CENTURYL Total: | | 165.30 | | | | | | | | |
| CTYOAKDA City of Oakdale | | | | | | | | | | |
| 201408204316 | 08/20/2014 | 144.62 | 0.00 | 09/02/2014 | T-1 Belt Repair Exhaust | | - | | No | 0000 |
| 101-420-2220-44040 | Repairs/Maint Eqpt | | | | | | | | | |
| | 201408204316 Total: | 144.62 | | | | | | | | |
| CTYOAKDA Total: | | 144.62 | | | | | | | | |
| DEMCO Demco | | | | | | | | | | |
| 5361023 | 08/04/2014 | 68.75 | 0.00 | 09/02/2014 | Bookends | | - | | No | 0000 |
| 206-450-5300-42230 | Building Repair Supplies | | | | | | | | | |
| 5361023 | 08/04/2014 | 7.95 | 0.00 | 09/02/2014 | Shipping | | - | | No | 0000 |
| 206-450-5300-42230 | Building Repair Supplies | | | | | | | | | |
| | 5361023 Total: | 76.70 | | | | | | | | |
| DEMCO Total: | | 76.70 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--------------------------|--------------------|--------|----------|------------|------------------|-----------|------|------|------|----------------|
| EJ-BATTA Battah Abdallah | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |
| EJ-BATTA Total: | | 100.00 | | | | | | | | |
| EJ-BBJOR Bjorkman Barb | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |
| EJ-BBJOR Total: | | 100.00 | | | | | | | | |
| EJ-BSCHU Schumacher Bob | 08/25/2014 | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 90.00 | | | | | | | | |
| | Total: | 90.00 | | | | | | | | |
| EJ-BSCHU Total: | | 90.00 | | | | | | | | |
| EJ-BURES Burress Michael | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |
| EJ-BURES Total: | | 100.00 | | | | | | | | |
| EJ-BWACK Wacker Bill | 08/25/2014 | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 90.00 | | | | | | | | |
| | Total: | 90.00 | | | | | | | | |
| EJ-BWACK Total: | | 90.00 | | | | | | | | |
| EJ-BWEEK Weeks Bruce | 08/25/2014 | 80.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 80.00 | | | | | | | | |
| | Total: | 80.00 | | | | | | | | |
| EJ-BWEEK Total: | | 80.00 | | | | | | | | |
| EJ-CARJA Carlson Janet | 08/25/2014 | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 85.00 | | | | | | | | |
| | Total: | 85.00 | | | | | | | | |
| EJ-CARJA Total: | | 85.00 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|------------------------|--------------------|--------|----------|------------|------------------|-----------|------|------|------|----------------|
| EJ-CARJA Total: | | 85.00 | | | | | | | | |
| EJ-CARLJ Carlson James | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-CARLJ Total: | | 100.00 | | | | | | | | |
| EJ-DALLE Allen Diane | | 200.75 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 200.75 | | | | | | | | |
| Total: | | 200.75 | | | | | | | | |
| EJ-DALLE Total: | | 200.75 | | | | | | | | |
| EJ-DMEYE Meyer Don | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-DMEYE Total: | | 100.00 | | | | | | | | |
| EJ-GDEGE Dege George | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-GDEGE Total: | | 100.00 | | | | | | | | |
| EJ-HELSS Hels Shannon | | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 85.00 | | | | | | | | |
| Total: | | 85.00 | | | | | | | | |
| EJ-HELSS Total: | | 85.00 | | | | | | | | |
| EJ-JALLE Allen Jim | | 200.75 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 200.75 | | | | | | | | |
| Total: | | 200.75 | | | | | | | | |
| EJ-JALLE Total: | | 200.75 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|----------------------------|--------------------|--------|----------|------------|------------------|-----------|------|------|------|----------------|
| EJ-JKIEG Kiefer Jan | 08/25/2014 | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 85.00 | | | | | | | | |
| | EJ-JKIEG Total: | 85.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| EJ-JKRUE Krueger Jan | 08/25/2014 | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 90.00 | | | | | | | | |
| | EJ-JKRUE Total: | 90.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| EJ-JMEHS Mehsikomer Joyce | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |
| | EJ-JMEHS Total: | 100.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| EJ-JPIER Pierre Jackie | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |
| | EJ-JPIER Total: | 100.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| EJ-JROTH Roth Jim | 08/25/2014 | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 90.00 | | | | | | | | |
| | EJ-JROTH Total: | 90.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| EJ-LINDB Lindberg Margitta | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |
| | EJ-LINDB Total: | 100.00 | | | | | | | | |
| <hr/> | | | | | | | | | | |
| EJ-LWAGN Wagner Linda | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| | Total: | 100.00 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|---------------------------------------|------------|--------|----------|------------|------------------|-----------|------|------|------|----------------|
| EJLWAGN Total: | | 100.00 | | | | | | | | |
| EJ-MDARM Menendez Armando | 08/25/2014 | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 Part-time Salaries | | 90.00 | | | | | | | | |
| Total: | | 90.00 | | | | | | | | |
| EJ-MDARM Total: | | 90.00 | | | | | | | | |
| EJ-MENEL Menendez Ella | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 Part-time Salaries | | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-MENEL Total: | | 100.00 | | | | | | | | |
| EJ-MEXYO Meyer JoAnne | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 Part-time Salaries | | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-MEXYO Total: | | 100.00 | | | | | | | | |
| EJ-MGRUN Grundeen Mary | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 Part-time Salaries | | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-MGRUN Total: | | 100.00 | | | | | | | | |
| EJ-NHANS Hansen Nancy | | 198.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 Part-time Salaries | | 198.00 | | | | | | | | |
| Total: | | 198.00 | | | | | | | | |
| EJ-NHANS Total: | | 198.00 | | | | | | | | |
| EJ-OCONN O'Connor Dan | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 Part-time Salaries | | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-OCONN Total: | | 100.00 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--------------------------|--------------------|--------|----------|------------|------------------|-----------|------|------|------|----------------|
| EJ-PODON O'Donnell Pat | 08/25/2014 | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 85.00 | | | | | | | | |
| Total: | | 85.00 | | | | | | | | |
| EJ-PODON Total: | | 85.00 | | | | | | | | |
| EJ-PPAUL Paulson Phyllis | 08/25/2014 | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 85.00 | | | | | | | | |
| Total: | | 85.00 | | | | | | | | |
| EJ-PPAUL Total: | | 85.00 | | | | | | | | |
| EJ-QUINN Quinn Lisa | 08/25/2014 | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 90.00 | | | | | | | | |
| Total: | | 90.00 | | | | | | | | |
| EJ-QUINN Total: | | 90.00 | | | | | | | | |
| EJ-ROTHJ Roth Janice | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-ROTHJ Total: | | 100.00 | | | | | | | | |
| EJ-SDURA Durand Shirley | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-SDURA Total: | | 100.00 | | | | | | | | |
| EJ-SLING Slinger Donald | 08/25/2014 | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 85.00 | | | | | | | | |
| Total: | | 85.00 | | | | | | | | |
| EJ-SLING Total: | | 85.00 | | | | | | | | |
| EJ-THIEL Thiel Brad | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | 100.00 | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-THIEL Total: | | 100.00 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--------------------------------------|--------------------|--------|----------|------------|------------------|-----------|------|------|------|----------------|
| EJ-THIEL Total: | | 100.00 | | | | | | | | |
| EJ-VAND VanDemmeltraadt Gloria | 08/25/2014 | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-VAND Total: | | 100.00 | | | | | | | | |
| EJ-WACKE Wacker Sallyann | | 100.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| Total: | | 100.00 | | | | | | | | |
| EJ-WACKE Total: | | 100.00 | | | | | | | | |
| EJ-WHIRS Hirsch Wil | | 90.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| Total: | | 90.00 | | | | | | | | |
| EJ-WHIRS Total: | | 90.00 | | | | | | | | |
| EJ-WLOOS Loos Wendy | | 85.00 | 0.00 | 09/02/2014 | Primary Election | | - | No | | 0000 |
| 101-410-1410-41030 | Part-time Salaries | | | | | | | | | |
| Total: | | 85.00 | | | | | | | | |
| EJ-WLOOS Total: | | 85.00 | | | | | | | | |
| ELECTSER Election Systems & Software | | 73.03 | 0.00 | 09/02/2014 | Transfer Case | | - | No | | 0000 |
| 9010235 | 08/11/2014 | | | | | | | | | |
| 101-410-1410-44300 | Miscellaneous | | | | | | | | | |
| 9010235 Total: | | 73.03 | | | | | | | | |
| ELECTSER Total: | | 73.03 | | | | | | | | |
| EXPRESS Express Services, Inc | | 948.00 | 0.00 | 09/02/2014 | Temp Services | | - | No | | 0000 |
| 14516205-3 | 08/13/2014 | | | | | | | | | |
| 101-410-1320-43150 | Contract Services | | | | | | | | | |
| 14516205-3 Total: | | 948.00 | | | | | | | | |
| EXPRESS Total: | | 948.00 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--------------------------------------|--------------------------------|--------|----------|------------|-------------------------------|-----------|------|------|------|----------------|
| FOREMOST Foremost Promotions | | | | | | | | | | |
| 266119 | 08/08/2014 | 135.22 | 0.00 | 09/02/2014 | Fire Prevention Supplies | | - | No | | 0000 |
| 101-420-2220-43050 | Physicals | | | | | | | | | |
| | 266119 Total: | 135.22 | | | | | | | | |
| | FOREMOST Total: | 135.22 | | | | | | | | |
| GKSERVIC G&K Services | | | | | | | | | | |
| 1182461218 | 08/18/2014 | 36.76 | 0.00 | 09/02/2014 | Uniforms | | - | No | | 0000 |
| 101-430-3100-44170 | Uniforms | | | | | | | | | |
| | 1182461218 Total: | 36.76 | | | | | | | | |
| | GKSERVIC Total: | 36.76 | | | | | | | | |
| GRAPHICR Graphic Resources Inc | | | | | | | | | | |
| 49761 | 08/08/2014 | 139.50 | 0.00 | 09/02/2014 | Window Envelopes | | - | No | | 0000 |
| 601-494-9400-42030 | Printed Forms | | | | | | | | | |
| 49761 | 08/08/2014 | 139.50 | 0.00 | 09/02/2014 | Window Envelopes | | - | No | | 0000 |
| 603-496-9500-42030 | Printed Forms | | | | | | | | | |
| | 49761 Total: | 279.00 | | | | | | | | |
| 49762 | 08/08/2014 | 428.00 | 0.00 | 09/02/2014 | Developer Brochures | | - | No | | 0000 |
| 101-410-1910-42030 | Printed Forms | | | | | | | | | |
| | 49762 Total: | 428.00 | | | | | | | | |
| | GRAPHICR Total: | 707.00 | | | | | | | | |
| HOLIDAYC Holiday Credit Office | | | | | | | | | | |
| | 08/15/2014 | 60.22 | 0.00 | 09/02/2014 | Fuel | | - | No | | 0000 |
| 101-420-2220-42120 | Fuel, Oil and Fluids | | | | | | | | | |
| | Total: | 60.22 | | | | | | | | |
| | HOLIDAYC Total: | 60.22 | | | | | | | | |
| JANIKING Jani-King of Minnesota, Inc | | | | | | | | | | |
| MIN08140570 | 08/18/2014 | 188.00 | 0.00 | 09/02/2014 | Cleaning Services - City Hall | | - | No | | 0000 |
| 101-410-1940-44010 | Repairs/Maint Contractual Bldg | | | | | | | | | |
| | MIN08140570 Total: | 188.00 | | | | | | | | |
| | JANIKING Total: | 188.00 | | | | | | | | |
| KORTHER KORTHERIC | | | | | | | | | | |
| | 08/19/2014 | 55.00 | 0.00 | 09/02/2014 | Cable Operations - 8/19/14 CC | | - | No | | 0000 |
| 101-410-1450-43620 | Cable Operations | | | | | | | | | |
| | Total: | 55.00 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|-----------|---|----------|----------|------------|--|-----------|------|------|------|----------------|
| | KORTHER Total: | 55.00 | | | | | | | | |
| | LANDMARK Landmark, Inc. | | | | | | | | | |
| | 08/15/2014 | 5,000.00 | 0.00 | 09/02/2014 | Escrow Release 8967 - 10029 Tapestry Gro | | | No | | 0000 |
| | 803-000-0000-22900 Deposits Payable | 5,000.00 | | | | | | | | |
| | Total: | 5,000.00 | | | | | | | | |
| | LANDMARK Total: | 5,000.00 | | | | | | | | |
| | LOFF Loffler Companies, Inc. | | | | | | | | | |
| | 1805164 08/14/2014 | 774.96 | 0.00 | 09/02/2014 | Copy machine overage & base Aug 2014 | | | No | | 0000 |
| | 101-410-1940-44040 Repairs/Maint Contractual Eqpt | 774.96 | | | | | | | | |
| | 1805164 Total: | 774.96 | | | | | | | | |
| | LOFF Total: | 774.96 | | | | | | | | |
| | MARVS Marv's Professional Tools | | | | | | | | | |
| | 273994 08/14/2014 | 63.05 | 0.00 | 09/02/2014 | Flush Kit | | | No | | 0000 |
| | 101-430-3100-42240 Street Maintenance Materials | 63.05 | | | | | | | | |
| | 273994 Total: | 63.05 | | | | | | | | |
| | MARVS Total: | 63.05 | | | | | | | | |
| | MCCORMAC McCormack Classic Construction | | | | | | | | | |
| | 08/15/2014 | 5,000.00 | 0.00 | 09/02/2014 | Escrow Release #8419 - 585 Julep | | | No | | 0000 |
| | 803-000-0000-22900 Deposits Payable | 5,000.00 | | | | | | | | |
| | Total: | 5,000.00 | | | | | | | | |
| | MCCORMAC Total: | 5,000.00 | | | | | | | | |
| | MENARDSO Menards - Oakdale | | | | | | | | | |
| | 53221 08/12/2014 | 38.59 | 0.00 | 09/02/2014 | Paint/Sealer | | | No | | 0000 |
| | 101-450-5200-42150 Shop Materials | 38.59 | | | | | | | | |
| | 53221 Total: | 38.59 | | | | | | | | |
| | 53673 08/18/2014 | 55.90 | 0.00 | 09/02/2014 | Tie-straps | | | No | | 0000 |
| | 101-450-5200-42400 Small Tools & Minor Equipment | 55.90 | | | | | | | | |
| | 53673 Total: | 55.90 | | | | | | | | |
| | 53723 08/18/2014 | 34.60 | 0.00 | 09/02/2014 | Park Sign Hardware | | | No | | 0000 |
| | 101-450-5200-42210 Equipment Parts | 34.60 | | | | | | | | |
| | 53723 Total: | 34.60 | | | | | | | | |
| | 53982 08/21/2014 | 116.85 | 0.00 | 09/02/2014 | Shop material | | | No | | 0000 |
| | 101-450-5200-42150 Shop Materials | 116.85 | | | | | | | | |
| | 53982 Total: | 116.85 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--------------------------------------|--------------------------------|----------|----------|------------|-----------------------|-----------|------|------|------|----------------|
| MENARDSO Total: | | 245.94 | | | | | | | | |
| NEWMAN Newman Signs, Inc. | | | | | | | | | | |
| TI-0276676 | 08/08/2014 | 1,491.58 | 0.00 | 09/02/2014 | Street sign materials | | - | No | | 0000 |
| 101-430-3120-42260 | Sign Repair Materials | 1,491.58 | | | | | | | | |
| | TI-0276676 Total: | 1,491.58 | | | | | | | | |
| | NEWMAN Total: | 1,491.58 | | | | | | | | |
| NYTIMES THE NEW YORK TIMES | | | | | | | | | | |
| 890168271 | 08/10/2014 | 184.20 | 0.00 | 09/02/2014 | Subscription | | - | No | | 0000 |
| 206-450-5300-42500 | Library Collection Maintenance | 184.20 | | | | | | | | |
| | 890168271 Total: | 184.20 | | | | | | | | |
| | NYTIMES Total: | 184.20 | | | | | | | | |
| OAKDRC Oakdale Rental Center | | | | | | | | | | |
| 97681 | 08/20/2014 | 110.33 | 0.00 | 09/02/2014 | Patch Trailer Propane | | - | No | | 0000 |
| 101-430-3120-42240 | Street Maintenance Materials | 110.33 | | | | | | | | |
| | 97681 Total: | 110.33 | | | | | | | | |
| | OAKDRC Total: | 110.33 | | | | | | | | |
| PIONEERI Pioneer Rim & Wheel Company | | | | | | | | | | |
| 1-252710 | 07/17/2014 | 500.99 | 0.00 | 09/02/2014 | Brake and wheel hubs | | - | No | | 0000 |
| 101-450-5200-42210 | Equipment Parts | 500.99 | | | | | | | | |
| | 1-252710 Total: | 500.99 | | | | | | | | |
| | PIONEERI Total: | 500.99 | | | | | | | | |
| PLRANDAL PL Randall & Sons, LLC | | | | | | | | | | |
| | 08/14/2014 | 213.00 | 0.00 | 09/02/2014 | Building Permit Fee | | - | No | | 0000 |
| 101-000-0000-32210 | Building Permits | 213.00 | | | | | | | | |
| | 08/14/2014 | 138.45 | 0.00 | 09/02/2014 | Plan Review Fee | | - | No | | 0000 |
| 101-000-0000-34104 | Plan Check Fees | 138.45 | | | | | | | | |
| | 08/14/2014 | 9.28 | 0.00 | 09/02/2014 | State Surcharge | | - | No | | 0000 |
| 101-000-0000-20801 | Building Permit Surcharge | 9.28 | | | | | | | | |
| | Total: | 360.73 | | | | | | | | |
| | PLRANDAL Total: | 360.73 | | | | | | | | |
| RIVRLOOP River Country Cooperative | | | | | | | | | | |
| | 07/31/2014 | 220.68 | 0.00 | 09/02/2014 | Fuel | | - | No | | 0000 |
| 101-420-2220-42120 | Fuel, Oil and Fluids | 220.68 | | | | | | | | |
| | Total: | 220.68 | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--|----------------------|--------|----------|------------|----------------------------------|-----------|------|------|------|----------------|
| RIVRCOOP Total: | | 220.68 | | | | | | | | |
| SCHWAAB Schwaab, Inc. | | | | | | | | | | |
| D92696 | 07/24/2014 | 34.50 | 0.00 | 09/02/2014 | Self inking Stamp | | - | No | | 0000 |
| 101-420-2400-42000 Office Supplies | | | | | | | | | | |
| D92696 Total: | | 34.50 | | | | | | | | |
| SCHWAAB Total: | | 34.50 | | | | | | | | |
| SELECTAC SelectAccount | | | | | | | | | | |
| 1036969 | 08/07/2014 | 8.44 | 0.00 | 09/02/2014 | Participant Fee 8/01-8/31/2014 | | - | No | | 0000 |
| 101-410-1520-43150 Contract Services | | | | | | | | | | |
| 1036969 Total: | | 8.44 | | | | | | | | |
| SELECTAC Total: | | 8.44 | | | | | | | | |
| SPRINT Sprint | | | | | | | | | | |
| 101-410-1940-43210 | 08/18/2014 Telephone | 54.16 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| 101-420-2220-43210 | 08/18/2014 Telephone | 193.89 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| 101-420-2400-43210 | 08/18/2014 Telephone | 39.29 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| 101-430-3100-43210 | 08/18/2014 Telephone | 69.96 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| 101-450-5200-43210 | 08/18/2014 Telephone | 74.37 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| 101-410-1450-43210 | 08/18/2014 Telephone | 48.32 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| 101-410-1910-43210 | 08/18/2014 Telephone | 12.83 | 0.00 | 09/02/2014 | Phone Services | | - | No | | 0000 |
| Total: | | 492.82 | | | | | | | | |
| SPRINT Total: | | 492.82 | | | | | | | | |
| STATE OF State of MN Dept of Public | | | | | | | | | | |
| 8207500132013 | 08/15/2014 | 25.00 | 0.00 | 09/02/2014 | MN Haz/Mat Incident Response Act | | - | No | | 0000 |
| 101-450-5200-42400 Small Tools & Minor Equipment | | | | | | | | | | |
| 8207500132013 Total: | | 25.00 | | | | | | | | |
| STATE OF Total: | | 25.00 | | | | | | | | |
| TASCH T.A. Schifsky & Sons Inc | | | | | | | | | | |
| 56652 | 08/12/2014 | 113.85 | 0.00 | 09/02/2014 | Asphalt | | - | No | | 0000 |
| 101-430-3120-42240 Street Maintenance Materials | | | | | | | | | | |

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--|---|-----------|----------|------------|--------------------------------------|-----------|------|------|------|----------------|
| 56701 | 08/18/2014 | 113.85 | 0.00 | 09/02/2014 | Asphalt | | - | No | | 0000 |
| | 56652 Total: | 541.66 | | | | | | | | |
| | 101-430-3120-42240 Street Maintenance Materials | | | | | | | | | |
| | 56701 Total: | 541.66 | | | | | | | | |
| | TASCH Total: | 655.51 | | | | | | | | |
| TKDA TKDA, Inc. | | | | | | | | | | |
| 002014002527 | 08/08/2014 | 182.58 | 0.00 | 09/02/2014 | 2013.123 LE Ave Sewer | | - | No | | 0000 |
| 602-495-9450-43030 Engineering Services | | 182.58 | | | | | | | | |
| | 002014002527 Total: | 182.58 | | | | | | | | |
| | TKDA Total: | 182.58 | | | | | | | | |
| TOWNCTRY Town & Country Cleaning Co | | | | | | | | | | |
| 814168 | 08/01/2014 | 295.00 | 0.00 | 09/02/2014 | August Cleaning Service - Library | | - | No | | 0000 |
| 206-450-5300-44010 Repairs/Maint Bldg | | 295.00 | | | | | | | | |
| | 814168 Total: | 295.00 | | | | | | | | |
| | TOWNCTRY Total: | 295.00 | | | | | | | | |
| Whiteani White Anita | | | | | | | | | | |
| 08/13/2014 | | 55.00 | 0.00 | 09/02/2014 | Cable Operations 8/13/14 CC | | - | No | | 0000 |
| 101-410-1450-43620 Cable Operations | | 25.00 | | | | | | | | |
| 08/13/2014 | | 25.00 | 0.00 | 09/02/2014 | Bonus | | - | No | | 0000 |
| 101-410-1450-43620 Cable Operations | | 80.00 | | | | | | | | |
| | Total: | 80.00 | | | | | | | | |
| | Whiteani Total: | 80.00 | | | | | | | | |
| WINNICK Winnick Supply | | | | | | | | | | |
| 279327 | 08/21/2014 | 56.75 | 0.00 | 09/02/2014 | 18" Offset Wrench | | - | No | | 0000 |
| 601-494-9400-42400 Small Tools & Minor Equipment | | 56.75 | | | | | | | | |
| | 279327 Total: | 56.75 | | | | | | | | |
| | WINNICK Total: | 56.75 | | | | | | | | |
| WONDERFU Wonderful Home Builders | | | | | | | | | | |
| 08/14/2014 | | 5,000.00 | 0.00 | 09/02/2014 | Escrow Release #9002 -10220 Tapestry | | - | No | | 0000 |
| 803-000-0000-22900 Deposits Payable | | 5,000.00 | | | Ben | | | | | |
| | Total: | 5,000.00 | | | | | | | | |
| | WONDERFU Total: | 5,000.00 | | | | | | | | |
| | Report Total: | 33,805.42 | | | | | | | | |

Accounts Payable To Be Paid Proof List

User: PattyB

Printed: 08/25/2014 - 2:21 PM

Batch: 016-08-2014

| Invoice # | Inv Date | Amount | Quantity | Pmt Date | Description | Reference | Task | Type | PO # | Close POLine # |
|--|----------------|----------|----------|------------|-------------------------------------|-----------|------|------|------|----------------|
| DELTA Delta Dental Of Minnesota 5647109 | 08/15/2014 | 1,646.65 | 0.00 | 09/02/2014 | September Dental | | - | No | | 0000 |
| 101-000-0000-21706 Medical Insurance | | 1,646.65 | | | | | | | | |
| | 5647109 Total: | 1,646.65 | | | | | | | | |
| | DELTA Total: | | | | | | | | | |
| NCPERS 566200-NCPERS Minnesota 5662414 | 08/21/2014 | 160.00 | 0.00 | 09/02/2014 | September Premium | | - | No | | 0000 |
| 101-000-0000-21708 Other Benefits | | 160.00 | | | | | | | | |
| | 5662414 Total: | 160.00 | | | | | | | | |
| | NCPERS Total: | | | | | | | | | |
| RABOUIN RABOUIN, INC 08/25/2014 | | 2,500.00 | 0.00 | 09/02/2014 | September Instalment - per contract | | - | No | | 0000 |
| 101-410-1320-43100 Assessing Services | | 2,500.00 | | | | | | | | |
| | Total: | 2,500.00 | | | | | | | | |
| | RABOUIN Total: | | | | | | | | | |
| | Report Total: | 4,306.65 | | | | | | | | |



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
CONSENT
ITEM #4
MOTION

AGENDA ITEM: Approve setting the Truth in Taxation Public Hearing Date for the 2015 Budget and Tax Levy

SUBMITTED BY: Cathy Bendel, Finance Director

THROUGH: Cathy Bendel, Finance Director

REVIEWED BY: Adam Bell, City Clerk/Assistant Administrator

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECOMMENDER: Finance

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is respectfully asked to consider setting the Truth in Taxation Public Meeting date as required by State law for December 2, 2014. No specific motion is needed as this is recommended to be part of the overall approval of the *Consent Agenda*.

BACKGROUND INFORMATION: Each year the City Council is responsible for choosing the date of the meeting where the annual budget and levy will be discussed and where the public will be allowed to speak.

STAFF REPORT: The City is required to conduct a meeting where the budget and levy will be discussed and the public will be allowed to speak at a regular scheduled City Council meeting. Staff recommends the fulfillment of this requirement on December 2, 2014 at 7:00 p.m. as part of the regularly scheduled City Council meeting.

RECOMMENDATION: It is recommended that the City Council approve the date of December 2, 2014 for the meeting to discuss the 2015 budget and levy.

ATTACHMENT:

1. Resolution No. 2014-65

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

RESOLUTION 2014-65

**A RESOLUTION SETTING THE TRUTH IN TAXATION PUBLIC HEARING DATE
FOR THE 2015 BUDGET AND TAX LEVY**

WHEREAS, the City of Lake Elmo is required to set a single meeting for discussion and final approval of the 2015 budget and tax levy; and

WHEREAS, the City will publish the date, time and location for the public meeting; and

WHEREAS, the public will be given the opportunity to speak.

NOW THEREFORE BE IT RESOLVED, that the City of Lake Elmo has set December 2, 2014 at 7:00 p.m. as the public meeting date for the final adoption of the 2015 budget and tax levy.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS SECOND
DAY OF SEPTEMBER 2014.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
CONSENT
ITEM # 5

AGENDA ITEM: Easement Encroachment Agreement – 1668 Ivy Avenue N

SUBMITTED BY: Joan Ziertman, Planning Program Assistant

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Rick Chase, Building Official
Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS(if removed from consent agenda):

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

POLICY RECCOMENDER: Staff recommends that the City Council approve the encroachment agreement for Thomas Lackner and Laura Lackner at 1668 Ivy Avenue North as part of tonight’s consent agenda.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight’s consent agenda, the execution of an easement encroachment agreement. The City has received a request to install a water service line within a drainage and utility easement area at 1668 Ivy Avenue North from Thomas Lackner and Laura Lackner. Approval of the requested improvement within the City’s drainage and utility easements would allow the property owners to construct the requested improvement within the City’s drainage and utility easements located on their private property.

Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for Thomas and Laura Lackner, 1668 Ivy Avenue N to install a Water Service Line within the City’s drainage and utility easement.”

LEGISLATIVE HISTORY: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the City. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function. After that information is received, staff reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If staff determines that the improvement will not negatively impact the functionality of the easement, an approved building permit showing the requested work and an Easement Encroachment Agreement is needed before the work may commence.

The Easement Encroachment Agreement that has been submitted for Council consideration is for a water service line and has been reviewed by planning staff. The proposed water service line meets all city code requirements and Staff would have otherwise authorized construction of the water service line if it did not encroach into a drainage and utility easement.

BACKGROUND INFORMATION (SWOT):

Strengths: The easement encroachment agreement is a legal document that has been signed by all property owners seeking to install improvements within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

Weaknesses: None

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for Thomas and Laura Lackner to install a water service line within the City’s drainage and utility easement.”

MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014

CONSENT

ITEM # 6

AGENDA ITEM: Easement Encroachment Agreement – 1650 Ivy Avenue N

SUBMITTED BY: Joan Ziertman, Planning Program Assistant

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Rick Chase, Building Official
Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS(if removed from consent agenda):

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

POLICY RECCOMENDER: Staff recommends that the City Council approve the encroachment agreement for Thomas O’Neill and Amy O’Neill at 1650 Ivy Avenue North as part of tonight’s consent agenda.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight’s consent agenda, the execution of an easement encroachment agreement. The City has received a request to install a water service line within a drainage and utility easement area at 1650 Ivy Avenue North from Thomas O’Neill and Amy O’Neill. Approval of the requested improvement within the City’s drainage and utility easements would allow the property owners to construct the requested improvement within the City’s drainage and utility easements located on their private property.

Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for Thomas and Amy O’Neill, 1650 Ivy Avenue N to install a Water Service Line within the City’s drainage and utility easement.”

LEGISLATIVE HISTORY: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the City. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function. After that information is received, staff reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If staff determines that the improvement will not negatively impact the functionality of the easement, an approved building permit showing the requested work and an Easement Encroachment Agreement is needed before the work may commence.

The Easement Encroachment Agreement that has been submitted for Council consideration is for a water service line and has been reviewed by planning staff. The proposed water service line meets all city code requirements and Staff would have otherwise authorized construction of the water service line if it did not encroach into a drainage and utility easement.

BACKGROUND INFORMATION (SWOT):

Strengths: The easement encroachment agreement is a legal document that has been signed by all property owners seeking to install improvements within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

Weaknesses: None

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for Thomas and Amy O’Neill to install a water service line within the City’s drainage and utility easement.”



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
CONSENT
ITEM # 7

AGENDA ITEM: Easement Encroachment Agreement – 10938 57th Street N
SUBMITTED BY: Joan Ziertman, Planning Program Assistant
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Rick Chase, Building Official
Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS(if removed from consent agenda):

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

POLICY RECCOMENDER: Staff recommends that the City Council approve the encroachment agreement for James and Suzanne Hippel at 10938 57th Street North as part of tonight’s consent agenda.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is respectfully requested to authorize as part of tonight’s consent agenda, the execution of an easement encroachment agreement. The City has received a request to install a retaining wall within a drainage and utility easement area at 10938 57th Street North from James Hippel and Suzanne Hippel. Approval of the requested improvement within the City’s drainage and utility easements would allow the property owners to construct the requested improvement within the City’s drainage and utility easements located on their private property.

Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for James and Suzanne Hippel, 10938 57th street N to install a Retaining Wall within the City’s drainage and utility easement.”

LEGISLATIVE HISTORY: The City holds easements of different sizes and for different purposes on many residential and commercial properties throughout the City. When a resident is interested in putting a structure within an easement, the city has requested the property owner provide a site plan showing where the improvement is proposed to be located, a detail of what the improvement will look like and how it will function. After that information is received, staff reviews the proposed improvement and the use of the easement to determine if the proposed improvement will impede the functionality of the easement. If staff determines that the improvement will not negatively impact the functionality of the easement, an approved building permit showing the requested work and an Easement Encroachment Agreement is needed before the work may commence.

The Easement Encroachment Agreement that has been submitted for Council consideration is for a retaining wall and has been reviewed by planning staff. The retaining wall meets all city code requirements and Staff would have otherwise authorized construction of the retaining wall if it did not encroach into a drainage and utility easement.

BACKGROUND INFORMATION (SWOT):

Strengths: The easement encroachment agreement is a legal document that has been signed by all property owners seeking to install improvements within an easement. The document, among other things, indemnifies the city from responsibility if damage occurs to the improvement or if it needs to be removed at some point in the future.

Weaknesses: None

Opportunities: None

Threats: None

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council approve the easement encroachment agreement as part of the Consent Agenda. If the City Council removes the item from the Consent Agenda, the recommended action can be completed through the following motion:

“Move to approve the easement encroachment agreement for James and Suzanne Hippel to install a retaining wall within the City’s drainage and utility easement.”



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014

CONSENT

ITEM # 8

AGENDA ITEM: Library Board Appointment

SUBMITTED BY: Mayor Mike Pearson

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Dean Zuleger, City Administrator
Adam Bell, City Clerk/Assistant City Administrator

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

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

POLICY RECOMMENDER: Mayor Mike Pearson

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED:

The City of Lake Elmo City Council is respectfully requested as part of its Consent Agenda to affirm the following appointment to the Lake Elmo Library Board. As part of its Consent Agenda, no formal motion is required. If Council wishes to further discuss this appointment, they can remove this item from the Consent Agenda and approve the appointment by taking the following action:

“Move to appoint Margo Sieleni to the Lake Elmo Library Board.”

LEGISLATIVE HISTORY:

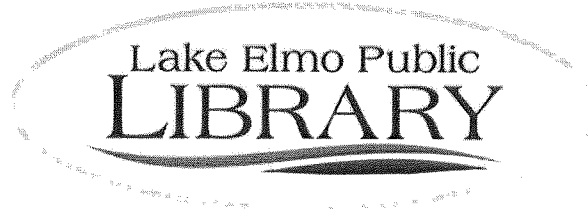
Due to the resignation of a board member, and elevation of alternates, two alternate positions became open. This appointment will fill one of those positions.

BACKGROUND INFORMATION:

Per MN State Statutes, the Mayor of a municipality has the authority and responsibility to appoint members of the local library board. The appointment must be affirmed by the City Council.

RECOMMENDATION: The Mayor recommends that the City of Lake Elmo City Council as part of its Consent Agenda affirm the following appointment to the City of Lake Elmo Library Board by taking the following action:

“Move to appoint Margo Sieleni to the Lake Elmo Library Board.”



**Application for Service
Lake Elmo Library Board**

Date: 08/16/2014

Name: Margo Sieleni

Address: 8485 Lake Jane Trail N., Lake Elmo, MN 55042

Phone Number: H) 651.770.9555 C) 651.303.0351

Email: msieleni@aol.com **Resume Attached (Optional):** Yes No

1. What do you consider to be the major challenges facing the Lake Elmo Public Library?

The relationship with other libraries and MELSA access are major challenges facing the library.

2. What do you see as your role serving as a member of the City Library's governing Board?

While continuing the good work that went into creating the Lake Elmo Library, I will be a reasonable voice in further developing and carrying out library policies. After attending several board meetings I feel welcomed and considered by the board as part of the process.

3. What experience and qualifications do you have that demonstrate your ability and to support the Mission Statement and Goals of the Library in its service to the residents and business owners in Lake Elmo?

I see the Lake Elmo Library as a Gem in our unique downtown that fills a basic need and attracts more people to the downtown area. Promoting the library in a positive way goes hand in hand with my customer service skills that have always been a part of my professions. Helping out and pitching in come natural to me and my way of living.

4. How much time do you have to contribute to Library activities including meeting preparation, meeting participation and weekly volunteer operations? Have you attended any Board meetings? Are you an active volunteer?

Most of the Library Board meetings I attended involved interviewing candidates and selecting the new Library Director. The current Board members made me feel welcome and stated that they appreciated my contribution. Working full time, I would find some time to volunteer and would like to be more active in special events and projects. As long as meetings continue to be scheduled after work I will be able to attend.

As an inaugural volunteer member of the Lake Elmo Fall Festival I demonstrated my ability to work as a team member with the strong personalities of the committee helping to keep things moving in a forward direction. I have considerable volunteer experience including being a former Board member for the Ambassadors of the St Paul Festival and Heritage Foundation aka The St Paul Winter Carnival, and a member of the Royalty Committee for the Rice Street Festival.



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
REGULAR
ITEM # 9

AGENDA ITEM: Savona Subdivision Conditional Use Permit

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission and staff are recommending that the City Council approve a request by Lennar Corporation for a conditional use permit to allow single family attached (townhome) units within the Savona Subdivision that do not have frontage on a public street.

FISCAL IMPACT: None – City costs related to the review of the conditional use permit are reimbursed by application fees. The future home owners association will be responsible for maintaining the private streets within the townhome portion of the subdivision.

SUMMARY AND ACTION REQUESTED: Lennar Corporation has submitted an application for a conditional use permit to allow for the construction of single family attached (townhome) residential units that do not have frontage on a public street. If approved, the conditional use permit would apply to the entirety of the planned medium density townhome portion included in the Savona Preliminary Plat.

The Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request through the following motion:

“Move to adopt Resolution No. 2014-66, approving a Conditional Use Permit to allow for the construction of single family attached dwellings within the Savona Subdivision that do not have frontage on a public street.”

BACKGROUND INFORMATION:

Attached is the original detailed Staff Report that was provided to the Planning Commission on 8/25/14 regarding the applicant's request for Final Plat approval of Savona 2nd Addition and a Conditional Use Permit to allow single family attached dwellings in the Savona Subdivision without frontage on a public street. The Staff Report includes general information about the application and a summary of the relevant planning and zoning issues. While the Planning Commission postponed consideration of the Final Plat application for Savona 2nd Addition, they did unanimously recommend approval of the conditional use permit.

Per Article 10 – Urban Residential Districts of the City's Zoning Code, single family attached dwellings (townhomes) that are proposed on private streets are considered a conditional use. Although it is quite common to provide access to townhome units via private driveways/streets, it is important to have some additional mechanism for review to ensure safe and efficient ingress/egress to these sites. More specifically, private streets must be designed in a way that allows for effective access for emergency vehicles. For these reasons, townhomes on private streets are considered a conditional use according to the Zoning Code.

It should be noted that the approved Savona Preliminary Plat includes 122 single family attached (townhome) units, all of which are served by private streets that access one larger public street (5th St. Lane N.). In reviewing the proposed townhome section, the Fire Chief did note concern over the design of the private streets to ensure adequate emergency access. In light of this concern, the City Engineer reviewed the proposed private streets and found the design to be adequate if one side of the street is signed for no parking. The private streets are designed to a width of 24 feet. With parking permitted on only one side, 24 feet provides sufficient emergency vehicle access. The Site Plan for the townhome area is provided (Attachment #4) to illustrate the layout and design of the private streets. It should also be noted that the Conditional Use Permit would apply to the entirety of the townhome area that was approved in the Savona Preliminary Plat. The Savona 2nd Addition included 22 townhome units, while the overall Preliminary Plat includes 122 townhome units. The proposed CUP would apply to the entirety of the single family attached area.

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the Savona 2nd Addition Final Plat and Conditional Use Permit request at its August 25th, 2014 meeting and conducted a public hearing at this time. During the public hearing, no one from the public spoke. In addition, staff received no written testimony. The Planning Commission then closed the public hearing.

The Planning Commission unanimously recommended approval of the Conditional Use Permit as submitted (Vote: 6-0).

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: Approval of the Conditional Use Permit will allow for the single family attached portion of the Savona Subdivision to proceed as approved in the Savona Preliminary Plat. Private streets that serve the townhome units will be maintained by the Home Owners Association for the townhome area, relieving the City of additional street maintenance and future replacement. As designed, the private street will provide adequate circulation and emergency access, as long as there is no parking on one side as recommended by the City Engineer.

Weaknesses: None

Opportunities: Approval of the Conditional Use Permit allows the Savona development to proceed, allowing for future cash flow of City investments in sanitary sewer and water infrastructure.

Threats: None

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff and are recommending that the City Council approve the Conditional Use Permit request through the following motion:

“Move to adopt Resolution No. 2014-66, approving a Conditional Use Permit to allow for the construction of single family attached dwellings within the Savona Subdivision that do not have frontage on a public street.”

ATTACHMENTS:

1. Resolution 2014-66
2. Staff Report to the Planning Commission, 8/25/14
3. Application Form
4. Savona Townhome Area Site Plan
5. City Engineer Review Memorandum
6. Fire Chief Review Letter

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

RESOLUTION NO. 2014-66

*RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE
CONSTRUCTION OF SINGLE FAMILY ATTACHED DWELLINGS IN THE SAVONA
SUBDIVISION THAT DO NOT HAVE FRONTAGE ON A PUBLIC STREET*

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

WHEREAS, U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN has submitted an application to the City of Lake Elmo (City) for a Conditional Use Permit to allow single family attached dwellings without frontage on a public street within the Savona Subdivision (PID: 34.029.21.41.0004), a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on August 25, 2014 to consider the Conditional Use Permit request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Conditional Use Permit; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Conditional Use Permit as part of a memorandum to the City Council from City Planner Nick Johnson for the September 2, 2014 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on September 2, 2014 and made the following findings of fact:

- 1) That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 2) That the use conforms to the City of Lake Elmo Comprehensive Plan.
- 3) That the use is compatible with the existing neighborhood
- 4) That the proposed use meets all specific development standards for such use as listed in the Zoning Ordinance.
- 5) That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 6) That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and

services provided by the persons or agencies responsible for the establishment of the proposed use.

- 7) That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 8) That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 9) That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 10) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Conditional Use Permit to allow single family attached dwellings without frontage on a public street within the Savona Subdivision.

Passed and duly adopted this 2nd day of September 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk



PLANNING COMMISSION
DATE: 8/25/14
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2014-41

ITEM: Savona 2nd Addition Residential Subdivision – Final Plat

SUBMITTED BY: Kyle Klatt, Planning Director

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

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Final Plat request from Lennar Corporation for the second phase of a planned 310 unit residential development to be located on 112.6 acres west of Keats Avenue and within Stage 1 of the City's I-94 Corridor Planning Area. The final plat will include 47 single-family lots and 22 single-family attached units, all of which will be accessed via an initial extension of the 5th Street Parkway off of Keats Avenue. The application also includes a request for a Conditional Use Permit to allow single-family attached units that are accessed via a private road. Staff is recommending approval of the request subject to compliance with a series of conditions as listed in this report.

GENERAL INFORMATION

Applicant: U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN

Property Owners: U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN

Location: Part of Section 34 in Lake Elmo, north of I-94, west of Keats Avenue, and south of Goose Lake. PID Numbers 34.029.21.42.0002; 34.029.21.41.0004

Request: Application for final plat approval of a 69 unit residential subdivision to be named Savona 2nd Addition. Application for a Conditional Use Permit to allow single-family attached units that do not have frontage along a public street.

Existing Land Use and Zoning: Agricultural land, land that has been mass graded for residential development. Current Zoning: LDR and MDR

Surrounding Land Use and Zoning: North – active mining and gravel operation; west, south and east – agricultural land

Comprehensive Plan: Urban Low Density Residential (2.5 – 3.99 units per acre) and Urban Medium Density Residential (4 – 7 units per acre)

History: Sketch Plan review by Planning Commission on 12/10/12. EAW approved by the City Council on 7/2/13. Preliminary Plat approved on 8/6/13. Final Plat for first addition approved on 2/18/14.

Deadline for Action: Application Complete – 7/14/14
 60 Day Deadline – 9/14/14
 Extension Letter Mailed – No
 120 Day Deadline – 11/14/14

Applicable Regulations: Chapter 153 – Subdivision Regulations
 Article 10 – Urban Residential Districts (LDR)
 §150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS

The City of Lake Elmo has received a request from Lennar Corporation for final plat approval of the second phase of the Savona residential development (Savona 2nd Addition). The final plat includes 47 single family residential lots, 22 single family attached units (townhouses), and the infrastructure necessary to support the future homes on these lots. The City Council approved the Savona Preliminary Plat on August 6, 2013, which covered 113 acres of land within the I-94 Corridor planning area. There are 310 single family and multi-family residential units planned within the entire subdivision, and the final plat covers only a portion of the overall total of units that will eventually be platted. Lennar has finalized its purchase of the land included in the final plat area, and is acting as the sole applicant for this request.

The final plat area represents an extension of the Savona development to the west of the first addition, and will also include the first townhouses to be platted and built as part of the overall development area. The grading plans for the first addition included the lots that are being platted within the second addition; therefore, the attached grading plans propose relatively minor changes to the site conditions at present. Because of revisions to the storm water plan that have been required by the watershed district, there have been some changes to the ponding and infiltration system proposed with the preliminary plat. These changes have required an expansion of the storm water pond located in the extreme southeastern portion of the site along Keats Avenue, and will require the applicant to direct storm water across the neighboring property to the south. The implications of these changes are noted in the review comments below. The applicant has submitted detailed construction plans for related to sanitary sewer, water main, storm sewer, grading, drainage, erosion control, landscaping, and other details that have been reviewed by the City Engineer.

The submitted plans do not include further extension of 5th Street adjacent through the Savona 2nd Addition area, as the applicant and landowner to the south have been working through the best methodology to construct the road. Staff is recommending that such plans for the segment of 5th Street adjacent to 2nd Addition be included as part of the 2nd Addition improvements (Condition #14). In addition, the final plat should be revised to plat the portion of the 5th Street right-of-way necessary to complete the recommended improvements. In order to provide the City with the confidence to move forward with the application, the landowner to the south and the City have drafted a Permanent Public Street Easement Agreement (Attachment #10) for the entire section of 5th Street. This would provide the City the legal access to the entire 5th Street segment to the Boulder Ponds planned development. Staff would recommend that this agreement be executed and recorded as part of the recording of the 2nd Addition Final Plat.

The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Savona Preliminary Plat did include a series of conditions

that must be met by the applicant, which are addressed in the “Review and Analysis” section below. There are no public hearing requirements for a final plat.

The City’s zoning map for all of the area included in the preliminary plat for Savona has been updated to be consistent with the City’s Comprehensive Plan. The portions of the plat that are planned for single family detached housing are zoned LDR – Low Density Residential, while the proposed townhouses are located within a MDR – Medium Density Residential Zoning District. As noted in the City’s preliminary plat review, the single family and townhouse lots fall within the density ranges allowed in the Comprehensive Plan. Please note that as part of the MDR zoning district requirements, townhouses that do not have frontage on a public street may only be allowed with a Conditional Use Permit (CUP). The townhouses shown in the attached plat will have access to a private road which then connects to a proposed public road that will loop through the portion of the site south of 5th Street. The applicant has therefore requested a Conditional Use Permit along with the final plat in order to permit the proposed townhouse layout. Staff has scheduled a public hearing concerning the CUP portion of the applicant’s request.

In order to provide further clarity concerning the future phases of the townhouse area, the applicant has prepared updated plans for the overall townhouse area, which includes updated grading plans for the eastern portion of this area (including the storm water pond along Keats Avenue). While the majority of these plans fall outside of the 2nd Addition area, they do help illustrate that the revisions necessary to accommodate additional storm water improvements in this area can be made while not substantially altering the preliminary plat for the townhouses. Staff has a few general comments about the future townhouse phases that are noted in the following section of this report. Staff has also determined that the CUP request can be made for the entire townhouse area, and that the included map labeled “Final Site Plan – Townhome Area” can be used as the basis for this request.

Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City. The CUP related to the townhouses on private roads is also consistent with the preliminary plat as approved by the City. The developer has previously updated the preliminary plan submissions to comply with the conditions of approval, and the final plat application incorporates these updates as well. Please note that the final plat now includes proposed street names as recommended by the Planning Department.

The City Engineer has reviewed the final plat, and his comments are attached to this report (Attachment #2). Although there are some additional revisions to the final construction plans that will need to be addressed by the applicant, the majority of these revisions can be made before the City releases the final plat for recording. The Engineer does identify issues that could impact the final plat; and Staff is recommending a condition of approval (Condition #1) to address required revisions (with the improvements for 5th Street being the most significant).

REVIEW AND ANALYSIS

The preliminary plat for Savona was approved with several conditions, which are indicated below along with Staff’s comments on the status of each. There are additional comments concerning the CUP request following the preliminary plat analysis in addition to any general items and issues that have not otherwise been addressed. Staff is recommending approval of the final plat and Conditional Use Permit, but with additional conditions intended to address the outstanding issues that will require additional review and/or documentation.

Please also note that the applicant provided a response to the preliminary plat conditions with the first addition final plat; this response has not been duplicated for this report.

Preliminary Plat Conditions – With Staff Update Comments (updated information in bold italics):

- 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 pay all fees associated with the preliminary plat; c) 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. *Comments: a) all title work will need to be submitted and reviewed by the City Attorney before any City officials sign the final plat; b) the applicant has submitted an escrow payment related to the preliminary plat application that is being used to cover Staff and consultant expenses related to the City's review; c) a revised preliminary plat and plans has been approved by the City and was found to address all previous comments. The applicant has commenced mass grading of the site with work authorized as part of the first addition grading plans.*
- 2) The applicant shall dedicate a minimum of 30 feet of land around the "Exception" parcel in the northwest portion of the Savona subdivision to allow for the construction of an eight-foot bituminous trail to the western edge of the subdivision and to allow for sufficient room for drainage and utilities adjacent to "Street A". *Comments: The preliminary plat and plans have been revised to address this condition. Although the applicant is proposing to use a portion of the street right-of-way for the trail, there is a 30-foot area around all portions of the exception parcel for the trail. This proposed configuration is a reasonable compromise to still provide access to the exception parcel. The 2nd Addition does not include any of the area around the exception parcel.*
- 3) The applicant shall provide for a minimum green belt/buffer of 100 feet around all of the adjacent Stonegate subdivision, and must revise the preliminary plat in the vicinity of Lots 1 and 2 of Block 10 to properly account for this buffer. *Comments: The plat has been adjusted in this area, but there are still two lots (Lots 1 and 2, Block 1 of the final plat) that are within 65 feet of the boundary with Stonegate. The preliminary plat notes that the developer will be acquiring a trail/greenway easement from the adjacent property owner to account for the reduced open space setback, but no such easement has been provided with the final plat. Staff has previously found this alternative to be an acceptable approach since it cannot be accomplished without the implicit approval of the effected property owner in Stonegate. If no agreement can be reached between the applicant and neighboring property owner, the final plat for this area will need to account for the buffer. Staff is recommending that as a condition of approval, the developer must either secure an easement as planned or revise the final plat to account for a 100 foot buffer.*
- 4) The eight-foot bituminous trail located within Outlot A shall be moved off of the property line of the adjacent Stonegate subdivision and shall be designed to continue into the property to the north and to provide a connection to "Street A". *Comments: The preliminary plans have been updated to address this requirement. The construction plans for 2nd Addition do not show that the trail is part of the planned improvements at this time. Staff is recommending that the public improvements for 2nd Addition include the segment of the trail in this portion of the plat that is located adjacent to or behind Lots 1 and 2 of Block 1 at a minimum, and that they include all of the trail adjacent to the lots in Block 1 if feasible (due to ownership, grading, and other issues).*

- 5) The trail within the green belt/buffer area is encouraged to be located within the southern one-third or eastern one-third of the buffer and as close as possible to the lots within the Savona subdivision. *Comments: The preliminary plans have been updated to address this requirement. The applicant has noted that the “design and plans have been revised to shift the trail to the southern portion of the buffer outlot, except as otherwise required due to grading, drainage, and topography challenges. The trail meanders to provide for a pleasant user experience, avoids the existing wetland, and minimizes impacts on property owners on either side”. A very small portion of the trail in the 2nd Addition is located along the property boundary.*
- 6) The sidewalk along “Street A” must continue along this street until its termination point at the northern boundary of the subdivision. *Comments: The preliminary plans have been updated accordingly, but the final construction plans do not show this sidewalk connection. Staff has added a condition of approval to address this deficiency.*
- 7) The applicant shall work with the City and Washington County to identify and reserve sufficient space for a future trail corridor along the western right-of-way line of Keats Avenue. *Comments: A trail alignment is planned for construction as part of the first addition. No trail is planned south of 5th Street.*
- 8) The landscape plan shall be updated to include tree protection fencing in all areas where grading will be near trees intended for preservation. *Comments: Tree preservation should be added around existing trees in the western portion of the 2nd Addition.*
- 9) The landscape plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans. *Comments: Staff has previously reviewed the tree preservation and protection plan and found the plan to be in compliance with the City Code. The proposed boulevard plantings conform to the City’s planting requirements for streets. Staff is recommending that the City’s landscape architecture consultant review the landscape plan.*
- 10) Sidewalks shall be required on both sides of the public street providing access to the multi-family housing portion of the subdivision. *Comments: The preliminary plans have been updated and the final construction plans for the townhouses within 2nd Addition include a sidewalk on both sides of the street.*
- 11) The applicant shall be responsible for the construction of all improvements within the Keats Avenue (CSAH 19) right-of-way as required by Washington County and further described in the review letter received from the County dated July 3, 2013. The required improvements shall include, but not be limited to: construction of a new median crossing, closure and restoration of the existing median crossing in this area, continuation of the planned ten-foot bituminous trail through the median, turn lanes, and other improvements as required by the County. *Comments: This required was addressed with the first addition.*
- 12) The applicant shall observe all other County requirements as specified in the Washington County review letter dated July 3, 2013. *Comments: The final construction plans have been revised in response to these comments.*

- 13) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site. *Comments: The applicant has received a permit from the Valley Branch Watershed District (attached) for the grading work proposed in the final plans. This permit includes conditions that must be met prior to the commencement of any grading work on the site. Any revisions to the preliminary plans required by the watershed district are included in the attached plans.*
- 14) The applicant shall submit revised preliminary plans that incorporate the changes made to the western portion of the preliminary plat, and specifically, the rearrangement of lots around the "Exception" parcel. *Comments: The revised lot configuration has been included in the updated preliminary plans, this condition is not applicable to the 2nd Addition.*
- 15) 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 and open space on the final plat. *Comments: The applicant has indicated that there will be a homeowner's association created for this development; the declarations and HOA documents have been created and recorded with the first addition final plat. A maintenance agreement and evidence that the HOA has been established should be retained as a condition of approval for the final plat.*
- 16) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording. *Comments: The developer paid a cash payment in lieu of land dedication in the amount of \$209,429 as part of the developer's agreement for the first addition. This amount covers all of the area included in the preliminary plat.*
- 17) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision. *Comments: The dedication of land associated with was reviewed in accordance with the preceding condition.*
- 18) The applicant shall provide for an active recreation area (either public or private) within the multi-family portion of the subdivision. This area shall be sufficient for a small play structure or other similar improvement subject to review and approval by the Planning Director. *Comments: The revised preliminary plans include a small play area within the multi-family area. The details concerning this play area will need to be submitted and reviewed with a future final plat for the townhouse area since the proposed play area is outside of the 2nd Addition final plat. This area is depicted in the overall site plan for the townhouses submitted with the current request.*
- 19) No more than half of the residential units depicted on the preliminary plat (155) may be approved as part of a final plat until a second access is provided to the subdivision, either via a connection to Hudson Boulevard to the south, Inwood Avenue (CSAH 13) to the west, or back to Keats Avenue (CSAH 19) through the property to the north of Savona. *Comments: The proposed final plat includes 69 units, which means the applicant may plat an additional 42 units before this condition needs to be met.*

- 20) A future realignment of 5th Street along the western border of the plat may be considered by the City Council as part of the final plat submission for this are provided the realignment does not result in any significant modifications to the preliminary plat. *Comments: the City has recently approved a lot line adjustment that will allow for this realignment. The road right-of-way for 5th Street within Savona now aligns with the right-of-way within the adjacent Boulder Ponds development.*
- 21) 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. *Comments: The applicant did enter into this agreement and has been grading the site in accordance with the approved plans throughout the summer.*
- 22) The preliminary grading, drainage and erosion control plan must be revised to address the comments from the City Engineer in his review letter dated July 9, 2013 regarding the size of specific ponds in relation to the drainage areas that are served by these ponds. *Comments: The revised grading, erosion control, and storm water management plans address these comments. The plan has been subject to further revisions based on comments from the Valley Branch Watershed District.*
- 23) The preliminary plans must be revised to incorporate all proposed improvements within the 5th Street right-of-way. All improvements as requested by the City shall be included in these plans and the design shall be consistent with City specifications and with the concept plan prepared for the City by Damon Farber and Associates. *Comments: The first addition plans were updated in accordance with this condition. Staff is recommending that the 2nd Addition be updated to include plans for 5th Street and that the required right-of-way be included in the plat.*
- 24) All required modifications to the plans as requested by the City Engineer in a review letter dated July 9, 2013 shall be incorporated into the plans prior to consideration of a final plat. Specific requirements include, but are not limited to, the following:
- a. The applicant must provide the city a letter of approval to perform the proposed work in the BP Pipeline easement. Work includes installation of storm sewer pipe, grading activities, and relocation of the High Pressure Gas line, if necessary.
 - b. The applicant must provide the city a letter of approval to perform the proposed work in the Electrical Transmission easement areas. Work includes installation of storm sewer pipe, grading activities, and storm water ponding.
- Comments: Neither of these conditions are pertinent to the 2nd Addition.*
- 25) The City will not accept an application for final plat approval until the 429 public improvement project for Section 34 has been ordered by the City Council. If the City Council does not order this project, the applicant must revise the preliminary plans to provide adequate utilities to serve the subdivision. Any such plan revisions will be subject to review and approval by the City Council. *Comments: The Section 34 public improvement project has been ordered by the City and the project is complete.*

- 26) The applicant shall secure any necessary permits for the multi-family area, including but not limited to a conditional use permit to allow for single family detached residences that do not have frontage on a public street, at the time a final plat is submitted for this area. *Comments: The current request includes a request for a Conditional Use Permit for the townhouses.*
- 27) The applicant is encouraged to preserve or re-use as many trees as possible that are currently located on the former golf facility property and to incorporate these trees as part of the landscape plan for the Savona subdivision. *Comments: The applicant has stated their intent to preserve these trees if possible, however, based on observed site conditions, it does not appear that many of these trees will be salvageable due to the sandy soil conditions.*
- 28) The applicant shall work with the Planning Director to name all streets in the subdivision prior to submission of a final plat. *Comments: The applicant has agreed to the street names as proposed by Staff. The proposed names have been designed to comply with the County's uniform addressing system.*

Staff is recommending that the conditions noted above that pertain to the final plat and that have not yet been addressed by the applicant should be adopted with the final plat. The City Engineer's review letter does identify several issues that need to be addressed by the developer in order for the City to deem the final plans complete; however, nearly all of these concerns are related to the construction plans and should not have any bearing on the final plat. Staff is recommending that City Officials not sign the final plat mylars until the City's construction plan review is finalized and all necessary easements are documented on the final plat.

Other general comments from Staff concerning the proposed final plat include the following:

- **Townhouse Area.** The final plat includes a small portion of the planned townhouses within Savona. The townhouses have been designed to comply with the Cities minimum requirements for lot area and common open space within such developments. The preliminary plat was approved with the private street concept, and the proposed layout will provide adequate access to each home while minimizing the amount of public infrastructure needed to serve each home.
- **5th Street.** The construction plans for the 2nd Addition must be updated to include the portion of 5th Street that runs parallel to the subdivision terminating west of Junco Avenue. The Final plat shall also be revised to include the appropriate portion of the 5th Street right-of-way. These requirements are found in Condition # 14.
- **Storm Water Plan.** The proposed storm water management plan includes a proposed pipe that will extend and discharge on to the adjacent property to the south. The attached site development plans include a proposed drainage and utility easement that would allow the construction of these improvements. Staff is recommending that the developer obtain written permission from this property owner as a condition of approval (Condition #13), or that this easement be depicted on the final plat (which would also require approval from this owner).

Based on the above Staff report and analysis, Staff is recommending approval of the final plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in review memo dated 8/21/14 shall be incorporated into these documents before they are approved.
- 2) The developer shall provide evidence in a form satisfactory to the City Attorney that warrants it has fee interest in area included in the Savona Final Plat.
- 3) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 4) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 5) A Common Interest Agreement concerning management of the common areas of Savona and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant shall also 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 and open space on the final plat
- 6) Any final plat for future townhouses will take into account land previously credited as parkland, and will not reduce the size of any area that was depicted for park land on the preliminary plat.
- 7) The proposed trail/greenway easement adjacent to Lots 1 and 2 of Block 1 shall be secured by developer, or the plat must be adjusted to accommodate the required 100 foot buffer area and green belt adjacent to the boundary of the Stonegate subdivision, prior to the recording of the final plat.
- 8) The public improvements for Savona 2nd Addition shall include the trail segment that is located adjacent to or behind Lots 1 and 2 of Block 1 at a minimum, and shall include all of the trail west of the lots in Block 1 the construction of this trail segment is deemed feasible by the City Engineer (due to ownership, grading, drainage, and other issues).
- 9) A sidewalk consistent with City specifications shall extend north along James Avenue to the northern limits of the plat, and will connect to the planned sidewalk within the Hammes Estates subdivision.
- 10) The landscape plan shall be updated to include tree protective fencing around all trees to be saved along the western boundary of the plat.

- 11) The landscape plan shall be reviewed and approved by an independent forester or landscape architect prior to the City's final approval of the construction plans.
- 12) The applicant shall provide evidence that all conditions attached the Valley Branch Watershed District permit for the final plat and associated grading work have been met prior to the commencement of any grading activity.
- 13) The developer shall provide written authorization from the property owner to the south of Savona 2nd Addition to allow the proposed drainage improvements and discharge of storm water on to their property. In conjunction with this permission, the proposed drainage and utility easement across this site shall be recorded with the Washington County Recorder's office. As an alternative, the final plat maybe updated to include a drainage and utility easement across this property.
- 14) The construction plans must be updated to include all portions of 5th Street adjacent to the subdivision that will, at a minimum, extend the current limits of 5th Street west beyond Junco Road North. The developer shall update the final plat include the portion of the 5th Street right-of-way necessary to meet the associated construction limits for Savona 2nd Addition west of Junco Road North.
- 15) The final construction plans shall be revised to include the additional storm sewer elements and street construction as specified in a review letter from the City Engineer dated February 7, 2014. These revisions shall be reviewed in conjunction with the other changes requested by the City Engineer.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Savona 2nd Addition Final Plat:

- That the Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on August 8, 2013 and revised on November 25, 2013.
- That the Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Final Plat complies with the City's Urban Low Density Residential and Medium Density Residential zoning districts.
- That the Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances.
- That the Final Plat complies with the City's subdivision ordinance.
- That the Final Plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer.

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Conditional Use Permit to allow townhouses that do not front along a public street within the Savona development:

- That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- That the use conforms to the City of Lake Elmo Comprehensive Plan.
- That the use is compatible with the existing neighborhood.
- That the proposed use meets all specific development standards for such use as listed in the Zoning Ordinance.
- That the proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat for Savona 2nd Addition with the 14 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Savona Final Plat with the 14 conditions of approval as drafted by Staff”

Staff further recommends that the Planning Commission recommend approval of the Conditional Use Permit for the Savona Development to allow townhouses that do not have frontage on a public street. Suggested motion:

“Move to recommend approval of the a Conditional Use Permit for the Savona Subdivision to allow townhouses that do not have frontage on a public street”

ATTACHMENTS:

1. Application Forms
2. City Engineer Review Letter
3. Savona 2nd Addition Final Plat
4. Construction Plans: Grading, Drainage, and Erosion Control
5. Construction Plans: Sanitary Sewer, Water Main, Storm Sewer and Streets
6. Savona 2nd Addition Landscape Plans
7. Final Site Plan – Townhome Area
8. Townhouse Area Grading, Drainage, and Erosion Control Plan
9. Proposed Drainage and Utility Easemnet
10. Proposed Permanent Public Street Easement Agreement

ORDER OF BUSINESS:

- IntroductionPlanning Staff
- Report by StaffPlanning Staff
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Date Received: _____
Received By: _____
LU File #: _____



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

FINAL PLAT APPLICATION

Applicant: US Home Corporation, DBA Lennar
Address: 16305 36th Ave N, Suite 600 Plymouth, MN
Phone #: 952-249-3000
Email Address: Joe.jablonski@lennar.com

Fee Owner: SAME AS APPLICANT
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): OUTLOTS A & F OF
SAVONA

General information of proposed subdivision: PHASE 2 OF SAVONA in
general conformance to approved preliminary
plat.

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

Signature of applicant:  _____ Date: 7/1/2014

Fee Owner Signature _____ Date: _____

MEMORANDUM

FOCUS ENGINEERING, inc.

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

Date: August 21, 2014

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

Re: Savona 2nd Addition
Final Plat – Engineering Review

Engineering has reviewed the application materials for the Savona 2nd Addition by Lennar Corporation. The submittal consisted of the following documentation prepared by Westwood Professional Services, Inc.:

- Final Plat, Savona 2nd Addition, not dated and not signed.
- Drainage and Utility Easement, dated 08.06.2014.
- Permanent Public Street Easement Agreement for future 5th Street, unsigned and undated.
- Final Site Plan – Townhome Area, dated 07.30.2014.
- Grading, Drainage and Erosion Control Plan, dated 08.08.2014.
- Grading, Drainage and Erosion Control Plan for Savona Multi-family area, dated 08.08.2014.
- Construction Plans for Phase 2 Sanitary Sewer, Watermain, Storm Sewer, and Streets, dated 08.08.2014.
- Stormwater Management Report, dated 01.21.2014. REVISED 08.07.2014.
- Storm Sewer System Design Chart and Calculations, dated 06.10.2014.
- Final Landscape Plans 2nd Addition, dated 07.11.2014.

The following engineering review comments are provided as follows:

FINAL PLAT:

- Approval of the Final Plat must be contingent upon receipt of a fully executed Drainage and Utility Easement Agreement, in the City's Standard Form of Easement Agreement, for the Storm Sewer Outfall pipe south of 5th Street near Junco Road (OSC-302 to FES 300). This easement agreement should be recorded at Washington County together with the Savona 2nd Addition Final Plat. An easement sketch and description was submitted as part of the Savona 2nd Addition Final Plat documents.
- Approval of the Final Plat must be contingent upon receipt of a fully executed Permanent Public Street, Drainage and Utility Easement Agreement, in the City's Standard Form of Easement Agreement, for the remaining 5th Street North right-of-way for the Savona Preliminary Plat. This easement agreement should be recorded at Washington County together with the Savona 2nd Addition Final Plat. A draft easement agreement, and attached easement sketch and description was submitted as part of the Savona 2nd Addition Final Plat documents.
- 5th Street North must be extended to Junco Road as part of the Savona 2nd Addition. Approval of the Final Plat must be contingent upon the Final Plat documents being revised to include the 5th Street right-of-way necessary to include the extension of 5th Street to the west side of Junco Road North.
- The Final Plat and Construction Plans should both be updated to include the Outlot ownership information. Based upon the Preliminary Plat documents, Outlots A and D will be dedicated to the City. Outlots B, C, E, and F will be owned by the HOA. Outlot G and J are not defined but should be City owned.

- With Outlots B and E owned by the HOA, the Final Plat must be revised to provide a minimum 30 foot wide drainage and utility easement centered over the pipe for the storm sewer runs within Outlots B and E.
- The Preliminary Plat documents also indicate all Outlots within the Townhome area as HOA owned. Townhome area utility easements must be defined and placed on the Plat and dedicated to the City for ongoing operation and maintenance. NOTE: The private roadway Outlots will not be sufficient easement. Easements must extend a minimum of 15 feet from each "outside utility line".
- Additional permanent utility easement is needed for the STMH-262, CB-261 and CB-263 storm sewer structures.

GRADING, DRAINAGE AND EROSION CONTROL PLANS:

- The Grading, Drainage and Erosion Control Plan for Savona Multi-family area, dated 08.08.2014 must be incorporated into the Final Construction Plan set.
- The existing trunk watermain along Keats Avenue is not shown on this plan. Please update the Grading, Drainage and Erosion Control Plan for Savona Multi-family area to include all existing utility information to ensure the proposed storm sewer pipe maintains 10 feet separation from the existing trunk watermain.
- Sheet 6 of the Grading, Drainage and Erosion Control Plans must be updated with the expanded pond area for Outlot J.
- Temporary drainage and erosion control measures must be provided at the north end of James Avenue, a low point of the road in the temporary dead end condition.

CONSTRUCTION PLANS – SANITARY SEWER, WATER MAIN, STORM SEWER, AND STREETS

- 5th Street North must be extended to Junco Road as part of the Savona 2nd Addition. Plans must be updated to incorporate this as part of the Savona 2nd Addition Plat and Construction Plans prior to the start of construction.
- The Savona 2nd Addition sanitary sewer plan proposes to route an additional 29 homes to the Keats Avenue Lift Station by connecting the Junco Avenue sewer to the existing sewer MH-27. This routing has been allowed by City staff on a temporary basis, until the westerly Savona property is platted. At that time the sewer flow for these 29 homes must be reversed to discharge to the Hudson Boulevard gravity system as originally planned. The Construction Plans must carefully and fully detail this temporary connection and show how the flow will be redirected in the future.
- Water and sewer services must be placed on the plans showing 10 feet of separation as required by Ten States Standards.
- Water and sewer services stubs must be placed perpendicular to the mains/street. Review and revise services as necessary.
- The water and sewer service stubs for Lot 1, Block 4 should be relocated to serve this lot from Junco Road.
- The water and sewer service stubs to the unnamed lot along the future 6th Street (Sheet 5) must be removed. Services for this lot should be installed from the 6th Street mains as part of a future phase.
- Catch basin leads must be revised to cross perpendicular to the roadway (i.e. CB-188).
- The proposed storm sewer catch basins at Junco Avenue and 5th Street appear to catch runoff at a low point and have no storm sewer outlet. This must be revised.
- A cross walk and stop bar must be placed at the intersection of 5th Street North and 5th Street Lane.
- The Townhome area streets are proposed at 24 feet B-B. At this width these streets must be signed "No Parking" along one side of the street. Please add "No Parking" signs accordingly.

Station #1
3510 Laverne Ave. No.
Lake Elmo, MN 55042
651-770-5006



Station #2
4259 Jamaca Ave. No.
Lake Elmo, MN. 55042
651-779-8882

LAKE ELMO FIRE DEPARTMENT

August 19, 2014

SAVONA 2nd ADDITION FINAL PLAT

I would like more detail regarding the following:

- Proper road width to allow access of fire apparatus. Would like more detail on the "PRIVATE DRIVES".
- Proper placement and adequate number of fire hydrants.
- Fire Sprinklers as required per code.

Greg Malmquist, Fire Chief



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
REGULAR
ITEM # 10

AGENDA ITEM: Wildflower at Lake Elmo (Robert Engstrom Companies) Comprehensive Plan Amendment

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
David Snyder, City Attorney

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission reviewed a PUD Concept Plan and Comprehensive Plan Amendment (CPA) related to the proposed Wildflower at Lake Elmo development at its June 9, 2014 meeting and recommended approval of both requests with conditions. The City Council approved the PUD Concept Plan at its June 17th meeting, but tabled discussion concerning the proposed Comprehensive Plan Amendment due the absence of two Council members. In addition, the City Council reviewed the CPA request at the July 1, 2014 City Council meeting and postponed consideration of the item pending further progress on the legal effort to amend the existing conservation easement and additional information about the proposed conservancy.

FISCAL IMPACT: TBD – The Comprehensive Plan Amendment is necessary for the development project to move forward as proposed. If the amendment is not approved, the applicant will need to submit a revised concept plan.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a Comprehensive Plan Amendment to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that are currently guided for RAD – Rural Area Development and Open Space. The City Council approved the PUD Concept Plan for this development at on June 17th, but could not take action on the related Comprehensive Plan amendment because the proposed amendment requires a 4/5ths majority of the Council to pass and two Council members were absent from this meeting. Additional review was completed at the July 1st meeting, however the item was postponed for consideration pending additional requested information.

The Planning Commission has recommended approval of the Comprehensive Plan amendment. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2014-46 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to V-LDR and V-MDR.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The information attached to the June 17th Council agenda packet for this item included detailed plans, reports, and other information concerning the Wildflower at Lake Elmo Development. In the interest of avoiding additional copying for the September 2nd Council meeting, Staff has not provided information included in the June 17th packet except for the proposed resolution of approval and related map. All of the previous information is available upon request (and still available on-line).

As part of its approval of the Wildflower Concept Plan on June 17th, the City Council added two conditions to the Planning Commission recommendation based on feedback from the surrounding property owners, include the Fields of St. Croix Homeowner’s Association. These conditions requested the following:

- That prior to approval of the Comprehensive Plan Amendment the Fields of St. Croix Association and Robert Engstrom Companies would submit their written agreement to the City concerning the proposed development on Outlot P and proposed amendments to the conservation easement over Outlot P.
- That prior to approval of the Comprehensive Plan Amendment the three property owners to the east of Wildflower that have submitted written statements to the City concerning the development (Eischen, Dupuis, and Smith) would work out an agreement with the developer concerning buffering and screening of their properties.

Since the Council meeting, Staff has received the written agreement between Robert Engstrom Companies and the Fields Association. This agreement is attached for consideration by the Council. In addition, the developer has met on site with the three eastern property owners and also participated in a meeting at City Hall with Staff and the Mayor present to further discuss

their concerns. The result of this meeting is the attached landscape plan that documents the types of planting and location for the plantings that was deemed acceptable to all parties. Furthermore, the developer has agreed to the following actions to further address neighbor concerns:

- To conduct a further investigation of wooded area to the east of the Eischen's home that extends into Outlot P. This investigation is intended to identify any work needed (removal of dead trees, removal of invasive species, additional plantings) to allow this area to provide an effective screen and keep the area in a natural state.
- To revise the parcel layout in front of the Smith property to remove one buildable lot and to reconfigure the adjacent parcels so that they only abut Smith's land at one point. All land between the Smith property and public roadway would be platted as an outlot to be owned and maintained by the future HOA. This revised layout is depicted in the attached updated landscape plan for this area.

With the submission of this information, the relevant conditions of approval attached to the concept plan appear to have been addressed. The developer was still reviewing some of the details of the updated plan with the property owners, any further updates will be discussed at the City Council meeting.

In addition to the aforementioned requested conditions, the City Council requested additional information be provided at its July 1st meeting before taking action on the Comprehensive Plan Amendment request. The additional information includes the necessary amendments to the conservation easements where the Comp Plan Amendment would apply, as well as additional detail concerning the management and maintenance of the proposed conservancy area. To address these outstanding items, the applicant's attorney has been working with the City Attorney on drafting the necessary amendments to the Conservation Easement. A draft of this work between the two parties is attached for your consideration (Attachment #7). Staff would recommend that the amendments to the conservation easements be completed and approved by the City in advance of Preliminary Plat approval. In addition, the applicant has provided a preliminary management plan for the conservation area in the northern portion of the Wildflower development. This preliminary plan can be found in an email to the Community Development Director (Attachment #8).

As noted in the previous Staff report on this item, the Planning Commission discussed the request, and unanimously recommended approval of the comprehensive plan amendment as presented with the one condition as recommended by Staff.

BACKGROUND INFORMATION (SWOT) FROM PREVIOUS RERPOT:

Strengths

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

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

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

“Move to adopt Resolution No. 2014-46 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to V-LDR and V-MDR.”

ATTACHMENTS:

1. Resolution No. 2014-46 (Comprehensive Plan Amendment)
2. Proposed Comprehensive Plan Amendments
3. Updated Landscaping Sketch Plan – Wildflower at Lake Elmo
4. Planting List and Details
5. Aerial Photograph – Smith, Eischen, and Dupuis Property
6. Eischen Letter
7. Fields of St. Croix and Engstrom Written Agreement
8. Draft Easement Agreements
9. Preliminary Management Plan for Wildflower Conservation Area

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

RESOLUTION NO. 2014-46

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

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

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

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

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

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

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan at meetings on June 17, 2014, July 1, 2014 and September 2, 2014; and

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

FINDINGS

- 1) That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission.
- 2) That the request to is to amend the Future Land Use Map (Map 3-3 in Chapter III – *Land Use Plan*) and Village Planned Land Use Map (Map 3-5 in Chapter III – *Land Use Plan*) in the Lake Elmo Comprehensive Plan, and to specifically change the future land use

designation of a portion of two parcels of land located within the Wildflower at Lake Elmo development as depicted in the attached Exhibit A and described as follows:

- a) To change the western portion of Outlot P of the Fields of St. Croix Second Addition from RAD – Rural Area Development to V-MDR Village Urban Medium Density Residential (a portion of PID 12.029.21.43.0013).
- b) To change the approximately eight acres immediately east of the intersection of 43rd Street North and Lake Elmo Avenue (the area depicted for the westernmost single family residential lots on the Wildflower at Lake Elmo PUD Concept Plan approved by the City Council on June 9, 2014) from RAD – Rural Area Development and Village Open Space Overlay to V-LDR Village Urban Low Density Residential (a portion of PID 12.029.21.32.0001).
- 3) That the proposed area impacted by the proposed amendment is relatively small and will not have a significant impact on the City's 2030 household and population forecasts.
- 4) That the proposed amendments are consistent with the overall goals and objectives of the Village Land Use Plan.

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

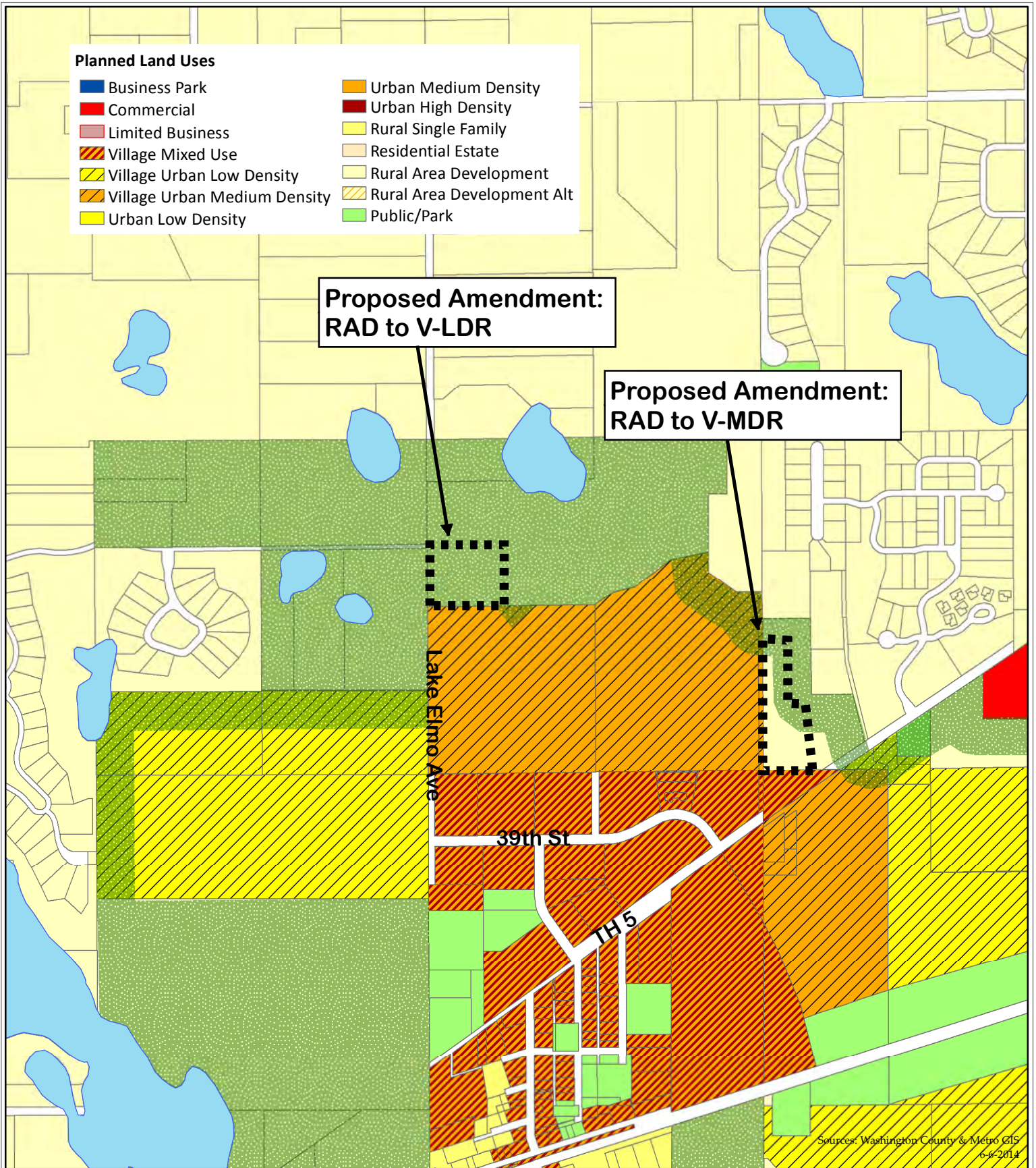
- 1) Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.

Passed and duly adopted this 2nd day of September 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk



**Proposed Comprehensive
Plan Amendment**

Wildflower at Lake Elmo Concept Plan



SMITH

DUPUIS

EISCHEN

DRIVEWAY

NEW SCREEN PLANTING

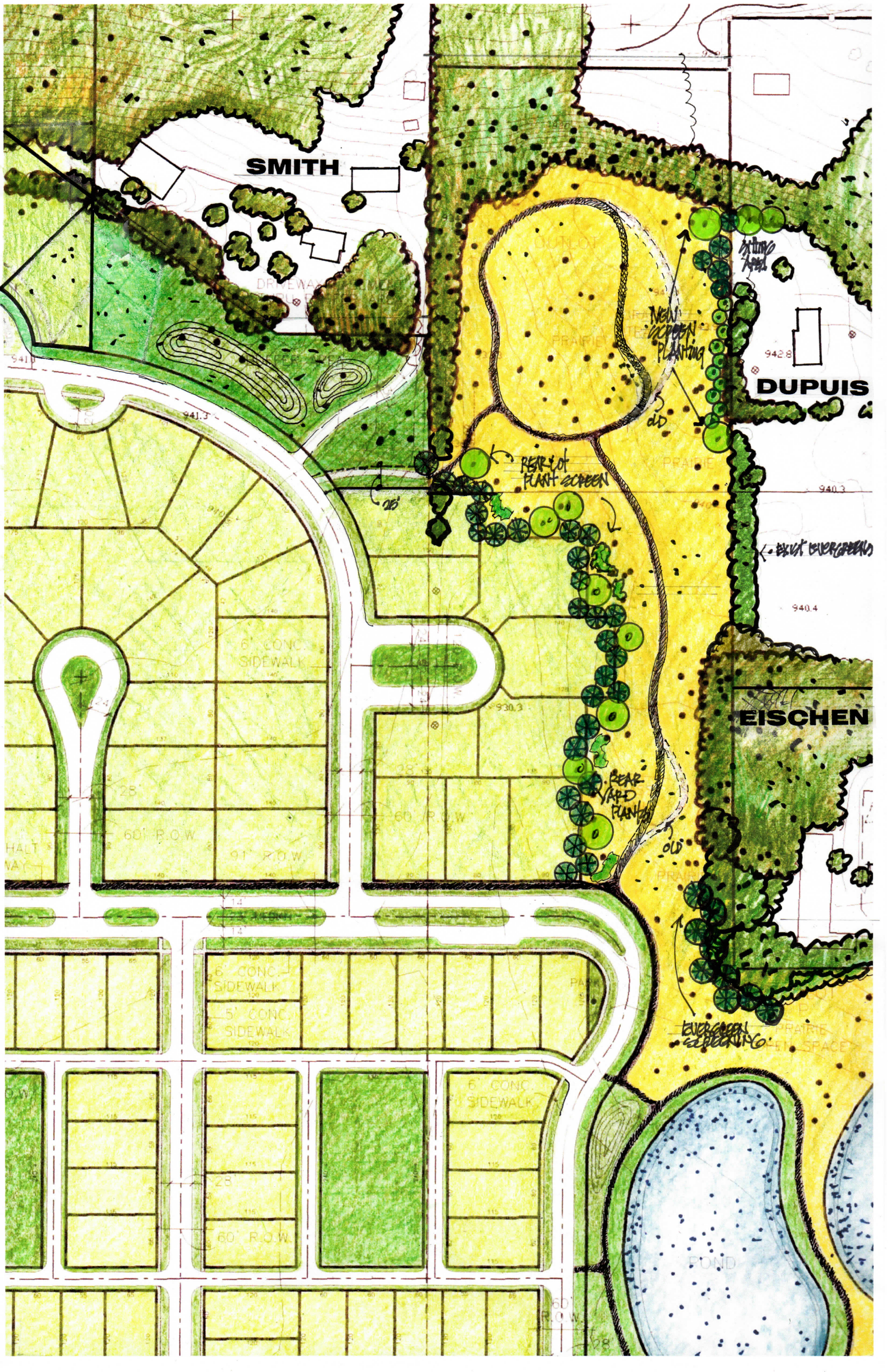
REAR LOT PLANT SCREEN

REAR YARD PLANTING

EVERGREEN SCREENING

EXIST. EVERGREENS

POND



WILDFLOWER

PLANT LIST

(Dry mesic soils)

- A. Sugar Maple – 1” – 1 ½”
- B. American Basswood - #2
- C. Swamp Oak
- D. Crab Apple
 - Donald Wyman
 - Spring Snow
 - Red Splendor
- E. Japanese Lilac
- F. Black Hills Spruce and/or Colorado Spruce – 5’-6’
- G. Shrubs
 - 1. Chokecherry
 - 2. Highbush Cranberry
 - 3. Dogwood
 - 4. Lilac
 - 5. Service Berry (multi-stem) - #2
 - 6. Fragrant Sumac - #2
 - 7. Grow Low Sumac (ground cover) - #1
 - 8. Arrowwood Viburnum - #2
 - 9. Nannyberry Viburnum - #2
 - 10. Big Bluestem (grass)

WILDFLOWER

Plant Quantities & Layout

Note:

Plans as shown are illustrated with plant materials deemed appropriate for soil conditions existing at sites (dry mesic soils). The attached list names these materials. The developer would like to have the flexibility to substitute within this group if better or larger selections are available at time of planting. The homeowner will be asked for substitution approval. Planting schedule will occur at such time when the site is in final graded condition and weather is cooperative. Actual tree planting locations will be done in the field with property owner's input.

Dupuis Property:

Developer will plant a screen grouping at NE corner of property to screen an existing sitting area. Plant screen will wrap lot corner west and north.

Recommended plant materials will be spruce trees 5'-6' ht and sugar maple 1 1/2" cal. An additional understory plant screen will be planted in front of existing norway pines to screen approx. 6'-8' of open area between ground and existing top mass of trees. Plant material selection will be selected from group G.

Eischen Property:

Developer will plant spruce evergreen trees at SW corner of lot to provide screening of car head lights. Screen will wrap corner as shown on site plan. Other plantings along west property line will be determined after an assessment of existing trees is made and determined what plants will be appropriate.

Smith Property:

Developer has provided a south buffer area along the total south line of property. Exact berming and plantings along with a new road easement is in the process of final negotiations.



ROBERT & MARCELLA EISCHEN

Date: June 24, 2014
To: Kyle Klatt
Community Development Director
Subject: Wildflower Proposal

As we are adjoining property owners to the proposed Engstrom Wildflower Development, my wife Marcy and I met with Bob Engstrom and architect Jerry Mazarra on June 19th to review our proposals for changes to the most recently proposed changes to the conservation easement adjacent to our land. As we previously agreed:

- ✚ Remove large parking and small Public Park from the close proximity to the S/E portion of our property.
- ✚ Straighten the walking path away from the western edge of our property and more toward the middle of the conservation easement.
- ✚ Straighten Wildflower property road with circular drive and remove pie shaped circular turn to help eliminate vehicle lights shining and flashing on our home.
- ✚ As proposed by the developer, plant a buffer of evergreen trees near S/W corner of our property. We request two rows of 5' trees planted on the S/W corner estimated some 40 feet long. We feel this is a satisfactory solution for the S/W corner of our property.

We withdraw our previous request for a 5' earthen berm with trees and shrubs planted on the berm's western side of our property.

The developer now proposes trees and shrubs be planted in front of homes located adjacent to the west side of our property. We agree this is a good idea but not an alternative to our request for trees and shrubs, i.e., Black Hills and Colorado Spruce interspaced with Maple Trees and shrubs such as High Bush

Cranberry, Bridal Wreath and shrubs compatible with butterfly conservation issues. These plantings should be adjacent to the western edge of the Eischen property line and extending north from the evergreens planted to serve as a light buffer to the N/W Eischen property line marker. These plantings should be further extended north through the western edge of the Dupuis property as recommended by Mary Jean. We feel the developer and/or property association is further responsible for maintenance of these plantings.

We request these agreements and/or lack thereof be recorded and put in writing. Where reasonable requests and/or agreements can't be agreed upon, we would suggest a further opportunity to review these issues with a mediator and/or arbitrator.

Respectfully

Robert Eischen

Robert Eischen

Marcela Eischen

Marcella Eischen

June 9, 2014

The following is a summary of a tentative agreement between the Fields of St Croix Community Association (FoSC) and Robert Engstrom Companies (RECo) regarding RECo's proposed Wildflower development. This summary is provided for summary purposes only and is not meant to be a complete statement of the proposed agreement and is subject to change.

Subject: The Fields of St Croix Community Association (FoSC) and Robert Engstrom Companies (RECo) Wildflower development

Background: The Open Space Agreement(s) is/are key to this discussion because it explicitly prohibits the Wildflower development proposed for Outlots O & P, which are part of the FoSC. The express intent of the Open Space Agreement is in summary to:

- Permanently retain the protected land in its predominately natural, scenic, agricultural, forested and open space condition;
- Prevent or remedy action or use that significantly impairs or interferes with the Conservation Values of the land;
- Expressly prohibits the Owner (RECo) from subdividing all or part of the protected lands for residential, commercial or industrial development;
- Prohibits construction of roads, driveways and the alteration of the surface of the protected land, including excavation.

FoSC Homeowners

- Purchased lots and built homes understanding FoSC was a conservation community with Open Space Agreement protection.
- Do not want development on Outlot O & Outlot P, but will support *limited* residential development on part of Outlot P in turn for "additional" legal protection preventing development on the other Outlots associated with FoSC.
- Requested that representatives of FoSC conduct negotiations with RECo. Tentative agreement between FoSC and RECo was reached, pending City approval to allow limited residential development on Outlot P, given the terms of the agreement, which are attached.

The FoSC Community Association requests this agreement become part of Wildflower's development plan, and its terms enforced by the City of Lake Elmo.

Respectfully submitted on behalf of the FoSC Association homeowners:

John W. Hodler
Fields of St Croix Board President

The following are highlights of the tentative agreement:

- No development will occur on Outlot O.
 - Retain the existing Open Space Easement condition;
 - Fields of St Croix Community Association (FoSC) will be added as a party to the easement, thereby requiring FoSC's approval for any future changes thereto.

- Outlot P will have *limited* development on its west boundary (plan on page #4):
 - Includes small number of RECo-constructed homes along the west boundary of Outlot P;
 - No coffee shop or other retail/commercial facilities located on Outlot P;
 - RECo will install a path around part of the storm water system on Outlot P. This path will not connect to the FoSC pathways;
 - FoSC will have easement access rights for pedestrian and bicycles to Outlots O & P, and any Outlot created out of Outlot P for the storm water system;
 - FoSC will be added as a party to the existing easement on the title to the section of Outlot P not included in the new development's homes;
 - The exact boundary of the re-sized Outlot P will be defined by a survey (paid by RECo).

- The City of Lake Elmo will ensure the design of the Wildflower development's storm water system does not include a storm water retention basin on Outlot O; and will not increase the current flow of storm water drained onto Outlot O or any FoSC II Outlot (exception Outlot P):
 - The storm water design will not allow drainage to adversely affect any FoSC II homeowner;
 - Lake Elmo City will ensure the contractor and developer install the storm water system as designed;
 - The City of Lake Elmo will be responsible for maintenance of any portion of the Wildflower storm water system installed on Outlot P, or any Outlot created from Outlot P for the storm water system.

- Road access to Wildflower development:
 - The existing FOOSC, phase II, entry will remain "as is". This access road will not connect to the Wildflower development;
 - No access road for the new development will be constructed that connects to highway #5 through any Outlot.

- Ensure FoSC has the right to object to or modify any future development requests involving any one or more of the Outlots located in the Fields of St Croix development (see Outlots page #5).
 - FoSC will be added as a party to all Open Space Easements now in place for Phase II Outlots;
 - FOSC will be added as a party to the Minnesota Land Trust Conservation Easement now in place for Phase I Outlots.
- Phase I Outlots A & E's Minnesota Land Trust Conservation Easement revisions.
 - Rescind the right to construct a farm home;
 - Livestock operation or use of temporary farm buildings will only be granted if all parties to the easement (including FoSC) agree.
- RECo will transfer ownership of the Bluestem Village Green property (PIN1202921440009) if it is not under a 'public right of way restriction'.
- All easement updates or amendments and Outlot ownership transfers will be completed prior to approval of the new development's plans by the City of Lake Elmo.
- RECo's creation of the storm water system, path, natural setting, and plantings on Outlots O and P will be completed ~~in the beginning stage of the new development. The "beginning stage" is defined as a date equal to the completion of the first home.~~ *per the requirements and timeline established by Lake Elmo City and incorporated in the final plan sheet REC 6/9/2014*
- RECo coordinates with Lake Elmo City & FoSC during the design and installation of Wildflower's sewer pipe
 - Ensure adequate capacity to handle the wastewater from FoSC's phase I, phase II (including Bluestem) and Tana Ridge homes;
 - Sewer easement across the Northeast corner of the new development and Outlots O & P will be granted to FoSC;
 - Final connection, if and when completed, between the Lake Elmo City sewer system and the FoSC wastewater system (currently serving the above homes) will be coordinated by the FoSC Association at a later time.

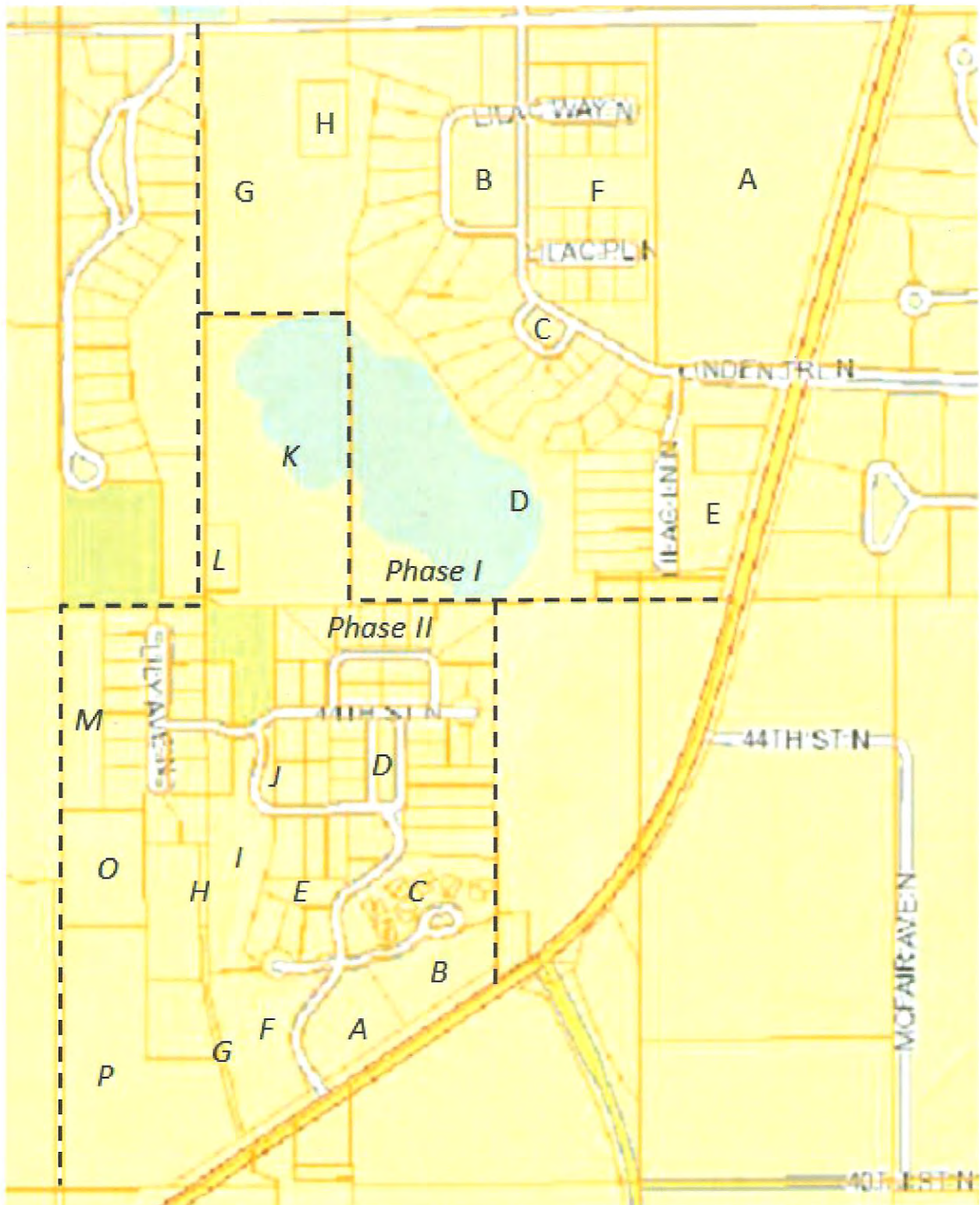
It is understood, that any agreements between RECo and FOSC will be subject to approval by the Lake Elmo City Council and other regulatory bodies.

The final agreement will include a provision that neither party may assign the agreement to any other person without the express prior written consent of the other party or its successor in interest.

REC
 Rob E. Engstrom³
 6/9/14

FOSC
 J. J. Holden
 6/9/2014

FoSC Phase I & II outlots



**AMENDED AND RESTATED OPEN SPACE EASEMENT
FIELDS OF ST. CROIX
2ND ADDITION**

THIS AMENDED AND RESTATED OPEN SPACE EASEMENT is entered into this _____ DAY OF _____, 2014 by and between the Robert Engstrom Companies, a Minnesota Corporation, ("Owner"), The Fields of St. Croix Community Association, a Minnesota Non-Profit Corporation, ("Association"), and the City of Lake Elmo, a Minnesota statutory city (the "City") (hereinafter collectively referred to as the "Parties").

WITNESSETH

1. This Amended and Restated Open Space Easement amends and restates those certain Open Space Easements filed with the Washington County Recorder as Document Numbers 3094199 and 3298378.

2. Owner and Association are the fee owners of the following described Real Property located in Washington County, Minnesota (the "Protected Land").

Outlots A, D, F, I, J, K, M, O, [part of P to be determined at the time of the plat of Wildflower at Lake Elmo], all in the Fields of St. Croix 2nd Addition; and Outlot C, Bluestem at the Fields of St. Croix.

3. The Protected Land is primarily farmland, woodland and open space as defined in the Comprehensive Use Plan and Open Space Preservation District Regulations (both herein "City Development Regulations").

4. The natural, scenic and agricultural qualities, and the forested and open space character ("Conservation Values") of the Protected Land are described in the City's Development File for The Fields of St. Croix 2nd Addition ("Development File"). The City intends to use the description of the Protected Property as contained in the City's Development File for monitoring the subsequent uses of the Protected Land and enforcing the terms of this Open Space Easement. Notwithstanding this intent, the Parties may use other relevant evidence to establish the present condition of the Protected Land in the event of a disagreement as to whether a subsequent activity or use is inconsistent with the terms of this Open Space Easement.

5. Owner and Association intend to convey to the City the right to preserve and protect the Conservation Values of the Protected Land in perpetuity and to prevent or remedy subsequent activities or uses that are inconsistent with the terms of this Open Space Easement.

6. The grant of this Open Space Easement will further the purpose and intent of the City's Development Regulations.
7. The parties acknowledge that as a Local unit of government, the City has a direct interest in the enforcement of the terms of this Open Space Easement and that the City is in a position to monitor compliance with the terms of this Open Space Easement.

NOW, THEREFORE, in consideration of their mutual covenants and pursuant to the provisions of the City's Development Regulations, Owner and Association convey and warrant to the City and the City accepts a perpetual open space easement on the Protected Land of the character and to the extent set forth herein.

1. Intent. The parties intend to permanently retain the Protected Land in its predominantly natural, scenic, agricultural, forested, and open space condition and to prevent or remedy any subsequent activity or use that significantly impairs or interferes with the Conservation Values of the Protected Land. Owner and Association intend to restrict all subsequent use of the Protected Land to activities consistent with the terms of this Open Space Easement.
2. City's Rights. To accomplish the parties' intent, Owner and Association convey the following rights to the City as specified below:
 - a. The City shall preserve and protect the Conservation Values of the Protected Land, pursuant to the terms of this Open Space Easement.
 - b. The City may enter the Protected Land at reasonable times to monitor subsequent activities and uses and to enforce the terms of this Open Space Easement. The City shall give reasonable notice to Owner and Association of all such entries and shall not unreasonably interfere with Association's and Owner's use and quiet enjoyment of the Protected Land.
 - c. The City may act, pursuant to Paragraph 19, to prevent or remedy all, subsequent activities and uses of the Protected Land not consistent with the terms of this Open Space Easement.
3. Prohibited Uses. Owner and Association shall not perform or knowingly allow others to perform acts on the Protected Land that would significantly impair or interfere with the Conservation Values of the Protected Land. This general restriction is not limited by the more specific restrictions set forth in Paragraphs 4-14. The Parties acknowledge that the present use of the Protected Land is consistent with the terms of this Open Space Easement and the City's Development Regulations.. The Owner and Association may, subject to the restrictions set forth in Paragraphs 4-14, continue making such use of the Protected Land.
4. Residential, Commercial & Industrial Use. Owner and Association shall not subdivide all or part of the Protected Lands for residential, commercial or

industrial development. Owner and Association shall not subdivide, either legally or physically, the Protected Land for any other reason without each other's prior written approval. Owner and Association shall not engage in commercial or industrial activities on the Protected Land, other than the activities relating to agricultural operations as set forth in Paragraph 7. Owner and Association shall not engage in the exploration or extraction of soil, sand, gravel, rock minerals, hydrocarbons or any other natural resource on or from the Protected Land. Owner and Association shall not grant rights of way on the Protected Land in conjunction with commercial or industrial activities, or residential development, or any other purpose inconsistent with the Conservation Values, on Lands other than the Protected Land, except for access to adjacent parcels owned by Owner and Association.

5. Construction. Owner and Association shall not construct or install additional buildings or improvements of any kind including, without limitation, fences, driveways, parking lots, and roads, on the Protected Land, except as specified herein. Owner and Association may maintain, repair, and replace existing roads but shall not widen them unless doing so lessens the environmental impact of the road on the Protected Land and Owner and Association have obtained each other's, and the City's, prior written approval. Owner and Association may maintain, renovate, expand or replace existing agricultural and related buildings or improvements in substantially their present Location. Any expansion or replacement of an existing building or improvement shall not substantially alter its character or function, and shall not exceed its current square footage, without the prior written approval of all of the Parties to this Agreement..
6. Utility Systems. Owner and Association may maintain, repair, and replace utility systems in place as of the date of this Amended and Restated Open Space Easement on the Protected Land including, without limitation, water, sewer, power, fuel, and communications lines and related Facilities. Owner and Association shall not install new utility systems or extensions or expansions of existing utility systems on the Protected Land including, without limitation, water, sewer, power, fuel, and communications lines and related facilities, without each other's prior approval. Owner and Association may install, maintain, and replace irrigation systems used on the Protected Land. Owner and Association may install sewage systems on or under the Protected Land which comply with all existing federal, state and local regulations regarding water quality and other environmental concerns, and which do not disrupt other activities permitted under the terms of this Open Space Easement.
7. Agricultural Use. Owner and Association may conduct agriculture operations, except livestock operations, on the Protected Land provided that such use is in compliance with the City's Development Regulations and with each other's prior written approval.
8. Surface Alteration. Owner and Association shall not alter the surface of the Protected Land including, without limitation, the filling, excavation, or removal of soil, sand, gravel, rocks, or other material. Notwithstanding the forgoing, surface

alteration on Outlots O and P may be conducted as may be reasonably required in the course of activities or uses permitted under the terms of this Open Space Easement or as reasonably required during the initial development of the adjacent property owned by Owner or Association. Such initial development period shall expire no later than the 30th day of September, 20__.

9. Soil and Water Degradation. Owner and Association shall not engage in activities or uses that cause or are likely to cause soil degradation, erosion, or water pollution, either on the surface or underground, except for activities or uses reasonably required in the course of Agricultural Operations permitted by Paragraph 7.
10. Waste Removal. Owner and Association shall not dump or dispose of refuse or other waste material on the Protected Land although, subject to applicable laws and regulations, Owner and Association may dispose of brush and other plant material from the Protected Land by burning or composting if such material results from Agricultural Operations permitted by Paragraph 7 or other activities or uses permitted by this Open Space Easement. Subject to the applicable laws and regulations, Owner and Association may store and make use of agricultural products and by-products including, without limitation, crops, silage, fertilizers, Lime, and manure on the Protected Land if such material results from or is to be used in agricultural operations permitted by Paragraph 7.
11. Water Bodies and Courses. Owner and Association shall not alter existing bodies of water or water courses or construct new bodies of water or water courses on the Protected Land except as reasonably required for the activities or uses permitted by the terms of this Open Space Easement or to enhance wildlife habitat or water quality.
12. Trees, Shrubs, and Vegetation. Owner and Association shall not remove, destroy, cut, mow, or alter trees, shrubs, and other vegetation except (i) for areas immediately adjacent to buildings or improvements permitted by Paragraph 5, (ii) as reasonably required for agricultural operations permitted by Paragraph 7, (iii) to prevent or control insects, noxious weeds, diseases, fire, personal injury, or property damage, (iv) for firewood or construction material intended for residential use on the protected Land or adjacent land (v) as reasonably required to construct and maintain the trails permitted in Paragraph 13, (vi) selective cutting for harvest pursuant to sound forest management practices, and (vii) for other activities or uses permitted by the terms of this Open Space Easement.
13. Recreational Uses. Owner and Association may establish and maintain trails for fire breaks, walking, horseback riding, cross-country skiing, and other non-motorized recreational activities on or across the Protected Land. Owner and Association shall not use or allow others to use motorcycles, all-terrain vehicles, or other motorized vehicles on the Protected Land except as reasonably required for other activities or uses permitted by the terms of this Open Space Easement.

14. Signs. Owner and Association shall not erect or install any signs or billboards on the Protected Land without consent of the City.
15. City's Approval. The Owner and Association may not change the use of the Protected Land as described in the City's Development file without prior written approval of the City so that the City may determine if the proposed change is consistent with this Open Space Easement and maintains or enhances the Conservation Values of the Protected Land. Owner and Association shall submit a request in writing to the City at least ninety (90) days prior to the proposed date of commencement of the use in question. The request shall set out the use for which approval is sought, its design and location, the impact of the proposed use on the Conservation Values of the Protected Land, and other material information in sufficient detail to allow the City to make an informed judgment that the proposed use is or is not consistent with this Open Space Easement or would adversely affect the Conservation Values of the Protected Land. The City shall notify Owner and Association in writing of its decision within sixty (60) days of its receipt of Owner or Association's request. Where the proposed use or modification of use requires a development permit or other approval from the City pursuant to the City's Development Regulations, the Owner and Association shall follow the process described in such regulations and the City shall notify the Owner and Association of its decision within sixty (60) days of receipt of a completed application from the Owner and Association. The City may withhold its approval only on a reasonable determination that the proposed use would be inconsistent with this Open Space Easement, impairs the Conservation Values of the Protected Land, results in violation of any law or regulation or that it lacks information in sufficient detail to reach an informed judgment that the proposed use is or is not consistent with this Open Space Easement. The City may condition its approval on the Owner or Association's acceptance of modifications which, in the City's judgment, would make the proposed use, as modified consistent with this Open Space Easement or protects the Conservation values of the Protected Land.
16. Public Access. No right of access by the public to any portion of the Protected Land is conveyed by this Open Space Easement.
17. Reserved Rights. Owner and Association reserve all rights accruing from their ownership of the Protected Land including, without Limitation, the right to engage in or allow others to engage in all activities or uses of the Protected Land that are not prohibited or Limited by this Open Space Easement or the City's Development Regulations, the right to exclude all or any of the public from the Protected Land and to sell or transfer all or part of the Protected Land subject to this Open Space Easement. Owner and Association shall inform all others who exercise any right by or through it on the Protected Land of the terms of this Open Space Easement. Owner and Association shall incorporate by reference the terms of this Open Space Easement in all deeds or other legal instruments by which they transfer any interest, including a Leasehold interest, in all or part of the Protected Land. Owner and Association shall give sixty (60) days prior written notification to the City of a transfer of all or any part of fee title to the Protected Land.

18. Costs and Liabilities. Owner and Association retain all obligations and shall bear all costs and liabilities of any kind accruing from their ownership of the Protected Land including the following responsibilities:

- a. Owner and Association shall remain solely responsible for the operations, upkeep, and maintenance of the Protected Land. Owner and Association shall keep the Protected Land free of all liens arising out of work performed for, materials furnished to, or obligations incurred by Owner and Association.
- b. Owner and Association shall pay all taxes, special assessments and other assessments levied against the Protected Land.
- c. Owner and Association shall remain solely responsible for maintaining liability insurance for their uses of the Protected Land. Liability insurance policies maintained by the Owner and Association covering the Protected Land will name the City as an additional named insured. Owner and Association shall hold harmless, indemnify, and defend the City from and against all liabilities, penalties, costs, Losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorney's fees, arising out of or relating to (i) personal injury, data or property damage resulting from an act, omission, or condition on or about the Protected Land, unless due solely to the negligence or willful act of the City, (ii) the obligations retained by Owner and Association to maintain the Protected Land and pay taxes in Paragraphs 18(A) and (B) , and (iii) the existence of this Open Space Easement.

19. Enforcement. If the City finds at any time that Owner and/or Association have breached or may breach the terms of this Open Space Easement, the City may give written notice of the breach to Owner and Association and demand action to cure the breach including, without limitation, restoration of the Protected Land. If Owner and Association do not cure the breach within thirty (30) days of notice, the City may commence an action to (i) enforce the terms of this Open Space Easement (ii) enjoin the breach, ex parte if needed, either temporarily or permanently, (iii) recover damages, (iv) require restoration of the Protected Land to its condition prior to Owner and/or Association's breach, and (v) pursue any other remedies available to it is law or equity. If the City determines that immediate action is needed to prevent or mitigate significant damage to the Protected Land, the City may pursue its remedies under this Paragraph without written notice or giving Owner and Association time to cure the breach

20. Costs of Enforcement. If the City prevails in an action brought under Paragraph 19, Owner and/or Association shall reimburse the City for all costs incurred by the City in enforcing the terms of this Open Space Easement including, without limitation, costs of suit, reasonable attorney's fees, and costs of restoration. If Owner and/or Association prevails and the District Court finds that the City brought the action without reasonable cause or in bad faith, the City, as determined by the Court, shall reimburse Owner and/or Association's costs of defense including, without limitation, costs of suit and reasonable attorney's fees.

21. Waiver. The enforcement of the terms of this Open Space Easement is subject to the City's discretion. A decision by the City not to exercise its respective rights of enforcement in the event of a breach of a term of this Open Space Easement shall not constitute a waiver by the City of such term, or of any subsequent breach of the same or any other term, or any of the City's rights under this Open Space Easement. The delay or omission by the City to discover a breach by Owner or Association or to exercise a right of enforcement as to such breach shall not impair or waive its rights of enforcement against Owner or Association.
22. Acts Beyond Owner and Association's Control. The City shall not exercise its respective rights of enforcement against Owner and Association for injury or alteration to the Protected Land resulting from causes beyond the reasonable control of Owner and Association including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Owner or Association under emergency conditions to prevent, abate, or mitigate significant injury or alteration to the Protected Land resulting from such causes.
23. Extinguishment. If, in the judgment of the City, subsequent unexpected changes in the conditions surrounding the Protected Land make it impossible to preserve and protect the Conservation Values of the Protected Land, this Open Space Easement can be extinguished, either in full or in part, by proceedings in a court having jurisdiction. The City agrees that it will not commence proceedings in such court to extinguish this Open Space Easement without providing notice of the City's intent to the Owner and the Association under Section 25 (Notices) at least 120 days in advance thereof.
24. Assignment of Easement. The City may transfer its rights and obligations in this Open Space Easement only to a qualified conservation organization, as provided in Section 170 (h) of the Internal Revenue Code, which may hold Open Space Easements, as provided in Minnesota Statutes Sect. 84C.01(2) (1992). As a condition of such transfer, the City shall require the continued enforcement of this Open Space Easement unless the Open Space Easement has been extinguished.
25. Notices. Any notice or other communication that either party wishes to or must give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, to the following addresses or such other address as any party shall designate by written notice to the others:

OWNER:

Robert Engstrom Companies
4801 West 81st Street Suite 101
Minneapolis, MN-55437

CITY:

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MW 55042

ATTN: City Administrator

ASSOCIATION:

The Fields of St. Croix Community Association
PO Box 56
Lake Elmo, MN 55042

26. **Governing Law and Construction.** This Open Space Easement shall be governed by the laws of the Minnesota. Nothing contained in this Open Space Easement shall be construed to allow any use or development of the Protected Land in a manner which is not in compliance with the City's Development Regulations or to allow the use or development of the Protected Land without obtaining all permits required by the City's Development Regulations. Where inconsistencies occur between the provisions of state law, city regulations, or the terms of this Open Space Easement, the most restrictive regulation shall apply.
27. **Entire Agreement.** This Open Space Easement sets forth the entire agreement of the parties and supersedes all prior discussions.
28. **Amendment.** The parties may amend this Open Space Easement provided that such amendment shall not impair or threaten the Conservation Values of the Protected Land and shall not affect the perpetual duration of this Open Space Easement. Any purported amendment to this Agreement shall be in writing and shall be executed by all of the Parties hereto.
29. **Binding Effect.** The covenants, terms, conditions, and restrictions of this Open Space Easement shall bind and inure to the benefit of the parties, their personal representatives, heirs, successors, assigns, and all others who exercise any right by or through them and shall run in perpetuity with the Protected Land. Notwithstanding anything to the contrary contained herein, the rights and obligations of the Owner and Association shall relate solely to the property which is owned by the Owner and Association. The Association shall have no obligations with regard to Owner's property and the Owner shall have no obligation with regard to Association's property.

OWNER:

Robert Engstrom Companies, Minnesota Corporation

By: _____
Robert E. Engstrom
Its: President

CITY:

City Of Lake Elmo, A Minnesota statutory city

By: _____

Its: _____

ASSOCIATION:

The Fields of St. Croix Community Association, Minnesota non Profit Corporation

By: _____

Its: _____

STATE OF MINNESOTA)

)ss.

COUNTY OF _____)

On this _____ day of _____, 2014, before me a, notary public within and for said county, personally appeared Robert E. Engstrom, to me known to be the President of the above described corporation, and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of Robert Engstrom Companies.

Notary Public

STATE OF MINNESOTA)

)ss.

COUNTY OF _____)

On this _____ day of _____, 2014, before me a, notary public within and for said county, personally appeared _____, to me known to be the _____ of the above described Minnesota statutory city, and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of the City of Lake Elmo.

Notary Public

STATE OF MINNESOTA)
)ss.
COUNTY OF _____)

On this _____ day of _____, 2014, before me a, notary public within and for said county, personally appeared _____, to me known to be the _____ of the above described non-profit corporation, and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of The Fields of St. Croix Community Association.

Notary Public

Drafted by:
Netzell Legal Services, PLLC
7900 International Dr.
Suite 300
Bloomington, MN 55425

**AMENDED CONSERVATION EASEMENT
THE FIELDS OF ST. CROIX**

THIS AMENDED CONSERVATION EASEMENT is entered into this _____ day of _____, 2014, by and between Robert Engstrom Companies, a Minnesota corporation, whose address is 4801 W. 81st Street, Suite 101, Bloomington, MN, 55437 ("Owner 1"); The Fields of St. Croix Community Association ("Owner 2") (Owner 1 and Owner 2 collectively referred to as "Owner" or "Owners"); the Minnesota Land Trust, a Minnesota nonprofit corporation having its principal office in Minneapolis, Minnesota ("Trust"); and the City of Lake Elmo, a Minnesota statutory city ("City").

WITNESSETH:

- A. This Amended Conservation Easement Agreement is executed for the purpose of amending that certain Conservation Easement recorded with the Washington County Recorder's office as Document Number 992829.
- B. Owner 1 is currently the sole owner in fee simple of certain real property legally described as Outlots A and E, The Fields of St. Croix ("Property 1").
- C. Owner 2 is currently the sole owner in fee simple of certain real property legally described as Outlots D, G and H, The Fields of St. Croix (Property 2").
- D. Property 1 and Property 2 consist of approximately 81.59 acres of land, together with buildings and other improvements located in Washington County, Minnesota ("Protected Land").
- E. Owners intend to convey to the trust the right to preserve and protect the Conservation Values of the Protected Land in perpetuity and to prevent or remedy subsequent activities or uses that are inconsistent with the terms of this Conservation Easement.
- F. The grant of this Amended Conservation Easement will serve the policies of the State of Minnesota which encourage the protection of Minnesota's natural resources and which encourage the use and improvement of the agricultural land for the long term production of food, as set forth, in part, in Minnesota Statutes Section 40A.04 (State Agricultural Land Preservation), and in Section 84C.01-02 (Conservation Easements), as well as the policies of the City of Lake Elmo in its Open Space Preservation District Ordinance (81-37).
- G. The Trust is a publicly supported, nonprofit corporation which seeks to protect the natural, scenic, agricultural, forested, and open space conditions of land in Minnesota. In addition, the Trust is qualified as a conservation organization under Sections 50 I (c)(3) and 170(h) of the Internal Revenue Code. The Trust has agreed to assume the obligation of protecting the natural and scenic qualities of the Protected Land in perpetuity according to the terms of this Conservation Easement.

NOW, THEREFORE, in consideration of their mutual covenants and pursuant to the provisions relating to conservation easements set forth in Minnesota Statutes Sections 84C.011-.05, the parties hereto agree that the Conservation Easement shall be amended in the following manner:

Paragraph 5, Construction, shall be amended to read as follows:

5. Construction. Owners shall not construct or install additional buildings or improvements of any kind including, without limitation, fences, driveways, parking lots, and roads, on the Protected Land, except as specified herein. Owners may maintain, repair, and replace existing roads but shall not widen them unless doing so lessens the environmental impact of the road on the Protected Land and such Owner has obtained the prior written approval of the Trust. Owners may maintain, renovate, expand, or replace existing agricultural and related buildings or improvements in substantially their present location. Any expansion or replacement of an existing building or improvement shall not substantially alter its character or function, and shall not exceed its current square footage by more than twenty-five percent, without the prior written approval of the Trust. Owners may construct temporary agricultural buildings on Outlots A, E and/or G as needed to conduct agricultural activities as provided in Paragraph 7, only upon the consent of all of the parties to this Agreement.

Paragraph 7, Agricultural Use, shall be amended to read as follows:

7. Agricultural Use. Owners may conduct agricultural operations in areas currently being used for agricultural operations on the Protected Land. For purposes of this paragraph, the term Agricultural Operations shall mean raising livestock, growing crops to feed such livestock, and growing crops for in the agricultural or retail marketplace. The use of any portion of the Protected Property for livestock purposes shall be allowed only in the event that all parties to this Amended Conservation agreement consent to such use for livestock purposes.

Paragraph 26, Notices shall be amended to read as follows:

26. Notices. Any notice or other communication that either party wishes to or must give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, to the following addresses or such other address as either party shall designate by written notice to the other:

OWNER:

Robert Engstrom Companies
4801 W. 81st Street, #101
Bloomington, MN 55437

TRUST:

Minnesota Land Trust
70 North 22nd Avenue
Minneapolis, MN 55411-2237
ATTN: Land Projects Committee

ASSOCIATION:

The Fields of St. Croix Community Association

CITY

The City of Lake Elmo

Binding Effect. The covenants, terms, conditions, and restrictions of this Conservation Easement shall bind and inure to the benefit of the parties, their personal representatives, heirs, successors, assigns, and all others who exercise any right by or through them and shall run in perpetuity with the Protected Land. The parties hereto confirm and ratify the validity and enforceability of the Conservation Agreement, as modified herein

OWNER:

Robert Engstrom Companies

Its President
Bloomington, MN 55437

TRUST:
Minnesota Land Trust

Its _____

ASSOCIATION:
The Fields of St. Croix Community Association

Its _____

CITY
The City of Lake Elmo

Its _____

STATE OF MINNESOTA)

COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Robert E. Engstrom, the President of Robert Engstrom Companies, a Minnesota corporation, on behalf of the corporation.

Notary Public

STATE OF MINNESOTA)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, the _____ of Minnesota Land Trust, a Minnesota non-profit corporation, on behalf of the non-profit corporation.

Notary Public

STATE OF MINNESOTA)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, the _____ of The Fields of St. Croix Community Association, a Minnesota non-profit corporation, on behalf of the non-profit corporation.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, the _____ of the City of Lake Elmo, a Minnesota statutory city, on behalf of the statutory city.

Notary Public

Drafted by:
Netzell Legal Services, PLLC
7900 International Dr., #300
Bloomington, MN 55425

ROBERT ENGSTROM COMPANIES

August 28, 2014

Nick Johnson
Lake Elmo City Planner

Re: Wildflower at Lake Elmo

Nick,

Regarding the maintenance and management of the Conservancy areas that we are converting from farmland into native habitat, we have obtained estimates for planting and maintenance from Minnesota Native Landscapes, a reputable firm that also maintains the prairies at The Fields of St. Croix. After the initial three-year period of establishment, which REC, as the developer will maintain, it appears that the maintenance costs are reasonable enough to be handled by the Homeowner Association fees. In addition, we are contemplating a system of requiring .25% of the sales price upon resale of the new homes. This is similar to what some of my fellow-developers are doing around the country, and locally at Stonemill Farm in Woodbury.

As stated before, the pathways will be open to the public. We also have had some conversations with our neighboring developer, Gonyea, about making a small contribution for maintenance. The city could assist by tax-abatement on the open space parcels.

The second issue was the Conservation Easements, which, I understand, that our attorney, Tim Netzell and the city attorney, Dave Snyder, have essentially agreed upon. Copies are available if you so desire.

I hope this answers your questions and that we will be on the agenda for Tuesday, September 2.

Kind Regards,



Bob Engstrom

...RESIDENTIAL COMMUNITY DEVELOPERS...

4801 West 81st Street • Suite 101 • Minneapolis, Minnesota 55437

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MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
REGULAR
ITEM #11

AGENDA ITEM: Approve 2015 Preliminary General 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 ItemFinance Director
- Report/Presentation.....Finance Director/Finance Committee Chair
- 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 Director and Finance Committee

FISCAL IMPACT: NA

SUMMARY AND ACTION REQUESTED: Pursuant to State law regarding the 2015 adoption of the *Preliminary* 2015 General Fund and Library Fund Levy, the City Council is asked to approve the *Preliminary* 2015 Annual Budget and Levy for these two funds. It is recommended that the City Council pass Resolution 2014-67, thereby approving the *Preliminary* 2015 General Fund and Library Fund Annual Budget's and Levies by undertaking the following motion:

“Move to approve Resolution No. 2014-67 adopting the preliminary 2015 General Fund and Library Fund Annual Budget’s and Levies”

BACKGROUND INFORMATION: The City of Lake Elmo has both the legal and fiduciary authority and responsibility under Minnesota State Statute to adopt a *Preliminary* 2015 General Levy. Typically the City Council adopts a *Preliminary* Annual Budget at the same time. Following such adoption, the City Council may lower, but not raise the General and Library Levies and a final Levy and Budget must be adopted by December 31st, 2014

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. After various discussions, the City Council is respectfully being asked that these *Preliminary* Annual Budgets and Levies be adopted.

RECOMMENDATION: It is recommended that the City Council pass Resolution 2014-67, thereby approving the *Preliminary* 2015 General Fund and Library Fund Annual Budget's and Levies by undertaking the following motion:

“Move to approve Resolution No. 2014-67 adopting the preliminary 2015 General Fund and Library Fund Annual Budget's and Levies”

ATTACHMENT:

1. Resolution No. 2014-67
2. Preliminary 2015 General Fund Budget
3. Preliminary 2015 Library Fund Budget

City of Lake Elmo
Budget 2015
(Based on 132 new homes)

| Description | 2011 Actual | 2012 Actual | 2013 Budget | 2013 Actual | 2014 Budget | 2014 Projected Actual | 2015 Budget | 2014 to 2015 Change |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|-----------------------------|--------------------|---------------------------|
| GENERAL FUND SUMMARY | | | | | | | | |
| <u>Revenues by Classification</u> | | | | | | | | |
| Property Taxes/Franchise Fees | \$2,483,808 | \$2,600,866 | \$2,465,277 | \$2,646,905 | \$2,761,032 | \$2,776,424 | \$2,763,180 | -0.5% |
| Licenses and Permits | \$230,420 | \$328,093 | \$278,910 | \$342,434 | \$303,891 | \$366,916 | \$797,644 | 117.4% |
| Intergovernmental | \$172,750 | \$136,112 | \$156,271 | \$174,502 | \$158,921 | \$161,845 | \$161,945 | 0.1% |
| Charges for Services | \$16,998 | \$7,772 | \$7,334 | \$9,566 | \$7,691 | \$15,450 | \$12,925 | -16.3% |
| Fines | \$63,818 | \$54,328 | \$60,000 | \$48,718 | \$48,000 | \$48,000 | \$48,000 | 0.0% |
| Other | \$94,778 | \$89,384 | \$47,100 | \$28,480 | \$24,000 | \$15,740 | \$14,640 | -7.0% |
| Total Revenues | \$3,062,573 | \$3,216,555 | \$3,014,892 | \$3,250,604 | \$3,303,535 | \$3,384,375 | \$3,798,334 | 12.2% |
| <u>Other Financing Sources</u> | | | | | | | | |
| Transfers In | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | N/A |
| Total Other Financing Sources | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | N/A |
| Total Revenues and Other Financing Sources | \$3,062,573 | \$3,216,555 | \$3,014,892 | \$3,250,604 | \$3,303,535 | \$3,384,375 | \$3,798,334 | 12.2% |
| <u>Expenditures by Program</u> | | | | | | | | |
| General Government | \$980,893 | \$958,324 | \$830,267 | \$942,343 | \$986,210 | \$990,355 | \$984,062 | -0.6% |
| Public Safety | \$993,400 | \$1,056,987 | \$1,209,779 | \$1,125,216 | \$1,148,736 | \$1,149,225 | \$1,327,793 | 15.5% |
| Public Works | \$439,408 | \$586,406 | \$472,567 | \$849,768 | \$692,609 | \$707,463 | \$741,773 | 4.8% |
| Culture & Recreation | \$142,096 | \$144,422 | \$188,559 | \$166,343 | \$205,239 | \$156,176 | \$153,028 | -2.0% |
| IT & Telephone | \$48,513 | \$49,254 | \$48,016 | \$52,916 | \$70,741 | \$94,653 | \$109,560 | 15.7% |
| Debt Service Increase | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$247,118 | 100.0% |
| Compensation Adjustment | \$0 | \$0 | \$65,704 | \$0 | \$0 | \$0 | \$35,000 | N/A |
| Total Expenditures | \$2,604,310 | \$2,795,393 | \$2,814,892 | \$3,136,586 | \$3,103,535 | \$3,097,872 | \$3,598,334 | 16.2% |
| <u>Other Financing Uses</u> | | | | | | | | |
| Transfers Out | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0.0% |
| Total Other Financing Uses | \$230,505 | \$200,000 | \$200,000 | \$0 | \$200,000 | \$200,000 | \$200,000 | 0.0% |
| Total Expenditures and Other Financing Uses | \$2,834,815 | \$2,995,393 | \$3,014,892 | \$3,136,586 | \$3,303,535 | \$3,297,872 | \$3,798,334 | 15.2% |
| Net Change in Fund Balance | \$227,758 | \$221,162 | (\$0) | \$114,018 | \$0 | \$86,503 | \$0 | -100.0% |
| <u>General Fund Balance</u> | | | | | | | | |
| Fund Balance, Beginning of Year | \$2,686,160 | \$2,913,918 | \$3,135,080 | \$3,135,080 | \$3,249,098 | \$3,249,098 | \$3,335,601 | 2.7% |
| Net Change in Fund Balance | \$227,758 | \$221,162 | (\$0) | \$114,018 | \$0 | \$86,503 | \$0 | -100.0% |
| Fund Balance, Ending of Year | \$2,913,918 | \$3,135,080 | \$3,135,080 | \$3,249,098 | \$3,249,098 | \$3,335,601 | \$3,335,601 | 0.0% |

City of Lake Elmo
Budget 2015
(Based on 132 new homes)

| Dept Number | Description | 2011 Actual | 2012 Actual | 2013 Budget | 2013 Actual | 2014 Budget | 2014 Projected Actual | 2015 Budget | 2014 to 2015 Change |
|---|--------------------------|----------------|----------------|----------------|----------------|----------------|-----------------------------|----------------|---------------------------|
| GENERAL FUND | | | | | | | | | |
| <u>Expenditures by Program & Department</u> | | | | | | | | | |
| General Government | | | | | | | | | |
| 1110 | Mayor & Council | \$36,418 | \$24,208 | \$39,803 | \$49,187 | \$45,269 | \$40,581 | \$40,955 | 0.92% |
| 1320 | Administration | \$507,492 | \$484,915 | \$374,599 | \$379,858 | \$392,494 | \$413,246 | \$407,316 | -1.43% |
| 1410 | Elections | \$3,380 | \$13,857 | \$11,950 | \$1,040 | \$13,350 | \$11,290 | \$1,050 | -90.70% |
| 1450 | Communications | \$18,034 | \$22,512 | \$58,232 | \$44,194 | \$35,570 | \$61,692 | \$70,842 | 14.83% |
| 1520 | Finance | \$135,063 | \$151,572 | \$105,815 | \$157,203 | \$154,935 | \$155,120 | \$134,646 | -13.20% |
| 1910 | Planning & Zoning | \$185,039 | \$165,068 | \$152,068 | \$250,077 | \$271,859 | \$218,138 | \$224,218 | 2.79% |
| 1930 | Engineering Services | \$67,639 | \$69,864 | \$60,000 | \$34,501 | \$48,000 | \$53,000 | \$54,800 | 3.40% |
| 1940 | City Hall | \$27,828 | \$26,327 | \$27,800 | \$26,283 | \$24,733 | \$37,288 | \$50,235 | 34.72% |
| Total General Government | | \$980,893 | \$958,324 | \$830,267 | \$942,343 | \$986,210 | \$990,355 | \$984,062 | -0.64% |
| Public Safety | | | | | | | | | |
| 2100 | Police | \$452,262 | \$492,911 | \$560,000 | \$495,759 | \$500,000 | \$510,000 | \$517,799 | 1.53% |
| 2150 | Prosecution | \$46,440 | \$47,224 | \$51,000 | \$52,104 | \$51,000 | \$50,274 | \$50,000 | -0.54% |
| 2220 | Fire | \$344,417 | \$336,792 | \$441,775 | \$366,162 | \$395,456 | \$395,809 | \$385,312 | -2.65% |
| 2250 | Fire Relief | \$47,867 | \$39,956 | \$40,000 | \$53,778 | \$37,324 | \$37,324 | \$37,324 | 0.00% |
| 2400 | Building Inspection | \$94,863 | \$132,591 | \$104,004 | \$139,939 | \$152,874 | \$142,018 | \$323,558 | 127.83% |
| 2500 | Emergency Communications | \$5,250 | \$6,194 | \$6,000 | \$3,745 | \$5,800 | \$7,000 | \$7,000 | 0.00% |
| 2700 | Animal Control | \$2,301 | \$1,319 | \$7,000 | \$13,729 | \$6,282 | \$6,800 | \$6,800 | 0.00% |
| Total Public Safety | | \$993,400 | \$1,056,987 | \$1,209,779 | \$1,125,216 | \$1,148,736 | \$1,149,225 | \$1,327,793 | 15.54% |
| Public Works | | | | | | | | | |
| 3100 | Public Works | \$289,985 | \$295,132 | \$325,867 | \$473,807 | \$378,609 | \$374,563 | \$380,195 | 1.50% |
| 3120 | Streets | \$29,268 | \$190,361 | \$25,200 | \$204,416 | \$176,800 | \$211,500 | \$222,578 | 5.24% |
| 3125 | Ice & Snow Removal | \$75,960 | \$45,320 | \$80,000 | \$126,648 | \$96,000 | \$87,000 | \$95,500 | 9.77% |
| 3160 | Street Lighting | \$30,008 | \$38,691 | \$25,200 | \$25,988 | \$28,800 | \$24,000 | \$28,000 | 16.67% |
| 3200 | Recycling | \$3,829 | \$12,776 | \$11,300 | \$7,584 | \$7,400 | \$5,400 | \$9,500 | 75.93% |
| 3250 | Tree Program | \$10,358 | \$4,126 | \$5,000 | \$11,325 | \$5,000 | \$5,000 | \$6,000 | 20.00% |
| Total Public Works | | \$439,408 | \$586,406 | \$472,567 | \$849,768 | \$692,609 | \$707,463 | \$741,773 | 4.85% |
| Culture & Recreation | | | | | | | | | |
| 5200 | Parks & Recreation | \$142,096 | \$144,422 | \$188,559 | \$166,343 | \$205,239 | \$156,176 | \$153,028 | -2.02% |
| Total Culture & Recreation | | \$142,096 | \$144,422 | \$188,559 | \$166,343 | \$205,239 | \$156,176 | \$153,028 | -2.02% |
| IT & Telephone | | | | | | | | | |
| IT & Telephone | | \$48,513 | \$49,254 | \$48,016 | \$52,916 | \$70,741 | \$94,653 | \$109,560 | 15.75% |
| 9000 | Compensation Adjustment | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$35,000 | 0.00% |
| Debt Service Increase | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$247,118 | 1042.37% |
| Contingency Fund | | \$0 | \$0 | \$65,704 | \$0 | \$0 | \$0 | \$0 | 0.00% |
| Other Financing | | \$230,505 | \$200,000 | \$200,000 | \$0 | \$200,000 | \$200,000 | \$200,000 | 0.00% |
| Total Expenditures | | \$2,834,815 | \$2,995,393 | \$3,014,892 | \$3,136,586 | \$3,303,535 | \$3,297,872 | \$3,798,334 | 15.18% |

City of Lake Elmo
Budget 2015
(Based on 132 new homes)

| Account Number | Description | 2011 Actual | 2012 Actual | 2013 Budget | 2013 Actual | 2014 Budget | 2014 Projected Actual | 2015 Budget | 2014 to 2015 Change |
|-------------------------------------|---------------------------------|----------------|----------------|----------------|----------------|----------------|-----------------------------|----------------|---------------------------|
| GENERAL FUND | | | | | | | | | |
| <u>Revenues</u> | | | | | | | | | |
| Property Taxes/Franchise Fees | | | | | | | | | |
| 101-000-0000-31010 | Current Ad Valorem Taxes | \$2,271,299 | \$2,390,638 | \$2,413,588 | \$2,377,716 | \$2,565,000 | \$2,550,000 | \$2,531,080 | -0.7% |
| 101-000-0000-31020 | Delinquent Ad Valorem Taxes | \$19,395 | \$44,915 | \$0 | \$35,000 | \$20,000 | \$15,000 | \$15,000 | 0.0% |
| 101-000-0000-31030 | Mobile Home Tax | \$9,503 | \$7,376 | \$8,000 | \$9,059 | \$8,000 | \$11,400 | \$11,400 | 0.0% |
| 101-000-0000-31040 | Fiscal Disparities | \$143,647 | \$112,096 | \$0 | \$178,587 | \$120,000 | \$160,000 | \$160,000 | 0.0% |
| 101-000-0000-31910 | Penalty & Interest on Taxes | \$146 | \$5,202 | \$0 | \$3,691 | \$5,180 | \$700 | \$700 | 0.0% |
| 101-000-0000-33620 | Gravel Tax | \$925 | \$689 | \$689 | \$0 | \$0 | \$0 | \$0 | 0.0% |
| 101-000-0000-33622 | Cable Franchise Revenue | \$38,894 | \$39,950 | \$43,000 | \$42,852 | \$42,852 | \$39,324 | \$45,000 | 14.4% |
| Total Property Taxes/Franchise Fees | | \$2,483,808 | \$2,600,866 | \$2,465,277 | \$2,646,905 | \$2,761,032 | \$2,776,424 | \$2,763,180 | 0.5% |
| Licenses and Permits | | | | | | | | | |
| 101-000-0000-32110 | Liquor License | \$10,425 | \$9,375 | \$125 | \$16,150 | \$3,000 | \$8,350 | \$8,350 | 0.0% |
| 101-000-0000-32180 | Wastehauler License | \$0 | \$0 | \$200 | \$0 | \$0 | \$1,680 | \$1,680 | 0.0% |
| 101-000-0000-32181 | General Contractor License | \$1,725 | \$0 | \$0 | \$265 | \$165 | \$0 | \$0 | 0.0% |
| 101-000-0000-32183 | Heating Contractor License | \$995 | \$3,560 | \$4,475 | \$5,050 | \$6,650 | \$4,500 | \$2,500 | -44.4% |
| 101-000-0000-32184 | Blacktopping Contractor License | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0.0% |
| 101-000-0000-32210 | Building Permits | \$138,972 | \$187,344 | \$172,000 | \$174,625 | \$170,500 | \$205,000 | \$517,600 | 152.5% |
| 101-000-0000-32210 | Re-inspection Fees | \$0 | \$0 | \$0 | \$0 | \$0 | \$850 | \$1,000 | 17.6% |
| 101-000-0000-32220 | Heating Permits | \$10,230 | \$16,040 | \$13,200 | \$15,990 | \$15,600 | \$12,000 | \$29,040 | 142.0% |
| 101-000-0000-32230 | Plumbing Permits | \$6,316 | \$10,580 | \$7,500 | \$12,525 | \$9,000 | \$11,000 | \$29,040 | 164.0% |
| 101-000-0000-32231 | Sewer Permits | \$0 | \$0 | \$0 | \$485 | \$485 | \$600 | \$10,560 | 0.0% |
| 101-000-0000-32240 | Animal License | \$2,083 | \$2,320 | \$2,060 | \$1,991 | \$1,991 | \$2,536 | \$2,500 | -1.4% |
| 101-000-0000-32250 | Utility Permits | \$6,248 | \$8,225 | \$7,200 | \$21,215 | \$11,000 | \$20,000 | \$5,000 | -75.0% |
| 101-000-0000-32260 | Burning Permit | \$1,300 | \$1,360 | \$1,150 | \$2,670 | \$3,350 | \$1,250 | \$2,250 | 80.0% |
| 101-000-0000-32270 | Massage Therapy | \$0 | \$0 | \$0 | \$858 | \$150 | \$150 | \$150 | 0.0% |
| 101-000-0000-32280 | Electrical Permits | \$0 | \$0 | \$0 | \$0 | \$0 | \$4,000 | \$6,051 | 51.3% |
| 101-000-0000-34104 | Plan Check Fees | \$52,125 | \$89,290 | \$71,000 | \$90,610 | \$82,000 | \$95,000 | \$181,923 | 91.5% |
| Total Licenses and Permits | | \$230,420 | \$328,093 | \$278,910 | \$342,434 | \$303,891 | \$366,916 | \$797,644 | 117.4% |
| Intergovernmental | | | | | | | | | |
| 101-000-0000-33402 | Homestead Credit Aid | \$7,879 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | N/A |
| 101-000-0000-33418 | MSA - Maintenance | \$83,018 | \$78,789 | \$98,022 | \$98,022 | \$98,022 | \$101,696 | \$101,696 | 0.0% |
| 101-000-0000-33420 | State Fire Aid | \$40,692 | \$38,824 | \$40,000 | \$56,778 | \$41,500 | \$41,500 | \$41,500 | 0.0% |
| 101-000-0000-33422 | PERA Aid | \$2,749 | \$2,749 | \$2,749 | \$2,749 | \$2,749 | \$2,749 | \$2,749 | 0.0% |
| 101-000-0000-33426 | Miscellaneous State Grants | \$22,824 | \$162 | \$0 | \$1,365 | \$1,150 | \$400 | \$500 | N/A |
| 101-000-0000-33621 | Recycling Grant | \$15,588 | \$15,588 | \$15,500 | \$15,588 | \$15,500 | \$15,500 | \$15,500 | 0.0% |
| Total Intergovernmental | | \$172,750 | \$136,112 | \$156,271 | \$174,502 | \$158,921 | \$161,845 | \$161,945 | 0.1% |
| Charges for Services | | | | | | | | | |
| 101-000-0000-34103 | Zoning & Subdivision Fees | \$11,015 | \$1,152 | \$1,000 | \$4,680 | \$1,250 | \$10,000 | \$7,500 | -25.0% |
| 101-000-0000-34105 | Sale of Copies, Books, Maps | \$173 | \$287 | \$149 | \$323 | \$206 | \$200 | \$175 | -12.5% |
| 101-000-0000-34107 | Assessment Searches | \$445 | \$1,060 | \$700 | \$1,390 | \$1,285 | \$750 | \$750 | 0.0% |
| 101-000-0000-34109 | Clean Up Days | \$3,058 | \$3,256 | \$4,000 | \$2,647 | \$3,000 | \$2,000 | \$2,000 | 0.0% |
| 101-000-0000-34111 | Cable Operation Reimbursement | \$2,307 | \$2,018 | \$1,485 | \$526 | \$1,950 | \$2,500 | \$2,500 | 0.0% |
| Total Charges for Services | | \$16,998 | \$7,772 | \$7,334 | \$9,566 | \$7,691 | \$15,450 | \$12,925 | -16.3% |
| Fines | | | | | | | | | |
| 101-000-0000-35100 | Fines | \$63,818 | \$54,328 | \$60,000 | \$48,718 | \$48,000 | \$48,000 | \$48,000 | 0.0% |
| Total Fines | | \$63,818 | \$54,328 | \$60,000 | \$48,718 | \$48,000 | \$48,000 | \$48,000 | 0.0% |

Other

| | | | | | | | | | |
|--|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------|
| 101-000-0000-36200 | Miscellaneous Revenue | \$20,405 | \$58,918 | \$19,000 | \$1,757 | \$2,400 | \$3,500 | \$3,500 | 0.0% |
| 101-000-0000-36201 | Internal Charges (Library proc fee) | \$5,458 | \$1,166 | \$600 | \$1,092 | \$1,600 | \$640 | \$640 | 0.0% |
| 101-000-0000-36210 | Interest Earnings | \$59,415 | \$20,000 | \$20,000 | \$11,631 | \$20,000 | \$10,000 | \$10,000 | 0.0% |
| | Reimbursement-Fire | \$0 | \$0 | \$0 | \$0 | \$0 | \$500 | \$500 | 0.0% |
| 101-000-0000-36230 | Donations | \$9,500 | \$9,300 | \$7,500 | \$14,000 | \$0 | \$1,100 | \$0 | 0.0% |
| Total Other | | \$94,778 | \$89,384 | \$47,100 | \$28,480 | \$24,000 | \$15,740 | \$14,640 | -7.0% |
| Total Revenues | | \$3,062,573 | \$3,216,555 | \$3,014,892 | \$3,250,604 | \$3,303,535 | \$3,384,375 | \$3,798,334 | 12.2% |
| <u>Other Financing Sources</u> | | | | | \$49,101 | | | | |
| 101-000-0000-39200 | Transfer In | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | N/A |
| Total Other Financing Sources | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | N/A |
| Total Revenues and Other Financing Sources | | \$3,062,573 | \$3,216,555 | \$3,014,892 | \$3,250,604 | \$3,303,535 | \$3,384,375 | \$3,798,334 | 12.2% |
| | | 6.3% | 11.6% | | 12.8% | | 16.7% | | |

| | 2011 BUDGET | 2011 ACTUAL | 2012 BUDGET | 2012 ACTUAL | 2013 BUDGET | 2013 ACTUAL | 2014 BUDGET | 2014 ACTUAL | Projected 2014 ACTUAL | Proposed 2015 BUDGET |
|---------------------------------------|-------------|-----------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|----------------------|
| REVENUE | | | | | | | | | | |
| Current Ad Valorem Taxes | 0.00 | 0.00 | 260,078.00 | 260,078.00 | 256,957.00 | 256,957.00 | 256,957.00 | 256,957.00 | 256,957.00 | 256,957.00 |
| Rental Income | 0.00 | 0.00 | 0.00 | 9,340.64 | 29,750.00 | 17,000.00 | 11,400.00 | 11,152.00 | 11,400.00 | 11,400.00 |
| Interest Earnings | 0.00 | 0.00 | 0.00 | 417.06 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Miscellaneous Revenue | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 76.00 | 0.00 | 150.00 | 0.00 | 0.00 |
| Donations | 0.00 | 0.00 | 0.00 | 70.00 | 0.00 | 1,405.00 | 0.00 | 2,461.17 | 0.00 | 0.00 |
| Total Revenue | 0.00 | 0.00 | 260,078.00 | 269,488.64 | 286,707.00 | 273,855.06 | 268,357.00 | 270,720.17 | 268,357.00 | 268,357.00 |
| EXPENSE | | | | | | | | | | |
| PT Salaries | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 23,000.00 | 0.00 | 0.00 | 16,000.00 |
| FT Salaries | 0.00 | 0.00 | 70,000.00 | 7,595.00 | 35,200.00 | 16,901.13 | 35,200.00 | 38,031.18 | 45,000.00 | 45,000.00 |
| PERA Contributions | 0.00 | 0.00 | 0.00 | 518.02 | 2,552.00 | 1,225.27 | 5,000.00 | 4,282.30 | 4,422.50 | 4,422.50 |
| FICA Contributions | 0.00 | 0.00 | 0.00 | 470.89 | 2,182.40 | 1,003.53 | 3,608.40 | 2,357.93 | 3,782.00 | 3,782.00 |
| Medicare Contributions | 0.00 | 0.00 | 0.00 | 110.13 | 510.40 | 234.71 | 843.60 | 551.45 | 884.50 | 884.50 |
| Health/Dental Insurance | 0.00 | 0.00 | 0.00 | 0.00 | 13,605.00 | 2,176.00 | 13,605.00 | 11,968.00 | 11,968.00 | 11,968.00 |
| Unemployment Benefits | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Workers Compensation | 0.00 | 0.00 | 0.00 | 0.00 | 1,000.00 | 0.00 | 1,000.00 | 0.00 | 350.00 | 350.00 |
| Library svcs supplies | 0.00 | 0.00 | 60.00 | 1,109.79 | 3,500.00 | 0.00 | 0.00 | 0.00 | 1,100.00 | 1,100.00 |
| Office Supplies | 0.00 | 466.74 | 2,500.00 | 3,071.41 | 500.00 | 2,397.34 | 5,000.00 | 4,282.30 | 4,100.00 | 4,100.00 |
| Library Collection Maintenance | 0.00 | 0.00 | 12,000.00 | 1,618.43 | 2,000.00 | 5,337.86 | 20,000.00 | 33,319.29 | 49,700.00 | 49,700.00 |
| Engineering/Legal Services | 0.00 | 1,382.50 | 0.00 | 3,503.00 | 600.00 | 3,240.50 | 500.00 | 851.00 | 2,000.00 | 2,000.00 |
| Contract Services | 0.00 | 0.00 | 0.00 | 21,100.00 | 4,400.00 | 4,199.95 | 4,000.00 | 1,680.00 | 3,000.00 | 3,000.00 |
| Telephone | 0.00 | 0.00 | 1,560.00 | 1,001.37 | 2,100.00 | 1,477.29 | 1,400.00 | 1,422.96 | 1,600.00 | 1,600.00 |
| Internet | 0.00 | 0.00 | 0.00 | 215.70 | 900.00 | 447.35 | 600.00 | 672.40 | 1,000.00 | 1,000.00 |
| Information Technology | 0.00 | 0.00 | 5,000.00 | 3,170.00 | 3,100.00 | 4,329.72 | 13,000.00 | 5,687.16 | 3,220.00 | 3,220.00 |
| Insurance | 0.00 | 0.00 | 10,320.00 | 0.00 | 0.00 | 2,364.65 | 2,500.00 | 2,500.66 | 2,700.00 | 2,700.00 |
| Utilities | 0.00 | 0.00 | 0.00 | 2,589.38 | 4,800.00 | 7,655.67 | 7,000.00 | 7,126.70 | 7,550.00 | 7,550.00 |
| Refuse | 0.00 | 0.00 | 0.00 | 119.59 | 1,200.00 | 780.56 | 800.00 | 536.14 | 550.00 | 550.00 |
| Repair/Maint Bldg | 0.00 | 0.00 | 3,000.00 | 4,483.11 | 12,000.00 | 6,818.66 | 8,000.00 | 27,126.99 | 14,000.00 | 14,000.00 |
| Repair/Maint NOT Bldg | 0.00 | 0.00 | 0.00 | 0.00 | 1,500.00 | 112.50 | 52,748.00 | 8,900.00 | 0.00 | 0.00 |
| Repair/Maint Equip (non-LH Impr) | 0.00 | 0.00 | 2,400.00 | 1,130.08 | 15,300.00 | 1,136.98 | 2,500.00 | 0.00 | 0.00 | 0.00 |
| Library Card Reimbursements | 0.00 | 169.00 | 31,800.00 | 35,911.27 | 39,000.00 | 31,780.22 | 30,000.00 | 24,514.95 | 24,000.00 | 24,000.00 |
| Miscellaneous | 0.00 | 0.00 | 82,400.00 | 118,560.20 | 125,400.00 | 118,560.20 | 0.00 | 493.57 | 2,000.00 | 2,000.00 |
| Building Purchase Reprt | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Building Property Tax | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 21,232.20 | 0.00 | 2,526.00 | 2,600.00 | 2,600.00 |
| Subscriptions | 0.00 | 0.00 | 40,000.00 | 45.00 | 500.00 | 1,370.88 | 0.00 | 2,061.55 | 0.00 | 0.00 |
| Conferences & Training | 0.00 | 0.00 | 0.00 | 1,174.23 | 0.00 | 371.33 | 0.00 | 730.00 | 2,500.00 | 2,500.00 |
| Programs | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,410.00 | 7,500.00 | 7,500.00 |
| Interest Expense | 0.00 | 0.00 | 0.00 | 2,874.33 | 0.00 | 2,354.85 | 0.00 | 0.00 | 0.00 | 0.00 |
| Internal charges | 0.00 | 5,458.32 | 0.00 | 2,828.57 | 1,200.20 | 1,681.27 | 1,500.00 | 1,198.00 | 1,600.00 | 1,600.00 |
| Total Library | 0.00 | 7,476.56 | 261,040.00 | 213,199.50 | 273,050.00 | 239,470.70 | 268,357.00 | 183,706.50 | 213,146.00 | 213,146.00 |
| Net Operating Income/(Expense) | 0.00 | (7,476.56) | (962.00) | 56,289.14 | 13,657.00 | 36,384.36 | 0.00 | 87,014.67 | 55,211.00 | 55,211.00 |
| Contingency Monies | 0.00 | 0.00 | 0.00 | 0.00 | 13,650.00 | 0.00 | 0.00 | 11,300.41 | 14,522.39 | 14,522.39 |
| Proposed CIP | | | | | | | | | | |
| Beginning Cash | | 0.00 | | (7,483.07) | | 43,142.52 | | 85,190.43 | 172,205.10 | 172,205.10 |
| Net Operating Income/(Expense) | | (7,476.56) | | 56,289.14 | | 36,384.36 | | 87,014.67 | 55,211.00 | 55,211.00 |
| CIP (self funded) | | 0.00 | | 0.00 | | 0.00 | | 0.00 | (70,000.00) | (70,000.00) |
| YE Accruals/reversals | | (6.51) | | (5,663.55) | | 5,663.55 | | 0.00 | 0.00 | 0.00 |
| Ending Cash | | (7,483.07) | | 43,142.52 | | 85,190.43 | | 172,205.10 | 157,416.10 | 157,416.10 |
| | | -7,483.07 | | 43,142.52 | | 85,190.43 | | 172,205.10 | 157,416.10 | 157,416.10 |
| | | 0.00 | | 0.00 | | 0.00 | | 0.00 | 0.00 | 0.00 |
| Balance due to City | | 7,483.07 | | 112,576.43 | | 0.00 | | 0.00 | 0.00 | 0.00 |

2013 and 2014 included grant monies which may not be renewed; budgeted conservatively and did not include

Part-time permanent staffing (1)
 Based on accepted offer
 7.25% PT included as will be over minimum hr requirement if only 1 staff person
 6.20%
 1.45%
 Dental only increase of 4%

Zero in 2014 since Linda hired late in 2013

Legal expenses related to prior renters
 Includes snowplowing, grass cutting and building cleaners

Increase due to service plan upgrade
 Includes equinox, hardware and software

Electric and Water

2015 - Includes \$10k to install sewer pipe and remove cesspool

Misc used for "all other" in the 2014 budget

Included under programs for 2015
 Includes national conference and dues for the Director
 New expense category to track expenses of Programs separately

Charges from the City for support functions

Savings for unknowns (mostly repairs to building...)

NOTE: No Sewer connection charges are reflected due to timing delay between when project is completed and when it is assessed
 Costs to library will not occur until 2016

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

RESOLUTION NO. 2014-67

**RESOLUTION APPROVING PROPOSED 2014 TAX LEVY, COLLECTIBLE IN 2015
AND
PROPOSED 2015 BUDGET**

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

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

BE IT RESOLVED that the City adopts the proposed 2015 General 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 proposed 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>\$ 256,957</u> |
| Total Levy | \$3,163,359 |

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 September, 2014.

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk