

MAYOR AND COUNCIL COMMUNICATION

DATE: 11/4/15 CONSENT RESOLUTION # ITEM: #13

AGENDA ITEM:Hammes Plat ExtensionSUBMITTED BY:Clark Schroeder, Interim City AdministratorTHROUGH:Clark Schroeder, Interim City AdministratorREVIEWED BY:Clark Schroeder, Interim City Administrator

SUGGESTED ORDER OF BUSINESS:

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

FINANCIAL IMPACT: Delayed/Lost revenue related to 163 units; General fund impact of approximately \$100k per year, Utility fund access and connection fees of \$1.2M, Utility fund usage revenue of \$150k per year and parkland dedication fees of \$107k. Risk related to recovery of utility fund special assessments of \$580k.

BACKGROUND AND STAFF REPORT:

On October 7, 2014, the City Council approved the Hammes Estates final plat. At that same meeting, a draft developer agreement was proposed and approved as well. However, the developer agreement was never executed due to various issues.

The issues which previously prevented the execution of the developer agreement and the plat from being recorded have since been mitigated and they would now like to move forward. However, since plat approval is good for one year, an extension is being sought from the City Council to allow them to do so.

Opinion from Mr. Snyder.

Setting aside the financial inquiries, my recommendation would be to grant an extension here-as requested to October. A decision on this subject would be evaluated by the arbitrary and capricious standard-basically an inquiry into the reasonableness of the council's decisionmaking.

Since there have been no intervening area-wide zoning changes, no big land-use changes, since the plat is not proposed to be materially modified and since the extension is, practically speaking, that of a couple of months, I think an extension would customarily be granted and that a reviewer would conclude that it should be granted. I do not recommend an extension longer than that at this time-any subsequent extension should be sought from and considered by Council at the end of any extension given into next year.

Turning to financial inquiries then, I would defer to Clark and Cathy. As for the specific question, No, the petition and waiver agreement does not require the city to allow plats or plat extensions.

The financial aspects of this should, however, be a central area of the council's understanding of the implications of an approval or denial of the extension request. Needless to say, if the plat is allowed to expire and no extension is granted then receipt of infrastructure funding from this development and any that might rely on it for their own utilities will certainly be delayed, likely indefinitely and likely for a long time.

S.W.O.T Analysis:

Strengths:	Recovery of infrastructure investment via access and connection fees, ability to collect of special assessments assessed as part of the section 34 project and generation of on-going utility usage revenue to strengthen the utility fund balances.
Weaknesses:	None identified
Opportunities:	Ability to move forward with a previously approved plat.
Threats:	Potential for prior developer to place lien on property preventing build out activity.

<u>RECOMMENDATIONS</u>:

"Motion to extend the final plat approval and development contract for two years through Oct 7th 2016 with the condition that all special assessments be paid at plat, that the developer's agreement be signed within 60 days of November 4th 2015, that the agreement and resolution be reassigned to Hammes Estates from Hammes West, LLC."

ATTACHMENTS:

- 1. Request from Eleanor Hammes for an extension
- 2. Developer Agreement
- 3. City council packet 10-7-14

(reserved for recording information)

DEVELOPMENT CONTRACT

(Public sewer and water)

Hammes Estates 1st Addition

AGREEMENT dated_____, 2015, by and between the CITY OF LAKE ELMO a Minnesota municipal corporation ("City"), and The Ryland Group, Inc. a Maryland Corporation (the "Developer").

1. REQUEST FOR PLAT APPROVAL. The Developer has asked the City to approve the plat for Hammes Estates 1st Addition (referred to in this this Contract as the "plat"). The land is situated in the County of Washington, State of Minnesota, and is legally described as:

That part of the South Half of the Northeast Quarter of Section 34, Township 29 North, Range 21 West, Washington County, Minnesota, EXCEPT the East 60.00 feet of the North 967 feet of said South Half of the Northeast Quarter thereof. AND EXCEPT Parcel 3 of Washington County Highway Right of Way Plat 49-19B, recorded September 18, 1985 as Document Number 492530.

2. **CONDITIONS OF PLAT APPROVAL.** The City hereby approves the plat on condition that the Developer enter into this Contract, furnish the security required by it, and record the plat with the County Recorder or Registrar of Titles within (180) days after the City Council approves the final plat.

3. RIGHT TO PROCEED. Unless separate written approval has been given by the City, within the plat or land to be platted, the Developer may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings until all the following conditions have been satisfied: 1) this agreement has been fully executed by both parties and filed with the City Clerk, 2) the necessary security has been received by the City, 3) the plat has been recorded with the Washington County Recorder's Office, and 4) the City's Community Development Director has issued a letter that all conditions have been satisfied, a preconstruction conference has been held, and that the Developer may proceed.

4. HOA DOCUMENTS. The required HOA documents shall be recorded with the Washington County Recorder's Office within thirty (30) days of the plat being recorded with the County.

5. PHASED DEVELOPMENT. This plat is a phase of a multi-phased preliminary plat, the City may refuse to approve final plats of subsequent phases if the Developer has breached this Contract and the breach has not been remedied. Development of subsequent phases may not proceed until Development Contracts for such phases are approved by the City. Park charges and area charges for sewer and water referred to in this Contract are not being imposed on outlots, if any, in the plat that are designated in an approved preliminary plat for future subdivision into lots and blocks. Such charges will be calculated and imposed when the outlots are final platted into lots and blocks.

6. **PRELIMINARY PLAT STATUS.** The plat is a phase of a multi-phased preliminary plat, the preliminary plat approval for all phases not final platted shall lapse and be void unless final platted into lots and blocks, not outlots, within five (5) years after preliminary plat approval.

7. CHANGES IN OFFICIAL CONTROLS. For two (2) years from the date of this Contract, no amendments to the City's Comprehensive Plan or official controls shall apply to or affect the residential use, development density, lot size, lot layout or dedications of the approved final plat unless required by state or federal law or agreed to in writing by the City and the Developer. Thereafter, notwithstanding anything in this Contract to the contrary, to the full extent permitted by state law, the City may require compliance with any amendments to the City's Comprehensive Plan, official controls, platting or dedication

requirements enacted after the date of this Contract.

8. DEVELOPMENT PLANS. The plat shall be developed in accordance with the following plans and at the Developer's sole expense. The plans shall not be attached to this Contract. If the plans vary from the written terms of this Contract, the written terms shall control. The plans are:

Plan A – Final Plat Plan B – Final Grading, Drainage, and Erosion Control Plans Plan C – Final Sanitary Sewer, Water Main, Storm Sewer, and Street Plans Plan D – Final Landscape Plan

- 9. **IMPROVEMENTS.** The Developer shall install and pay for the following:
 - A. Streets
 - B. Sanitary Sewer
 - C. Watermain
 - D. Surface Water Facilities (pipe, ponds, rain gardens, etc.)
 - E. Grading and Erosion Control
 - F. Sidewalks/Trails
 - G. Street Lighting
 - H. Underground Utilities
 - I. Street Signs and Traffic Control Signs
 - J. Landscaping and Street Trees
 - K. Tree Preservation and Reforestation
 - L. Wetland Mitigation and Buffers
 - M. Monuments Required by Minnesota Statutes

The improvements shall be installed in accordance with the City subdivision ordinance and the City's Engineering Design and Construction Standards Manual and pursuant to the direction of the City Engineer. The Developer shall submit plans and specifications which have been prepared by a competent registered professional engineer to the City for approval by the City Engineer. The Developer shall instruct its engineer to provide adequate field inspection personnel to assure an acceptable level of quality control to the extent that the Developer's engineer will be able to certify that the construction work meets the approved City standards as a condition of City acceptance. In addition, the City may, at the City's discretion and at the Developer's expense, have one or more City inspectors and a soil engineer inspect the work on

a full or part-time basis. The Developer's engineer shall provide for on-site project management. The Developer's engineer is responsible for design changes and contract administration between the Developer and the Developer's contractor. The Developer or his engineer shall schedule a pre-construction meeting at a mutually agreeable time at the City Hall with all parties concerned, including the City staff, to review the program for the construction work.

All labor and work shall be done and performed in the best and most workmanlike manner and in strict conformance with the approved plans and specifications. No deviations from the approved plans and specifications will be permitted unless approved in writing by the City Engineer. The Developer agrees to furnish to the City a list of contractors being considered for retention by the Developer for the performance of the work required by the Contract. The Developer shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of this Contract, for which reimbursement is expected from the City, unless such work is first ordered in writing by the City Engineer as provided in the specifications.

10. CITY ENGINEERING ADMINISTRATION AND CONSTRUCTION

OBSERVATION. Prior to the commencement of any construction activity authorized under this agreement, the Developer shall submit an escrow for City Engineering Administration and Construction Observation in an amount provided under paragraph 36. Summary of Cash Requirements. Thereafter, the Developer shall reimburse the City each month, within 30 days of receiving an invoice, for all engineering administration and construction observation performed during the construction of the plat at normal City rates for such Services. If the Developer fails to pay the invoiced amount within such 30-day period, and such failure continues for an additional five (5) business days after written notice from the City of such failure, the City may draw upon the escrow and stop the work on site until said escrow has been replenished in its full amount. City engineering administration will include monitoring of construction progress and construction observation, consultation with Developer and his engineer on status or problems regarding the project, coordination for testing, final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security. Construction observation may be performed by the City's in-house staff or consulting engineer. Construction observation shall include, at the discretion

of the city, part or full time inspection of proposed public utilities and street construction. Services will be billed on an hourly basis at normal City rates therefore.

The direction and review provided through the inspection of the improvements should not be considered a substitute for the Developer required management of the development. Developer will cause the contractor(s) to furnish the City with a schedule of proposed operations at least five (5) days prior to the commencement of construction of each type of Improvement. City shall inspect all Developer Installed Improvements during and after construction for compliance with approved plans and specifications. Developer will notify the City Engineer at such times during construction as the City Engineer requires for inspection purposes. Such inspection is pursuant to the City's governmental authority, and no agency or joint venture relationship between the City and Developer is thereby created.

11. CONTRACTORS/SUBCONTRACTORS. City Council members, City employees, and City Planning Commission members, and corporations, partnerships, and other entities in which such individuals have greater than a 25% ownership interest or in which they are an officer or director may not act as contractors or subcontractors for the public improvements identified in Paragraph 8 above.

12. PERMITS. The Developer shall obtain or require its contractors and subcontractors to obtain all necessary permits, including but not limited to:

- A. Right-of-Way Excavations and Obstructions:
 - City of Lake Elmo, Right-of-Way Utility Installation(s)
 - City of Lake Elmo, Right-of-Way Obstruction(s)
 - Washington County, Utility Installations(s)
 - Washington County, Street or Driveway Access(s)
 - Minnesota Department of Transportation, Utility Installation
 - Minnesota Department of Transportation, Right-of-Way Permit
- B. Watermain Extensions:
 - Minnesota Department of Health
- C. <u>Sanitary Sewer Extensions</u>:
 - Minnesota Pollution Control Agency
 - Metropolitan Council Environmental Services
- D. <u>Stormwater Management</u>:
 - Valley Branch Watershed District Permit
- E. <u>Erosion, Sedimentation Control</u>:
 - Minnesota Pollution Control Agency, General NPDES Stormwater Permit

- SWPPP (Stormwater Pollution Prevention Plan)
- F. <u>Wetland Mitigation</u>:
 - Board of Water and Soil Resources, WCA
- G. <u>Construction Dewatering</u>:
 - Minnesota Department of Natural Resources

13. TIME OF PERFORMANCE. The Developer shall install all required public improvements by October 31, 2015, with the exception of the final wear course of asphalt on streets. The Developer shall have the option of installing the wearing course of streets within one (1) year following initial commencement of work on the required basic improvements or installing it after the first course has weathered a winter season, consistent with warranty requirements, however final acceptance of the improvements will not be granted until all work is completed including the final wear course. The Developer may, however, request an extension of time from the City. If an extension is granted, it shall be conditioned upon updating the security posted by the Developer to reflect cost increases and amending this agreement to reflect the extended completion date. Final wear course placement outside of this time frame must have the written approval of the City Engineer.

14. LICENSE. The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the plat to perform all work and inspections deemed appropriate by the City in conjunction with plat development.

15. **CONSTRUCTION ACCESS.** Construction traffic access and egress for grading, public utilitv construction. and street construction is restricted to access the subdivision via the planned construction access off of Keats Avenue. No construction traffic is permitted on other adjacent local streets.

16. CONSTRUCTION SEQUENCE AND COMPLIANCE. The City will require the Developer to construct the improvements in a sequence which will allow progress and compliance points to be measured and evaluated. The Developer and/or their representatives are required to supervise and coordinate all construction activities for all improvements and must notify the City in writing stating

when the work is ready for the inspection at each of the measurable points defined in the following paragraphs 16., 17. and 18. For the purpose of this paragraph, Electronic message (email) shall be deemed an acceptable method of notification provided it is captioned "Notice pursuant to Development Agreement".

17. EROSION CONTROL. Prior to initiating site grading, the erosion control plan, Plan B, shall be implemented by the Developer and inspected and approved by the City. Erosion control practices must comply with the approved plans and specifications for the plat, with all watershed district permits and with Minnesota Pollution Control Agency's Best Management Practices. The City may impose additional erosion control requirements as deemed necessary. The parties recognize that time is of the essence in controlling erosion. If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems appropriate to control erosion. The City will endeavor to notify the Developer in advance of any proposed action, but failure of the City to do so will not affect the Developer's and City's rights or obligations hereunder. If the Developer does not reimburse the City for any cost the City incurred for such work within ten (10) days, the City may draw down the security to pay any costs. No development, utility or street construction will be allowed and no building permits will be issued unless the plat is in full compliance with the approved erosion control plan.

If building permits are issued prior to the acceptance of public improvements, the Developer assumes all responsibility for erosion control compliance throughout the plat and the City may take such action as allowed by this agreement against the Developer for any noncompliant issue as stated above. Erosion control plans for individual lots will be required in accordance with the City's building permit requirements, or as required by the City or City Engineer.

18. GRADING PLAN. The plat shall be graded in accordance with the approved grading drainage and erosion control plan, Plan "B". The plan shall conform to Engineering Design and Construction Standards Manual. All grading shall be completed within the Subdivision prior to the preparation and submittal of the as-constructed grading plan.

Within thirty (30) days after completion of the grading, the Developer shall provide the City with a "record" grading plan certified by a registered land surveyor or engineer that all trails, ponds, swales, and ditches have been constructed on public easements or land owned by the City. The "record" plan shall contain site grades and field verified elevations of the following: a) cross sections of ponds; b) location and elevations along all swales, emergency overflows, wetlands, wetland mitigation areas if any, ditches, locations and dimensions of borrow areas/stockpiles; c) lot corner elevations and house pads; and d) top and bottom of retaining walls. The City will not issue any building permits until the approved certified record grading plan is on file with the City.

19. STREET AND UTILITY IMPROVEMENTS. All storm sewers, sanitary sewers, watermain, and streets shall be installed in accordance with the approved Plans and Specifications for Public Improvements, Plan "C". The plan shall conform to the City's Engineering Design and Construction Standards Manual. Curb and gutter and the first lift of the bituminous streets, sidewalks, the boulevards graded, street signs installed, and all restoration work on the site shall be completed in accordance with the approved plans. Once the work is completed, the Developer or its representative shall submit a written request to the City asking for an inspection of the initial improvements. The City will then schedule a walk- through to create a punch list of outstanding items to be completed. Upon receipt of the written punch list provided by the City, the punch list items must be completed by the Developer and the City notified to re- inspect the improvements. The final bituminous wear course may be installed in accordance with paragraph

12. above.

20. STREET MAINTENANCE DURING CONSTRUCTION. The Developer shall be responsible for all street maintenance until the streets are accepted by the City in writing. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on same and to direct attention to detours. If and when streets become impassable, such streets shall be barricaded and closed. In the event residences are occupied prior to completing streets, the Developer shall maintain a smooth surface and provide proper surface drainage to insure that the streets are passable to traffic and emergency vehicles. The Developer shall be responsible for keeping streets within and without the

subdivision clean of dirt and debris that may spill, track, or wash onto the street from Developer's operation. The Developer may request, in writing, that the City keep the streets open during the winter months by plowing snow from the streets prior to final acceptance of said streets. The City shall not be responsible for repairing the streets because of snow plowing operations. Providing snow plowing service does not constitute final acceptance of the streets by the City. The Developer shall contract for street cleaning within and immediately adjacent to the development. At a minimum, scraping and sweeping shall take place on a weekly basis. A copy of this contract shall be approved by the City before grading is started. The contract shall provide that the City may direct the contractor to clean the streets and the contractor will bill the Developer.

21. OWNERSHIP OF IMPROVEMENTS. Upon completion of the work and construction required by this Contract, the improvements lying within public easements shall become City property. Prior to acceptance of the improvements by the City, the Developer must furnish the City with a complete set of reproducible "record" plans, an electronic file of the "record" plans in accordance with the City's Engineering Design and Construction Standards Manual together with the following affidavits:

- Developer/Developer Engineer's Certificate

- Land Surveyor's Certificate

certifying that all construction has been completed in accordance with the terms of this Contract. All necessary forms will be furnished by the City. Upon receipt of "record plans" and affidavits, and upon review and verification by the City Engineer, the City Engineer will accept the completed public improvements.

22. PARK DEDICATION. The Developer shall pay a cash contribution of \$107,554 in satisfaction of the City's park dedication requirements. This charge is based on the park dedication requirement for all the areas to be platted within the Hammes Estates Preliminary Plat. No additional fees in lieu of land dedication will be charged for future developments within the preliminary plat area. The charge was calculated as follows: 2.1 acres (5.7 acres of park land provided subtracted from 7.8 acres of park land required) at \$51,216 per acre per the submitted appraisal for the property. The Developer shall

receive a credit from the cash amount due for the actual costs of the North East Park Plan Improvements depicted in the Final Landscape Plans Dated September 22, 2014. These improvement shall include: 16-feet by 24-feet shelter, picnic table, bike rack, grill station, retaining wall, fishing pier, canoe rack, concrete hardsurface, woodland seed mix restoration, landscaping, and parking lot improvements. The Developer shall deposit \$107,554 with the City at time of final plat to be held by the City in escrow until such time as park improvements have been installed. Upon installation of park improvements, the City shall release the credited amount to the Developer.

23. SANITARY SEWER AND WATER UTILITY AVAILABILITY CHARGES (SAC

AND WAC). The Developer shall be responsible for the payment of all sewer availability charges (SAC) and all water availability charges (WAC) with respect to the Improvements required by the City and any state or metropolitan government agency.

The sewer availability charge (SAC) in the amount of \$3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is \$171,000.00.

The water availability charge (WAC) in the amount of \$3,000.00 per REU shall be paid by the Developer prior to the City recording the final plat. The total amount to be paid by the Developer is \$171,000.00.

In addition, a sewer connection charge in the current amount of \$1,000.00 per REU, a Met Council sewer availability charge in the current amount of \$2,435.00 per REU, and a water connection charge in the current amount of \$1,000.00 per REU will be collected by the City at the time the building permit is issued for each lot. These amounts are charged at the time of building permit in accordance with the latest city fee schedule.

24. TRAFFIC CONTROL SIGNS. Traffic control signs shall be included as part of the public street improvements, and the installation costs shall be included in the street construction calculations.

25. STREET LIGHTS. The Developer is responsible for the installation of street lights

consistent with a street lighting plan approved by the City. The Developer shall coordinate the installation of street lights with Xcel Energy in conjunction with the other improvements, and agrees to pay Xcel Energy for all upfront costs associated with the street lighting system, including underground cables, posts, lamps, ballasts, starters, photocells, and glassware. All street lights will be leased by the City upon final acceptance of the system. The Developer shall also pay \$499.68 in payment for the first year operating costs for street lights.

26. WETLAND MITIGATION. The Developer shall complete wetland mitigation/restoration in accordance with the approved Plans and Specifications and in accordance with any applicable Watershed or agency Permits. If the mitigation work is found to be incomplete or restoration is unsuccessful the City may draw down the security at any time during the warranty period if the Developer fails to take corrective measures to be used by the City to perform the work. Prior to the acceptance of the public improvements for the Hammes Estates plat, all wetland buffers shall be delineated and identified via staking and signage that is acceptable to the City.

27. BUILDING PERMITS/CERTIFICATES OF OCCUPANCY.

A. Public sewer and water, curbing, and one lift of asphalt shall be installed on all public and private streets prior to issuance of any building permits, except five model homes on lots acceptable to the Community Development Director.

B. Prior to issuance of building permits, wetland buffer monuments shall be placed in accordance with the City's zoning ordinance. The monument design shall be approved by the Community Development Department.

C. Written certification of the as-constructed grading must be on file at the City for the block where the building is to be located.

D. Breach of the terms of this Contract by the Developer, including nonpayment of billings from the City, shall be grounds for denial of building permits and/or withholding of other permits, inspection or actions, including lots sold to third parties, and the halting of all work in the plat.

E. If building permits are issued prior to the acceptance of public improvements, the

Developer assumes all liability and costs resulting in delays in completion of public improvements and damage to public improvements caused by the City, Developer, their contractors, subcontractors, materialmen, employees, agents, or third parties.

F. No sewer and water connection permits may be issued until the streets needed for access have been paved with a bituminous surface and the utilities are tested and approved by the City Engineer.

G. The City will not issue a certificate of occupancy for any building constructed on any lot or parcel in the Plat, including any model homes authorized under this agreement, until Public sewer and water, curbing, and one lift of asphalt is installed on all public and private streets; all utilities are tested and approved by the City Engineer; and the as- constructed grading must be on file at the City for the block where the building is to be located.

28. **RESPONSIBILITY FOR COSTS.**

A. In the event that the City receives claims from labor, materialmen, or others that work required by this Contract has been performed, the sums due them have not been paid, and the laborers, materialmen, or others are seeking payment from the City, and in the future event that such claims have not been resolved by the Developer within thirty (30) days after written notice from the City, the Developer hereby authorizes the City to commence an Interpleader action pursuant to Rule 22, Minnesota Rules of Civil Procedure for the District Courts, to draw upon the letters of credit in an amount up to 125 percent of the claim(s) and deposit the funds in compliance with the Rule, and upon such deposit, the Developer shall release, discharge, and dismiss the City from any further proceedings as it pertains to the letters of credit deposited with the District Court, except that the Court shall retain jurisdiction to determine payment of attorneys' fees pursuant to this Contract.

B. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development of the plat, including but not limited to legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of this Contract, review of construction plans and documents, and all costs and expenses

incurred by the City in monitoring and inspecting development of the plat. All amounts incurred and due at the time, must be fully paid prior to execution and release of the final plat for recording.

C. The Developer shall hold the City and its officers, employees, and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from plat approval and development. The Developer shall indemnify the City and its officers, employees, and agents for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees.

D. The Developer shall reimburse the City for costs incurred in the enforcement of this Contract, including reasonable engineering and attorneys' fees.

E. The Developer shall pay in full all bills submitted to it by the City for obligations incurred under this Contract within thirty (30) days after receipt. Bills not paid within thirty (30) days shall be assessed a late fee per the City of Lake Elmo adopted Fee Schedule. Upon request, the City will provide copies of detailed invoices of the work performed.

29. City Payments. In the event city payments are required by Section 29.A below, within thirty (30) days of the City's final acceptance of the Improvements, pursuant to Section 21 of this Agreement, but only if the Developer is not in default under this Agreement, the City shall pay to the Developer the sums set forth in the attachment to this Agreement as Exhibit B. The actual amount of the reimbursement shall be based on actual construction costs which will be verified by the Developer to the City in the Plans submitted to the City as required in Section 21. This payment by the City shall be the City's only responsibility with regard to construction of the Improvements and in no case shall act as a waiver of any other right of the City under this Agreement or under applicable laws, ordinances, or rules.

A. City payments pursuant to this Agreement shall be: \$50,045.00

30. SPECIAL PROVISIONS. The following special provisions shall apply to plat development:

A. Implementation of the recommendations listed in the September 18, 2014 Engineering memorandum is required along with all conditions of approval listed in any City Council resolution approving the plat.

B. Within thirty (30) days of the plat being recorded at the County, the Developer shall convey Outlot A and C to the City by warranty deed, free and clear of any and all encumbrances.

C. The Developer shall install a temporary turnaround at the southern end of June Avenue North until it is extended as part of future phases of the Hammes Estates development.

D. The Developer must obtain a sign permit from the City Building Official prior to installation of any permanent subdivision identification signs.

F. The Developer shall provide for a minimum green belt/buffer of 100 feet around all of the adjacent Stonegate subdivision. This buffer shall be secured by a covenant running in favor of the City and a title commitment issued therefore.

G. All trails shall be located within the easements and dedicated to the City of Lake Elmo. Title commitments from a regional title company shall be provided for all land so dedicated.

H. The Developer 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 May 6, 2014. The required improvements shall include, but not be limited to: modifications to the median crossing in this area, continuation of a bituminous trail through the median, turn lanes, and other improvements as required by the County.

I. The Developer shall observe all other County requirements as specified in the Washington County review letter dated May 6, 2014.

J. The Developer shall enter into a maintenance agreement with and satisfactory to 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.

K. Any land under which public trails are located will be accepted as park land provided the Developer constructs said trails within the dedicated areas as part of the public improvements for the subdivision and easements are provided where required by the City.

L. No more than one hundred units depicted on the preliminary plat (100) may be

approved as part of a final plat until a second access is provided to the subdivision via a connection through the property to the south of the Hammes Estates.

M. The Developer shall be responsible to monitor the restored southern shoreline of Goose Lake for invasive species for a period of 5 years as specified in the MN DNR Public Waters Work Permit.

N. The Developer shall submit all documentation of remediation activities related to a recorded soil contamination on the site to the Minnesota Pollution Control Agency for review and approval. The Developer shall submit the acknowledgment of approval from the Minnesota Pollution Control Agency to the City prior to the issuance of building permits for all lots in the recorded plat affected by the soil contamination event. The Developer must submit the acknowledgement of successful remediation from the MPCA prior to the City's consideration of subsequent phases of the Hammes Estates development.

31. MISCELLANEOUS.

A. The Developer may not assign this Contract without the written permission of the City Council. The Developer's obligation hereunder shall continue in full force and effect even if the Developer sells one or more lots, the entire plat, or any part of it.

B. Retaining walls that require a building permit shall be constructed in accordance with plans and specifications prepared by a structural or geotechnical engineer licensed by the State of Minnesota. Following construction, a certification signed by the design engineer shall be filed with the City Engineer evidencing that the retaining wall was constructed in accordance with the approved plans and specifications. All retaining walls identified on the development plans or by special conditions referred to in this Contract shall be constructed before any other building permit is issued for a lot on which a retaining wall is required to be built.

C. Appropriate legal documents including Homeowner Association documents, covenants and restrictions relating to the plat approval and outlots and conveyances, as approved by the City Attorney, shall be filed within thirty (30) days of the recording of the plat. No third- party beneficiary status is hereby conferred. All outlots and common areas, including Outlot D, shall be maintained in good order and repair by a homeowner's association, and, if it does not do so, then the City may perform the work

and assess the costs against the individual lots within the plat of Hammes Estates and without regard to the formalities or requirements of Minn. Stat. § 429.

D. Developer shall take out and maintain or cause to be taken out and maintained until six (6) months after the City has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its subcontractors or by one directly or indirectly employed by any of them. Limits for bodily injury and death shall be not less than \$500,000 for one person and \$1,000,000 for each occurrence; limits for property damage shall be not less than \$200,000 for each occurrence; or a combination single limit policy of \$1,000,000 or more. The City shall be named as an additional insured on the policy, and the Developer shall file with the City a certificate evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given thirty (30) days advance written notice of the cancellation of the insurance.

E. Third parties shall have no recourse against the City under this Contract.

F. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Contract is for any reason held invalid, such decision shall not affect the validity of the remaining portion of this Contract.

G. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Contract. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Contract shall not be a waiver or release.

H. This Contract shall run with the land and may be recorded against the title to the property. The Developer covenants with the City, its successors and assigns, that the Developer has fee title to the property being final platted and/or has obtained consents to this Contract, in the form attached hereto, from all parties who have an interest in the property; that there are no unrecorded interests in the property being final platted; and that the Developer will indemnify and hold the City harmless for any breach of the foregoing covenants.

Ι.

Each right, power or remedy herein conferred upon the City is cumulative and in

addition to every other right, power or remedy, express or implied, now or hereafter arising, available to City, at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.

J. The Developer represents to the City that the plat complies with all city, county, metropolitan, state, and federal laws and regulations, including but not limited to: subdivision ordinances, zoning ordinances, and environmental regulations. If the City determines that the plat does not comply, the City may, at its option, refuse to allow construction or development work in the plat until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.

32. EVENTS OF DEFAULT. The following shall be "Events of Default" under this Agreement and the term "Event of Default" shall mean, whenever it is used in this Agreement, any one or more of the following events:

A. Subject to unavoidable delays, failure by Developers to commence and complete construction of the Public Improvements pursuant to the terms, conditions and limitations of this Agreement and the continuance of such failure for a period of thirty (30) days after written notice thereof (provided, however, that in the event of a bona fide emergency, the City shall only be required to give such notice as is practicable under the circumstances).

B. Failure by Developers to substantially observe or perform any material covenant, condition, obligation or agreement on their part to be observed or performed under this Agreement and the continuance of such failure for a period of thirty (30) days after written notice thereof (provided, however, that in the event of a bona fide emergency, the City shall only be required to give such notice as is practicable under the circumstances).

33. REMEDIES ON DEFAULT. Whenever any Event of Default occurs, the City, subject to any rights of third parties agreed to by the City pursuant to this Agreement, or otherwise by written, executed instrument of the City, may take any one or more of the following:

A. The City may suspend its performance under the Agreement until it receives

assurances from Developers, deemed adequate by the City, that Developers will cure their default and continue their performance under the Agreement. Suspension of performance includes the right of the City to withhold permits including, but not limited to, building permits.

B. The City may initiate such action, including legal or administrative action, as is necessary for the City to secure performance of any provision of this agreement or recover any amounts due under this Agreement from Developers, or immediately draw on the Letter of Credit, as set forth in this Agreement. In the event of any uncorrected failure to maintain any common area or landscape areas, the City may undertake to do the work and assess the costs to the individual lots within the plat without regard to the formalities or requirements of Minn. Stat. § 429..

34. ENFORCEMENT BY CITY; DAMAGES. The Developer acknowledges the right of the City to enforce the terms of this Agreement against the Developer, by action for specific performance or damages, or both, or by any other legally authorized means. The Developer also acknowledges that its failure to perform any or all of its obligations under this Agreement may result in substantial damages to the City; that in the event of default by the Developer, the City may commence legal action to recover all damages, losses and expenses sustained by the City; and that such expenses may include, but are not limited to, the reasonable fees of legal counsel employed with respect to the enforcement of this Agreement.

35. WARRANTY. The Developer warrants all improvements required to be constructed by it pursuant to this Contract against poor material and faulty workmanship. The Developer shall submit either cash or a letter of credit for twenty-five percent (25%) of the amount of the original cost of the improvements.

A. The required warranty period for materials and workmanship for the utility contractor installing public sewer and water mains shall be two (2) years from the date of final written City acceptance of the work.

B. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be one (1) year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the Developer shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two (2) years from the date of final written City acceptance of the work.

C. The required warranty period for sod, trees, and landscaping is two growing seasons following installation.

D. The required warranty for landscaping within storm water infiltration areas (Outlot A) shall be three (3) years following installation. The Developer shall also enter into a funded maintenance agreement with the City for a period of three (3) years prior to acceptance of the landscaping for within these storm water infiltration areas. Said maintenance agreement shall include requirements for the proper care of native plantings and the elimination of weeds and invasive species.

36. SUMMARY OF SECURITY REQUIREMENTS. To guarantee compliance with the terms of this agreement, payment of special assessments, payment of the costs of all public improvements, and construction of all public improvements, the Developer shall furnish the City with an irrevocable letter of credit, in the form attached hereto, from a bank, cash escrow or a combination cash escrow and Letter of Credit ("security") for \$2,880,829.56. The amount of the security was calculated as follows:

CONSTRUCTION COSTS:

Chreate	\$400 040 FO
Streets	\$489,243.50
Sanitary Sewer	\$569,227.75
Watermain	\$359,915.00
Surface Water Facilities (pipe, ponds, rain gardens, etc.)	\$479,785.50
Grading	\$25,000.00
Erosion Control	\$25,801.90
Sidewalks/Trails	\$117,684.00
Street Lighting	Xcel to Install, to be pre-paid directly by Developer
Street Signs and Traffic Control Signs	\$3,550.00
Landscaping	\$222,656.00
Tree Preservation and Restoration	\$3,600.00
Wetland Mitigation and Buffers	Separate letter of credit through Watershed District
Monuments	\$5,700.00
Miscellaneous Facilities	N/A
Developer's Record Drawings	\$2,500.00
Construction Sub-Total	\$2,304,663.65
Total Project Securities (at 125% Construction Costs)	\$2,880,829.56

This breakdown is for historical reference; it is not a restriction on the use of the security. The bank shall be subject to the approval of the City Administrator. The City may draw down the security, without notice, for any violation of the terms of this Contract or if the security is allowed to lapse prior to the end of the required term. If the required public improvements are not completed at least thirty (30) days prior to the expiration of the security, the City may also draw it down. If the security is drawn down, the proceeds shall be used to cure the default.

37. REDUCTION OF SECURITY. Upon written request by the Developer and upon receipt of proof satisfactory to the City Engineer that work has been completed and financial obligations to the City have been satisfied, with City Engineer approval the security may be reduced as follows:

A. Up to 50%, or \$1,440,414.78 of the security provided in accordance with paragraph
32. above may be released when: (1) Developer's obligations under this Agreement have been completed and the Public Improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items, but not including the final wear course; and
(2) completion of the Improvements is done to the satisfaction of the City and evidence of such is provided by the City in writing and satisfactory evidence of payment, such as lien waivers are provided.

B. Up to an additional 25%, or \$720,207.39 of the security provided in accordance with paragraph 32. above may be released when: (1) Developer's obligations under this Agreement have been completed and the Improvements have been found to be complete to the satisfaction of the City including all corrective work for any identified punch list items and including the final wear course; and (2) Improvements are accepted by the City in writing and satisfactory evidence of payment, such as lien waivers, are provided.

C. Twenty percent (25%) of the amounts certified by the Developer's engineer shall be retained as security until: (1) all improvements have been completed, (2) iron monuments for lot corners have been installed, (3) all financial obligations to the City satisfied, (4) the required "record" plans have been received and approved by the City, (5) a warranty security is provided, and (6) the public improvements are accepted by the City.

38. SUMMARY OF CASH REQUIREMENTS. The following is a summary of the cash

requirements under this Contract which must be furnished to the City at the time of final plat approval:

Total Cash Requirements	\$501,478.68
City Engineering Administration Escrow	\$50,000.00 (Based on two months of administration/observation)
City Base Map Upgrading	\$1,425.00
Street Light Operating Fee	\$499.68
Park Dedication	\$107,554.00
Water Availability Charge (WAC)	\$171,000.00
Sewer Availability Charge (SAC)	\$171,000.00

39. NOTICES. Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified mail at the following address: 36 Moonlight Bay, Stillwater, MN 55082. Notices to the City shall be in writing and shall be either hand delivered to the City Administrator, or mailed to the City by certified mail in care of the City Administrator at the following address: Lake Elmo City Hall, 3800 Laverne Avenue N. Lake Elmo, Minnesota 55042.

40. EVIDENCE OF TITLE. Developer shall furnish the City with evidence of its fee ownership of the property being platted by way of an attorney's title opinion or title insurance policy dated not earlier than thirty (30) days prior to the execution of the plat.

	~ -		
CIIY	OF	LAKE	ELMO

BY: _____

, Mayor

(SEAL)

AND _____

, City Clerk

DEVELOPER:

THE RYLAND GROUP, INC.

BY: Its
STATE OF MINNESOTA)
(ss. COUNTY OF WASHINGTON)
The foregoing instrument was acknowledged before me thisday of, 2, byand by, the Mayor and City Clerk of the City of Lake Elmo, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.
NOTARY PUBLIC
STATE OF MINNESOTA) (ss. COUNTY OF) The foregoing instrument was acknowledged before me thisday of, 2015, by The Ryland Group, Inc., a Maryland corporation, for and on behalf of the corporation.
NOTARY PUBLIC
DRAFTED BY: City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, MN 55042 (651) 747-3901

FEE OWNER CONSENT TO DEVELOPMENT CONTRACT

, fee owners of all or part of the subject property, the development of which is governed by the foregoing Development Contract, affirm and consent to the provisions thereof and agree to be bound by the provisions as the same may apply to that portion of the subject property owned by them.

Dated thisday	of, 2
STATE OF MINNESOTA	
COUNTY OF	(SS.
	nent was acknowledged before me this day of, 2,
by	

NOTARY PUBLIC

DRAFTED BY: City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, MN 55042 (651) 747-3901

MORTGAGE CONSENT TO DEVELOPMENT CONTRACT

, which holds a mortgage on the subject property, the development of which is governed by the foregoing Development Contract, agrees that the Development Contract shall remain in full force and effect even if it forecloses on its mortgage.

Dated thisday of, 2
STATE OF MINNESOTA)
COUNTY OF) (ss.
The foregoing instrument was acknowledged before me this day of,
2, by
NOTARY PUBLIC
DRAFTED BY: City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, MN 55042 (651) 747-3901

EXHIBIT "A" TO DEVELOPMENT CONTRACT

Legal Description of Property Being Final Platted as Hammes Estates 1st Addition

That part of the South Half of the Northeast Quarter of Section 34, Township 29 North, Range 21 West, Washington County, Minnesota, EXCEPT the East 60.00 feet of the North 967 feet of said South Half of the Northeast Quarter thereof. AND EXCEPT Parcel 3 of Washington County Highway Right of Way Plat 49-19B, recorded September 18, 1985 as Document Number 492530.

EXHIBIT "B" TO DEVELOPMENT CONTRACT

City Oversizing Payment Calculation

Contract Item	Unit	Cost/ Cost Increase (8" to 12" WM)	Quantity	Amount
Watermain	LF	\$12.50	3,104	\$38,800.00
Gate Valves	EA	\$1,225.00	4	\$4,900.00
Plugs	EA	\$345.00	2	\$690.00
Fittings	Lbs	\$5.00	1,131	\$5,655.00
Total Oversizing Estimate				\$50,045.00

IRREVOCABLE LETTER OF CREDIT

No	
Date:	

TO: City of Lake Elmo

Dear Sir or Madam:

We hereby issue, for the account of <u>(Name of Developer)</u> and in your favor, our Irrevocable Letter of Credit in the amount of \$_____, available to you by your draft drawn on sight on the undersigned bank at its offices in Minnesota.

The draft must:

a) Bear the clause, "Drawn under Letter of Credit No. , dated , 2____, of (Name of Bank) ";

b) Be signed by the Mayor or City Administrator of the City of Lake Elmo.

c) Be presented for payment at (Address of Bank) , on or before 4:00 p.m. on November 30, 2____.

This Letter of Credit shall automatically renew for successive one-year terms unless, at least forty-five (45) days prior to the next annual renewal date (which shall be November 30 of each year), the Bank delivers written notice to the Lake Elmo City Administrator that it intends to modify the terms of, or cancel, this Letter of Credit. Written notice is effective if sent by certified mail, postage prepaid, and deposited in the U.S. Mail, at least forty-five (45) days prior to the next annual renewal date addressed as follows: City Administrator, City Hall, 3800 Laverne Ave. N. Lake Elmo Minnesota 55042 and is actually received by the City Administrator at least thirty (30) days prior to the renewal date.

This Letter of Credit sets forth in full our understanding which shall not in any way be modified, amended, amplified, or limited by reference to any document, instrument, or agreement, whether or not referred to herein.

This Letter of Credit is not assignable. This is not a Notation Letter of Credit. More than one draw may be made under this Letter of Credit.

This Letter of Credit shall be governed by the most recent revision of the Uniform Customs and Practice for Documentary Credits, International Chamber of Commerce Publication No. 500.

We hereby agree that a draft drawn under and in compliance with this Letter of Credit shall be duly honored upon presentation.

BY: _____

Its _____



MAYOR & COUNCIL COMMUNICATION

DATE: October 7, 2014 REGULAR ITEM # 14

AGENDA ITEM: Hammes Estates Residential Subdivision - Final Plat (Phase 1)

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 Stephen Mastey, City's Landscape Consultant

SUGGESTED ORDER OF BUSINESS:

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

POLICY RECCOMENDER: The Planning Commission is unanimously recommending that the City Council approve a final plat request from Hammes West, LLC for the first phase of a 163 unit residential development to be located on 78 acres of land west of Keats Avenue and within the City's I-94 Corridor Planning Area. The final plat will include 57 single-family lots, all of which will be accessed off of Keats Avenue (CSAH 19).

FISCAL IMPACT: TBD – the City will be asked to review a developer's agreement concerning the final plat at its October 7, 2014 meeting. The agreement will include a detailed accounting of any development costs that will be the responsibility of the City. The subdivision is included in the Section 34 utility project area, and therefore the developer is being assessed for the costs of the project to bring sewer and water to the site.

<u>SUMMARY AND ACTION REQUESTED:</u> The City Council is being asked to consider a request from Hammes West, LLC for approval of a final plat for the first phase of the Hammes Estates residential development. The final plat includes 57 single-family residential lots, and the

related construction plans for the improvements necessary to serve these homes. The City Council approved the Hammes Estates Preliminary Plat on July 1, 2014, which covered approximately 78 acres of land within the I-94 Corridor planning area. There are 163 single family residential lots planned within the entire subdivision, and the final plat covers only a portion of the overall total of units that will eventually be platted. The public improvements associated with the site will be installed by The Ryland Group in conjunction with the applicant.

The Planning Commission considered this matter at its September 22, 2014 meeting and unanimously recommended approval of the final plat subject to 16 conditions of approval.

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

"Move to adopt Resolution No. 2014-81, approving the final plat for Hammes Estates"

BACKGROUND INFORMATION:

Attached are the original detailed Staff report that was provided to the Planning Commission regarding the applicant's request for a final plat, which includes general information about the application, a summary of the relevant planning and zoning issues, a thorough review and analysis of the final plat (including a draft list of recommended conditions of approval), draft findings, and the Staff recommendation to the Planning Commission.

In addition to the information provided in the Staff Report, it should be noted that the applicant is requesting to amend Condition #13 related to the Minnesota Pollution Control Agency (MPCA) approval letter of the remediation of the soil contamination event on the Hammes site. As demonstrated in the request letter in Attachment #3, the applicants are requesting that the approval letter from the MPCA be provided prior to the issuance of building permit for affected lots as opposed to prior to the release of the Final Plat. The reason for the request relates to the closing of the property by The Ryland Group. If the Final Plat is delayed due to the MPCA approval process, which is estimated to take 30-60 days, the closing or purchase of a large portion of the property by the Ryland Group will also be delayed. After consulting with the Fire Chief and MPCA on the request, staff determined that the request is reasonable and will not create a negative or dangerous situation in the interim period while the review by MPCA is completed. It should be noted that the applicants have submitted a Phase 1 Environmental Review for the site, as well as substantial information regarding the cleanup and disposal of the contaminated soil. The Fire Chief simply want to close the loop by requesting the applicant enter the Voluntary Brownfield Program to ensure that the remediation work that was completed has properly addressed the contamination. Staff recommends that condition #13 be amended per the suggested language from the applicant (Attachment #3).

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the final plat application at its September 22, 2014 meeting. During the meeting, the Planning Commission engaged in discussions regarding the design and locations of the trails, the stormwater facilities, the phasing of the proposed subdivision, and other pertinent topics and questions. In reviewing the final plat, the Planning Commission recommended two additional conditions of approval: 1) that any trail segment designed as a boardwalk must be able to safely accommodate bicycle traffic, and 2) that the developer must inventory and replace trees that are removed on the City park land due to the installation of the trail. The Planning Commission recommended that the trees be replaced at the schedule or rate required under the City's tree preservation ordinance (§154.257). In addition to these added conditions, the Planning Commission wanted to ensure that the MPCA approve the soil remediation work prior to the City releasing final plat for recording. Further detail of the Planning Commission on the Hammes Estates Final Plat can be found in the 9/22/14 draft minutes.

The Planning Commission recommended approval of the final plat as submitted with 16 conditions of approval. The vote to recommend approval of the Hammes Estates Final Plat was unanimous (Vote: 7-0).

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: The proposed final plat is consistent with the approved preliminary plat subject to the conditions being recommended by Staff and the Planning Commission.

Weaknesses: Several conditions of approval must be met by the applicant, including revisions to the final construction plans to address comments from the City Engineer.

Opportunities: Approval of the plat application allows the development plans for the Hammes site to proceed as planned in the Comprehensive Plan. Moving forward with sewered single family growth should allow the City to add additional users to the City's public sanitary sewer system, helping to finance the City's investments in sanitary sewer.

Threats: None

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Hammes Estates Final Plat subject to 16 conditions of approval through the following motion:

"Move to adopt Resolution No. 2014-81, approving the final plat for Hammes Estates"

ATTACHMENTS:

- 1. Resolution 2014-81
- 2. Staff Report to the Planning Commission, 9/22/14
- 3. Hammes West, LLC Request to Amend Condition #13
- 4. Application Form
- 5. Preliminary Plat Response Letter (Westwood Engineering)
- 6. Final Plat (3 sheets)

- 7. Final Construction Plans (Sanitary Sewer, Water Main, Storm Sewer and Streets 17 sheets)
- 8. Final Construction Plans (Grading, Drainage and Erosion Control 14 sheets)
- 9. Final Landscape Plans (4 sheets)
- 10. Park Location Plan
- 11. City Engineer Review Memorandum, dated 9/18/14
- 12. Fire Chief Review Memorandum, dated 9/18/14
- 13. Landscape Consultant Review Memorandum, dated 8/25/14 and 9/18/14
- 14. Valley Branch Watershed District Permit
- 15. MN DNR Permit to Restore Southern Shore of Goose Lake
- 16. Excerpt of Park Commission Minutes from 7/21/14 Meeting.
- 17. Goose Lake Park Area Sketch
- 18. Soil Contamination Remediation Report

CITY OF LAKE ELMO WASHINGTON COUNTY STATE OF MINNESOTA

RESOLUTION NO. 2014-81

A RESOLUTION APPROVING A FINAL PLAT FOR HAMMES ESTATES

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

WHEREAS, Hammes West, LLC, 36 Moonlight Bay, Stillwater, MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Final Plat for Hammes Estates, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on May 12, 2014 to consider the Hammes Estates Preliminary Plat and continued discussion on the Preliminary Plat until its June 23, 2014 meeting; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council for the July 1, 2014 City Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat request at its July 1, 2014 meeting and adopted Resolution No. 2014-55 approving the Preliminary Plat; and

WHEREAS, the Lake Elmo Planning Commission met on September 22, 2014 to review the Final Plat for Hammes Estates consisting of 57 single-family residential lots; and

WHEREAS, on September 22, 2014 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Final Plat for Hammes Estates with conditions; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the Final Plat for Hammes Estates at a meeting held on October 7, 2014; and

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

FINDINGS

1) That the procedure for obtaining approval of said Final Plat is found in the Lake Elmo City Code, Section 153.08.

- 2) That all the requirements of said City Code Section 153.08 related to the Final Plat have been met by the Applicant.
- 3) That the proposed Final Plat for Hammes Estates consists of the creation of 57 single-family residential lots.
- 4) That the Hammes Estates Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 1, 2014 and revised on August 25, 2014.
- 5) That the Hammes Estates Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 6) That the Hammes Estates Final Plat complies with the City's Urban Low Density Residential zoning district.
- 7) That the Hammes Estates Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 8) That the Hammes Estates Final Plat complies with the City's subdivision ordinance.
- 9) That the Hammes Estates Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated September 18, 2014.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Final Plat for Hammes Estates subject to the following conditions:

- 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 a memo dated 9/18/14 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 Hammes Estates 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 release of the Final Plat for recording.
- 5) A Common Interest Agreement concerning management of the common areas of Hammes Estates 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. Said agreement shall comply with Minnesota Statues 515B.3-103, and specifically the provisions concerning the transfer of control to the future property owners. 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) The applicant shall provide fees in lieu of land dedication for 2.1 acres of land to fulfill the City's parkland dedication requirements in a pro-rated amount for the Phase 1 Area or in an amount addressing the total site.
- 7) The Final Landscape Plan shall be revised per the requested modifications of the City Landscape Consultant, documented in a memo dated 9/18/14. Final Landscape Plans shall be approved prior to the release of Final Plat for recording.
- 8) The applicant shall provide evidence that all conditions attached to the Valley Branch Watershed District permit for the Final Plat and associated grading work have been met prior to the commencement of any final grading activity.
- 9) The applicant must provide written authorization to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.
- 10) The applicant shall provide evidence that Washington County has approved final construction plans for all required work within the Keats Avenue right-of-way as described in a letter from the County dated May 6, 2013. Final Construction Plans provided to the City shall be updated to include the improvements approved by Washington County
- 11) The applicant shall abide by all conditions of the MN DNR Public Waters Work Permit dated 8/27/14.
- 12) The applicant must revise the Goose Lake Park Plan to provide greater separation between the public use area and the lift station maintenance area. The applicant will be responsible for all necessary watershed district permitting requirements related to the Goose Lake Park improvements.
- 13) Per the recommendation of the Fire Chief, the applicant must submit all documentation related to the mitigation of the soil contamination to the Minnesota Pollution Control Agency's Voluntary Brownfield Program for review and approval prior to the release of Final Plat for recording.
- 14) Prior to the acceptance of the public improvements for the 1st Phase of the Hammes Estates subdivision, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.

- 15) Any boardwalk trail segments included in the Hammes Estates subdivision must be designed to accommodate bicycle traffic.
- 16) All trees impacted by the northern buffer trail must be inventoried and replaced at the schedule or rate specified in the City's tree preservation ordinance (§154.257).

Passed and duly adopted this 7th day of October 2014 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Mike Pearson, Mayor

Adam Bell, City Clerk



PLANNING COMMISSION DATE: 9/22/13 Agenda Item: 4A – Business Item Case # 2014-44

ITEM:	Hammes Estates Residential Subdivision – Final Plat (Phase 1)
SUBMITTED BY:	Nick M. Johnson, City Planner
REVIEWED BY:	Kyle Klatt, Community Development Director Jack Griffin, City Engineer Greg Malmquist, Fire Chief Stephen Mastey, City's Landscape Consultant

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Final Plat request from Hammes West, LLC for the first phase of a planned 163-unit residential development to be located on 78.1 acres of land west of Keats Avenue and within Stage 1 of the City's I-94 Corridor Planning Area. The final plat will include 57 single-family lots, all of which will be accessed off of Keats Avenue. Staff is recommending approval of the request subject to compliance with a series of conditions as listed in this report.

GENERAL INFORMATION

Applicant:	Hammes West, I	LC, 36 Moonlight Bay, Stillwater, MN 55082.
Property Owners:	Ellie Hammes, 1 10105 10 th Street	187 Forest Ave., Maplewood, MN 55109, and Dorothy Lyons, North, Lake Elmo, MN 55042.
Location:	approximately 1,	4 in Lake Elmo, immediately west of Keats Avenue (CSAH 19), 300 feet south of 10 th Street (CSAH 10), and immediately south PID Number 34.029.21.13.0001.
Request:		inal plat approval of 57 residential lots, constituting the first vision to be named Hammes Estates.
Existing Land Use	and Zoning:	The site was previously utilized as an active mining and gravel operation. The site has since been reclaimed. Current Zoning: LDR - Urban Low Density Residential
Surrounding Land	Use and Zoning:	North –Goose Lake and Stonegate Residential Estates (RE) subdivision; west – Stonegate RE subdivision; south – Lennar Savona Urban Low Density Residential (LDR) subdivision.
Comprehensive Pl	an:	Urban Low Density Residential (2.5 – 4 units per acre)
History: Pre	eliminary Plat app	roved on 7/1/14 (public hearing on 5/12/14).
Deadline for Actio		tion Complete – 9/15/14 Deadline – 11/13/14

	120 Day Deadline $-1/12/15$	
Applicable Regulations:	Chapter 153 – Subdivision Regulations Article 10 – Urban Residential Districts (LDR) §150.270 Storm Water, Erosion, and Sediment Control	

Attes Mailed Me

REQUEST DETAILS

The City of Lake Elmo has received a request from Hammes West, LLC for final plat approval of the first phase of the Hammes Estates residential development. The final plat includes 57 single family residential lots and the infrastructure necessary to support the future homes on these lots. The City Council approved the Hammes Estates Preliminary Plat on July 1, 2013, which covered approximately 78 acres of land within the I-94 Corridor Planning Area. There are 163 single family residential lots planned within the entire subdivision, and the final plat covers only a portion of the overall total of units that will eventually be platted. Hammes West, LLC, in conjunction with Ryland Homes, is finalizing the purchase of the land. Submission of adequate title evidence to the City Attorney will be required of the applicant in advance of the City releasing the Final Plat for recording.

The final plat area represents the initial project phase of the overall Hammes Estates development. The developer intends to build homes in the subdivision moving generally from the east to the west, extending infrastructure to serve each phase with future projects. Likewise, the developer will be conducting final grading on the site in phases as well, as the majority of the site has undergone initial grading work as part of the approved reclamation plan for the site's mining permit. This grading will be necessary to establish the overall storm water management system on the site, but the plan will be revised when the individual lots are created as part of a future development phase. The applicant has submitted detailed construction plans for related to sanitary sewer, water main, storm sewer, grading, drainage, landscaping, and other details that have been reviewed by the City Engineer.

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 Hammes Estates 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.

It should also be noted that the zoning of the Hammes site was changed from Rural Development Transitional District (RT) to Urban Low Density Residential (LDR) as part of a broader zoning map update that was approved by the City Council on July 22, 2014. In order to proceed with the recording of the Final Plat, a site must have the proper zoning designation in place. The Hammes site fulfills this criterion, as LDR zoning is the appropriate zoning for the single family subdivision.

Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City. The developer has recently 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 and construction plans now include approved street names for the subdivision.

The City Engineer has reviewed the final plat, and his comments are attached to this report. Although there are some additional revisions and additions necessary for the final construction plans

that need to be addressed by the applicant, the majority of these revisions can be made before the City releases the final plat for recording. Staff is recommending that all revisions and modifications noted within the City Engineer's review memorandum be completed prior to the release of Final Plat for recording as a condition of approval.

REVIEW AND ANALYSIS

The preliminary plat for Hammes Estates was approved with several conditions, which are indicated below along with Staff's comments on the status of each. For those items and issues that are not directly addressed below, Staff has provided additional comments following the preliminary plat conditions list. Staff is recommending approval of the final plat, but with additional conditions intended to address the outstanding issues that will require additional review and/or documentation.

Please also note that the applicant has also provided a response to the preliminary plat conditions and their response is included as an attachment to this report (Attachment #2).

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; and b) The applicant shall submit a revised Preliminary Plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for Final Plat and prior to the commencement of any grading activity on the site. Comment: a) all title work will need to be submitted and reviewed by the City Attorney before any City officials sign the final plat (Condition #2); b) revised preliminary plat and plans have been received by the City and were found to address previous comments. The City Engineer has identified to design modifications related to depth of storm sewer and the location of one segment of watermain, both in the western portion of the plat. The City Engineer has confirmed that these design modification are not impactful to the first phase of Hammes Estates. Nonetheless, the City Engineer has requested that these revisions be submitted in order to facilitate more accurate and efficient review of future phases of the Hammes Estates subdivision. The applicant has acknowledged this requirement and will address the requested modifications before the City will release the Final Plat for recording.
- The City Engineer shall review and approve all revised Preliminary Plans that are submitted to the City in advance of Final Plat to satisfy Condition #1. Comments: See Condition #1 response.
- 3) The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements. *Comments: The applicant has acknowledged that approval is conditioned upon meeting City standards and design requirements.*
- 4) All required modifications to the plans as requested by the City Engineer in a review letter dated June 16, 2014 shall be incorporated into the plans prior to consideration of a Final Plat. Comments: The applicants have addressed the Engineer's review comments, but design modifications are necessary with regards to storm sewer depth and watermain alignment in the western portion of the plat. The Engineer has confirmed to staff that the requested modifications to not materially impact the 1st Phase of Hammes Estates.

- 5) Prior to the acceptance of the public improvements for the Hammes Estates plat, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City. Comments: The final construction plans (Grading, Drainage and Erosion Control) include wetland buffer monuments to identify the locations of all wetland buffers. The applicants have met this condition. However, in order to ensure that the monuments are installed, staff recommends that this condition be carried forward as a condition of final plat approval for all subsequent phases of the Hammes Estates subdivision (Condition #14).
- 6) The landscape plan shall be updated per the recommendations of the City's landscape consultant in a review memo dated 5/7/14. Comments: The City's Landscape Consultant has reviewed the updated Preliminary Landscape Plan and found it to be in conformance with the City's landscaping ordinance. More specifically, the applicants have provided additional plant material to meet the City's requirements. Based upon the approval of the City's Landscape Consultant, this condition has been met.
- 7) 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 May 6, 2014. The required improvements shall include, but not be limited to: construction of a modified median crossing, construction of a trail/sidewalk to the south side of the median, turn lanes, and other improvements as required by the County. Comments: The Final Construction Plans have been revised in response to these comments. The applicants have submitted an access permit to Washington County, which is currently being reviewed. The applicants will be responsible to incorporate any requested revisions or modifications that result from the County's review of the access to Keats Ave, into the Final Construction Plans (Condition #10)
- 8) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch Watershed District prior to the commencement of any grading or development activity on the site. Comments: The applicant has received a permit from the Valley Branch Watershed District (Attachment #11) for the grading work proposed in the final plans. This permit includes conditions that must be met prior to the commencement of any final grading work on the site. The applicant will be required to observe all conditions of the Valley Branch Watershed District permit throughout construction (Condition #8).
- 9) Landscape islands shall be platted as part of the right-of-way and shall be maintained by the Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park 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 City has not yet received documentation that this association has been established. A maintenance agreement and evidence that the HOA has been established should be retained as a condition of approval for the final plat (Condition #5).
- 10) With an eligible parkland dedication of 5.7 acres provided, the applicant is responsible to pay a fee in lieu of land dedication for the equal market value amount of 2.1 acres of land at the time of the Final Developers Agreement. The City will work with the developer to clarify any and all park fee payments at the time of the Final Developers Agreement. *Comments: Staff is*

recommending that the payment of fees in lieu of land dedication either be pro-rated based on the percentage of the final plat area compared to the entire Hammes Estates development, or the total required amount be collected for the entire subdivision. As a condition of approval, staff is recommending that the required parkland dedication fee be collected prior to the City releasing the Final Plat for recording (Condition #6)

- 11) No more than 100 units may be approved as part of a final plat until secondary access is provided to the subdivision via a connection to 5th Street through the Savona subdivision. Comments: The proposed final plat includes 57 units, which means the applicant may plat an additional 42 units before secondary access through the Savona subdivision to the south is required.
- 12) For trails proposed to be located in any wetland buffer, the applicant must present a suitable design or material that is acceptable to the City and Valley Branch Watershed District. Comments: The applicants have presented a boardwalk design to the watershed district and the VBWD was agreeable to a boardwalk design through a small portion of the buffer area. City staff was in attendance at the VBWD Board Meeting and offered support for the boardwalk design. The construction details of the proposed limited boardwalk section within the wetland buffer must be provided to the City as part of the Final Construction Plans for the pertinent future phase of the Hammes Estates subdivision.
- 13) 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 applicants are not proposing any final grading in advance of Final Plat approval. Final grading activities require the approval of the Final Grading Plans by the City Engineer.
- 14) The applicant must incorporate a play structure into the proposed park at Goose Lake per the request of the Lake Elmo Park Commission. Furthermore, the applicant must submit an updated design of the park property that meets City approval in advance of Final Plat. Comments: Regarding the play structure, the Park Commission reviewed the proposed improvements to Goose Lake Park at the 7/21/14 meeting and determined to relocate the structure to some other location within the subdivision. The Park Commission wanted to minimize the removal of significant trees in the area and were concerned about the proximity to Keats Avenue (CSAH 19). The applicant were directed to find another location for the City to locate a play structure in the future. Greater detail of the Park commission discussion can be found in Attachment # 13. To respond to this direction, the applicants have presented two potential locations, as evidence in the Park Location Plan (Attachment #7). City Staff will continue to work with the applicants and the Park Commission to site a play structure as part of a future phase of the development.

Regarding the design of Goose Lake Park, the applicants have submitted additional details of the proposed park area as part of the Final Landscape Plan. The proposed grading addresses staff concerns regarding the location of the improvements in the context of the 100-year flood elevation of Goose Lake. However, the park property improvements must be revised to better separate the public use area and the lift station utility area. The City Engineer has provided a proposed sketch (Attachment #14) that reorients the parking to better separate these areas, allowing for better access and work space for City maintenance

staff. As a condition of approval, the park property improvements must be revised to meet the approval of the City Engineer. This design must also maintain the required 25-foot setback from the OHWL as specified in the Valley Branch Watershed District Permit. Finally, the applicant will be required to obtain the necessary watershed district permit for the improvements to Goose Lake Park (Condition #12).

- 15) The applicant shall work with the Planning Staff to name all streets in the subdivision prior to submission of a Final Plat. Comments: The applicants have updated the Final Plat and Final Construction Plans with the correct street names as directed by City staff. This condition has been met.
- 16) Lots 1-6, Block 10 and Lots 1-5 and 11-12, Block 9 shall not be platted until the southern channel of Goose Lake is closed off from the lake, or the shoreland issue around the channel is resolved in some other manner that is acceptable to the DNR. Comments: The applicants have received MN DNR approval to restore the southern shore of Goose Lake back to its original state, closing off the southern channel and Wetland G. This condition has been met, and the MN DNR permit is found in Attachment #11. The applicant shall be responsible for following all requirements and conditions of the DNR permit, including the 5-year invasive species monitoring (Condition #11).
- 17) The applicant shall work to relocate segments of the northern buffer trail further to the south of the Stonegate subdivision wherever it is feasible as long as the trail does not encroach on any required wetland buffers. Comments: The portion of the northern buffer trail to the south of Goose Lake has been moved further to the south across the restored shoreline. The trail has not been moved further south in any other locations on the updated preliminary plans, as the other segments of the trail directly abut required wetland buffers or must be located in locations to not impact stormwater management facilities or to maintain proper grade. In the judgment of staff, the applicants have reasonably met this condition.

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, the majority of these concerns are related to the construction plans and should have limited 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.

In addition to the items discussed above, it should be noted that the Fire Chief is requesting verification from the Minnesota Pollution Control Agency (MPCA) that the remediation activities completed by the applicant have correctly addressed a previous incident of soil contamination on the site. For the purpose of documentation, the applicants have provided the soil remediation report (Attachment #15) to document that the contamination has been properly addressed. In order to ensure procedural compliance, the Fire Chief is requesting that the applicants submit this information to the Voluntary Brownfield Program at the MPCA to document compliance (Condition #13). The Fire Chief's memo is found in Attachment #9.

f is recommending approval of the Final Plat v

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 a memo dated 9/18/14 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 Hammes Estates 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 Hammes Estates 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. Said agreement shall comply with Minnesota Statues 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. 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) The applicant shall provide fees in lieu of land dedication for 2.1 acres of land to fulfill the City's parkland dedication requirements in a pro-rated amount for the Phase 1 Area or in an amount addressing the total site.
- 7) The Final Landscape Plan shall be revised per the requested modifications of the City Landscape Consultant, documented in a memo dated 9/18/14. Final Landscape Plans shall be approved prior to the release of Final Plat for recording.
- 8) The applicant shall provide evidence that all conditions attached to the Valley Branch Watershed District permit for the Final Plat and associated grading work have been met prior to the commencement of any final grading activity.
- 9) The applicant must provide written authorization to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.
- 10) The applicant shall provide evidence that Washington County has approved final construction plans for all required work within the Keats Avenue right-of-way as described in

a letter from the County dated May 6, 2013. Final Construction Plans provided to the City shall be updated to include the improvements approved by Washington County

- The applicant shall abide by all conditions of the MN DNR Public Waters Work Permit dated 8/27/14.
- 12) The applicant must revise the Goose Lake Park Plan to provide greater separation between the public use area and the lift station maintenance area. The applicant will be responsible for all necessary watershed district permitting requirements related to the Goose Lake Park improvements.
- 13) Per the recommendation of the Fire Chief, the applicant must submit all documentation related to the mitigation of the soil contamination to the Minnesota Pollution Control Agency's Voluntary Brownfield Program for review and approval.
- 14) Prior to the acceptance of the public improvements for the 1st Phase of the Hammes Estates subdivision, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Hammes Estates Final Plat:

- 1) That the Hammes Estates Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 1, 2013 and revised on August 25, 2013.
- 2) That the Hammes Estates Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Hammes Estates Final Plat complies with the City's Urban Low Density Residential zoning district.
- 4) That the Hammes Estates Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 5) That the Hammes Estates Final Plat complies with the City's subdivision ordinance.
- 6) That the Hammes Estates Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated September 18, 2014.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat for Hammes Estates with the 14 conditions of approval as listed in the Staff report. Suggested motion:

"Move to recommend approval of the Hammes Estates Final Plat with the 14 conditions of approval based on the findings of fact listed in the Staff Report."

ATTACHMENTS:

- 1. Application Form
- 2. Preliminary Plat Response (Westwood Engineering)
- 3. Final Plat (3 sheets)
- 4. Final Construction Plans (Sanitary Sewer, Water Main, Storm Sewer and Streets 17 sheets)
- 5. Final Construction Plans (Grading, Drainage and Erosion Control 14 sheets)
- 6. Final Landscape Plans (4 sheets)
- 7. Park Location Plan
- 8. City Engineer Review Memorandum, dated 9/18/14
- 9. Fire Chief Review Memorandum, dated 9/18/14
- 10. Landscape Consultant Review Memorandums, dated 8/25/14 and 9/18/14
- 11. Valley Branch Watershed District Permit
- 12. MN DNR Permit to Restore Southern Shore of Goose Lake
- 13. Excerpt of Park Commission Minutes from 7/21/14 Meeting.
- 14. Goose Lake Park Area Sketch
- 15. Soil Contamination Remediation Report

NOT INCLUDED BUT AVAILABLE BY REQUEST:

1. Updated Preliminary Plans

ORDER OF BUSINESS:

	Introduction	Planning Staff
-	Report by Staff	Planning Staff
	Questions from the Commission	. Chair & Commission Members
-	Discussion by the Commission	. Chair & Commission Members
-	Action by the Commission	. Chair & Commission Members

HAMMES WEST, LLC 36 MOONLIGHT BAY STILLWATER, MN 55082

September 30, 2014

Mr. Nick Johnson City of Lake Elmo njohnson@lakeelmo.org

Re: City of Lake Elmo Requirements

Dear Nick:

We are requesting that Condition No. 13 of the Planning Commission recommendation be amended to state the following:

"Per the recommendation of the Fire Chief, the applicant must submit all documentation related to the mitigation of the soil contamination to the Minnesota Pollution Control Agency's Voluntary Brownfield Program for review and approval prior to the issuance of building permits for lots affected by the soil contamination, if any."

Thank you.

Sincerely,

nchill. HAMMES WEST, LLC

Brian McGoldrick Managing Member

Date Received:	
Received By:	
LU File #:	

LAKE ELMO

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

FINAL PLAT APPLICATION

Applicant: HAMMES West	2.L.C.
Address: 36 Moonlight BAY	ST.11 WATER, M 55082
Phone #: <u>651 - 439 ' 3636</u> Email Address: <u>brien june (xold Sick e</u>	Shotmal Com
Fee Owner:	
Address:	
Phone #:	
Email Address:	
Property Location (Address and Complete (long) Legal Desc South 1/2 of The Norther Townsh. p 29, Range 21, except NORTH 967 Feet, And except Lighway right of way 49-19B W General information of proposed subdivision:	51 QUARTER, Section 30 The EAST 60 feet of The The MARCEL 3 of WASHINGTON Coverd WASHINGTON COUNTY 1 MW.
In signing this application, I hereby acknowledge that I have read and ful Ordinance and current administrative procedures. I further acknowledge procedures and hereby agree to pay all statements received from the Ci Signature of applicant:	e the fee explanation as outlined in the application ity pertaining to additional application expense.
Fee Owner Signature	Date:



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

AFFIRMATION OF SUFFICIENT INTEREST

hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant_	BRIAN	MCGoldR, d	HAMMes	WPST L
Street address/legal	description of subje	ct property		
				_
\bigcirc		nnl		
S	J. M/e	R	8/29/14	
Signa	ure		Date	

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

AFFIRMATION OF SUFFICIENT INTEREST

The following owners hereby affirm that they are the fee title owners of the below described property and authorize Hammes West, LLC to proceed with the final plat of the property.

Legal Description:

South ½ of the Northeast Quarter, Section 34, Township 29, Range 21, except the East 60 feet of the North 967 feet, and except Parcel 3 of Washington County Highway Right of Way Plat 49-19B, Washington County, Minnesota

Date:

Date:

Date

Date:

Date:_

Dorothy Lyons, by Linda Papillon, Conservator/Guardian

nmad Leo Hammes,

by Eleanor Hammes, Attorney in Fact

nmez

Margot Hammes by Eleanor Hammes, Attorney in Fact

whine

Estate of Earl Hammes By Edward Kuhlman, Personal Representative

imme

Eleanor Hammes

FEE OWNER CONSENT TO DEVELOPMENT CONTRACT

Dorothy Lyons, Leo Hammes and Margot Hammes, husband and wife, the Estate of Earl Hammes, Eleanor Hammes and Hammes West, LLC, fee owners of all or part of the subject property, the development of which is governed by the foregoing Development Contract, affirm and consent to the provisions thereof and agree to be bound by the provisions as the same may apply to that portion of the subject property owned by them.

Date:_____

Date:

Date:

Date: 9/16

Date:

Dorothy Lyons, by Linda Papillon, Conservator/Guardian

immer

Leo Hammes, by Eleanor Hammes, Attorney in Fact

Margot Hammes by Eleanor Hammes, Attorney in Fact

Éstate of Éarl Hammés By Edward Kuhlman, Personal Representative

imme

Eleanor Hammes



7699 Anagram Drive Eden Prairie, MN 55344

 PHONE
 952-937-5150

 FAX
 952-937-5822

 TOLL FREE
 888-937-5150

www.westwoodps.com

August 28, 2014

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

Re: Hammes Property Residential Subdivision, Lake Elmo, MN Westwood No. 0002905.01

Dear Mr. Johnson:

Westwood has completed revisions to the preliminary plat set and created final plans for this project. Modifications were made to the plans per your previous review comments. Attached are full-size copies for your review. For the majority of the items, Westwood has completed the revisions and included them on the appropriate sheets.

In order to facilitate your review, we have included your previous comments below, along with explanations on how these comments were addressed within the plan set;

Conditions of Approval

- 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. This item would be sent to the city from the developer directly.
 - b. The applicant shall submit a revised Preliminary Plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the city accepting an application for Final Plat and prior to the commencement of any grading activity on the site. Attached are the revised preliminary plat and plans.
- 2. The City Engineer shall review and approve all revised Preliminary plans that are submitted to the City in advance of Final Plat to satisfy Condition #1. Attached are the preliminary plat plans for the city engineer to review. In lieu of preliminary grading plans, we have completed final grading plans for the entire site.
- 3. The Preliminary Plat approval is conditioned upon the applicant meeting all minimum City standards and design requirements. *Westwood has completed plan revisions with this in mind*.
- 4. All required modifications to the plans as requested by the City Engineer in a review letter dated June 16, 2014 shall be incorporated into the plans prior to consideration of the Final Plat. See attached revised plans, and responses to the city engineer comments.

August 28, 2014 Page 2

- Prior to acceptance of the public improvements for the Hammes Estates plat, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the city. Comment noted.
- The Landscape plan shall be updated per the recommendations of the City landscape consultant in a review memo dated 5/7/14. The attached revised preliminary landscape plan has been revised per these comments.
- 7. The applicant shall be responsible for the construction of all improvements within the Keats Avenue right-of-way as required by Washington County. *Understood. We are coordinating with the county on plans for these improvements.*
- 8. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from Valley Branch watershed district prior to commencement of any grading or development activity on the site. *Comment noted. We have received a conditional approval from the watershed earlier this month.*
- 9. Landscape islands shall be platted as a part of the ROW and shall be maintained by the Home Owner's Association. The applicant shall enter into a maintenance agreement with the city. This item will require further discussion between the developer and the city. It is my understanding that a draft of the developer's agreement is being submitted. We would anticipate that this item would be included as a part of this agreement.
- 10. With an eligible parkland dedication of 5.7 acres provided, the applicant is responsible to pay a fee in lieu of land dedication for the equal market value amount of 2.1 acres of land at the time of the Final Developers Agreement. The city will work with the developer to clarify any and all park fee payments at the time of the Final Developers Agreement. *Comment noted.*
- 11. No more than 100 units may be approved as a part of a final plat until a secondary access is provided to the subdivision via a connection to 5th Street through the Savona subdivision. The proposed final plat has less than 100 lots as a part of the first addition. Future final plats will be prepared with this comment in mind.
- 12. For trails located in any wetland buffer, the applicant must present a suitable design or material that is acceptable to the city and valley branch watershed district. The proposed trail within a wetland buffer has been conditionally approved from the watershed as a boardwalk. We will submit these designs to the city for final approval.
- 13. The applicant must enter into a separate grading agreement with the city prior to the commencement of any grading activity in advance of the final plat and plan approval. The city engineer shall review any grading plan that is submitted in advance of the final plat, and said plan shall document extent of any proposed grading on the site. Attached is the final grading plan for the city engineer to review. Site grading has been completed onsite as a part of the reclamation work to correct for the mining activity that had taken place previously.
- 14. The applicant must incorporate a play structure into the proposed park at Goose Lake per the request of the Lake Elmo Park Commission. Furthermore, the applicant must submit an updated design of the park property that meets City approval in advance of the final plat. *Per recent discussions with the city, a play structure is not currently shown on the Goose Lake park.* Additional grading design has been completed within this area for review.
- 15. The applicant shall work with the Planning staff to name all the streets in the subdivision prior to submission of the final plat. *Streets have now been named for the project as requested*.
- 16. Lots 1-6, Block 10 and Lots 1-5, and 11-12, Block 9 shall not be platted until the southern channel of Goose Lake is closed off from the lake, or the shoreland issue around the channel is

August 28, 2014 Page 3

resolved in some other manner that is acceptable to the DNR. *We recently received a DNR permit for this project, so these lots are now included as a part of the final plat.*

17. The applicant shall work to relocate segments of the northern buffer trail further to the south of the Stonegate subdivision wherever feasible as long as the trail does not encroach on any required wetland buffers. Some trail modifications have been made; we would encourage the city to review to determine if additional changes to the trail alignment are necessary.

City Engineering Comments

Utility Plans and Easements

- A 12" watermain stub should be extended east along street 1 to the intersection and County ROW of Keats Avenue for future extension to the east site of CSAH 19. Comment noted. Upon review, this change did not make it into the submitted plans, but subsequent plan revisions will include this 12" watermain stub from the intersection to the county road.
- 2. The 8" watermain line from the Street 8 cul-de-sac to the Street 9 cul-de-sac passes directly under infiltration basin 1 and does not maintain the state required 10-foot offset from storm sewer pipe. An alternate alignment or connection will need to be determined as a part of the final plans. *Comment noted. Preliminary plans still show this same alignment, however we will work with the city to adjust this when final plans are completed for this area.*
- 3. The sanitary sewer segment along the east side of lot 6, block 6 needs to move further to the east to maintain additional offset from the lot 6 property line. We request additional direction from the city on this item; we have dedicated a 40' easement in this area, but we have sanitary line, a trail and a storm line in this location. We can shift the sewer line to the location within this easement as desired by the city,
- 4. Additional plan information is needed to evaluate the impacts to the city's sewer, forcemain and lift station infrastructure by the proposed park improvements. *Please see the final grading and utility plans to further evaluate any impacts to the city's infrastructure*.
- A few additional easements are required. Now that some of the stormwater system has significantly changed, and the final plat has been prepared, I believe the previously discussed easement changes should be reviewed.

Storm Sewer

- 1. The storm sewer or grading plans must be revised to provide the City Standard minimum pipe cover of 3.5 feet. *Comment noted. Final storm sewer design has been completed for phase 1 with this in mind.*
- 2. Drain tile is required as a part of the City Standard street section at all localized low points in the street. *Comment noted. The majority of the site drains to the northeast, so there are not many low points on the project. Where we do have low points, draintile was added.*

CSAH 19 (Keats Avenue) Improvements

 Written documentation is required to demonstrate Washington County approval for the proposed access to Keats Avenue together with any county requirements. Turn lane, bypass lane and other improvements on CSAH 19 as required by Washington County must be identified and incorporated on the plans. *Comment noted. We are currently working with the county on this item. Additional plan revisions and correspondences with them will be required.*

August 28, 2014 Page 4

Street 1 improvements must extend into the County Road R/W and connect to CSAH 19
including turning radii and drainage provisions. Comment noted. Plans now show the road
connecting to Keats Avenue.

Wetlands and Wetland Buffers

- VBWD requires a minimum 25-foot Buffer when buffer averaging is used. In addition, the VBWD does not allow impervious surfaces to be placed on wetlands or wetland buffers. Comment noted. The buffers and the site have been adjusted to comply. The trail within the buffer is designed as a boardwalk.
- 2. The wetland buffer for Wetland G encroaches over the proposed trail between lot 6, block 10 and lot 12, block 9. Wetland G is now changed significantly due to the berm design at Goose Lake.

Grading and Stormwater Management

Significant changes have been made to the plan in order to obtain a conditional approval from the watershed. I would request that the city review the final grading plan, and the updated stormwater management calculations to reevaluate the previous comments. We no longer have two infiltration basins at the entrance, so we believe that the plan has been improved from the previous design.

Since so much has changed, we wanted to get the plans into your hands so that review could start as soon as possible. We understand that there is a lot of information to digest, and that there still are additional items to finalize as listed above, but we request that the city initiate the final plat review process so we can attempt to start work on initial phase yet this fall.

Please review our attached materials, and give me a call with any questions you may have. I will follow up in the next week or so to schedule a meeting to review the attached submittal.

Sincerely,

WESTWOOD PROFESSIONAL SERVICES

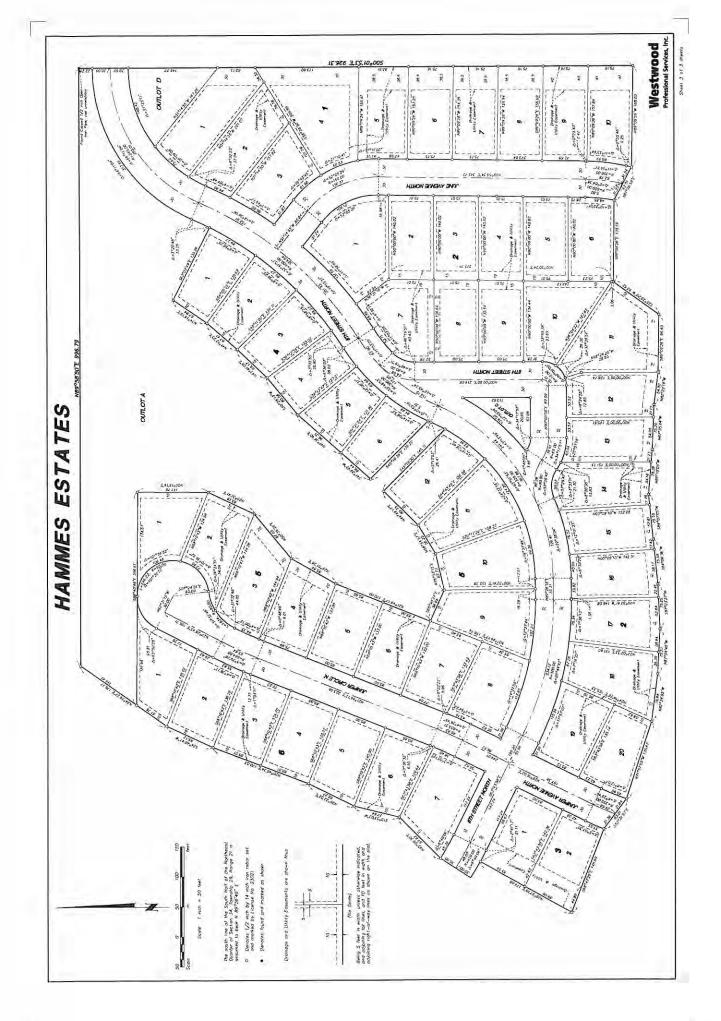
Ryan Bluhm, PE

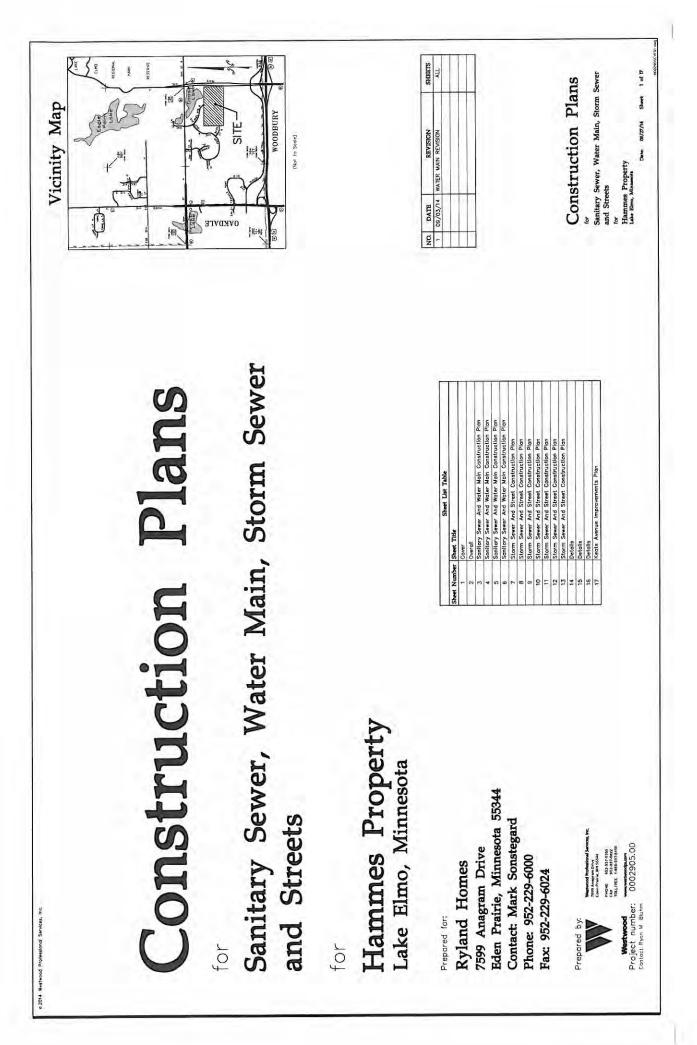
cc. Brian McGoldrick, Hammes West LLC

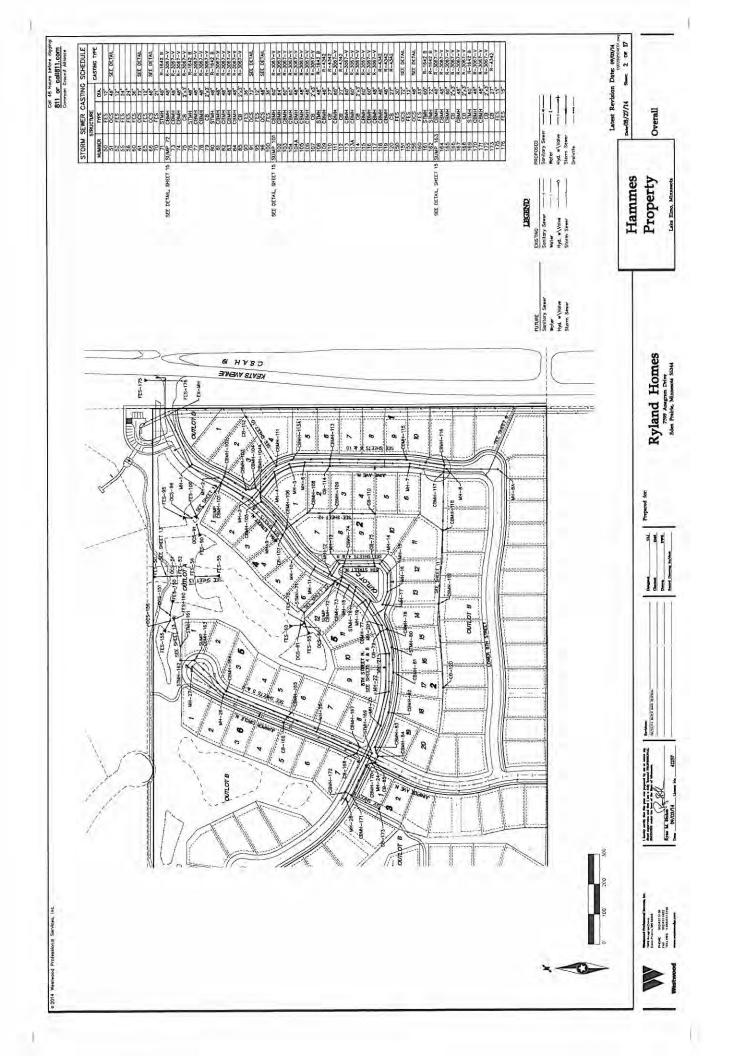
Westwood Professional Services, Inc. Proceedings of the second second second second second second with the second with the proceeding devoted with the proceeding second second with the second second with the proceeding second s Second sec **CONIT STATURE** The second to Charler 2003 Level of Merication (1971, level in sociationice with Merication Statistics - Social 11: find pool has been reverse for an arrowed that _____ day of _____2 day of 20 I hereby certify that this instrument was thed in the affree of the County Recoder for record on this $\frac{500}{100}$ of $\frac{100}{100}$ M, and was duly removed in Australian County Records <mark>OTY OF LUKE BUA, MANESOTA</mark> The pair was represented by the DTY paired of the DTY of Gale Physical Manuschi Physi and Party Strutties, conditioner, while an incomments as set forth in Manuschi Strutture, Societa Sto SJ, Supdivision 2 **CITY FLANNIG CONLESSON** Agreemed by the Planning Communican of the City of Lote Finns. Mannessia, of a require meeting theorem, on the By Secretory By Deputy By Deputy By Creat By Washington County Auditor/Theosurer By Washington County Surveyor By washington County Recorder HAMMES ESTATES COUNTY RECORDER By wayer By Chow Her count be some to be unique out gotted or **HAMICS STATUS** and done handly donald and deletet to the public for quick use (rever the public ways, as there are the pair and day days the assemble as created by the pair her proved and utility publicans only. Liveous certity that i fore surveyed and polities or directly supervised for survey and politing at the present element of the fail or the survey certity that i fore surveyed and polities or directly supervised for survey and politing at the present element of the survey certity and an antimediate and element enviro indeputibles on the politic that immountees the politic table before and indeputible on element environment environment environment and immountees and element and the politic substantiation of the other of this certification on another on the politic and environment and the other or and indeputible on element on the politic house and to house on the politic and environment and control of the other or and the other of this certification on another on the politic and the politic and environment control of the other of the other of this certification on another on the politic and the politic and environment control of the other of the other of this certification on a stream and looked on the politic and the politic and environment control of the other of this certification of the other of the politic and the politic and the politic and the control of the other other other other other other other other and the other politic and the politic and the other control other oth in whereas whereas and hommes whet. U.C. a correct limited liability serve, has caused three presents to be signed by its proper officers the day of day of ANOW ALL PERSONS BY THESE PRESENTS. That Hammers West, LLC, a wared limited licklify search. Lee aware of the following described proceeds shared at the County of Histologian, State of Managola, to will. w bouch w They part of the South Mai of the Northeast Guetre of Sectors M. Exemple 29 Mark, Ronge 21 Mark, Mashington Condi, and Sector the sout 6000 dee of the Askin Sector of Sector Mark of the Northean Content from the Northeast Densel 3. Efforts the sout 6000 dee of the Askin Sector of Sector Mark of the Northean Content from sector Askin 20 STAT of memozors. COUNT of a first of the state of the state in the state of the st 1 (many ment) to you -HAMMES NEST, LLC STATE OF WANKSOTA COUNT OF LENDERM COUNT OF LENDERM COUNT OF LENDERM AND ADDREAD ALCONA AND ADDREAD AND ADDREAD LINES LICENSES LEND SUMMON, MAINESOLO LICENSE NO. 23021 . 20 By --County Minnedota County, Minnesolo Graug W Morse, Licensed Land Surveyor Minnesola License No. 23021 [anisat) (Lames) to you . My Commission Express **Wy Commission Expres** Notory Public. Notary Public Dated this

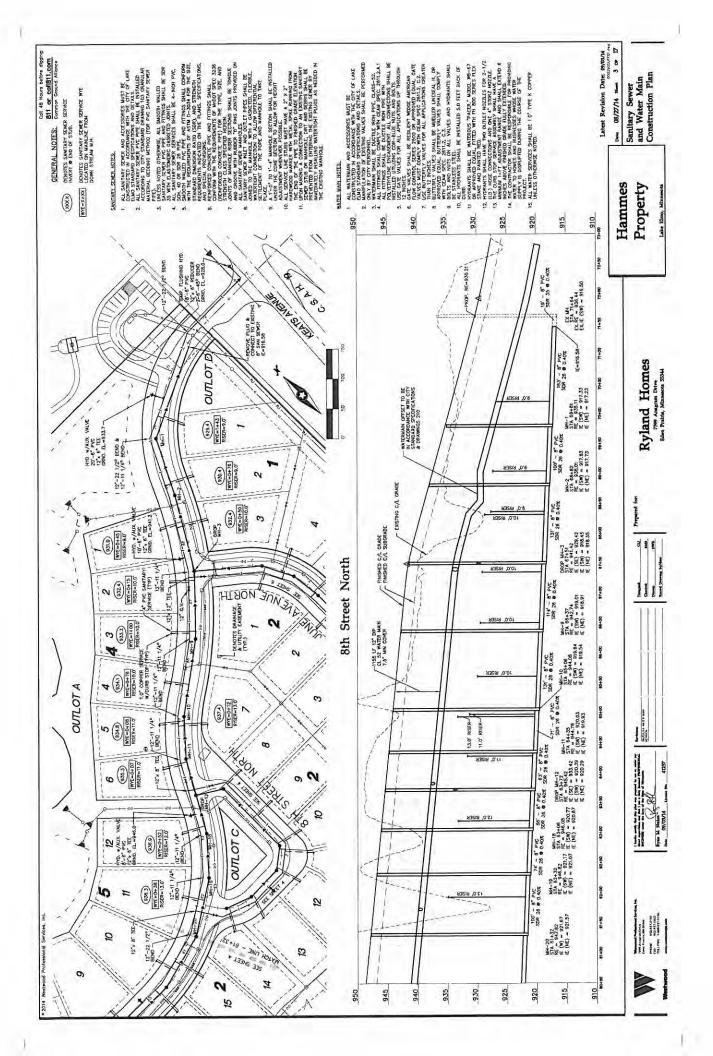


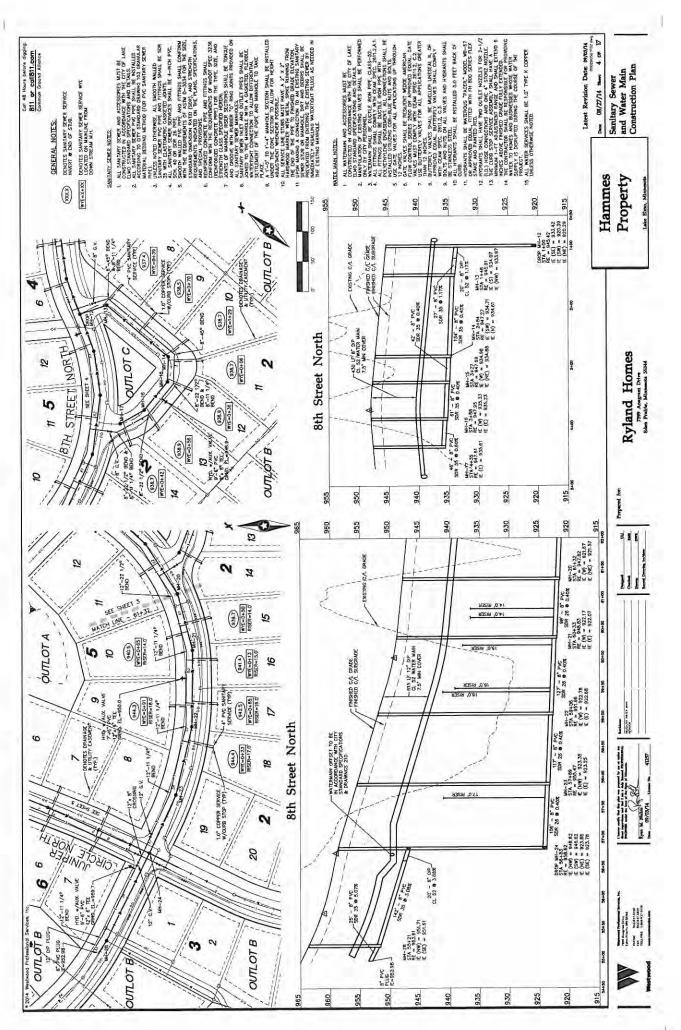
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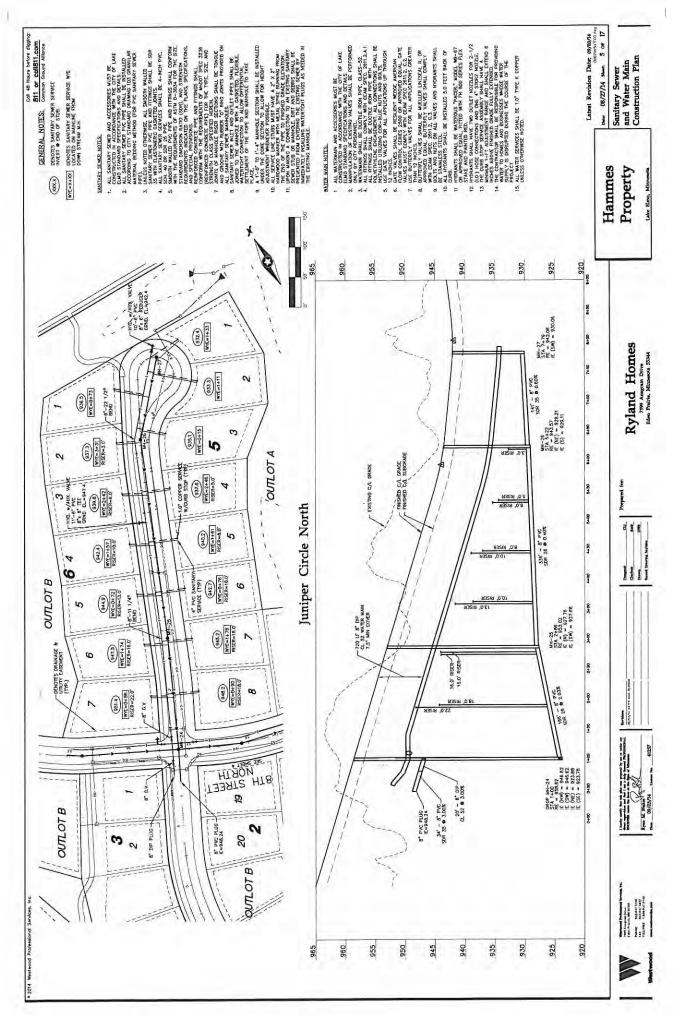


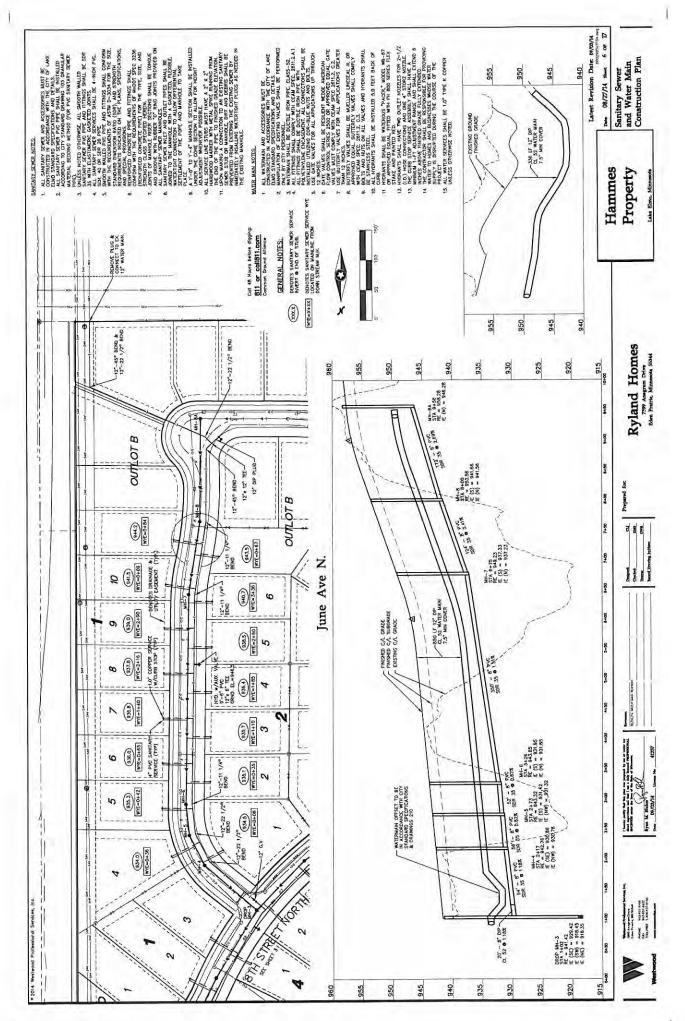


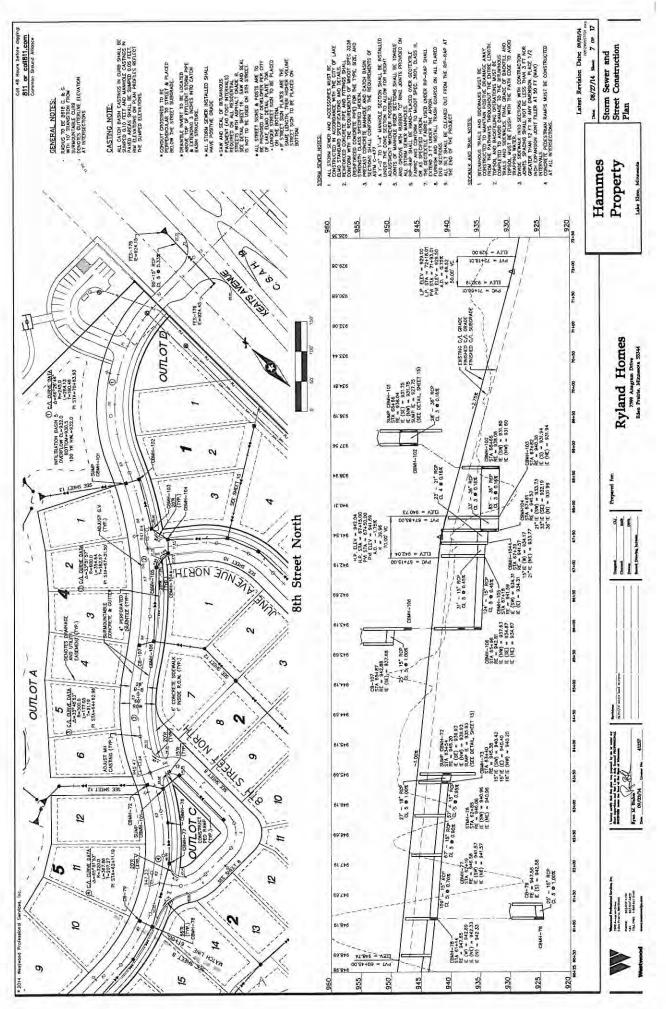


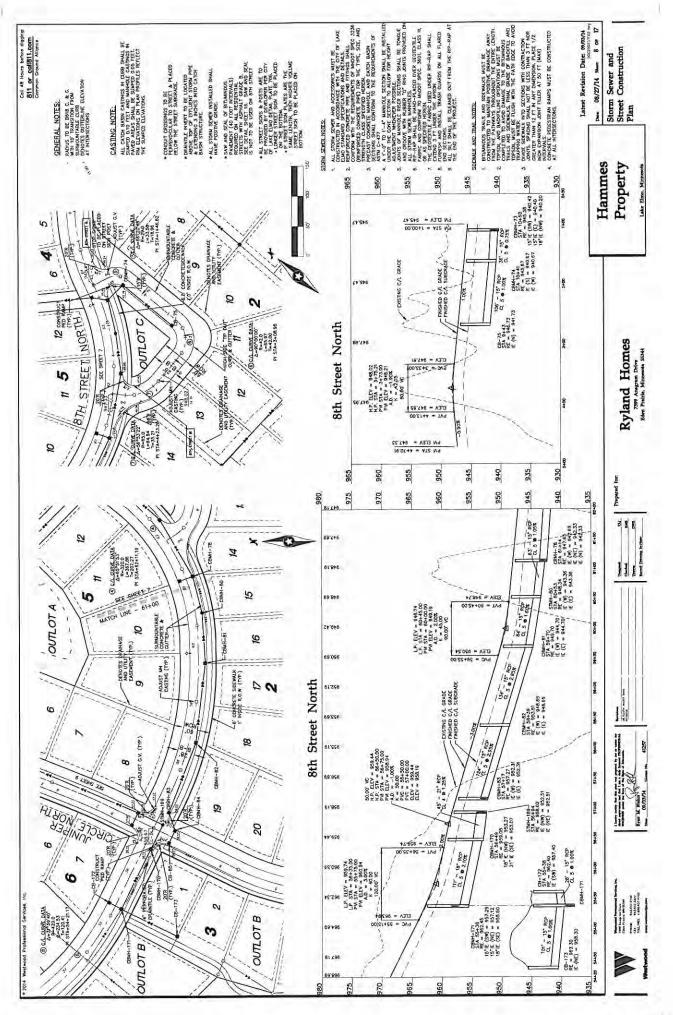


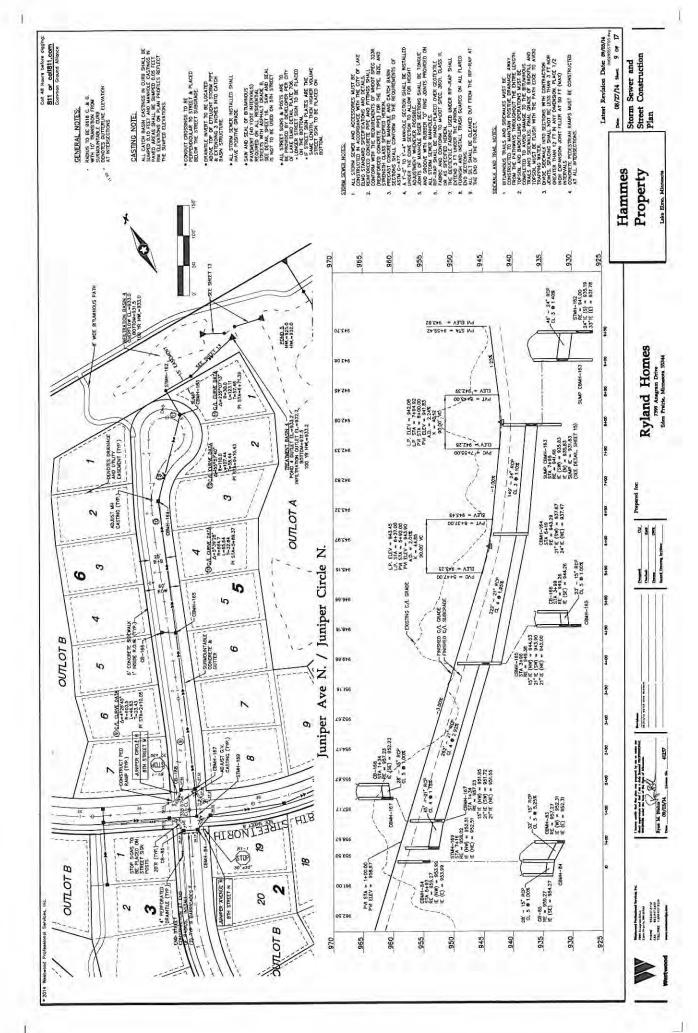




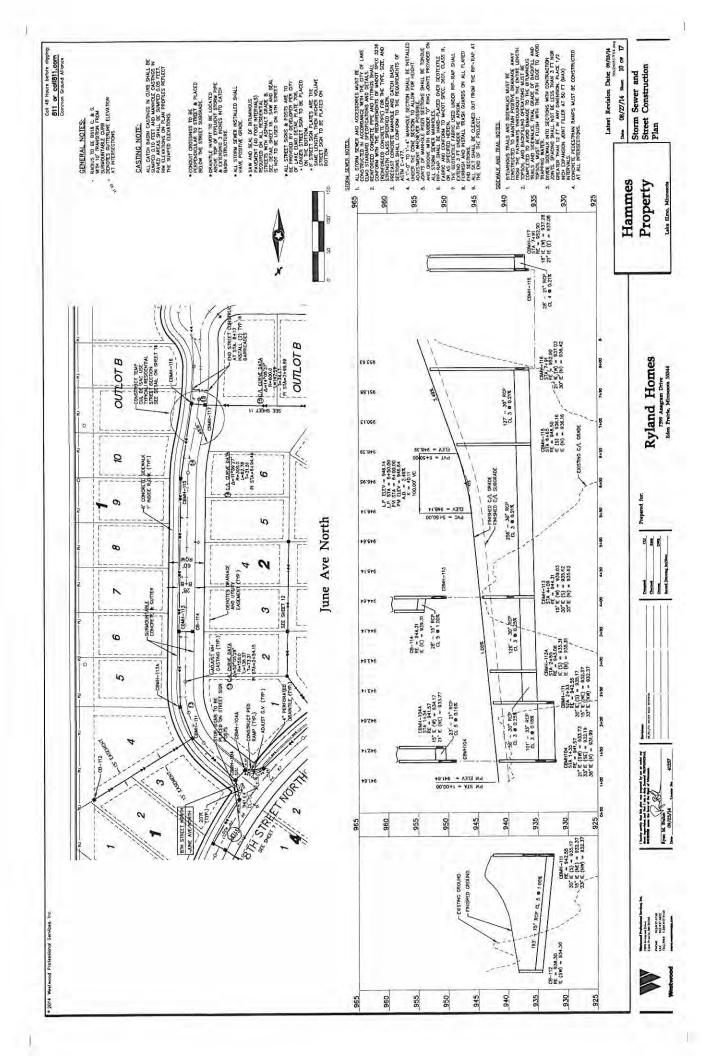


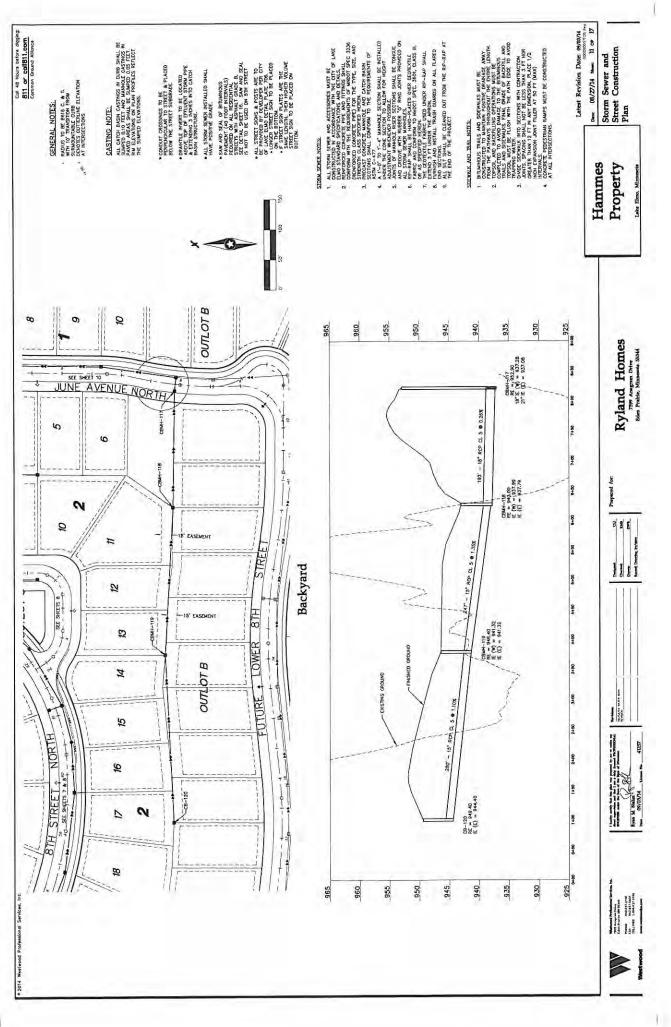


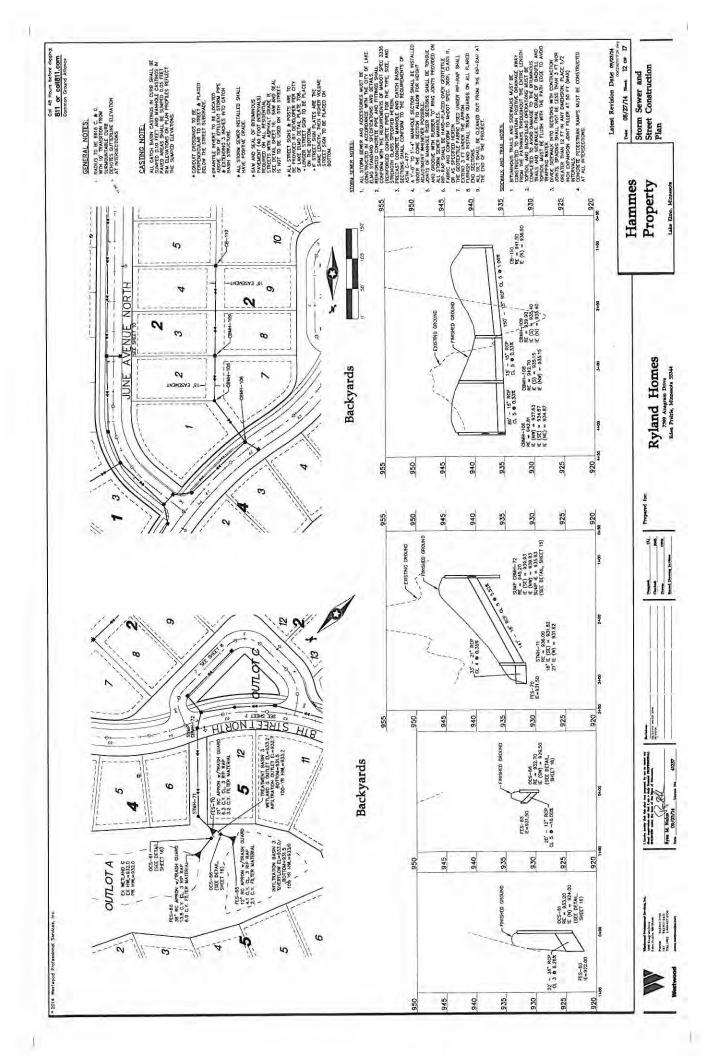


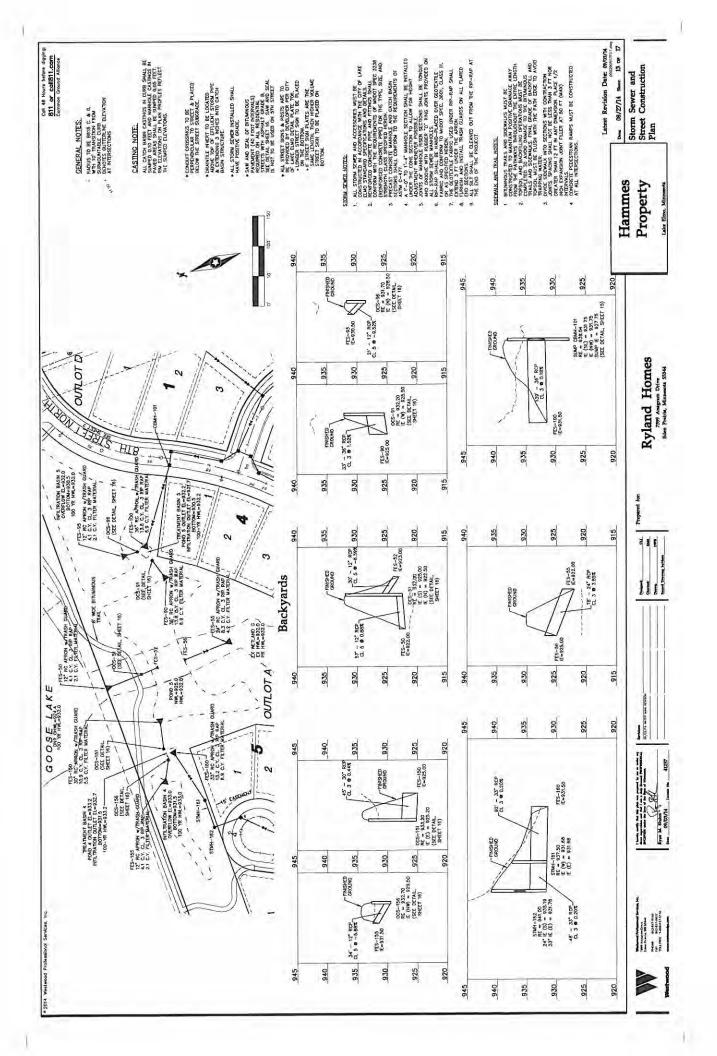


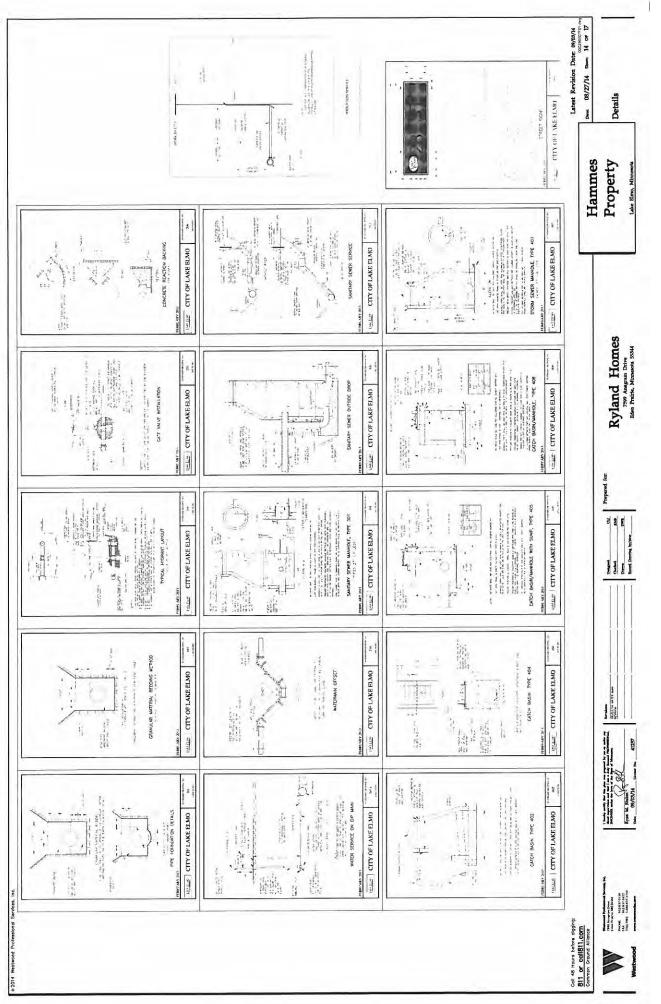
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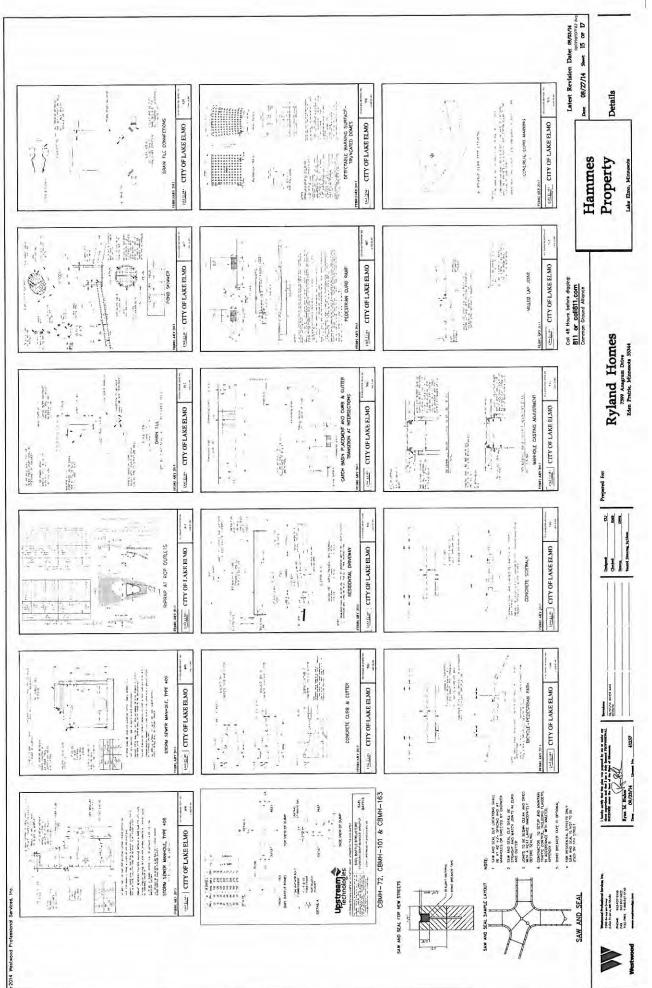


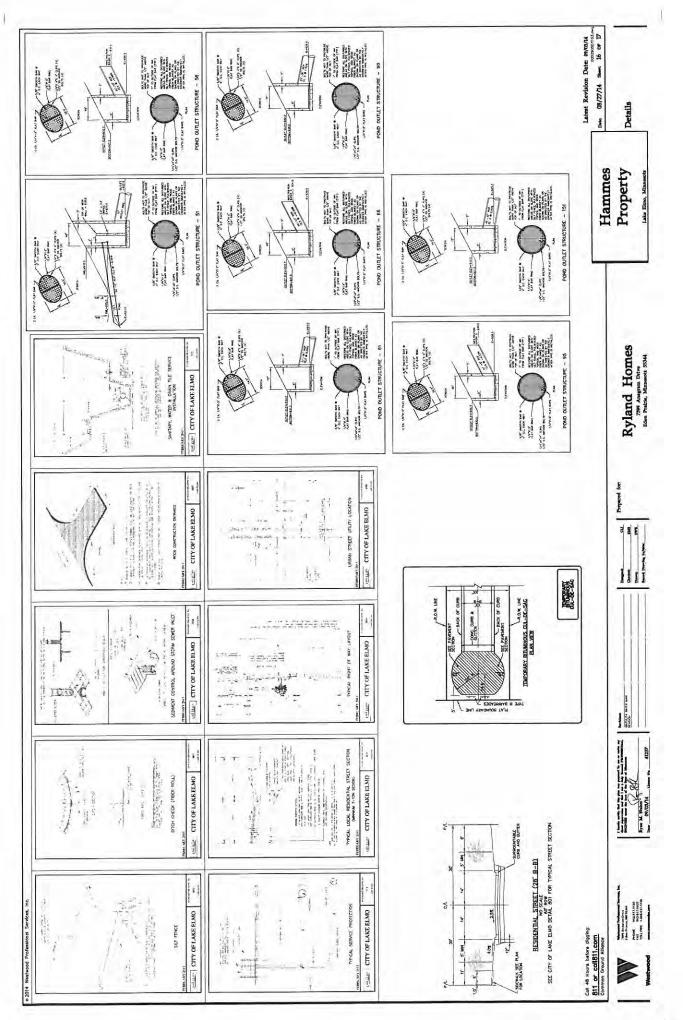






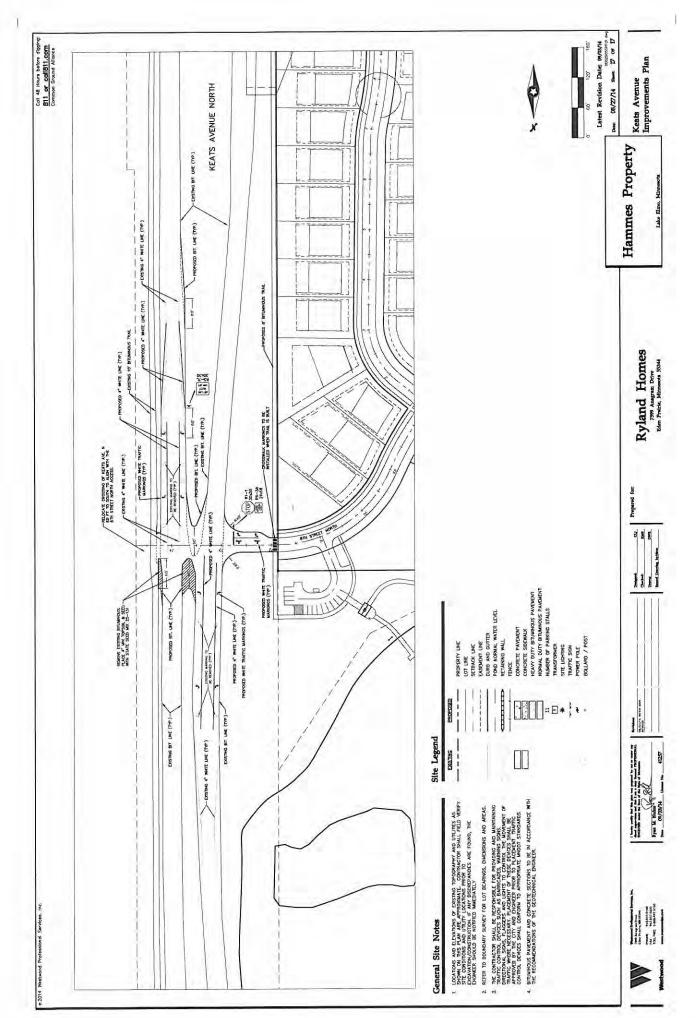


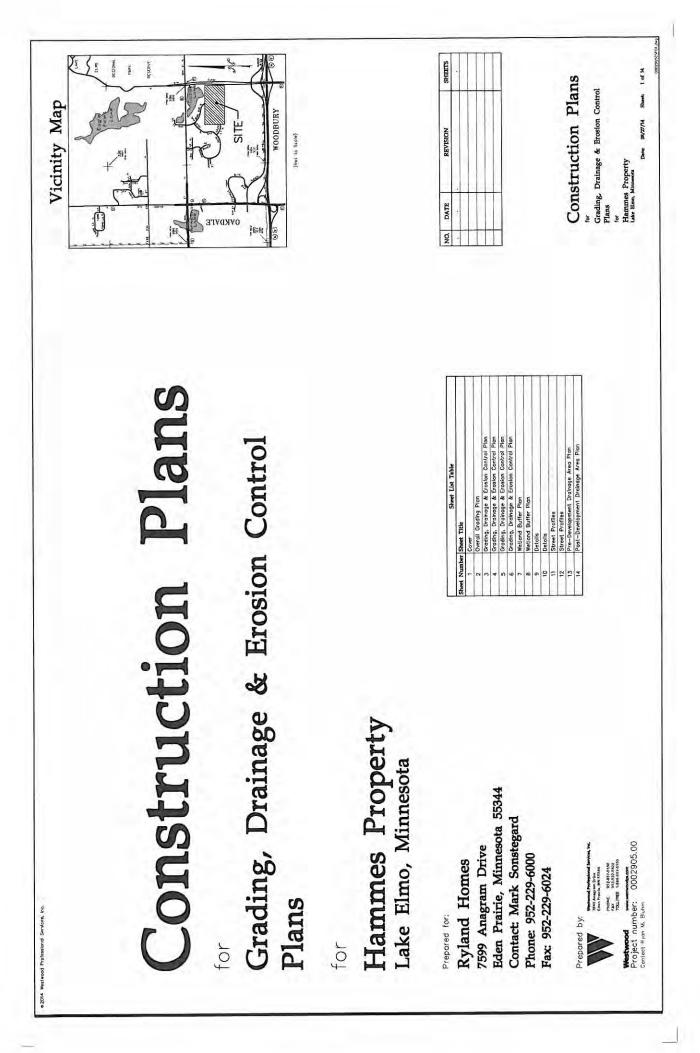


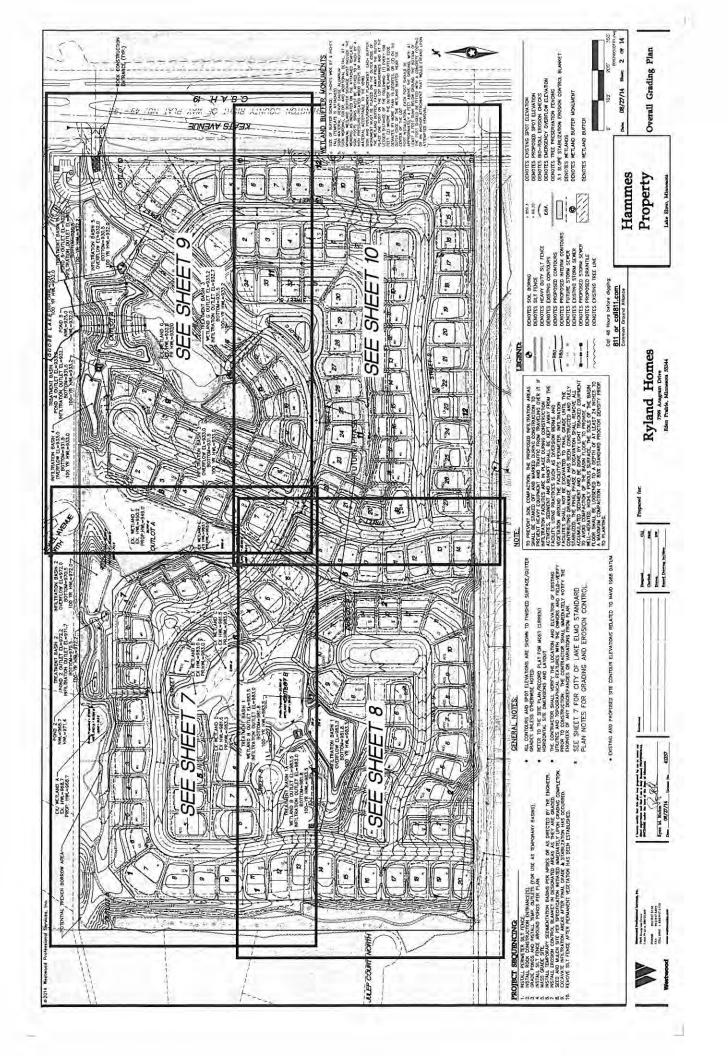


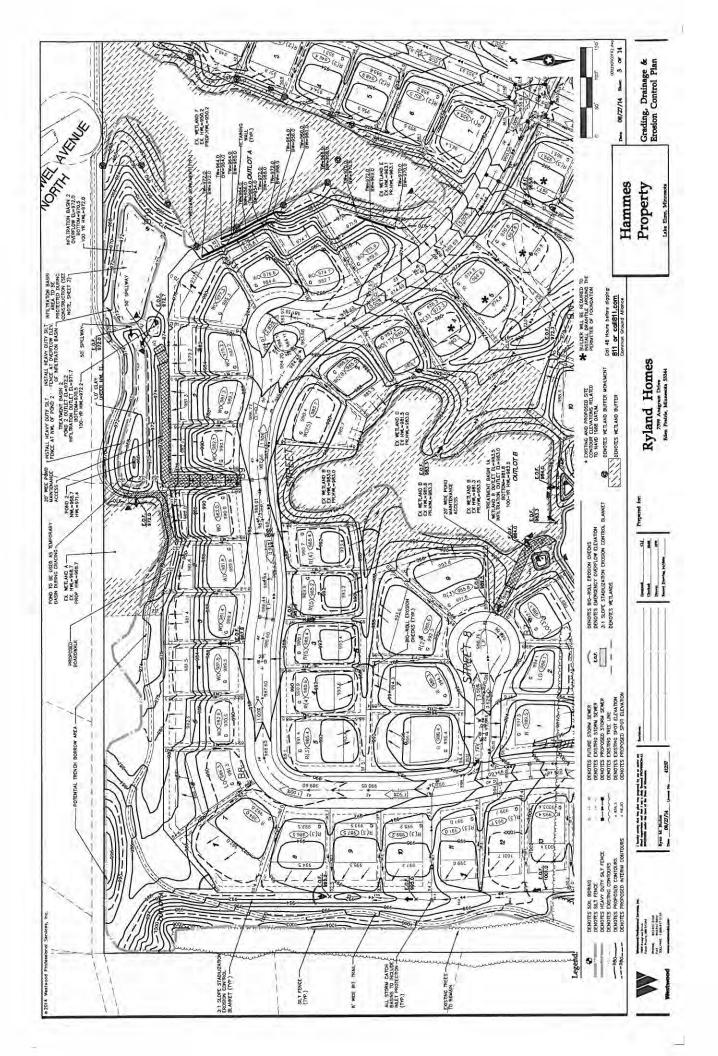
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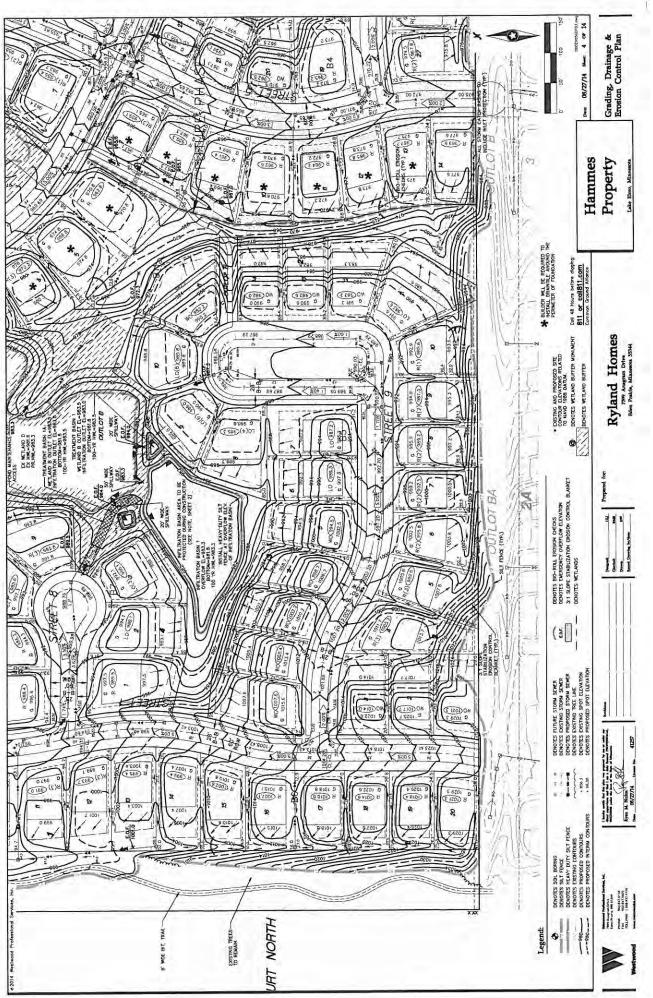
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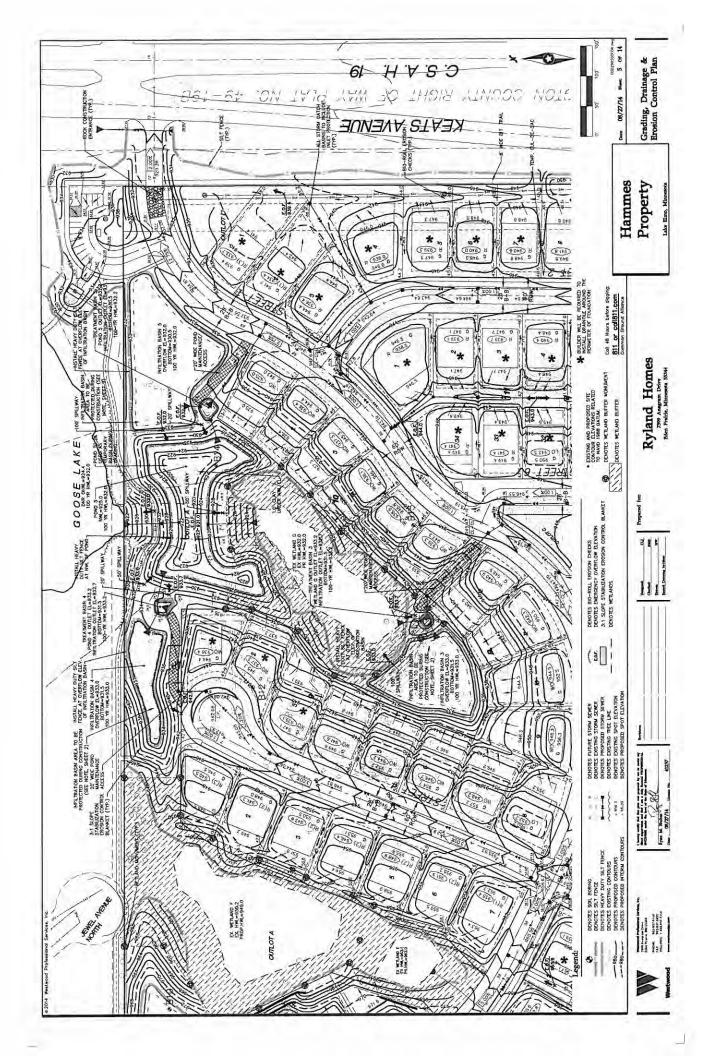


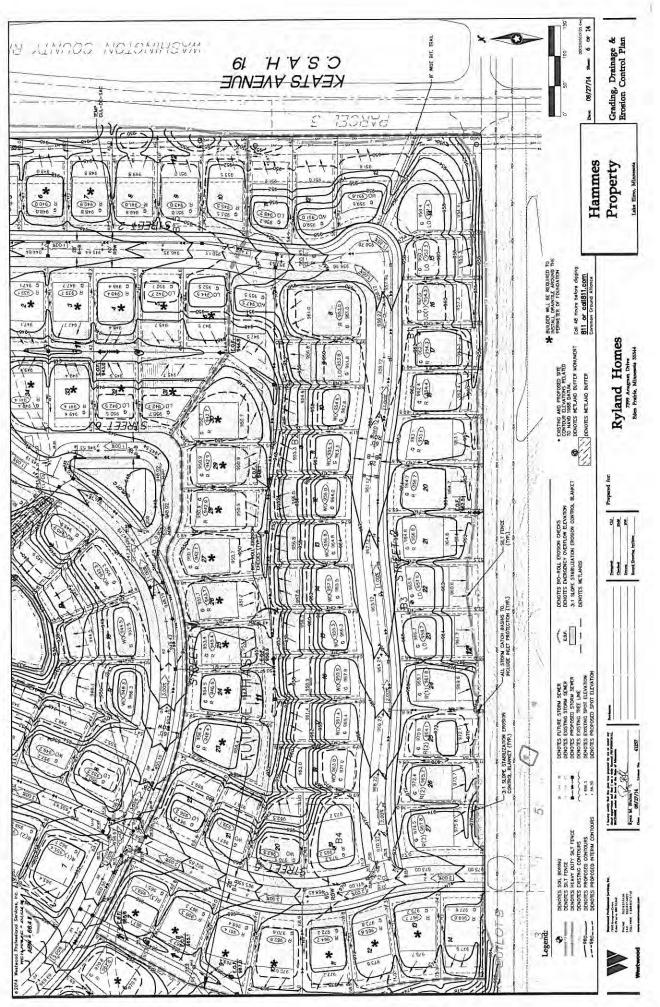




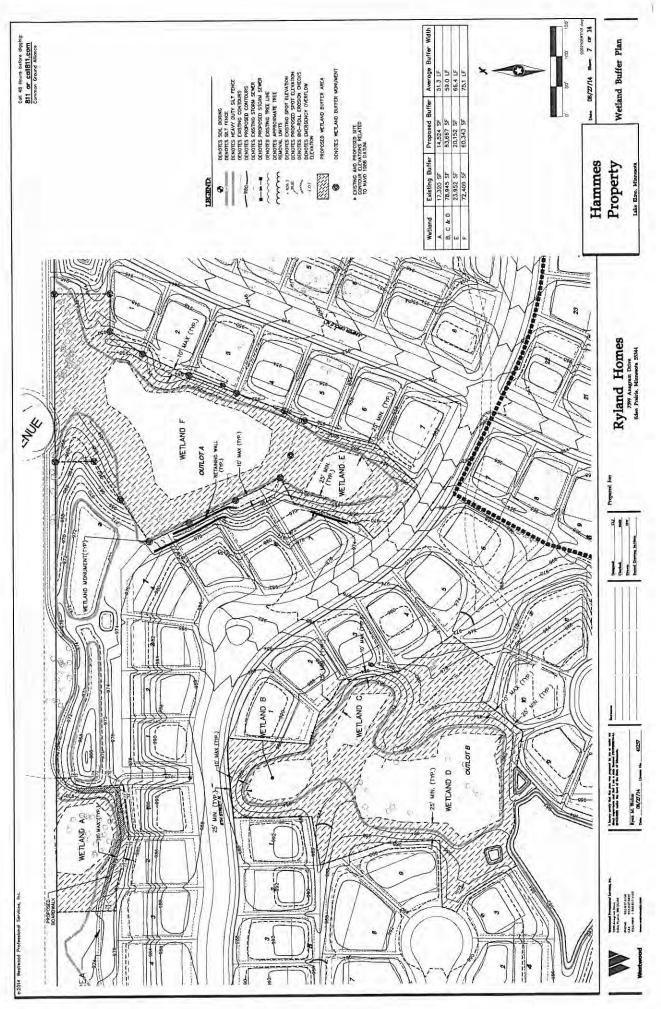




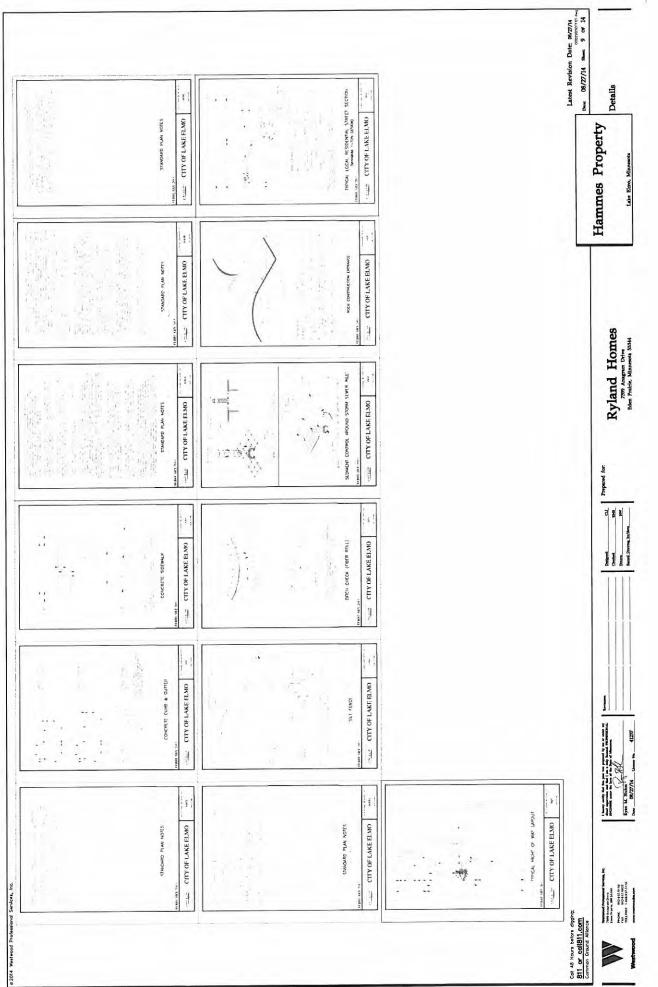




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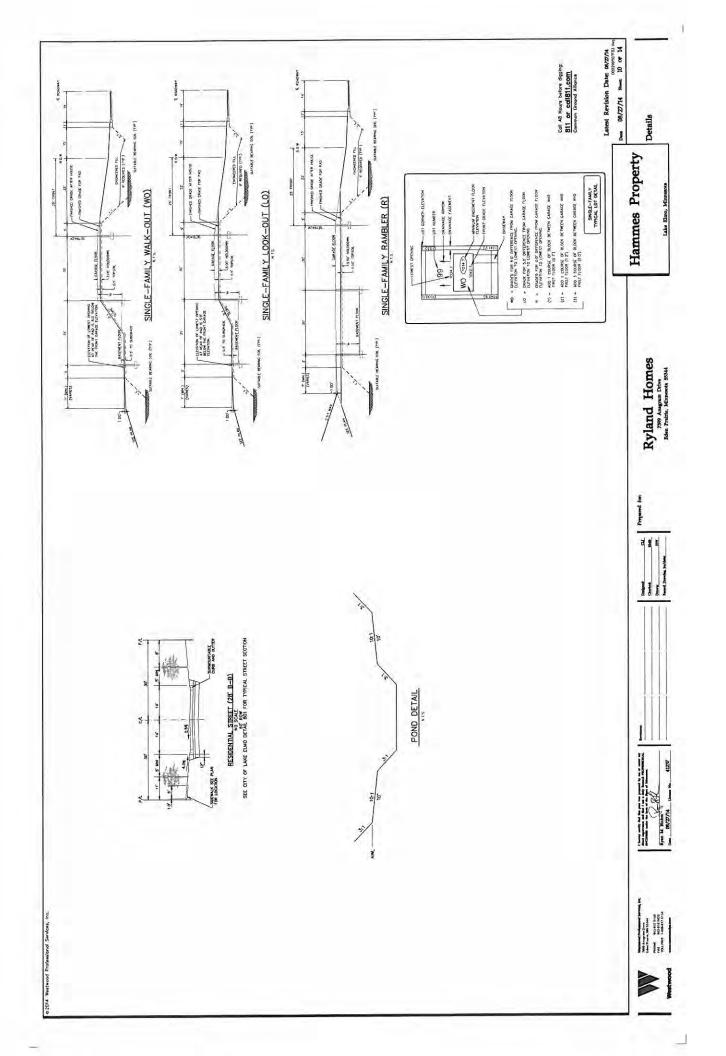


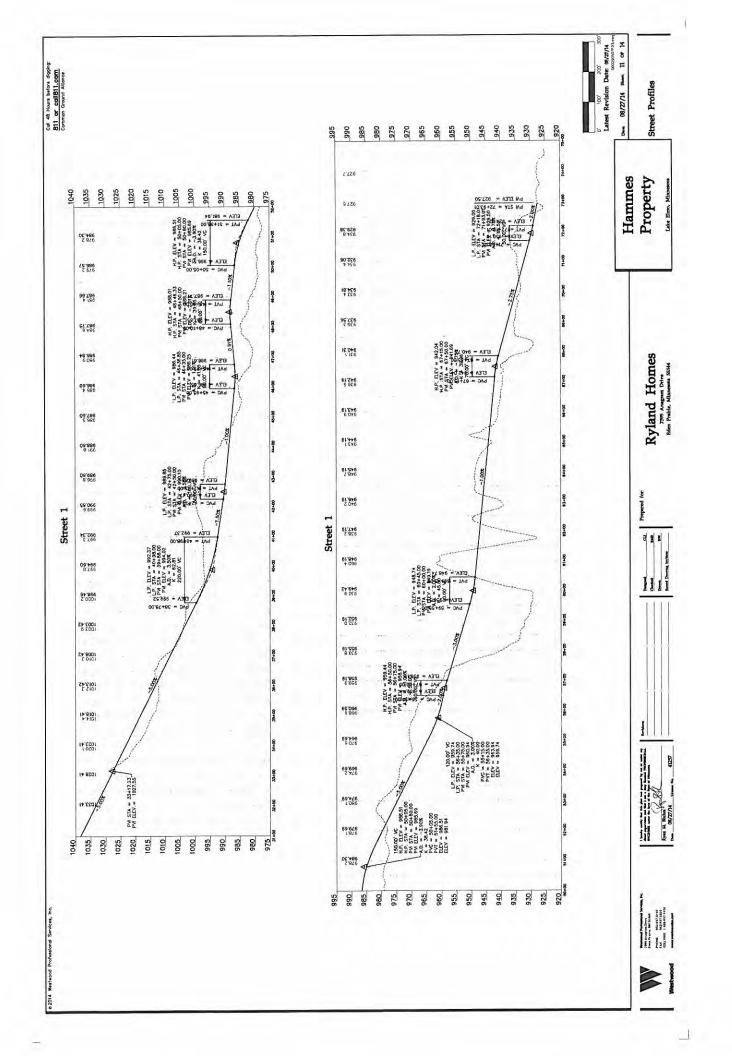


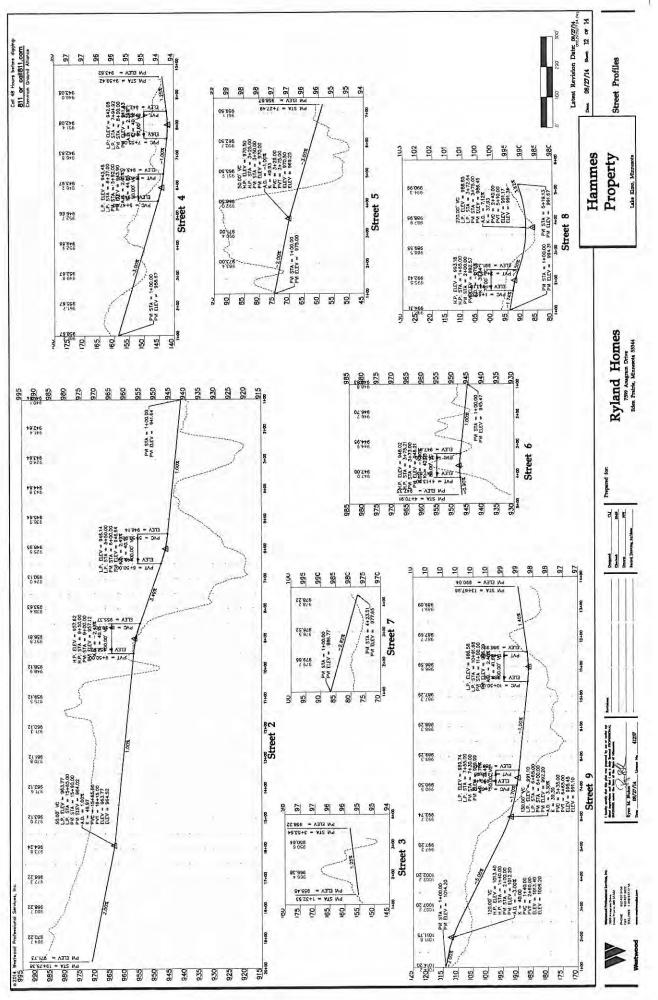


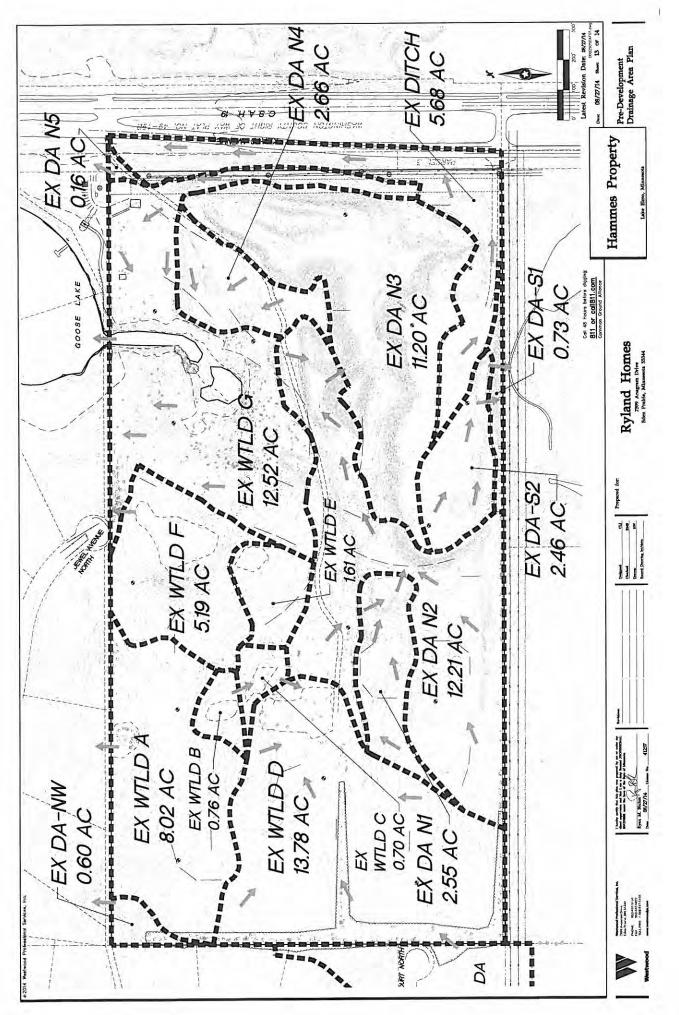
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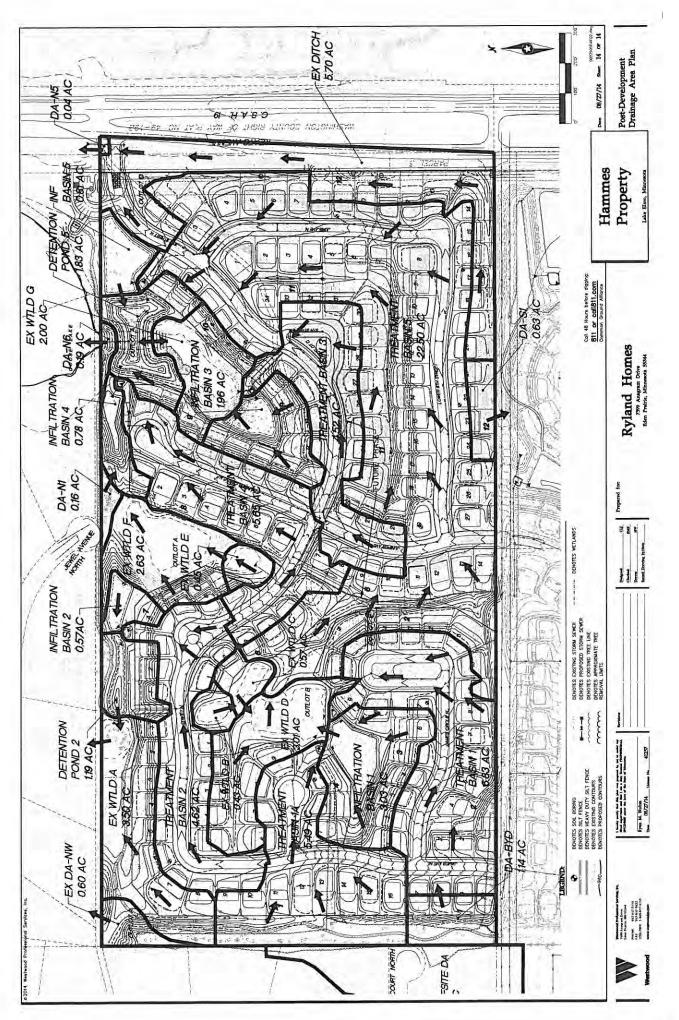




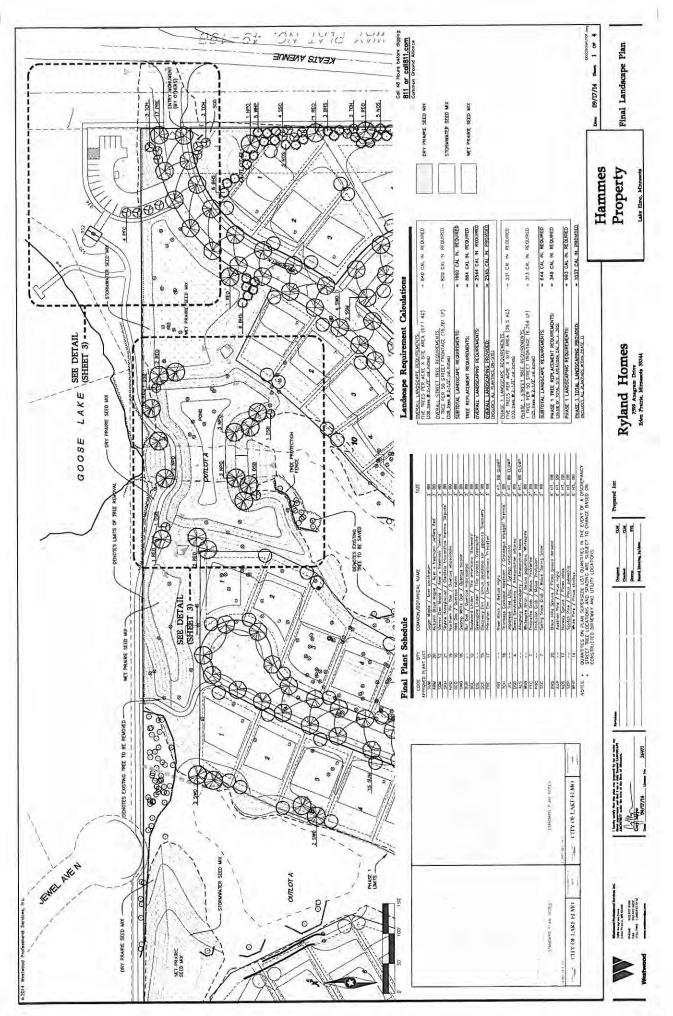


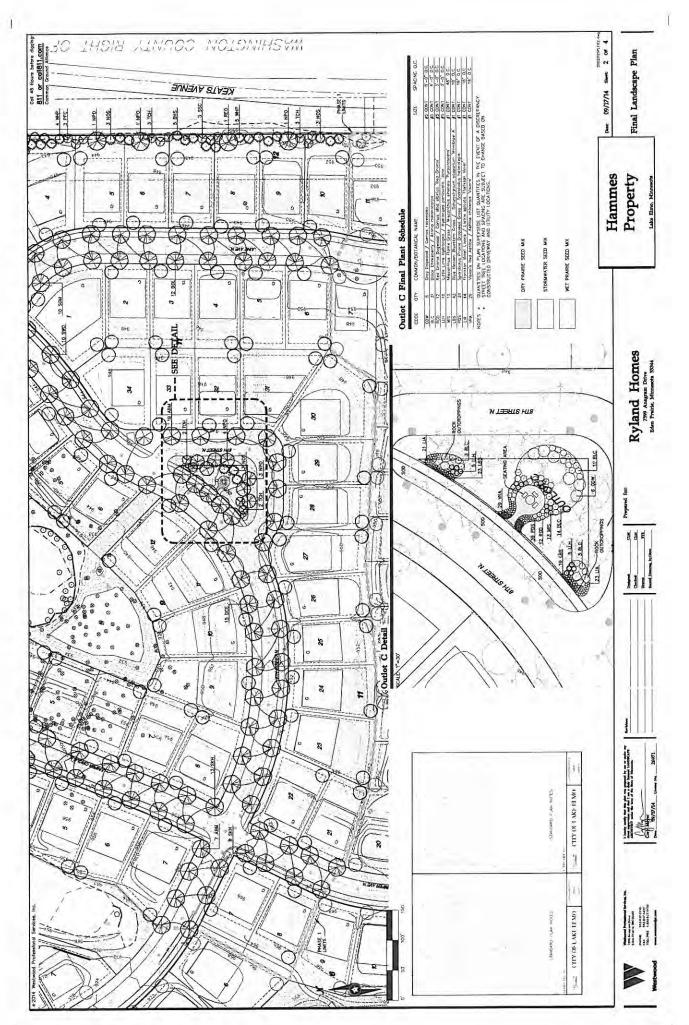
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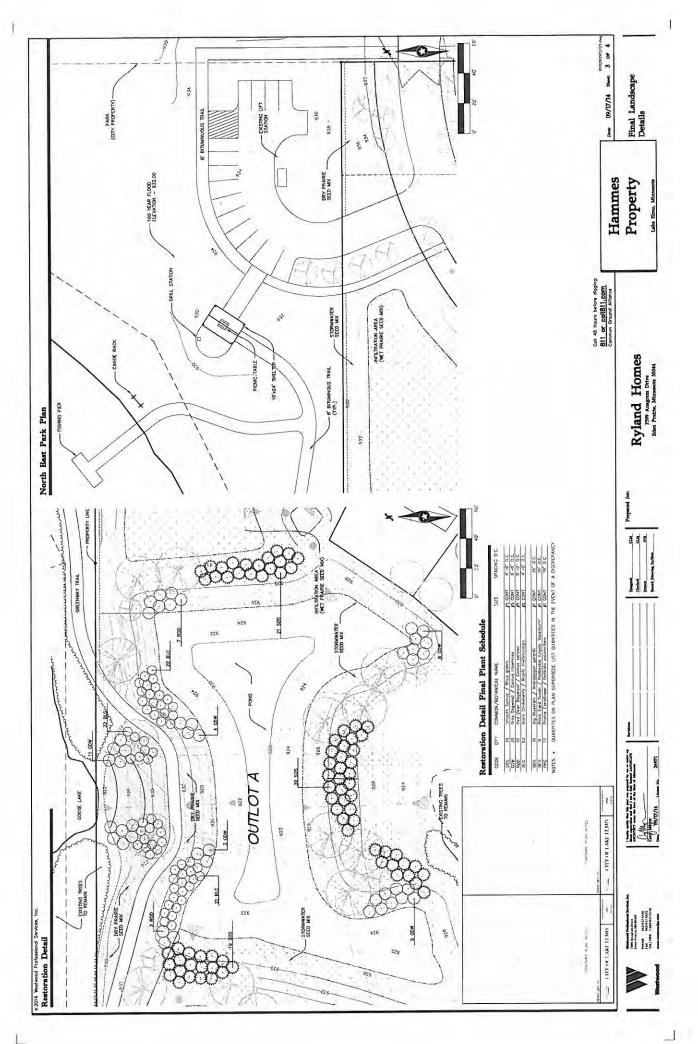
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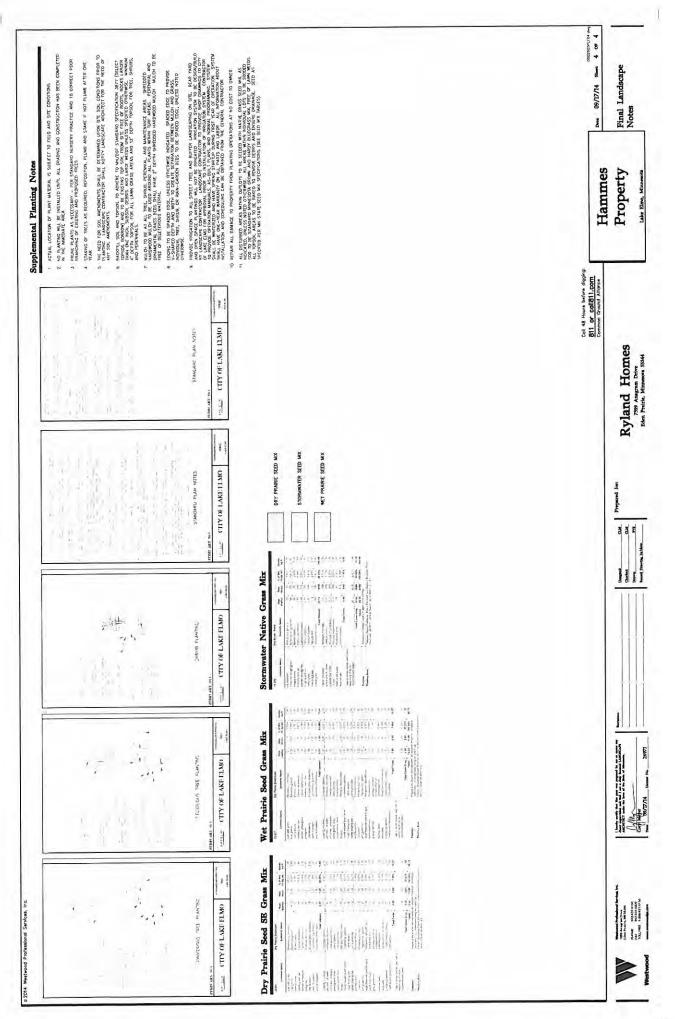
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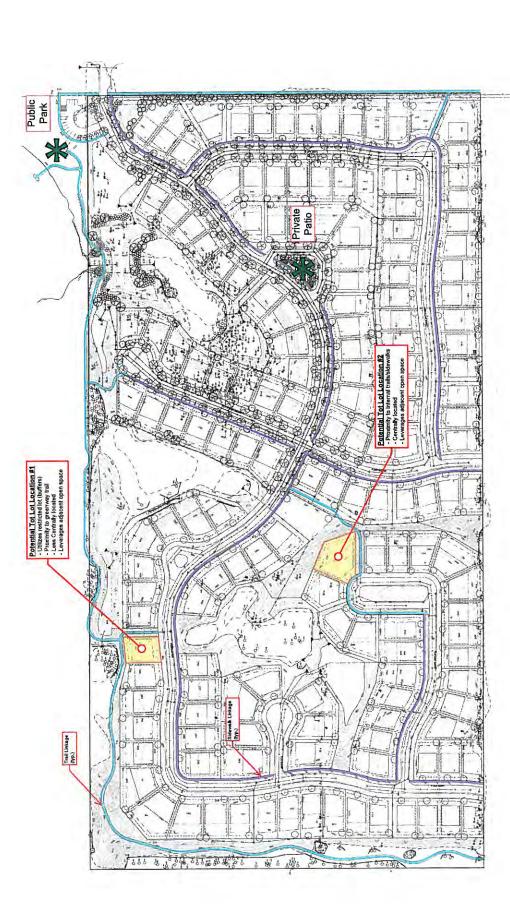




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HAMMES ESTATES LAKE ELMO, MN

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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: September 18, 2014

To:	Nick Johnson, City Planner	Re:	Hammes Estates	
Cc:	Kyle Klatt, Planning Director		Final Plat Review	
From:	Jack Griffin, P.E., City Engineer			

An engineering review has been completed for the Hammes Estates development. Revised Preliminary Plans and Construction Plans were received on September 4, 2014. The submittal consisted of the following documentation prepared by Westwood Professional Services, Inc.:

- Preliminary Plan set (Plat Plan, Utility Plan, and Landscape Plans) dated 08.25.2014.
- Construction Grading, Drainage & Erosion Control Plans dated 08.27.2014.
- Construction Sanitary Sewer, Water Main, Storm Sewer and Streets dated 09.03.2014.
- Project Specification Manual dated May 2014.
- Preliminary Storm Water Runoff Narrative dated 08.07.2014.
- Plan revision response letter dated 08.28.2014.

STATUS/FINDINGS: Engineering review comments are provided below as they may be related to the application for Final Plat or represent more significant design and constructability issues. Upon completion of these issues and granting of Final Plat, staff will resume a more detailed Construction Plan review.

PRELIMINARY AND FINAL PLAT COMMENTS

- Additional easements are required for the Preliminary and Final Plat as outlined within this memorandum.
- The Final Plat and Construction Plans should both be updated to include the Outlot ownership information. The Preliminary Plat indicated all Outlots to be dedicated to the City.
- Note: City utilities will be constructed within Outlot B as part of the first addition. Drainage and utility
 easements must be dedicated to the City of Lake Elmo as part of the First Addition Final Plat, including the
 drainage and utility easements over Outlot B.
- The development agreement should incorporate provisions to require the developer to oversee and address the 5 year invasive species monitoring requirements of the DNR Permit.
- Written permission must be provided from adjacent property owners for grading to extend beyond property lines.
- Written permission must be provided from the Savona development to allow an increase in peak discharge rate from the Hammes Site as proposed in the Stormwater Management Plan.
- Written approval to work within the Electrical Transmission Easement area must be provided prior to construction work.
- Final Grading Plans and Final Street and Utility Construction Plans must be completed and approved by the City Engineer prior to the start of construction. All construction plans must be in accordance with the Lake Elmo engineering design standards and plan format. Any changes proposed in the Lake Elmo

engineering design standards, standard details, plan notes, or specifications must be clearly identified in a "change request" letter by the developer's engineer and submitted for consideration.

UTILITY PLANS AND EASEMENTS

- In coordination with the City, a pressure reducing valve(s) must be constructed as part of the watermain improvements and located on an Outlot dedicated to the City.
- A 12-inch watermain stub must be extended east along Street 1 (8th Street North) to the intersection and County R/W of Keats Avenue for future extension to the east side of CSAH 19.
 - This 12-inch stub has been provided in the Final Construction Plan set for Phase 1, however it has not been corrected on the Preliminary Utility Plan dated 08.25. This correction must be included in the revised Preliminary Plans.
 - The future connection location for this 12-inch stub must be placed outside of the paved surface area of the new street.
- The 8-inch watermain line from the Street 8 cul-de-sac to the Street 9 cul-de-sac passes directly under infiltration basin 1 and does not maintain the state required 10-foot offset from storm sewer pipe. An alternate alignment or alternate loop connection must be determined as part of the revised Preliminary Plans. Additional easement must be provided on the Final Plat to accommodate this watermain location as it passes between lots.
- The sanitary sewer segment along the east side of Lot 6, Block 6 needs to move further east to maintain
 additional offset from the Lot 6 property line. This will result in a changed location for MH28 in the Final
 Construction Plans.
- Additional easement or pipe alignment adjustments are required at the northeast corner of Lot 1, Block 10 and along the rear yard of Lot 17, Block 11. Corrections are needed on both the revised Preliminary Plans and Final Construction Plans.
- Grading modifications are proposed above the City's existing sanitary sewer gravity and forcemain pipes along Keats Avenue. Show the proposed profile over these utilities and include the record drawing information provided in the Section 34 Water & Sewer Utility Extension Improvements. The existing conditions utilities must be revised on all plan sheets to correctly indicate their location.
- Show existing hydrant, 6-inch gate valve and box, and 12-inch x 6-inch reducer at the southern property line. Construction notes must be updated accordingly.

STORM SEWER SYSTEM

 The Preliminary storm sewer system plan did not comply with the City standard design requirements (minimum pipe cover significantly less than 3.5 feet). Preliminary storm sewer system plans must be revised to comply with City design standards.

CSAH 19 (KEATS AVENUE) IMRPOVEMENTS

 Written documentation is required to demonstrate Washington County approval for the proposed access to Keats Avenue together with any County requirements.

WETLANDS AND WETLAND BUFFERS

- The VBWD does not allow impervious surfaces to be placed on wetlands or wetland buffers. The Plans
 must be revised so that the proposed Boardwalk Trail is constructed along the entire length of the trail
 that is located within the wetland buffer. Boardwalk construction details must be provided in the Final
 Construction Plans.
- The wetland buffer for Wetland G encroaches over the proposed storm water maintenance access road between Lot 6, Block 10 and Lot 12, Block 9. This buffer must be relocated to an area more acceptable to the preservation of buffer areas.

GRADING AND STORM WATER MANGEMENT

VBWD PERMIT: The project has received conditional permit approval through the VBWD. The applicant
must revise and resubmit plans to the City as plan changes are made and resubmitted to the VBWD to

meet all conditions of the VBWD permit approval. The applicant must also submit to the City written documentation from the VBWD that the permit conditions have been satisfied prior to any construction work on the site.

- A VBWD permit must be obtained for the improvements at Goose Lake. Approval for these improvements
 have not been included in the Subdivision permit.
- A VBWD permit must be obtained for all Lots on Block 8 (Preliminary Plat) or Block 6 (Final Plat). Approval for these Lots have not yet been granted.
- Storm water facilities proposed as part of the site plan to meet VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.
- Flood protection measures must be incorporated for Lots 4, 5 and 6, Block 8 due to the Wetland E perched HWL. These lots are not yet permitted by the VBWD.
- Additional information is still needed to complete a review of the proposed storm water management plan and to verify the proposed grading.
 - Wetland A area: The existing HWL for Wetland A appears to extend north over the entire existing adjacent property. More information is needed to describe and verify the existing conditions in this area including the existing elevation of the adjacent home.
 - > The Wetland A delineation must be shown on the plans.
 - Wetland A / Pond 2, Treatment Basin and Infiltration Basin 2 area: Place spot elevations at the high point enclosing Infiltration Basin 2 to ensure that the basin overflow routes west per the intended design.
- Storm water pond, infiltration basin, and wetland HWLs must be fully contained within Outlots. The 100year HWL for Wetland G encroaches proposed Lots 4, 5 and 6, Block 10, and Lot 3, Block 9.
- The grade along the east side of Infiltration basin 5 must be raised along the park entrance road.
- The Park property improvements must be revised to better separate the public use area and the lift station utility area. See attached sketch for possible concept plan.
- The Park property trail from the Goose Lake berm to the picnic area is located below the 100-year HWL and in some locations appears to be below the DNR OHWL.

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

September 18, 2014

After review of the HAMMES ESTATES FINAL PLAT – HAMMES WEST LLC, I have two areas of concern:

I have yet to receive final documentation showing that the previous soil contamination reported earlier this year has been mitigated. I recommend that the City not release the Final Plat for recording until the City has received the proper documentation related to the mitigation of the contamination.

Hydrant spacing seems to be well within our guidelines which I was very pleased to see. I would like to see the hydrant located in front of Lots 3 and 4, Block 6 on the west side of the Juniper Circle No. cul-de-sac be more equally spaced between the end of the road and the intersection at 8th St. No.

Reviewed by,

Greg Malmquist, Fire Chief

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

September 19, 2014

Review of the HAMMES ESTATES FINAL PLAT - HAMMES WEST LLC

This is a follow up to the review letter dated September 18, 2014. Let me start by thanking all parties involved for supplying all the requested documentation related to the soil clean up as requested and in such a timely manner. After reviewing the provided documentation, I followed up with the MPCA for assistance and guidance in deciphering the documentation and ensuring, for everyone's benefit, that all required procedures and processes had been followed in the mitigation of this site. In conversation with the MPCA I discovered that the specifics of this site would cause it to fall under their Brownfield Program.

At this time I am requiring that all documentation related to the mitigation of this site be sent to the MPCA Brownfield Program by the property owners or their representative for review. After review, a letter from the MPCA ensuring that the site has been properly mitigated will need to be provided to the city.

Sincerely,

Greg Malmquist, Fire Chief

"Proudly Serving Neighbors & Friends"



HAMMES PROPERTY – DESIGN REVIEW REPORT LAKE ELMO, MN

LANDSCAPE ARCHITECTURAL DESIGN REVIEW DATED SEPTEMBER 10TH, 2014

REVIEWED PLAN SET DATED AUGUST 25TH, 2014

Required Action Items by Hammes Project Team

- 1. The plan is in compliance with the landscape requirements. Since this preliminary plan doesn't call out each plant per location on plan, we are excited to look at the next generation of plan development which will have that level of specification for our review.
- 2. Where Colorado Green Spruce is specified: please replace with Norway Spruce.
- 3. Where possible, we would encourage planted islands in the cul-de-sacs within the development to reduce impervious surfaces and create a safer streetscape environment.
- 4. Please provide more information on the walls specified on the plans. Our preference is natural materials such as locally quarried stone or stone derived from the site construction process if appropriate in scale and geology.
- 5. Project Landscape Architect to provide landscape irrigation plans for all commonly held HOA & City R.O.W. areas.

SINCERELY,

LANDSCAPE ARCHITECTURE, INC.

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C DIRECTOR OF DESIGN



HAMMES PROPERTY – DESIGN REVIEW REPORT LAKE ELMO, MN

LANDSCAPE ARCHITECTURAL DESIGN REVIEW DATED SEPTEMBER 18TH, 2014

REVIEWED PLAN SET DATED SEPTEMBER 17TH, 2014

Required Action Items by Hammes Project Team

- 1. The plan is in compliance with the landscape requirements.
- 2. Where Red Gnome Dogwood is specified: please replace with another shrub selection that is a hardier choice.
- 3. Please provide more detailed landscape information for North East Park.
- 4. Please provide more detailed information on entry monuments & signage proposed.
- 5. Please provide more detail on the hardscape materials and site furnishings proposed in Outlot C.
- 6. Provide landscape irrigation plans for all commonly held HOA & City R.O.W. areas.

SINCERELY,

LANDSCAPE ARCHITECTURE, INC.

STEPHEN MASTEY, ASLA, CLARB, LEED AP BD+C DIRECTOR OF DESIGN

VALLEY BRANCH WATERSHED DISTRICT PERMIT APPLICATION

TO BE COMPLETED BY VBWD: PERMIT NUMBER <u>2014–07</u> PERMIT FEE RECEIVED <u>\$15,500</u> DATE RECEIVED <u>March 7, 2014</u>

Return application to John Hanson Barr Engineering Company Engineers for the Valley Branch Watershed District 4700 West 77th Street Edina, MN 55435-4803

A permit fee shall accompany this permit, unless waived by the Board of Managers. (Governmental Bodies are not required to pay a fee.)

Project Information	Applicant Information
Name of Project: Hammes Property	Name: rlammes wast LLC
Purpose of Project:	BRINN MCGOldeck
Single-Family subdivison to create 165 lots	Address: 36 moonlight BAF
Project Location (street address, if known; otherwise, major intersection): Westside of Keats Avenue, south of Goose Lake	City, State, Zip: STI/IWATER, MC 55052
City or Township: Lake Elmo	Slillwarter 53552
Legal Description (proof of ownership required): PID: See attached survey	Phone: 451 - 387 - 1000
Section: 34 Township: 29 Range: 21	
Project Timeline: Start Date: 4/15/2014 Completion Date: 10/31/2016	Email: bright j micoldente Dhoitmun
Authorized Agent Information	Owner Information (if different than Applicant)
Name: Ryan Bluhm	Name: Ellie WAMMES
Business Name: Westwood Professional Services	Address:
Address: 7699 Anagram Drive	City, State, Zip:
City, State, Zip: Eden Prairie, MN 55344	MAPLEWOOD, MC 55001
Phone: 952-906-7432	Phone: 657-436-8656
Fax: 952-937-5822	Fax: N/A
Email: ryan.bluhm@westwoodps.com	Email: WA

Once a Valley Branch Watershed District permit has been approved, the permit conditions will attached to the back of this form.

By signing this permit application, the permit applicant, his/her agent, and owner (hereinafter "Permittee") shall abide by all the conditions set by the Valley Branch Watershed District (VBWD). All work which violates the terms of the permit by reason of presenting a serious threat of soil erosion, sedimentation, or an adverse effect upon water quality or quantity, or violating any rule of the VBWD may result in the VBWD issuing a Stop Work Order which shall immediately cause the work on the project related to the permit to cease and desist. All work on the project shall cease until the permit conditions are met and approved by the VBWD representatives. In the event Permittee contests the Stop Work Order issued by the VBWD, Permittee shall attend a VBWD Board of Managers meeting and discuss the project. Any attorney fees, costs, or other expenses incurred on behalf of the VBWD in enforcing the terms of the permit shall be the sole expense of the permit applicant. Costs shall be payable from the permit applicant's permit fee. If said fees exceed the permit amount, the Permittee shall have ten (10) days from the date of receipt of the involce from the VBWD to pay for the cost incurred in enforcing the permit, by which to pay the VBWD for said costs. If costs are not paid within the ten (10) days, the VBWD will draw on the permit applicant's surety. The Permittee agrees to be bound by the terms of the final permit and conditions required by the VBWD for approval of the permit. The permit applicant further acknowledges that he/she has the authority to bind the owner of the property and/or any entity performing the work on the property pursuant to the terms of the VBWD permit, and shall be responsible for complying with the terms of the VBWD permit.

Signatures (Required): Hannesus 1.W in **Owner's Authorized Agent/Date** wher (if different than Applicant)/Date Applicant/Date LINCOLN FETCHER . DAVID BUCHECK . DONALD SCHEEL . DALE BORASH . RAY LUCKSINGER

VALLEY BRANCH WATERSHED DISTRICT + PO BCX 838 + LAKE ELMO MINNESOTA 55042-0538 www.vbwd org



August 25, 2014

Brian McGoldrick Hammes West, LLC 36 Moonlight Bay Stillwater, MN 55082

Re: Hammes Property: Lake Elmo, Minnesota VBWD Permit #2014-07

Dear Mr. McGoldrick:

Enclosed is the Valley Branch Watershed District (VBWD) permit for your project. Please note the following conditions imposed by the Managers, which are also listed on the back of the permit.

- This permit is not valid until the permit applicant submits documentation from the owner of the Savona development that he/she will allow an increase in the peak discharge rate from the Hammes site.
- This permit is not valid until a maintenance agreement in the general format of Appendix B of the VBWD Rules is submitted to and approved by the VBWD Attorney and fully executed.
- 3. This permit does not allow any impervious surface (other than the outlet pipe and riprap of Pond 5) to be constructed within 25 feet of Elevation 924.4 of Goose Lake. This permit does not allow for the construction of the proposed parking lot and structure at the southeast corner of Goose Lake. The proposed boardwalk must conform to all applicable standards.
- Wetland buffer signage must be installed as required by the VBWD Rules and Regulations. Specifications for the proposed signs shall be submitted and approved by the VBWD prior to installation.
- 5. Plans must be revised to include draintile around the perimeters of the proposed homes on Lots 1-3 of Block 9. This permit does not allow any homes to be constructed on Block 8. To ensure any homes constructed on Block 8 are protected from groundwater, at least 3 soil borings down to Elevation 924 must be constructed between Wetland F and the proposed building pads. Soil boring logs that include the Unified Soil Classification and any encountered water levels must be submitted.
- The required fee and surety shall be submitted prior to construction. This permit is not valid until the permit fee and surety are submitted.

VB.

DAVID BUCHECK . LINCOLN FETCHER . DALE BORASH . JILL LUCAS . EDWARD MARCHAN

- Prior to any construction, a construction sequencing plan shall be submitted, approved, and followed. The construction sequencing plan shall ensure that the project conforms to all VBWD Rules and Regulations throughout construction.
- 8. This permit is not transferable.
- 9. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including a NPDES permit).
- 10. The VBWD Engineer and Inspector shall be notified at least 3 days prior to commencement of work.
- 11. Erosion controls shall be installed prior to the commencement of grading operations and must be maintained throughout the construction period until turf is established. Additional erosion controls may be required, as directed by the VBWD Inspector or VBWD Engineer.
- 12. The following additional erosion controls shall be implemented on the site:
 - All proposed slopes 3 feet horizontal to 1 foot vertical (3H:1V) should be covered with erosioncontrol blanket.
 - b. Silt fence should follow existing contours as closely as feasible to limit the potential for gully erosion along the edges.
 - c. Any sediment that collects in storm sewers, ponds, or other water management features shall be removed.
 - d. If erosion occurs at the outlets of the storm sewer pipes, the applicant will be responsible for correcting the problem to the satisfaction of the VBWD.
- 13. To prevent soil compaction, the proposed infiltration area shall be staked off and marked during construction to prevent heavy equipment and traffic from traveling over it. If the infiltration facility is in place during construction activities, sediment and runoff shall be kept away from the facility, using practices such as diversion berms and vegetation around the facility's perimeter. The infiltration facility shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. The final phase of excavation shall remove all accumulated sediment and be done by light, tracked equipment to avoid compaction of the basin floor. To provide a well-aerated, highly porous surface, the soils of the basin floor shall be loosened to a depth of at least 24 inches to a maximum compaction of 85% standard proctor density prior to planting.
- 14. All disturbed areas shall be vegetated within 14 days of final grading.
- 15. The applicant is responsible for removal of all temporary erosion-control measures, including silt fence, upon establishment of permanent vegetation at the project site, as determined by the VBWD Engineer and/or Inspector.
- 16. Valley Branch Watershed District shall be granted drainage easements, which cover: (a) land adjacent to stormwater management facilities, wetlands, and lowlands up to their 100-year flood elevations and (b) all ditches, storm sewers, and maintenance access to the stormwater management facilities.

- 17. The minimum floor elevations for all buildable lots in the development shall be recorded in a Declaration of Covenants and Restrictions or on the final plat.
- 18. The required drainage easements and access easements shall be recorded with the Washington County Recorder's Office.
- 19. Return or allowed expiration of any remaining surety and permit close out is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD rules and regulations.

Thank you for your cooperation with the District's permit program.

Sincerely,

David J. Bucheck, President Valley Branch Watershed District

DJB/ymh Enclosure

c: Ray Marshall, VBWD Attorney Ray Roemmich, VBWD Inspector Molly Shodeen, MDNR
Kyle Klatt, City Planning Director—City of Lake Elmo Jack Griffin, City Engineer, FOCUS Engineering—City of Lake Elmo Building Inspector—City of Lake Elmo Ryan Bluhm, Westwood Professional Services—Authorized Agent Ellie Hammes—Owner
Nathan Campbell, Corps of Engineers
Brad Johnson, MDNR
Jed Chesnut, Washington Conservation District
Brooke Haworth MDNR
Ben Meyer, Minnesota Board of Water and Soil Resources
Karen Wold, Barr Engineering Company
Yvonne Huffman, Barr Engineering Company

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MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Public Waters Work Permit

Expiration Date: 08/27/2016

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

Project Name:	County:	Watershed:	Resource:		
Goose Lake shoreland berm	Washington	Lower St. Croix River	Sand/Gravel Pit: Sand/Grave Pit; Ditch: Ditch; Wetland: Goose (South) (82011302)		
Purpose of Permit: Harbor/Slip/Channel/Ditch Fill Permittee:		Authorized Action: Place approximately 3,000 cubic yards of clean inorganic fill to create ditch block at the south end of Goose Lake to restore the shoreline to disconnect previously excavated gravel pit section from the lake; in accordance with plans received with the permit application 07-29-2014 and 08-06-2014.			
					Authorized Agents (2):
		HAMMES WEST LLC CONTACT: HAMMES, MR. 36 MOONLIGHT BAY STILLWATER , MN 55082 (651) 436-8656		KELLY BOPRAY N7831 920TH STREET RIVER FALLS, WI 54022 (715) 307-4577 kjbopray@yahoo.com	
		JAMES GASPERINI 3121 ST. CROIX TRAIL SOUTH AFTON, MN 55001 (651) 436-8656 alo@aftonlaw.net			

UTM zone 15N, 507429m east, 4978468m north (centroid), SENE of Section 34, T29N, B21W

SEIVE DI Section 34, 12314, 12314				
Authorized Issuer:	Title:	Issued Date:	Effective Date:	Expiration Date:
Molly Shodeen	Area Hydrologist	08/27/2014	08/27/2014	08/27/2016

This permit is granted subject to the following CONDITIONS:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

Permit Number

2015-0193

CONDITIONS (Continued from previous page)

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: http://www.bwsr.state.mn.us/wetlands/wca/index.html#general.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at http://files.dnr.state.mn.us/eco/invasives/lines/infested_waters.pdf. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

EROSION AND SEDIMENT CONTROL: In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between March 15 and June 30, to minimize impacts on fish spawning and migration. If work during this time is essential,

CONDITIONS (Continued from previous page)

it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

MAINTENANCE: Maintenance of this project to originally authorized conditions may be authorized by amendment to this permit.

MONITORING: The filled area shall be monitored for invasive species for a period of 5 years while the native vegetation is established. Planted area shall be monitored for species survival and replanted as necessary to maintain a robust planting.

FLOATING SILT CURTAIN: A floating silt curtain shall be placed in Goose Lake and maintained until the berm is stabilized with appropriate native vegetation.

 cc: Scott Arntzen, Conservation Officers, Forest Lake Jed Chesnut, SWCD
 Brooke Haworth, DNR Regional Environmental Assessment Ecologist, Region 3 Tim Marion, DNR Wildlife, North Metro
 TJ DeBates, DNR Fisheries, East Metro Area
 Michael Welling, County, Washington
 John Hanson, Watershed District, VALLEY BRANCH WD
 Tom Hingsberger, Corps of Engineers, Washington
 Jay Riggs, SWCD, Washington Conservation District
 Dean Zuleger, City, Lake Elmo

MINUTES

City of Lake Elmo Park Commission Monday, July 21, 2014

Members Present: Hartley, Nelson, Ames, Weis, Zeno, Silvernale, Hietpas (6:34 pm) Members Absent: Steele, Frick Others Present: Planning Commissioner Larson, Taxpayer Relations & Communications Coordinator MacLeod, PWS Bouthilet, Park Maintainer Colemer, Councilmember Reeves, City Administrator Zuleger, Planning Intern Catherine Riley

The meeting was called to order by Chair Weis at 6:30 PM.

Approval of Agenda

Ames asked to add an item after VI.c - Sunfish Lake Park task force to discuss maintenance and entrance issues in park areas 2 & 3.

M/S/P: Hartley/Ames: Approved as amended 6-0

Approval of June 16, 2014 Minutes

Ames asked to change the word "toilet" to "toilets" on page three under item b.

M/S/P: Ames/Hartley: Approved as amended 6-0

Presentations

a. 2014 Trail Audit - Riley

Riley presented a trail audit packet that she has worked on. The plan discussed benefits of trails in a community, and emphasized the importance that the city trail system tie into regional trail systems. The audit was conducted on existing and future trails and detailed quality and material of the trails, rated on the PASER system.

Ames stated that he thought Riley did a great job, and felt it was a helpful update and provides insight that hadn't been addressed before. Ames asked if it would be appropriate to consider the trail system within the park reserve. Riley responded that there would likely be a lot of red tape to navigate around, but thought that it would be worth opening up that discussion. Ames referenced the existing trail system and felt that it was not an actual system, but more a series of groupings. He expressed that they need to be mindful going forward to make sure that they trails are connecting. Ames suggested that incoming developers are told up front about the philosophy to connect trails outside for each neighborhood.

Zuleger commented that the new 5th Street plan would include a connecting trail and felt that the key was to continue to work on the Lake Elmo Regional trail system.

Ames thought it might be worth approaching HOAs to see if they would like the City to take over maintenance of their private trails, as there is a high cost to maintain them. Riley responded that the planning department has approached HOAs about trail ownership and have received a mixed response, some negative. Zuleger stated that if the city were to take over maintenance on the trails, it is assumed that they would become public trails, and some HOAs are against that; would like to keep their trails private

Zeno added that he didn't think acquisition of HOA trails needed to be an all or nothing thing. That some of the HOA trails wouldn't necessarily contribute to the regional trail plan. Zeno also commented that if HOAs refused to make their trails public he advises that the City would build the trail system around those neighborhoods.

a. Park Sign Update (MacLeod)

MacLeod shared that two signs were finished (Reid and Pebble) and picked up earlier that day. The rest of the signs are anticipated to be completed by the first week of August, with Sunfish Lake Park being the next in line for completion. An amenity panel for one of the signs was in the council chambers for the commission to view.

b. LERT Update (Weis)

Weis stated that city planner Johnson has continued to talk to Washington County and that they are working on the west side access plan. Zuleger added that the LERT is currently on hold but the city has been talking with the county about being incorporated into the master plan to be considered by the Met Council. Zuleger added that Met Council Park and Open Space Chair, former Mayor Johnston, recently dropped off a copy of the master plan, which has been serving as a guide for next steps.

Hietpas referenced the search corridor and stated that the LERT was not currently part of that plan. She commented that regionally, there are a lot of trails going on in other areas, but hardly anything in Washington County and she would like to see more priority placed on Lake Elmo trails at a county level. Weis commented on other communities coming forward and that trail plan requests are becoming more prevalent in the county.

Ames asked what the next steps are. Zuleger responded that the city has been requesting that the search corridor be included as a key corridor in the county's trail plan between Oakdale and Stillwater, connecting to a regional park. The City is continuing to have conversations with the county about the best way to access the Lake Elmo Park Reserve. Weis has offered to present the LERT presentation to the County to keep the ball rolling. He emphasized that it is important to get included in the plan because it will open up a lot of funding opportunities.

c. Hammes Park Space (Zuleger)

Zuleger stated that there was an item not on the agenda that needed to be addressed: The Hammes subdivision park space. To recap, Zuleger shared that per previous discussion and in response to the commission's request, the Hammes developers had placed the park in the northwest corner of the development near Keats Avenue and Goose Lake. The proposed park space includes a fishing pier, shelter, grill, parking lot and is also where the lift station is located. Currently the plan does not include a play structure, which was initially requested by the park commission as a condition of approval. The Hammes developers are seeking input from the commission as to what type of play structure to include, and if they could receive credit for parkland dedication if the structure was included. Zuleger continued to point out additional green/meeting spaces within the development and the 100' buffer perimeter per the comp plan (including a trail).

Ames thought he remembered a small park internally in the neighborhood that would have a play structure. He is not sure that a play structure near a 55 mph roadway is a good place for a play structure. Ames also questioned where neighborhood children would play, as lot sizes looked small to consider private play sets.

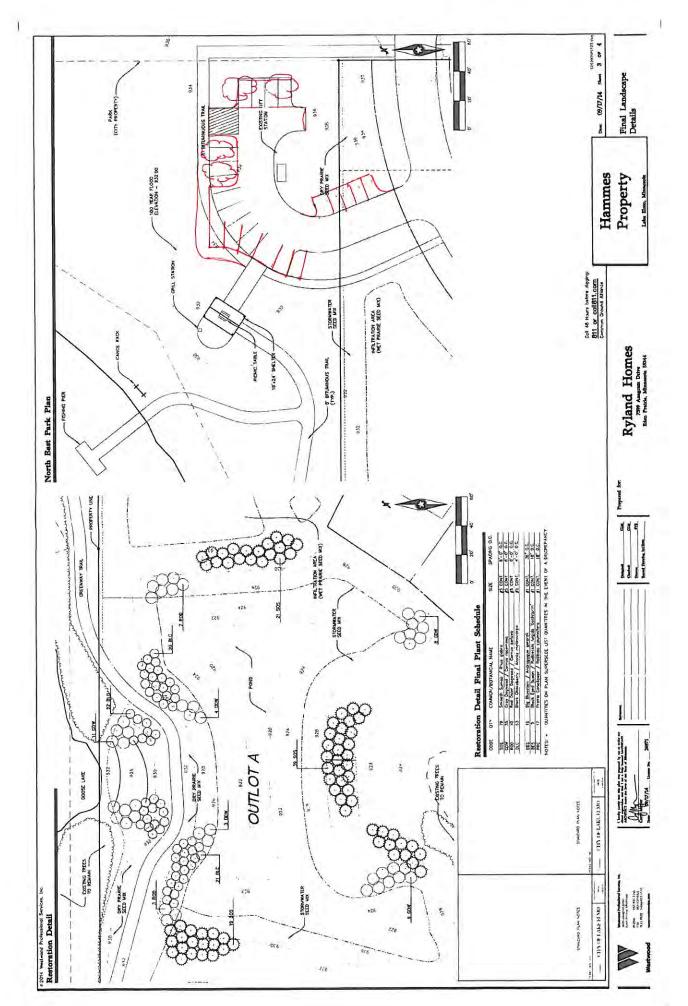
Zuleger pointed out that the Lake Elmo Park Reserve was located a mile north of the development, with a phenomenal play set. Ames stated that he didn't feel current playgrounds were within reasonable walking distance for residents. Hietpas shared that she didn't feel that the green spaces included throughout the development were large enough for community meeting spaces.

Zuleger pointed out the location of neighboring parks in Stonegate and Lennar neighborhoods.

The commission requested that a location central in the neighborhood be considered for play structure placement. Zuleger said that he would forward their comments to the developers.

Meeting adjourned at 9:54 PM

Respectfully Submitted, Alyssa MacLeod, Recording Secretary





Element Materials Technology 662 Cromwell Avenue St Paul, MN 55114-1720 USA

P 651 645 3601 F 651 659 7348 T 888 786 7555 info stpaul@element.com element com

Hammes Estates Development Located West Of Keats Avenue North Lake Elmo, Minnesota 55042 Element Materials Technology St. Paul Inc. Project No. ESP015780P

FIELD OBSERVATION

On 5/6/14 approximately 90 yds³ of soil was excavated below a former wash conveyor line located at Latitude = 44° 57.501', Longitude = -90° 54.348', Elevation 938'. The recent discovery of petroleum impacted soil was promptly reported to the Minnesota Duty Officer under Duty Officer report #141426. Consistent with the standards and practices set forth by the MPCA, the soil was excavated then placed under and atop non-permeable polypropylene sheeting pending offsite landfill approval. Additional soil was then incorporated from another recent onsite contractor diesel fuel spill located at UTM coordinates 507425.87 meters easting, 4978168.15 meters northing. Both of these removal excavations were administered under the direction of an environmental professional using a Photoionization Detector (PID) to screen the soils. Whereas the areas were excavated until the native soil background levels in the base & sidewalls were free of any detectible PID levels. These recent spill episodes were excavated from the site in a timely manner such that no measureable levels of contamination remain onsite under and around these spill areas. Confirmation lab work of the stockpiled soil was then collected prior to the permitting of said soil for proper offsite disposal. On 8/6/14 & 8/7/14, 161 yds³ of petroleum soil was transported to the SKB landfill in Rosemount, MN for proper disposal.

CONCLUSIONS AND RECOMMENDATIONS

The recent onsite cleanup measures were successful in the complete excavation of petroleum impacted soils. In-sofar as the base and sidewalls under the "knee deep" excavations exhibited no detectible levels of petroleum vapors.

The earthwork contractor was hereby advised to fuel their equipment over areas equipped with a non-permeable poly "spill shield" or similar containment as to eliminate the risk of adverse environmental impacts to the soils. Our frequent onsite inspections have not seen any repeated spillages at the site.

At the time of this field observation, no additional investigation or cleanup measures have been required in association with this recent reported spill. Since both of the "post excavation" base and sidewall test samples were below the 10 parts per million PID values set forth by MPCA guidance 3-01, no additional investigation or cleanup measures is anticipated or required.

STANDARD OF CARE

Services performed for this project have been conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in this area under similar budget and time constraints. No warranties, expressed or implied, are made. The material contained in this report is to be considered confidential. Distribution, sale or publication of this report or any part thereof without the expressed written consent of Element Materials Technology St. Paul, Inc. is prohibited. Additional copies of this report and their associated reliance letters may be obtained by contacting Element Materials Technology St. Paul Inc.

ELEMENT MATERIALS TECHNOLOGY ST. PAUL INC. Report Prepared By:

Malank

Mike Malinowski, CES **Certified Environmental Specialist**

Mark Straight, PE Senior Project Engineer

MN Reg. No. 41658

A/QC Reviewed by

Attachments: Spill Location Diagram; Proof of Disposal/ Landfill Manifests; Site Photographs & Coordinates and Stockpile Labwork



ELEANOR D. HAMMES 1187 FROST AVENUE MAPLEWOOD, MN 55109 651-774-1761

October 8, 2015

Mr. Clark Schroeder Interim City Administrator City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, MN 55042

> Re: Hammes Estates **Final Plat and Development Contract**

Dear Mr. Schroeder:

On October 7, 2014, the Lake Elmo City Council approved the Hammes Estates Final Plat and Development Contract for my family's property (Resolution No. 2014-81). Due to various complexities, the Final Plat was not recorded. We are working on the issues and now feel ready to move forward with the project as previously approved.

Accordingly, we are requesting that the City Council extend our Final Plat approval and Development Contract for two years from the original date of approval (until October 7, 2016).

Thank you for your consideration.

Sincerely, Eleanor D. Hammer

Eleanor D. Hammes, Owner