



NOTICE OF MEETING

City Council Meeting

Tuesday, April 3, 2018 7:00 P.M.

City of Lake Elmo | 3800 Laverne Avenue North

AGENDA

A. Call to Order/Pledge of Allegiance

B. Approval of Agenda

C. Accept Minutes

1. March 20, 2018

D. Public Comments/Inquires

E. Presentations

F. Consent Agenda

2. Approve Payment of Disbursements and Payroll
3. Receive Draft EAW for Lake Elmo Airport
4. Approve Corridors of Commerce Resolution of Support – *Resolution 2018-030*
5. MSAS System Revisions – Resolution Approving MSA Designations – *Resolution 2018-031*
6. CSAH 13 (Ideal Ave/Olson Lake Tr) – Approve Pay Request No. 1 to City of Oakdale.
7. 2018 Street Improvements – Approve Plans & Specs; Authorize Ad for Bids – *Resolution 2018-032*
8. Approve Abatement for 2298 Inwood Ave – *Resolution 2018-033*
9. Approve An Ordinance Amending Chapter 51 of the City Code to Include Penalties for Not Connecting to Municipal Sewer- *Ordinance 08-204; Resolution 2018-034*
10. Approve Summary Publication of Assessment of Service Charges and Nuisance Abatement Ordinance- *Resolution 2018-024*
11. Approve Purchase of Asphalt Roller
12. Approve Hiring of Public Works Operator III
13. Approve Appointment to Finance Committee
14. Approve Appointment to Maintenance Advisory Committee
15. Approve Driveway Ordinance and Fee Schedule Amendments – *Ordinance 08-206; Ordinance 08-207; Resolution 2018-039*

G. Regular Agenda

16. Mountain Biking Proposal at Reid Park with SASCA – *Resolution 2018-036*
17. CSAH 17 (Lake Elmo Ave) Phase 3 Improvements (Preliminary Layout) - *Resolution 2018-035*
18. Subdivision Regulations Update – *Ordinance 08-205; Resolution 2018-037*
19. Variance Requests for 8728 DeMontreville Trail – *Resolution 2018-038*
20. Summary of Closed Session Regarding City Administrator Performance Review

H. Council Reports

I. Staff Reports and Announcements

J. Closed Session

The council will enter a closed session pursuant to Minn. Stat. § 13.D.05 Subd. 3, in order to develop or consider offers and/or counteroffers for the purchase of real property located at 3880 Laverne Ave in Lake Elmo, Minnesota.

K. Adjourn

**CITY OF LAKE ELMO
CITY COUNCIL MINUTES
MARCH 20, 2018**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

PRESENT: Mayor Mike Pearson and Councilmembers Julie Fliflet and Christine Nelson.
ABSENT: Councilmembers Bloyer and Lundgren.

Staff present: Administrator Handt, City Attorney Sonsalla, City Engineer Griffin, Planning Director Becker, Public Works Director Weldon, Fire Chief Malmquist and City Clerk Johnson.

APPROVAL OF AGENDA

Item 3, “Approve Payment of Disbursements and Payroll” and Item 9, “Approve Assessment of Service Charges and Nuisance Abatement Ordinance” were moved to the Regular Agenda.

Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE THE AGENDA AS AMENDED. Motion passed 3 – 0.

ACCEPT MINUTES

Minutes of the March 6, 2018 Regular Meeting were accepted as presented.

PUBLIC COMMENTS/INQUIRIES

None

PRESENTATIONS

Jenny Terwedo presented the City with a donation of \$1,336 which represents funds raised at a spaghetti dinner fundraiser held at Arbor Glen Senior Living to benefit the Lake Elmo Fire Department.

Councilmember Fliflet, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-023 ACCEPTING A DONATION FROM ARBOR GLEN SENIOR LIVING FOR THE LAKE ELMO FIRE DEPARTMENT SAFE HAVEN PROGRAM.

Motion passed 3 – 0.

CONSENT AGENDA

3. Approve Payment of Disbursements and Payroll
4. Accept February 2018 Public Works Department Report
5. Accept February 2018 Building Department Report
6. Accept February 2018 Fire Department Report

7. 2017 Street Improvements - Approve Change Order No. 3.
8. 2017 Street Improvements – Approve Pay Request No. 5.
9. ~~Approve Assessment of Service Charges and Nuisance Abatement Ordinance Ordinance No 08-203, Resolution 2018-024~~
10. Approve Cooperative Agreement with Washington County for BoldPlanning Software
11. Accept Resignation of Part Time Firefighter
12. Authorize Advertising for and Creating an Eligibility List of Part Time Fire Fighters
13. Accept Resignation of Public Works Operator
14. Approve Step Increase, Assistant Administrator
15. Approve Step Increase, City Planner
16. Approve Letter of Appeal Regarding Water Appropriation Permit Conditions

Councilmember Fliflet, seconded by Mayor Pearson, moved TO APPROVE THE CONSENT AGENDA AS PRESENTED. Motion passed 3 - 0.

ITEM 3: Approve Payment of Disbursements and Payroll

Brief discussion held concerning payment of outstanding invoices for the Lake Elmo Library.

Mayor Pearson, seconded by Councilmember Nelson, moved TO APPROVE PAYMENT OF DISBURSEMENTS AND PAYROLL. Motion passed 3 – 0.

ITEM 9: Approve Assessment of Service Charges and Nuisance Abatement Ordinance

Brief discussion held concerning amending the nuisance abatement procedure.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO AMEND SECTION 96.11(A) TO STATE THAT THE BUILDING OFFICIAL, OR HIS OR HER DESIGNATED REPRESENTATIVE, AFTER CONSULTATION WITH THE CITY ADMINISTRATOR MAY ABATE THE NUISANCE AFTER PROVIDING WRITTEN NOTICE TO THE AFFECTED RECORD PROPERTY OWNER. Motion passed 3 – 0.

Councilmember Fliflet, seconded by Councilmember Nelson, moved TO ADOPT ORDINANCE 08-203 AS AMENDED. Motion passed 3 – 0.

ITEM 17: Wildflower at Lake Elmo 3rd Addition Plat and PUD

Planning Director Becker presented the plat drawing, engineering comments and recommended conditions of approval for the Wildflower at Lake Elmo 3rd Addition Plat and PUD.

Councilmember Nelson, seconded by Councilmember Fliflet, moved TO ADOPT RESOLUTION 2018-025 APPROVING THE FINAL PLAT AND PUD DEVELOPMENT PLANS FOR THE WILDFLOWER AT LAKE ELMO 3RD ADDITION WITH NINE

CONDITIONS BASED ON THE FINDINGS LISTED IN THE STAFF REPORT. Motion passed 3 – 0.

ITEM 18: Hammes 3rd Addition Development Agreement

Planning Director Becker reviewed the proposed Hammes Estates 3rd Addition Developer Agreement.

Councilmember Nelson, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2018-026 APPROVING THE DEVELOPERS AGREEMENT FOR HAMMES ESTATES 3RD ADDITION. Motion passed 3 – 0.

ITEM 19: Sign Variance for Park Dental at 8980 Hudson Blvd. N.

City Planner Becker presented the request for a variance to allow an additional sign on the side of the Park Dental Building at 8980 Hudson Boulevard North.

Councilmember Fliflet, seconded by Councilmember Nelson, moved TO ADOPT RESOLUTION 2018-028 APPROVING THE VARIANCE REQUEST AT 8980 HUDSON BLVD N TO ALLOW A THIRD WALL SIGN BASED ON THE FINDINGS AND CONDITIONS IDENTIFIED IN THE STAFF REPORT. Motion passed 3 – 0.

ITEM 20: Royal Golf at Lake Elmo 1st Addition Development Agreement and Letter of Credit Reduction

City Planner Becker reviewed the landscape plans for tree planting and reviewed the proposed amendments.

Councilmember Fliflet, seconded by Mayor Pearson, moved TO ADOPT RESOLUTION 2018-028 WITH AMENDMENTS TO THE FIFTH WHEREAS CLAUSE STATING THAT THE TREES PLANTED WITHIN PRIVATE LOTS WILL BE PRIVATELY WARRANTIED. Motion passed 3 – 0.

Mayor Pearson, seconded by Councilmember Fliflet, moved TO APPROVE SECURITY REDUCTION FOR LANDSCAPING FOR THE ROYAL GOLF CLUB 1ST ADDITION BY \$47,604. Motion passed 3 – 0.

ITEM 21: Plow Truck Purchase

Public Works Director Weldon provide a brief overview of the proposed plow truck purchase and added that a conveyor would be added for asphalt.

Councilmember Nelson, seconded by Councilmember Fliflet, moved TO APPROVE THE PURCHASE OF A SINGLE AXLE DUMP TRUCK/SNOW PLOW FOR AN AMOUNT NOT TO EXCEED \$243,000, Motion passed 3 – 0.

COUNCIL REPORTS

Mayor Pearson: Attended meetings regarding the 3M settlement with the State of Minnesota and meetings regarding the mountain biking proposal.

Councilmember Nelson: No report.

Councilmember Fliflet: No report.

STAFF REPORTS AND ANNOUNCEMENTS

Administrator Handt: Reminded the public that applications are being accepted for vacancies on the Finance Committee. Noted MPCA and DNR will hold an open house on March 29th at Oak Land Middle School. Announced the upcoming LMC conference.

Sergeant Osterman: Invited the public to attend Coffee with a Cop at Lake Elmo Coffee, March 21st, 8:00 – 10:00 a.m.

City Attorney Sonsalla: Working on the delayed sewer connection policy and Hidden Meadows.

Planning Director Becker: Announced upcoming open house for comprehensive plan updates.

City Engineer Griffin: Working on plan review for Legacy, Wildflower, Hammes and Fairfield Inn.

Meeting adjourned at 7:50 pm.

LAKE ELMO CITY COUNCIL

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk



STAFF REPORT

DATE: April 03, 2018
CONSENT

TO: Mayor and City Council
FROM: Amy La Belle, Accountant
AGENDA ITEM: Payments & Disbursements
REVIEWED BY: Kristina Handt, City Administrator

BACKGROUND INFORMATION/STAFF REPORT:

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

FISCAL IMPACT:

Claim #	Amount	Description
ACH	\$ 62,699.60	Payroll 03/29/18
47187-47236	\$ 181,989.36	Accounts Payable 04/03/18
TOTAL	\$ 244,688.96	

RECOMMENDATION:

If removed from the consent agenda, the recommended motion is as follows:

“Motion to approve the aforementioned disbursements in the amount of \$ 244,688.96.”

ATTACHMENTS:

1. Accounts Payable – check register

Accounts Payable To Be Paid Proof List

OK - BAS - 3/28/18

User: Amy
Printed: 03/28/2018 - 9:17 AM
Batch: 001-01-2018

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
Accela, Inc										
ACCELA										
INV-ACC38678	03/20/2018	3,388.00	0.00	04/03/2018	2018 Springbrook Upgrade		-			No 0000
101-410-1520-43190	Software Programs									
INV-ACC38678	03/20/2018	3,388.00	0.00	04/03/2018	2018 Springbrook Upgrade		-			No 0000
601-494-9400-43180	Software Support									
INV-ACC38678	03/20/2018	3,388.00	0.00	04/03/2018	2018 Springbrook Upgrade		-			No 0000
602-495-9450-43180	Software Support									
	INV-ACC38678 Total:	10,164.00								
	ACCELA Total:	10,164.00								
	Accela, Inc Total:	10,164.00								
Advanced Auto Parts										
ADVAUTO										
2055-434986	03/15/2018	23.78	0.00	04/03/2018	Head Light		-			No 0000
101-430-3100-42210	Repair/Maint. Supplies									
	2055-434986 Total:	23.78								
	ADVAUTO Total:	23.78								
	Advanced Auto Parts Total:	23.78								
Bayerl Water Resources										
BAYERLWA										
18-226	03/16/2018	1,882.86	0.00	04/03/2018	Wellhead Protection Plan		-			No 0000
601-494-9400-43150	Contract Services									
	18-226 Total:	1,882.86								
	BAYERLWA Total:	1,882.86								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Bayerl Water Resources Total:		1,882.86								
Berschens Janet										
BERSCHEN										
20180326	03/26/2018	240.06	0.00	04/03/2018	Overpymt - 9579 45th Street N		-			No 0000
603-000-0000-37100	Surface Water Utility Sales									
	20180326 Total:	240.06								
	BERSCHEN Total:	240.06								
Berschens Janet Total:		240.06								
Bolton & Menk, Inc										
BOLTONME										
0214271	02/21/2018	19,116.00	0.00	04/03/2018	2018 Street Project 2017.156		-			No 0000
409-480-8000-43150	Contract Services									
	0214271 Total:	19,116.00								
0214273	02/21/2018	1,542.93	0.00	04/03/2018	I-94 Lift Station Project 2016.134		-			No 0000
602-495-9450-43150	Contract Services									
	0214273 Total:	1,542.93								
0214274	02/21/2018	922.00	0.00	04/03/2018	Royal Golf Project 2016.125		-			No 0000
803-000-0000-22910	Developer Payments									
	0214274 Total:	922.00								
0215265	03/20/2018	923.00	0.00	04/03/2018	2018 Street Project 2017.156		-			No 0000
409-480-8000-43150	Contract Services									
	0215265 Total:	923.00								
0215270	03/20/2018	739.97	0.00	04/03/2018	I-94 Lift Station Project 2016.134		-			No 0000
602-495-9450-43150	Contract Services									
	0215270 Total:	739.97								
0215271	03/20/2018	369.50	0.00	04/03/2018	Royal Golf 1st		-			No 0000
803-000-0000-22910	Developer Payments									
	0215271 Total:	369.50								
	BOLTONME Total:	23,613.40								
Bolton & Menk, Inc Total:		23,613.40								
Boyer Trucks										
BOYER										
1215570	03/09/2018	126.86	0.00	04/03/2018	Head light repair parts 98-2		-			No 0000
101-430-3100-42210	Repair/Maint. Supplies									
	1215570 Total:	126.86								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	BOYER Total:	126.86								
	Boyer Trucks Total:	126.86								
Bujold Cliff										
BUJOLD										
20180210-2	02/10/2018	57.46	0.00	04/03/2018	Mailbox repair supplies - reissued		-		No	0000
101-430-3100-42240	Str. Maint/Landscape Materials									
	20180210-2 Total:	57.46								
	BUJOLD Total:	57.46								
	Bujold Cliff Total:	57.46								
Central Pension Fund										
CENTRALP										
20180315	03/15/2018	480.00	0.00	04/03/2018	CPF Contributions - 031518		-		No	0000
101-000-0000-21714	Union Pension									
	20180315 Total:	480.00								
	CENTRALP Total:	480.00								
	Central Pension Fund Total:	480.00								
Century Power Equipment										
CENTPOW										
739169	03/08/2018	65.95	0.00	04/03/2018	Chainsaw parts		-		No	0000
101-430-3100-42210	Repair/Maint. Supplies									
	739169 Total:	65.95								
739434	03/15/2018	54.03	0.00	04/03/2018	Chainsaw parts		-		No	0000
101-430-3100-42210	Repair/Maint. Supplies									
739434	03/15/2018	54.03	0.00	04/03/2018	Chainsaw parts		-		No	0000
101-450-5200-42210	Repair/Maint. Supplies									
	739434 Total:	108.06								
739595	03/19/2018	44.46	0.00	04/03/2018	chainsaw chain		-		No	0000
101-450-5200-44040	Repairs/Maint Eqpt									
	739595 Total:	44.46								
	CENTPOW Total:	218.47								
	Century Power Equipment Total:	218.47								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Cintas Corporation #754										
CINTAS										
4004432726	03/14/2018	122.91	0.00	04/03/2018	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
4004432726	03/14/2018	58.31	0.00	04/03/2018	Rugs/soap/rags		-		No	0000
101-430-3100-44170	Uniforms									
	4004432726 Total:	181.22								
4004576482	03/21/2018	123.91	0.00	04/03/2018	Uniforms		-		No	0000
101-430-3100-44170	Uniforms									
4004576482	03/21/2018	33.88	0.00	04/03/2018	Rugs/soap/rags		-		No	0000
101-430-3100-44170	Uniforms									
	4004576482 Total:	157.79								
	CINTAS Total:	339.01								
Cintas Corporation #754 Total:		339.01								
City of Oakdale										
CTYOAKDA										
10000460-01	02/28/2018	13,474.50	0.00	04/03/2018	Water meter-South Pit 020118-030118		-		No	0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	13,474.50								
201803126020	03/12/2018	24,970.81	0.00	04/03/2018	CSAH 13 Project 2015.125		-		No	0000
602-495-9450-43150	Contract Services									
201803126020	03/12/2018	41,921.25	0.00	04/03/2018	CSAH 13 Project 2015.125		-		No	0000
409-480-8000-43150	Contract Services									
	201803126020 Total:	66,892.06								
201803226042	03/22/2018	1,164.73	0.00	04/03/2018	E1 steering repair		-		No	0000
101-420-2220-44040	Repairs/Maint Eqpt									
	201803226042 Total:	1,164.73								
	CTYOAKDA Total:	81,531.29								
City of Oakdale Total:		81,531.29								
City of Roseville										
CTYROSEV										
224336	03/22/2018	5,748.00	0.00	04/03/2018	IT Service - March 2018		-		No	0000
101-410-1450-43180	Information Technology/Web									
	224336 Total:	5,748.00								
224366	03/22/2018	96.72	0.00	04/03/2018	Telephone Svs - March 2018		-		No	0000
101-410-1320-43210	Telephone									
224366	03/22/2018	48.36	0.00	04/03/2018	Telephone Svs - March 2018		-		No	0000
101-410-1520-43210	Telephone									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
224366	03/22/2018	48.36	0.00	04/03/2018	Telephone Svs - March 2018		-			No 0000
101-410-1910-43210	Telephone									
224366	03/22/2018	24.18	0.00	04/03/2018	Telephone Svs - March 2018		-			No 0000
101-410-1940-43210	Telephone									
224366	03/22/2018	48.36	0.00	04/03/2018	Telephone Svs - March 2018		-			No 0000
101-420-2100-43210	Telephone									
224366	03/22/2018	72.53	0.00	04/03/2018	Telephone Svs - March 2018		-			No 0000
101-420-2400-43210	Telephone									
224366	03/22/2018	145.08	0.00	04/03/2018	Telephone Svs - March 2018		-			No 0000
101-430-3100-43210	Telephone									
	224366 Total:	483.59								
	CTYROSEV Total:	6,231.59								
	City of Roseville Total:	6,231.59								
Core & Main LP										
CORE										
1493714	03/06/2018	2,189.64	0.00	04/03/2018	Hydrant markers		-			No 0000
601-494-9400-42210	Repair/Maint. Supplies									
	1493714 Total:	2,189.64								
1554347	03/08/2018	1,331.17	0.00	04/03/2018	Water Meter Couplings		-			No 0000
601-494-9400-42300	Water Meters & Supplies									
	1554347 Total:	1,331.17								
1558092	03/08/2018	290.00	0.00	04/03/2018	Water Meter Programmer		-			No 0000
601-494-9400-42300	Water Meters & Supplies									
	1558092 Total:	290.00								
	CORE Total:	3,810.81								
	Core & Main LP Total:	3,810.81								
Dakota County Tech College										
DCTC										
156214	02/11/2018	900.00	0.00	04/03/2018	Drivers Training x 6		-			No 0000
101-420-2220-44370	Conferences & Training									
156214	02/11/2018	300.00	0.00	04/03/2018	Drivers Training x 2 Part Timers		-			No 0000
101-420-2220-44370	Conferences & Training									
	156214 Total:	1,200.00								
	DCTC Total:	1,200.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Dakota County Tech College Total:		1,200.00								
Dell Marketing L.P.										
DELLMARK										
10227373169	03/01/2018	135.59	0.00	04/03/2018	Dell Notebook docking station		-		No	0000
601-494-9400-42400	Small Tools & Minor Equipment									
	10227373169 Total:	135.59								
	DELLMARK Total:	135.59								
Dell Marketing L.P. Total:		135.59								
Delta Dental Of Minnesota										
DELTA										
7227285	03/15/2018	632.45	0.00	04/03/2018	April 2018 Premium		-		No	0000
101-000-0000-21706	Medical Insurance									
	7227285 Total:	632.45								
	DELTA Total:	632.45								
Delta Dental Of Minnesota Total:		632.45								
Gonyea Homes										
GONYEA										
20180205	02/05/2018	2,000.00	0.00	04/03/2018	Escrow refund 2017-468 4107 Lavender Ave		-		No	0000
803-000-0000-22900	Deposits Payable									
	20180205 Total:	2,000.00								
	GONYEA Total:	2,000.00								
Gonyea Homes Total:		2,000.00								
Great America Financial										
GREATAM										
22325733	03/16/2018	430.24	0.00	04/03/2018	Sharp MX-5141N Maint Feb 2018		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	22325733 Total:	430.24								
22325734	03/16/2018	402.14	0.00	04/03/2018	Sharp MX-5070 Maint Feb 2018		-		No	0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	22325734 Total:	402.14								
	GREATAM Total:	832.38								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Great America Financial Total:		832.38								
HACH Company										
HACH										
10861711	03/02/2018	607.29	0.00	04/03/2018	Fluoride sample supplies		-		No	0000
601-494-9400-42160	Chemicals									
10861711 Total:		607.29								
HACH Total:		607.29								
HACH Company Total:		607.29								
Hawkins, Inc.										
HAWKINS										
4235089	02/23/2018	20.00	0.00	04/03/2018	Chlorine		-		No	0000
601-494-9400-42160	Chemicals									
4235089 Total:		20.00								
HAWKINS Total:		20.00								
Hawkins, Inc. Total:		20.00								
Holiday Credit Office										
HOLIDAYC										
20180215	02/15/2018	73.14	0.00	04/03/2018	Fuel		-		No	0000
101-420-2220-42120	Fuel, Oil and Fluids									
20180215 Total:		73.14								
HOLIDAYC Total:		73.14								
Holiday Credit Office Total:		73.14								
Innovative Office Solutions										
INNOVAT										
IN1978861	03/22/2018	6.54	0.00	04/03/2018	Office Supplies		-		No	0000
101-410-1320-42000	Office Supplies									
IN1978861	03/22/2018	28.65	0.00	04/03/2018	Office Supplies		-		No	0000
101-420-2400-42000	Office Supplies									
IN1978861	03/22/2018	17.95	0.00	04/03/2018	Office Supplies		-		No	0000
101-410-1910-42000	Office Supplies									
IN1978861	03/22/2018	5.97	0.00	04/03/2018	Office Supplies		-		No	0000
101-410-1520-42000	Office Supplies									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	IN1978861 Total:	59.11								
	INNOVAT Total:	59.11								
	Innovative Office Solutions Total:	59.11								
Johnson & Turner Attorneys										
JOHNSON&										
70146	02/28/2018	3,500.00	0.00	04/03/2018	Prosecution Svs Feb 2018		-			No 0000
101-420-2150-43045	Attorney Criminal									
	70146 Total:	3,500.00								
	JOHNSON& Total:	3,500.00								
	Johnson & Turner Attorneys Total:	3,500.00								
Kath Fuel Oil Service Co										
kathfuel										
618699	03/08/2018	1,990.12	0.00	04/03/2018	Diesel Fuel		-			No 0000
101-430-3100-42120	Fuel, Oil and Fluids									
	618699 Total:	1,990.12								
618700	03/08/2018	1,626.03	0.00	04/03/2018	Diesel Fuel		-			No 0000
101-430-3100-42120	Fuel, Oil and Fluids									
	618700 Total:	1,626.03								
618704	03/08/2018	625.73	0.00	04/03/2018	Unleaded Fuel		-			No 0000
101-430-3100-42120	Fuel, Oil and Fluids									
	618704 Total:	625.73								
	kathfuel Total:	4,241.88								
	Kath Fuel Oil Service Co Total:	4,241.88								
Kennedy & Graven, Chartered										
KENGRAVE										
142007	03/19/2018	3,181.62	0.00	04/03/2018	General Matters		-			No 0000
101-410-1320-43040	Legal Services									
142007	03/19/2018	6,389.84	0.00	04/03/2018	3M Litigation		-			No 0000
601-494-9400-43040	Legal Services									
142007	03/19/2018	342.25	0.00	04/03/2018	Haz Bldg - 9240 31st Street		-			No 0000
101-410-1320-43040	Legal Services									
142007	03/19/2018	155.00	0.00	04/03/2018	Verizon Lease		-			No 0000
101-410-1320-43040	Legal Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
142007	03/19/2018	215.00	0.00	04/03/2018	Hammes 1st		-			No 0000
803-000-0000-22910	Developer Payments									
142007	03/19/2018	15.50	0.00	04/03/2018	Personnel Matters		-			No 0000
101-410-1320-43040	Legal Services									
142007	03/19/2018	107.50	0.00	04/03/2018	Northport 1st		-			No 0000
803-000-0000-22910	Developer Payments									
142007	03/19/2018	1,786.67	0.00	04/03/2018	Lake Elmo Inn Assessment Appeal		-			No 0000
101-410-1320-43040	Legal Services									
142007	03/19/2018	483.75	0.00	04/03/2018	Hammes 3rd		-			No 0000
803-000-0000-22910	Developer Payments									
142007	03/19/2018	43.00	0.00	04/03/2018	Wildflower 3rd		-			No 0000
803-000-0000-22910	Developer Payments									
	142007 Total:	12,720.13								
	KENGRAVE Total:	12,720.13								
Kennedy & Graven, Chartered Total:		12,720.13								
Lake Elmo Repair, Inc										
LEREPAIR										
177637	03/09/2018	46.63	0.00	04/03/2018	Oil change 16-1		-			No 0000
101-430-3100-44040	Repairs/Maint Eqpt									
	177637 Total:	46.63								
	LEREPAIR Total:	46.63								
Lake Elmo Repair, Inc Total:		46.63								
League of MN Cities										
LEAGMN										
270053	03/20/2018	20.00	0.00	04/03/2018	2018 Safety & Loss Prev Wkshp JF		-			No 0000
101-410-1320-44370	Conferences & Training									
	270053 Total:	20.00								
	LEAGMN Total:	20.00								
League of MN Cities Total:		20.00								
Leo A Daly										
LEOADALY										
023-10262-0002	03/23/2018	3,325.00	0.00	04/03/2018	City Hall Site Study		-			No 0000
101-000-0000-11805	Loan Receivable									
	023-10262-0002 Total:	3,325.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
LEOADALY Total:		3,325.00								
Leo A Daly Total:		3,325.00								
Maroney's Sanitation, Inc										
MARONEYS										
716002	03/06/2018	127.48	0.00	04/03/2018	Trash Service - 020118-022818		-		No	0000
101-410-1940-43840	Refuse									
716002	03/06/2018	53.30	0.00	04/03/2018	Trash Service - 020118-022818		-		No	0000
101-420-2220-43840	Refuse									
716002	03/06/2018	232.22	0.00	04/03/2018	Trash Service - 020118-022818		-		No	0000
101-450-5200-43840	Refuse									
716002	03/06/2018	242.60	0.00	04/03/2018	Trash Service - 020118-022818		-		No	0000
101-430-3100-43840	Refuse									
716002 Total:		655.60								
MARONEYS Total:		655.60								
Maroney's Sanitation, Inc Total:		655.60								
Menards - Oakdale										
MENARDSO										
23189	02/21/2018	41.00	0.00	04/03/2018	Station cleaner, Ice Melt		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
23189 Total:		41.00								
24658	03/16/2018	15.96	0.00	04/03/2018	Detector cleaner		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
24658	03/16/2018	21.27	0.00	04/03/2018	Cleaning supplies		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
24658 Total:		37.23								
50554	03/07/2018	49.99	0.00	04/03/2018	Step ladder for detector calls		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
50554	03/07/2018	41.50	0.00	04/03/2018	Ceiling repair		-		No	0000
101-420-2220-42400	Small Tools & Equipment									
50554 Total:		91.49								
51288	03/19/2018	33.93	0.00	04/03/2018	Station maint. & ice machine		-		No	0000
101-420-2220-44010	Repairs/Maint Bldg									
51288 Total:		33.93								
MENARDSO Total:		203.65								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Menards - Oakdale Total:		203.65								
Miller Excavating, Inc.										
MILLEREX										
24694	02/28/2018	4,485.16	0.00	04/03/2018	Watermain break - 10997 32nd St N		-		No	0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	24694 Total:	4,485.16								
	MILLEREX Total:	4,485.16								
Miller Excavating, Inc. Total:		4,485.16								
MN State Fire Marshal Division										
MNFIREMR										
18071	03/21/2018	155.00	0.00	04/03/2018	Fire Marshal/Inspector Training GM		-		No	0000
101-420-2220-44370	Conferences & Training									
	18071 Total:	155.00								
	MNFIREMR Total:	155.00								
MN State Fire Marshal Division Total:		155.00								
NFPA										
NFPA										
2018	03/23/2018	1,495.00	0.00	04/03/2018	NFPA Fire Codes annual renewal		-		No	0000
101-420-2220-44330	Dues & Subscriptions									
	2018 Total:	1,495.00								
	NFPA Total:	1,495.00								
NFPA Total:		1,495.00								
Overhead Door Company										
OVERHEAD										
104282	03/08/2018	354.20	0.00	04/03/2018	Repair to gate opener at PW		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	104282 Total:	354.20								
104396	03/13/2018	456.25	0.00	04/03/2018	Repair to east garage door at PW		-		No	0000
101-430-3100-44010	Repairs/Maint Bldg									
	104396 Total:	456.25								
	OVERHEAD Total:	810.45								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Overhead Door Company Total:		810.45								
Pronto Heating & AC										
PRONTOHE										
2017-1428	03/26/2018	60.00	0.00	04/03/2018	Refund Permit 2017-1428 9799		-		No	0000
101-000-0000-32210	Building Permits				Whistling V					
2017-1428	03/26/2018	1.00	0.00	04/03/2018	Refund Permit 2017-1428 9799		-		No	0000
101-000-0000-32210	Building Permits				Whistling V					
	2017-1428 Total:	61.00								
	PRONTOHE Total:	61.00								
Pronto Heating & AC Total:		61.00								
Ricci Media Group LLC.										
RITCHIET										
20180312	03/12/2018	55.00	0.00	04/03/2018	Cable Oper - Plan Comm 031218		-		No	0000
101-410-1450-43620	Cable Operations									
20180312	03/12/2018	55.00	0.00	04/03/2018	Cable Oper - CC Workshop 031318		-		No	0000
101-410-1450-43620	Cable Operations									
20180312	03/12/2018	55.00	0.00	04/03/2018	Cable Oper - Parks Comm 031918		-		No	0000
101-410-1450-43620	Cable Operations									
	20180312 Total:	165.00								
	RITCHIET Total:	165.00								
Ricci Media Group LLC. Total:		165.00								
Safe-Fast, Inc.										
SAFEFAST										
196404	03/07/2018	29.58	0.00	04/03/2018	Gloves		-		No	0000
101-430-3100-42150	Operating Supplies									
	196404 Total:	29.58								
196654	03/14/2018	100.90	0.00	04/03/2018	Hi-vis shirts		-		No	0000
101-450-5200-44375	Personal Protection Equipment									
	196654 Total:	100.90								
	SAFEFAST Total:	130.48								
Safe-Fast, Inc. Total:		130.48								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Sprint										
SPRINT										
761950227-180	03/18/2018	12.36	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No 0000
101-410-1910-43210	Telephone									
761950227-180	03/18/2018	66.41	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No 0000
101-410-1940-43210	Telephone									
761950227-180	03/18/2018	222.03	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No 0000
101-420-2220-43210	Telephone									
761950227-180	03/18/2018	227.17	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No 0000
101-420-2400-43210	Telephone									
761950227-180	03/18/2018	116.32	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No 0000
101-430-3100-43210	Telephone									
761950227-180	03/18/2018	58.16	0.00	04/03/2018	Cell Phone Svs 021818-031418		-			No 0000
101-450-5200-43210	Telephone									
	761950227-180 Total:	702.45								
	SPRINT Total:	702.45								
		<hr/>								
	Sprint Total:	702.45								
		<hr/>								
SRF Consulting Group, Inc										
SRFCONSUS										
08132.01-4	02/28/2018	4,549.58	0.00	04/03/2018	State Highway 36 South Frontage Road		-			No 0000
101-410-1930-43030	Engineering Services									
	08132.01-4 Total:	4,549.58								
	SRFCONSUS Total:	4,549.58								
		<hr/>								
	SRF Consulting Group, Inc Total:	4,549.58								
		<hr/>								
Stillwater Towing Inc										
STILLTOW										
169944	02/25/2018	350.00	0.00	04/03/2018	Dump Truck pull-out		-			No 0000
101-430-3100-44040	Repairs/Maint Eqpt									
	169944 Total:	350.00								
	STILLTOW Total:	350.00								
		<hr/>								
	Stillwater Towing Inc Total:	350.00								
		<hr/>								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
T Mobile										
TMOBILE										
20180311	03/11/2018	18.30	0.00	04/03/2018	SCADA Line 021118-031018		-			No 0000
601-494-9400-43210	Telephone									
20180311	03/11/2018	18.29	0.00	04/03/2018	SCADA Line 021118-031018		-			No 0000
602-495-9450-43210	Telephone									
	20180311 Total:	36.59								
	TMOBILE Total:	36.59								
		<hr/>								
	T Mobile Total:	36.59								
		<hr/>								
T.A. Schifsky & Sons Inc										
TASCH										
62593	03/20/2018	1,020.28	0.00	04/03/2018	Cold Mix		-			No 0000
601-494-9400-42210	Repair/Maint. Supplies									
	62593 Total:	1,020.28								
	TASCH Total:	1,020.28								
		<hr/>								
	T.A. Schifsky & Sons Inc Total:	1,020.28								
		<hr/>								
TDS Metrocom - LLC										
TDS										
20180313	03/13/2018	109.14	0.00	04/03/2018	Analog Lines 031318-041218		-			No 0000
101-420-2220-43210	Telephone									
20180313	03/13/2018	204.65	0.00	04/03/2018	Analog Lines 031318-041218		-			No 0000
101-430-3100-43210	Telephone									
20180313	03/13/2018	101.76	0.00	04/03/2018	Analog Lines 031318-041218		-			No 0000
602-495-9450-43210	Telephone									
20180313	03/13/2018	50.88	0.00	04/03/2018	Analog Lines 031318-041218		-			No 0000
601-494-9400-43210	Telephone									
	20180313 Total:	466.43								
	TDS Total:	466.43								
		<hr/>								
	TDS Metrocom - LLC Total:	466.43								
		<hr/>								
Tri State Bobcat, Inc.										
TRISTATE										
A41366	03/12/2018	39.45	0.00	04/03/2018	Skid Loader parts		-			No 0000
101-430-3100-42210	Repair/Maint. Supplies									
	A41366 Total:	39.45								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
TRISTATE Total:		39.45								
Tri State Bobcat, Inc. Total:		39.45								
Verizon Wireless										
VERIZON										
9803344953	03/10/2018	35.01	0.00	04/03/2018	Air Card for tablet 021118-031018		-		No	0000
101-420-2220-43210	Telephone									
9803344953 Total:		35.01								
VERIZON Total:		35.01								
Verizon Wireless Total:		35.01								
Washington County										
WASRADIO										
137323	03/16/2018	3,800.76	0.00	04/03/2018	2018 1st Q 800 MHz radio fee		-		No	0000
101-420-2220-43230	Radio									
137323 Total:		3,800.76								
WASRADIO Total:		3,800.76								
Washington County Total:		3,800.76								
Water Conservation Svs Inc.										
WATERCON										
8396	03/20/2018	429.08	0.00	04/03/2018	Watermain break 022312 - 10997 32nd St		-		No	0000
601-494-9400-43150	Contract Services									
8396 Total:		429.08								
WATERCON Total:		429.08								
Water Conservation Svs Inc. Total:		429.08								
White Anita										
Whiteani										
20180323	03/23/2018	55.00	0.00	04/03/2018	Cable Oper - CC Mtg 032018		-		No	0000
101-410-1450-43620	Cable Operations									
20180323 Total:		55.00								
Whiteani Total:		55.00								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	White Anita	Total:								
		55.00								
Xcel Energy										
XCEL										
585107703	03/22/2018	293.60	0.00	04/03/2018	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
	585107703	Total:	293.60							
585160784	03/22/2018	27.68	0.00	04/03/2018	Street Lights		-		No	0000
101-430-3100-43810	Electric Utility									
	585160784	Total:	27.68							
585164436	03/22/2018	11.31	0.00	04/03/2018	Tennis Courts		-		No	0000
101-450-5200-43810	Electric Utility									
	585164436	Total:	11.31							
585164880	03/22/2018	21.43	0.00	04/03/2018	Pebble Park		-		No	0000
101-450-5200-43810	Electric Utility									
	585164880	Total:	21.43							
585169478	03/22/2018	40.23	0.00	04/03/2018	Traffic Lights		-		No	0000
101-430-3100-43810	Electric Utility									
	585169478	Total:	40.23							
585174504	03/22/2018	230.56	0.00	04/03/2018	Parks Bldg		-		No	0000
101-450-5200-43810	Electric Utility									
	585174504	Total:	230.56							
585175457	03/22/2018	16.49	0.00	04/03/2018	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
	585175457	Total:	16.49							
585179623	03/22/2018	17.38	0.00	04/03/2018	Lift Station		-		No	0000
602-495-9450-43810	Electric Utility									
	585179623	Total:	17.38							
585181725	03/22/2018	384.13	0.00	04/03/2018	Legion Park		-		No	0000
101-450-5200-43810	Electric Utility									
	585181725	Total:	384.13							
585182940	03/22/2018	550.93	0.00	04/03/2018	Fire Station 1		-		No	0000
101-420-2220-43810	Electric Utility									
	585182940	Total:	550.93							
585188501	03/22/2018	28.56	0.00	04/03/2018	Traffic Lights		-		No	0000
101-430-3100-43810	Electric Utility									
	585188501	Total:	28.56							
585197405	03/22/2018	161.38	0.00	04/03/2018	Water Tower 2		-		No	0000
601-494-9400-43810	Electric Utility									
	585197405	Total:	161.38							
585201787	03/22/2018	12.55	0.00	04/03/2018	Speed Sign Hwy 5		-		No	0000
101-430-3100-43810	Electric Utility									
	585201787	Total:	12.55							

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
585217096	03/22/2018	1,043.25	0.00	04/03/2018	Pumphouse		-			No 0000
601-494-9400-43810	Electric Utility									
	585217096 Total:	1,043.25								
585217546	03/22/2018	-54.08	0.00	04/03/2018	Pumphouse		-			No 0000
601-494-9400-43810	Electric Utility									
	585217546 Total:	-54.08								
585224611	03/22/2018	12.73	0.00	04/03/2018	Sunfish Park		-			No 0000
101-450-5200-43810	Electric Utility									
	585224611 Total:	12.73								
585226743	03/22/2018	38.08	0.00	04/03/2018	Traffic Lights		-			No 0000
101-430-3100-43810	Electric Utility									
	585226743 Total:	38.08								
585232065	03/22/2018	47.88	0.00	04/03/2018	Traffic Lights		-			No 0000
101-430-3100-43810	Electric Utility									
	585232065 Total:	47.88								
585242438	03/22/2018	61.29	0.00	04/03/2018	Traffic Lights		-			No 0000
101-430-3100-43810	Electric Utility									
	585242438 Total:	61.29								
585263501	03/22/2018	522.03	0.00	04/03/2018	Lift Station		-			No 0000
602-495-9450-43810	Electric Utility									
	585263501 Total:	522.03								
585263897	03/22/2018	398.02	0.00	04/03/2018	Water Tower 3		-			No 0000
601-494-9400-43810	Electric Utility									
	585263897 Total:	398.02								
	XCEL Total:	3,865.43								
	Xcel Energy Total:	3,865.43								
Yale Mechanical										
YALEMECH										
187352	01/04/2018	344.77	0.00	04/03/2018	Furnace repair - Parks Building		-			No 0000
101-450-5200-44010	Repairs/Maint Bldg									
	187352 Total:	344.77								
	YALEMECH Total:	344.77								
	Yale Mechanical Total:	344.77								
	Report Total:	181,989.36								



STAFF REPORT

DATE: April 3, 2018
CONSENT # 4

AGENDA ITEM: Washington County Application for MnDOT 2018 Corridors of Commerce (CSAH 15 & TH 36) – Approve Resolution of Support

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Chad Isakson, Assistance City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve a Resolution of Support for the Washington County Funding Application for MnDOT 2018 Corridors of Commerce for a grade separation project at County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH36)?

BACKGROUND AND PROPOSAL DETAILS/ANALYSIS: MnDOT and Washington County are requesting from the City of Lake Elmo a resolution of support to apply for funding from the 2018 Corridors of Commerce solicitation for a grade separation project at CSAH 15 and TH 36.

The Minnesota Legislature created the Corridors of Commerce program to authorize the sale of new trunk highway bonds for the construction, reconstruction and improvement of trunk highways for projects not already in the State Transportation Improvement Program. The program was created to provide additional highway capacity on segments where there are currently bottlenecks in the system and to improve the movement of freight and reduce barriers to commerce. Recently the Minnesota Department of Transportation received recommendations from stakeholders and the public for projects to be considered for its 2018 Corridors of Commerce program. From among those recommended projects, MnDOT will award \$400 million to selected projects across the State (see attached Corridors of Commerce Recommendations).

As a part of the scoring criteria for the Corridors of Commerce program, all cities and counties which would be touched by the suggested project need to submit a resolution of support for the project in order for that project to receive 45points in the "Community Consensus" category. Projects which do not receive a resolution of support from all governments are not disqualified from the program, but they will not receive 45points out of total of 700 from this criteria, which will put them at a distinct disadvantage in the scoring.

FISCAL IMPACT: No impact at this time. Obtaining additional outside funding for this potential project may help to reduce the City cost participation for the project.

RECOMMENDATION: Staff is recommending that the City Council approve a Resolution supporting Washington County's application for the 2018 Corridors of Commerce solicitation for a grade separation project at CSAH 15 and TH 36. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Resolution No. 2018-030 Supporting Washington County’s application for the MnDOT 2018 Corridors of Commerce solicitation for a grade separation project at County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH36).”

ATTACHMENTS:

1. Resolution Supporting Washington County's Application for the MnDOT 2018 Corridor of Commerce for CSAH 15 and TH36.
2. Corridors of Commerce Recommendations.

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

RESOLUTION NO. 2018-030

**RESOLUTION SUPPORTING WASHINGTON COUNTY FOR THE
SUBMITTAL OF AN APPLICATION TO REQUEST FUNDING FROM
THE MINNESOTA DEPARTMENT OF TRANSPORTATION THROUGH
THE 2018 CORRIDORS OF COMMERCE SOLICITATION**

WHEREAS, the Minnesota Department of Transportation (MnDOT) is currently accepting candidate projects for the 2018 Corridors of Commerce Solicitation; and

WHEREAS, Washington County is proposing an application for the construction of a grade separation of County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH 36): and

WHEREAS; the intersection of CSAH 15 and TH 36 is partially located within the City of Lake Elmo and provides access to residential, business, commercial, and recreational areas of Grant, Lake Elmo, Stillwater and Stillwater Township; and

WHEREAS; the current intersection is insufficient to meet capacity demands today and the growth anticipation in the future; and

WHEREAS; the TH 36 corridor is continuing to experience a growth in traffic and congestion; and

WHEREAS; the upgrade of this interchange is essential to the economic health and welfare of the region; and

WHEREAS; this project will protect and enhance mobility and safety, and will be of mutual benefit to MnDOT, Washington County, and the cities of Grant, Lake Elmo and Stillwater.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lake Elmo supports Washington County's application for funding as part of the 2018 Corridors of Commerce Solicitation for the grade separation of County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH 36).

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL, 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson, City Clerk

Metro District
Corridors of Commerce Recommendations

District	Name (First)	Name (Last)	State Highway	Location Description	Project Type
M	Ben	Nelson	10/169	Ramsey/Anoka city limit, signal to interchange at Thurston Avenue, signal to overpass at Fairroak Avenue, interchange modifications at W. Main Street, to east of W. Main Street interchange plus supporting roadway improvements	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Emily	Jorgensen	36	The intersection of Trunk Highway 36 and County Road 17 (Lake Elmo Avenue).	Convert a signalized intersection on the roadway into an interchange.
M	Emily	Jorgensen	36	Intersection of TH 36 and TH 120 (Century Avenue).	Convert a signalized intersection on the roadway into an interchange.
M	Emily	Jorgensen	97	4 lane expansion of TH 97 from I-35 to Hwy 61 in Forest Lake.	Expand the roadway from two lanes to four lanes and intersection control to maintain local access.
M	Stephen	Mann	I-35W	When exiting I-694 east to I-35W northbound, the merge lane is pretty rough and you have to mix with traffic entering the cloverleaf to go west on 694. Also, traffic going from west 694 to north 35W have to merge. Suggestion would be to modify it from under the bridge and add an "exit only" lane from 35W to Hwy 96. Driving this daily, so i know it would alleviate choke points. By the way, I love the X-bridge on 96 over 35W! (I live near St. Cloud and frequently use the same style bridge over Hwy 15 by Sam's Club in north St. Cloud!)	Other: Add an exit only lane to help merging traffic at 35W North of 694
M	Frank	Pafko	I-494	TH100 to I-35W	Other: Add an EB auxiliary lane from TH 100 to I-35W.
M	Frank	Pafko	I-35W	I-35W / I-694 System Interchange	Other: Add flyover ramp from NB I-35W to WB I-694.
M	Frank	Pafko	36	Cleveland Avenue to I-35E	Other: Add an EB Lane from the lane drop at Cleveland to the I35E interchange, on the median side.
M	Joseph	Reichert	36	Manning Ave	Convert a signalized intersection on the roadway into an interchange.
M	Joe	Triplet	8	Approximately TH 61 in Forest Lake up to and including the intersection of Karmel Avenue in Chisago City.	Expand the roadway from two lanes to four lanes.
M	Paul	Oehme	101	reconstruction and expansion of TH 101 from 2 lane rural section to 4 lane divided urban section is approximately 1.1 miles.	Expand the roadway from two lanes to four lanes.
M	Frank	Pafko	I-94	W.B I-94 from the TH610 on ramp to the auxiliary lane leading to N.B TH101. Maple Grove to Rogers.	Other: Add a lane between termini listed above.
M	Tony	Fischer	62	I-35W to TH 77	Other: add an eastbound auxiliary lane
M	Tony	Fischer	I-94	Fish Lake interchange to Maple Grove Parkway	Other: add an auxiliary lane in each direction from the west ramps of the Fish Lake interchange to the east ramps at Maple Grove Parkway
M	Tony	Fischer	I-494	TH 212 in Eden Prairie to TH 5 at MSP Airport	Other: add a MnPASS lane to each direction
M	Tony	Fischer	I-494	West of France Ave to TH 77	Other: add a MnPASS lane to each direction from west of the I-35W interchange to the west ramps at TH 77 and add a MnPASS lane to eastbound only from the France Ave exit to I-35W
M	Tony	Fischer	I-35W	TH 36 to Mississippi River	Other: add a MnPASS lane to southbound only using performance based design (avoid major bridge impacts like the I-35W Urban Partnership Agreement project did)
M	Tony	Fischer	I-94	TH 52 westbound entrance to Jackson St/12th St exit	Other: add a westbound only buffer lane beginning with widening the TH 52 entrance to 2 lanes before entering I-94, carry new lane to drop at the exit to the northbound I-35E exit, extend current auxiliary lane to drop at the Jackson St/12th St exit
M	Tony	Fischer	I-94	from west Jet with I-35E to 5th/6th St entrance	Other: add a westbound only lane from the west junction of I-35E (decision lane with right lane to southbound I-35E) to tie into the 4-lane section at the entrance from 5th/6th St out of downtown St. Paul
M	Tony	Fischer	I-94/280	system interchange of I-94 and TH 280 up to local interchange of TH 280 with Franklin Av	Other: reconstruct system interchange of I-94/TH 280 and local interchange of TH 280/Franklin Av to provide southbound TH 280 access to the Cretin Av exit, eliminate/replace left side I-94 ramps and revise the Franklin Av interchange for better freight connections
M	Tim	Markfort	252	Extend the 3rd lane between Brookdale and 610 ramp in both directions. It makes no sense why there are only two lanes for this approximate mile of road.	Other: Make Hwy 252 three lanes the entire length

Metro District
Corridors of Commerce Recommendations

M	Tim	Markfort	10	Make hwy 10 three lanes from about 85th (where it reduces to two lanes) to hwy 35W both directions. When headed North on Hwy 10 three lanes of inbound traffic get compressed into two lanes for about a mile and then it opens to three lanes. When headed South on Hwy 10 towards 35W it goes from four lanes to three and then around 85th it reduces to two lanes for about a mile until the left exit lane starts for 35W North. Please expand this section to three lanes.	Other: Make Hwy 10 in Blaine at least three lanes in each direction
M	Tim	Markfort	252	Remove the stop light on 252 at 70th. Replace it with a pedestrian overpass for the bus stop. The interchange was closed over the summer and it made Hwy flow much smoother.	Other: Disconnect 70th street from Hwy 252 in Brooklyn Center
M	Michael	Mady	77	Provide a flyover from northbound MN 77 (Cedar Avenue) to westbound MN 62 (Crosstown). This is an outdated clover leaf, a bottleneck, and is dangerous for drivers of all kinds of vehicles.	Other: Fly over
M	Michael	Markell	494	From Highway 100 to highway 77	Other: Expand the freeway by 2 lanes, rebuild the 494
M	Jeanne	Markell	62	From Tracy to 35W	Expand the roadway from two lanes to four lanes.
M	Joseph	Klein	I-94	From I-35W junction in Minneapolis to I-35E junction in St. Paul	Add a MnPASS lane to the roadway.
M	Todd	Wagner	36	North St. Paul to St. Croix River Bridge	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Todd	Wagner	110	Mendota to Inver Grove Heights	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	John	Hokkanen	212	US 212, Chaska, from Carver County 11, Jonathan Carver Parkway, to Norwood Young America, County Road 34	Expand the roadway from two lanes to four lanes.
M	Ron	Hippen	101	Southbound on Highway 101 in Rogers from Diamond Lake road to I-94 east and west bound.	Convert a signalized intersection on the roadway into an interchange.
M	Tracy	French	10	The ramp from 35W southbound to approximately County Road J W	Other: Make the ramp from 35W Southbound onto Highway 10 Westbound extend all the way to where Highway 10 changes from 2 lanes going west to 3 lanes. This would avoid the traffic from southbound having to merge with the traffic from northbound and help eliminate the northbound traffic from backing up onto 35W Northbound causing significant traffic delays and accidents.
I	Matthew	Loyas	61	Highway 61 in Saint Paul from Warner Road to thousand feet south of Warner Road	Other: Lengthen the left turn lanes from Highway 61 onto Warner Road. A lot of commercial trucks turn left there. They go slow and bog down Highway 61 north bound traffic approaching I-94.
M	Lisa	Freese	169	TH 169 MnPASS from CH 21 to I-494 northbound and spot mobility improvements southbound (reduced scope project identified in 169 Mobility Study as Stage A) Stage A improvements include: i. Northbound (NB) TH 169 - initial NB TH 169 MnPASS lane ii. Southbound (SB) TH 169 - restripe TH 101 exits as center decision lane instead of right lane add and 2-2 split iii. SB TH 169 - connect Pioneer on-ramp auxiliary lane to downstream 3-lane section iv. SB TH 169 - merge westbound I-494 into 2 lanes and then add separated CD road from eastbound (EB) I-494 into 3rd lane	Add a MnPASS lane to the roadway.
M	Lisa	Freese	169	TH 169 MnPASS from Marshall Road (CSAH 17) to I-494 Full MnPASS on both the northbound and southbound directions includes Stages A, D & E from the 169 Mobility Study Implementation Plan	Add a MnPASS lane to the roadway.
M	Lisa	Freese	13	The proposed project includes the construction of a grade separation, connecting frontage roads, and access ramps at the intersection of TH 13 and Dakota Ave. in the city of Savage, Scott County. The project limits are from west of Dakota Ave. to east of Yosemite Ave. The project will provide a supporting road network that removes direct access to TH 13 and offers alternate routes and safer access to TH 13 for truck traffic generated from the adjacent Ports of Savage and industrial uses. The supporting road network and the underpass connecting Dakota Ave. will facilitate movement across TH 13 and allow for right-in right-out access through the use of access ramps on to TH 13 at Yosemite Ave.	Add a new interchange to the roadway.
M	Tony	Fischer	I-94/252/I-694	TH 610 on TH 252 through the Dowling Ave interchange on I-94	Expand the roadway from two lanes to four lanes.

Metro District
Corridors of Commerce Recommendations

M	John	Doan submitting on behalf of the TH 252/194 Corridor Policy Advisory Committee	252	TH 252 from 194/I-694 to TH 610	Other: Convert TH 252 from a signalized expressway to a limited access freeway with interchanges at 66th Ave N, Brookdale Dr. and 85th Ave N. Add MnPASS lane along northbound TH 252 from I-94 to TH 610. Access closures at 70th Ave N, 73rd Ave N and Humboldt/81st Ave N.
M	Lisa	Freese	13	The proposed project includes the construction of a grade separation, connecting frontage roads, street closures, and access ramps near the intersection of TH 13 and Chowen Ave. near the city boundary of Savage and Burnsville in Scott and Dakota Counties. The project limits are from Quentin Ave. to Washburn Ave.	Add a new interchange to the roadway.
M	Tyler	Hamilton	13	From the interchange with Highway 169 east of Shakopee to the interchange with MN-77 Near the Red Line and "Twin Cities Premium Outlets" should all be a grade-separated/access controlled freeway. Far too much unnecessary congestion and accidents that could be prevented and lots of truck traffic.	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Lyndon	Robjent	5	Trunk Highway 5 from Rolling Acres Road in Victoria to TH 41 in Chanhassen	Expand the roadway from two lanes to four lanes.
M	Tom	Nikunen	169	The intersection of Highway 169, Highway 282, and Scott County Road 9.	Convert a signalized intersection on the roadway into an interchange.
M	Mark	Krebsbach	77	Northbound Trunk Highway 77 from 140th Street in Apple Valley to Old Shakopee Road in Bloomington.	Add a MnPASS lane to the roadway.
M	Mark	Krebsbach	55	West Junction of CSAH 42 in Rosemount to Hastings City Line	Expand the roadway from two lanes to four lanes.
M	Bob	Jackson	61	Project 1 of Making 61 a Freeway: Put an interchange in at highway 61 and highway 10	Add a new interchange to the roadway.
M	Bob	J	61	Project 2 of Making 61 a Freeway: Put an interchange in at highway 61 and highway 95	Convert a signalized intersection on the roadway into an interchange.
M	Bob	J	61	Project 3 of Making 61 a Freeway: Put an interchange in at highway 61 and Alton Road	Add a new interchange to the roadway.
M	Bob	J	61	Project 4 of Making 61 a Freeway: Put an interchange in at highway 61 and Warner and Burns roads	Add a new interchange to the roadway.
M	John	Zimmerman	101	S Diamond Lake Rd to I-94 in Rogers	Other: Add flyover bridge for SB Hwy 101 traffic to access I-94 and avoid two stoplights, just like the NB Hwy 101 flyover bridge.
M	Kathryn	Sarnecki	156	TH-156 (new intersection with access to Barge Channel Road) between US 52 and Annapolis Street East	Redesigning the intersection with Barge Channel Road and the at-grade, mainline rail crossing at that location.
M	Jen	Whittington	65	109th Ave in Blaine	Convert a signalized intersection on the roadway into an interchange.
M	Jen	Whittington	65	117th Ave in Blaine	Convert a signalized intersection on the roadway into an interchange.
M	Jen	Whittington	65	just south of 105th Ave to north of 117th Ave in Blaine	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Jen	Whittington	65	Highway 10 through 117th Ave in Blaine	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Jen	Whittington	65	Both signals at the Highway 10/Highway 65 interchange in Blaine	Other: Remove both signals at the highway 10/highway 65 interchange and make the interchange operate with a free flow design
M	Karl	Keel	I-35W/I-494	1.135W/1494 Interchange Turbine Interchange Improvements - Phase I, \$85M	Other: Interchange improvements for safety, capacity and reducing the bottlenecks at the interchange, for the efficient movement of freight. Phase I - North bound to West Bound flyover ramp
M	Karl	Keel	I-35W/I-494	135W/1494 Interchange Turbine Interchange Improvements - Phase I, \$85M plus, Eastbound 1494 between France Ave. and I35W (1.4 miles of Auxiliary lane) from the 1494/TH62 Congestion Relief Study, \$12.9M	Other: Improvements for the safety, capacity and reducing the bottlenecks for the efficient movement of freight.

Metro District
Corridors of Commerce Recommendations

M	Karl	Keel	I-35W/I-494	I35W/I494 Interchange Turbine Interchange Improvements - Phase I, \$85M plus, Eastbound I-494 between France Ave. and I-35W (1.4 miles of Auxiliary lane) from the I494/TH62 Congestion Relief Study, \$12.9M plus, Eastbound I-494 between East Bush lake Road and TH100 (0.5 miles of Auxiliary lane) from the I494/TH62 Congestions Relief Study, \$2.2 M.	Other: Improvements for the safety, capacity and reducing the bottlenecks for the efficient movement of freight.
M	David	Roden	I-694	Southbound I-694 to I-94 Eastbound	Other: Change the current cloverleaf type ramp to a flyover ramp.
M	Kristin	Asher	62	Add lanes on TH 62 in each direction from TH 77 to Portland Avenue to continue Crosstown Commons Improvements.	Other: Add auxiliary lanes on TH 62 in each direction from TH 77 to Portland Avenue to continue Crosstown Commons improvements.
M	Kristin	Asher	62	Add lanes on TH 62 in each direction from Penn Avenue to TH 169 to continue Crosstown Commons improvements.	Other: Add lanes on TH 62 in each direction from Penn Avenue to TH 169 to continue Crosstown Commons improvements.
M	Kristin	Asher	62/77	Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct ramp and traffic signal to accommodate westbound Highway 62 to southbound Highway 77. These ramp modifications will improve the northbound to westbound traffic movement.	Other: Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct westbound ramp and traffic signal on Highway 77 to accommodate westbound Highway 62 to southbound Highway 77. These ramp modifications will improve the northbound to westbound traffic movement.
M	wayne	johnson	I-35E/I-35W	35E - 35W split in the north Metro - Columbus Township to Highway 97 exit to Forest Lake / Columbus twp	Other: Recommend 4 lanes - 2 from 35E and 2 from 35W, then far right lane becomes exit only for Highway 97 exit to Forest Lake
M	Joseph	Lux	36	Construct MnPASS managed lanes between I-35W and I-35E, in both directions, as identified in the MnPASS Phase 3 study.	Add a MnPASS lane to the roadway.
M	John	Hagen	I-94	Intersection of I-94 and TH 610	Other: The proposed project includes an access from westbound TH 610 to eastbound I-94 - including a bridge over the TH 610 connection to I-94 and bridges over I-94, an access from westbound I-94 to the future westbound CSAH 610, and connections between TH 610 and the future CSAH 610. This project will also include an auxiliary lane on I-94 between Maple Grove Parkway and the south ramps of the proposed I-94 and Brockton Lane interchange to improve traffic flow and safety elements.
M	Abigail	Whelan	10	The intersections of Fairok and Hwy 10 in Anoka, and the intersection of Thurston and Hwy 10 in Anoka.	Other: The project will reduce corridor delays by 75 percent by eliminating all at-grade access points and signals. It also will result in a 57 percent reduction in crashes, enhancing the safety, reliability and efficiency of the movement of people, goods and services.
M	Steve	Kummer	36	35W to 35E	Other: Expand Highway 36 from 4 to 6 lanes from 35W/Cleveland to 35E along median. 1) Reconfigure existing "circle" ramp entrance from 35W/Cleveland south to increase speed of entering traffic; 2) Fix drainage/flooding problem at 36/Fairview interchange (Up to 4 feet of water during large events); 3) Provide aux lane for entering traffic from Snelling to 36 interchange; use median to separate merging traffic from Snelling Ave; 4) Expand Snelling/Co Rd B intersection -- increase LT lane lengths on EB Co Rd B leading to Snelling; 4) Provide longer taper for on ramps from hamline in both EB and WB directions instead of relying on aux exit lane for merging traffic; 5) shorten Dale St entrance to WB 36 -- why is the length of the ramp is necessary? Use for stormwater mitigation; 6) rebuild rail bridge over 36 just W of 35E -- increase span length to accommodate a longer ramp taper from 35E SB entering 36 WB
M	Virginie	Nadimi	55	TH 55 (Hiawatha Avenue) at Hennepin County Road 4 (Lake Street) interchange.	Other: Reconfigure the existing interchange at Hiawatha Avenue (Trunk Highway 55) and Lake Street (Hennepin County State Aid Highway 3) from a Single Point Urban Interchange to a Tight Diamond Interchange.



STAFF REPORT

DATE: April 3, 2018

CONSENT

ITEM #: 5

AGENDA ITEM: Municipal State Aid System – Resolution Establishing Municipal State Aid Streets

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Rob Weldon, Public Works Director
Chad Isakson, Assistance City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve the designation of Kimbro Avenue North/50th Street North, from 47th Street North to Lake Elmo Avenue (CSAH 17), and the designation of Jade Trail North, from Hudson Boulevard to 5th Street North as municipal state aid routes thereby increasing the municipal state aid system by 1.00 mile?

BACKGROUND: As a Municipal State Aid city, the City of Lake Elmo is eligible to designate certain higher volume roadways that are functionally classified as collector or arterial streets, as Municipal State Aid routes, and are eligible to receive a proportionate share of state aid funding to assist with the maintenance and construction of the MSA roadway network. Streets designated as Municipal State Aid Streets must meet the selection criteria of Rule 8820.0700, sub. 3. The City is allowed to designate roadway mileage up to a cap of 20% of the total local and county roadway system within the City limits. In addition, the City is allowed to designate any county road or county state aid highway (CSAH) which is turned back to the city with said mileage being over and above the 20% limitation.

Municipal State Aid (MSA) funding is allocated in accordance with state statutes with one-half of the annual funding based on each city's population relative to other state aid cities, and one-half of the annual funding based on each city's estimated "Needs".

PROPOSAL DETAILS/ANALYSIS: As part of the City's Municipal State Aid System the City must certify to the Office of State Aid the total mileage within the corporate limits of Lake Elmo. Due to the development activities in 2017, Lake Elmo increased the total mileage of streets by 5.84 miles. The certification of these streets to the office of State Aid in 2017 allows the City to designate an additional 1.00 mile of municipal state Aid streets (20%). Therefore, staff has reviewed the City's Municipal State-Aid road network and is recommending that Kimbro Avenue North/50th Street North, from 47th Street North to Lake Elmo Avenue (CSAH 17), and of Jade Trail North, from Hudson Boulevard to 5th Street North be designated as Municipal State Aid Streets.

FISCAL IMPACT: With the designation of Kimbro Avenue North/50th Street North and Jade Trail North as a municipal state aid routes the City will increase the City's state aid system by approximately 1.00 mile of roadway. The additional roadway will increase the City's determination of Needs on an annual basis resulting in an increased allocation of Municipal State Aid funding.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the Consent Agenda*, a Resolution approving revisions to the City’s Municipal State Aid System (MSAS) as presented to designate Kimbro Avenue North/50th Street North, from 47th Street North to Lake Elmo Avenue (CSAH 17), and Jade Trail North, from Hudson Boulevard to 5th Street North as a municipal state aid routes for the determination of Needs. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Resolution 2018-031, Establishing Kimbro Avenue North/50th Street North and Jade Trail North, as Municipal State Aid Streets.”

ATTACHMENTS:

1. Resolution Establishing Municipal State Aid Streets.
2. 2017 Certification of Mileage.
3. Kimbro Avenue North/50th Street North MSA Designation Map.
4. Jade Trail North MSA Designation Map.

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

**RESOLUTION NO. 2018-031
A RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS**

WHEREAS, the City of Lake Elmo has reviewed the City's Municipal State Aid Street System and has identified system revisions in accordance with the policies and goals of the City's future growth and development and Comprehensive Transportation Plan; and

WHEREAS, based on these recommendations, it appears to the Lake Elmo City Council that the streets hereinafter described should be designated Municipal State Aid Streets under the provisions of Minnesota Law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo that the streets described as follows, to-wit:

STREET NAME	FROM	TO
Kimbro Avenue N./50 th Street N.	0.72 miles (3,790 ft.)	47 th Street N. to Lake Elmo Avenue N. (CSAH 17)
Jade Trail North	0.28 miles (1,475 ft.)	Hudson Boulevard to 5 th Street North

be, and hereby are, established, located, and designated a Municipal State Aid Street of the City of Lake Elmo subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and upon approval of the designation of said roads or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Lake Elmo, and to be numbered and known as a Municipal State Aid Street.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

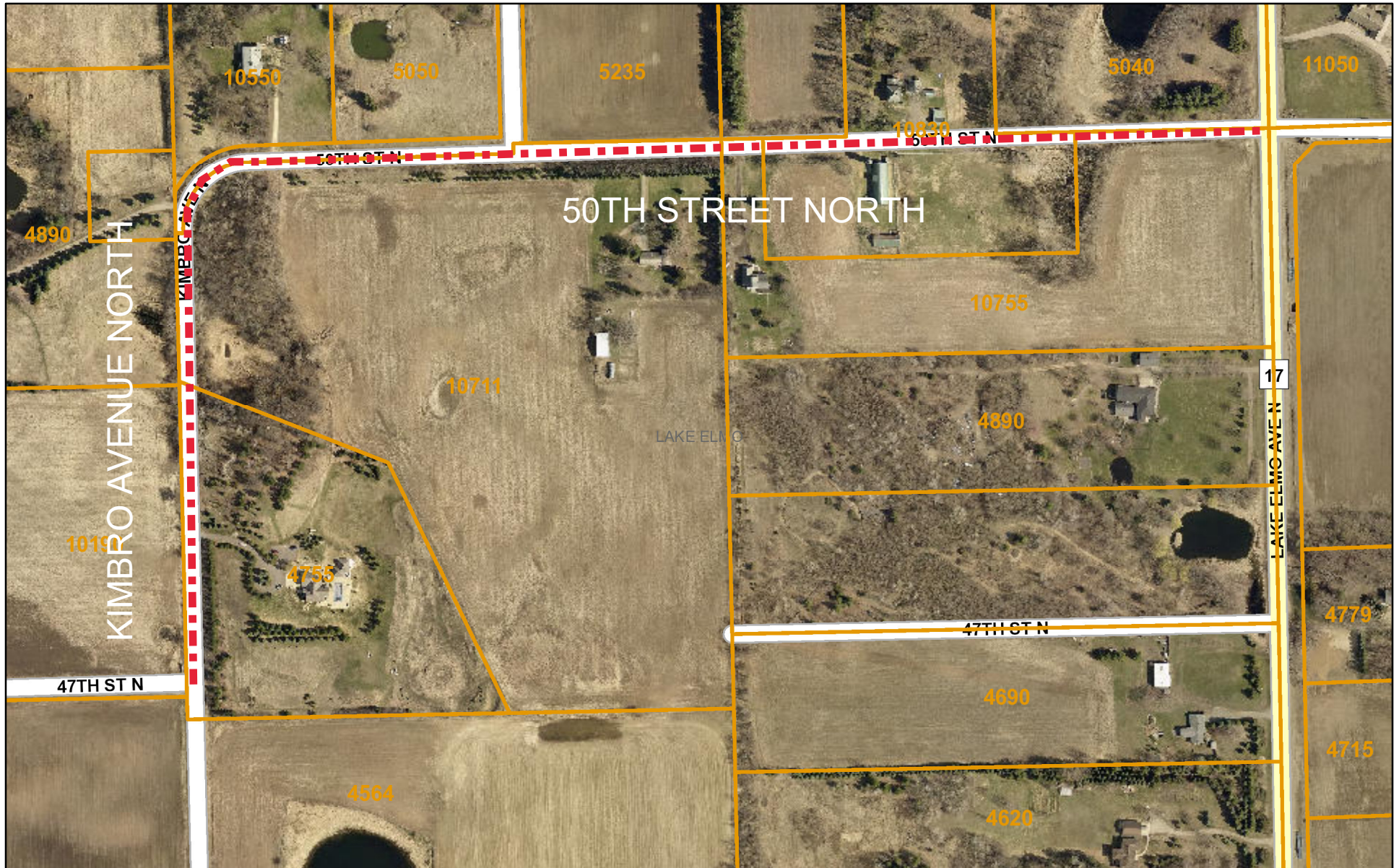
(Seal)
ATTEST:

Julie Johnson
City Clerk

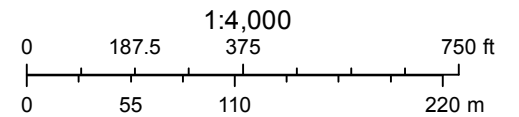
2017 CERTIFIED MILEAGE

SUBDIVISION	TOTAL		RESIDENTIAL		COLLECTOR		COLLECTOR NAME
	feet	miles	feet	miles	feet	miles	
Savona 4th	5,450	1.03	4,100	0.78	1,350	0.26	5TH STREET NORTH
Boulder Ponds 2nd/5th Street	2,082	0.39	887	0.17	1,195	0.23	5TH STREET NORTH
Hammes 1st	4,011	0.76	4,011	0.76	0	0.00	
Hammes 2nd	1,590	0.30	1,590	0.30	0	0.00	
Easton Village 2nd	1,610	0.30	750	0.14	860	0.16	VILLAGE PARKWAY
Easton Village 3rd	1,350	0.26	1,350	0.26	0	0.00	
Wildflower 2nd	2,075	0.39	2,075	0.39	0	0.00	
Inwood 4th	1,900	0.36	1,900	0.36	0	0.00	
Inwood 5th	5,408	1.02	5,408	1.02	0	0.00	
The Royal Golf Club at Lake Elmo	4,086	0.77	4,086	0.77	0	0.00	
Southwind	1,257	0.24	1,257	0.24	0	0.00	
TOTALS	30,819	5.84	27,414	5.19	3,405	0.64	

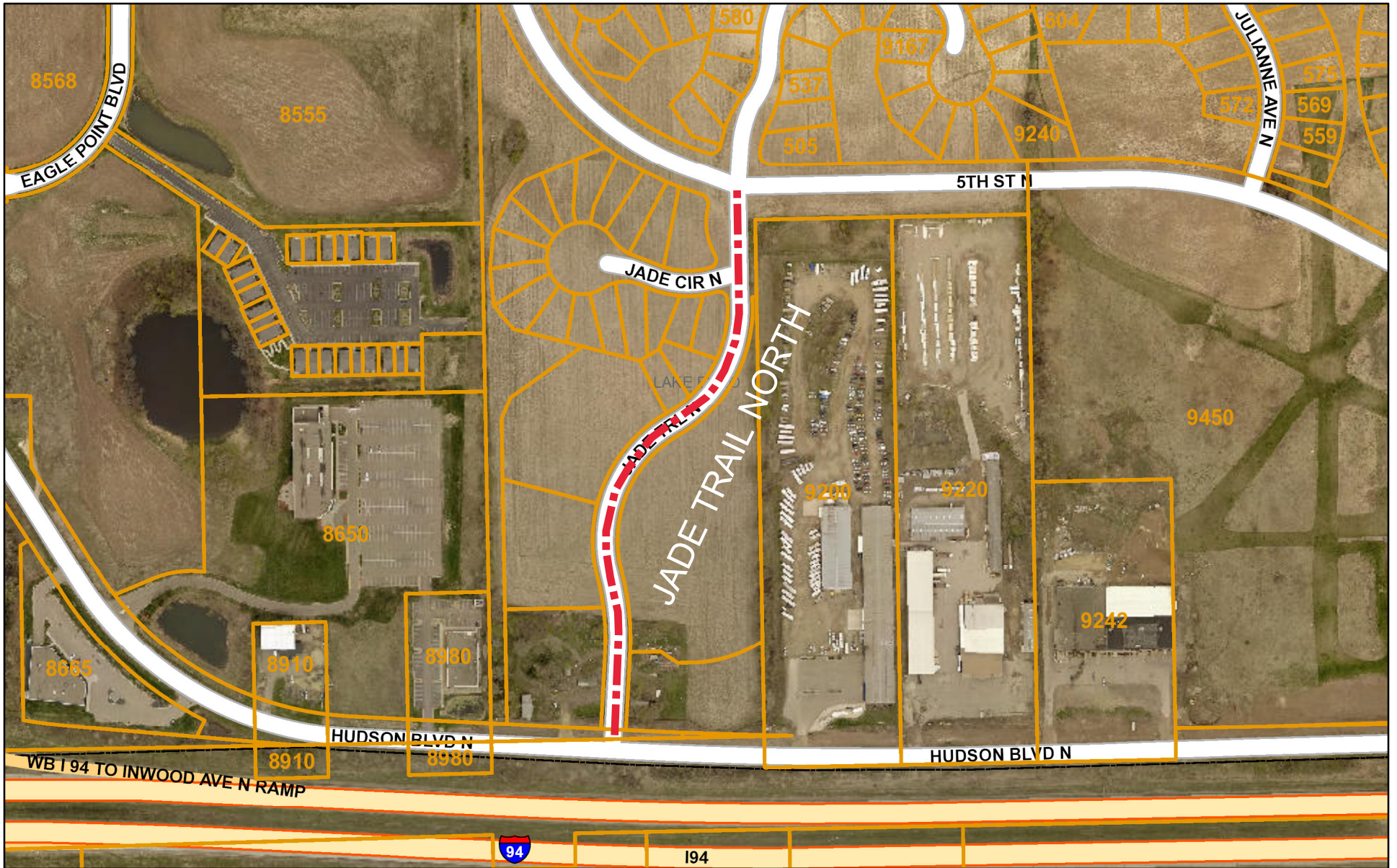
City of Lake Elmo - Kimbro Ave N/ 50th St N



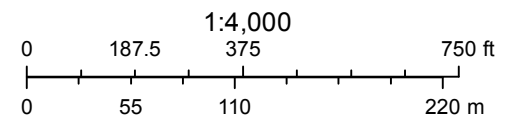
February 22, 2018



City of Lake Elmo - Jade Trail N



February 22, 2018





STAFF REPORT

DATE: April 3, 2018

CONSENT

ITEM #: 6

AGENDA ITEM: CSAH 13 (Ideal Avenue) Improvements – Approve Payment No. 1 to the City of Oakdale

SUBMITTED BY: Chad Isakson, Project Engineer

REVIEWED BY: Kristina Handt, City Administrator
Jack Griffin, City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve Payment No. 1 to the City of Oakdale for the CSAH 13 (Ideal Avenue) Improvements?

BACKGROUND, PROPOSAL DETAILS/ANALYSIS: The CSAH 13 (Ideal Avenue) Improvements were constructed in 2017 as a Washington County lead project and included the reconstruction of Olson Lake Trail from 44th Street North to 50th Street North. As part of this improvement project the Cities of Lake Elmo and Oakdale worked together with the County to implement the Phase 2 extension of sanitary sewer for the Olson Lake Trail municipal urban service area. Therefore, in addition to the work completed by Washington County the City of Oakdale directly incurred project costs for sanitary sewer engineering services and for the direct purchase of individual grinder pump stations to be used by Lake Elmo properties along the corridor. The cost share between Oakdale and Lake Elmo was determined on a prorated base using the number of benefitting properties within each City as recommended and detailed in the approved feasibility report for the project.

The City of Oakdale has submitted Invoice #201803126020 in the amount of \$66,892.06. The post-design estimated project costs for this work was \$84,000. The invoice has been reviewed by staff and payment is recommended in the amount requested.

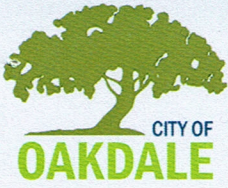
FISCAL IMPACT: No additional fiscal impact. Payment is within the authorized scope and budget.

RECOMMENDATION: Staff is recommending that the City Council approve, as part of the Consent Agenda, payment to the City of Oakdale in the amount of \$66,892.06 for the CSAH 13 (Ideal Avenue) Sanitary Sewer Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve payment to the City of Oakdale in the amount of \$66,892.06 for CSAH 13 (Ideal Avenue) Sanitary Sewer Improvements.”

ATTACHMENTS:

1. City of Oakdale Invoice No. 201803126020 and supporting detail.



CITY OF OAKDALE ACCOUNTS RECEIVABLE INVOICE

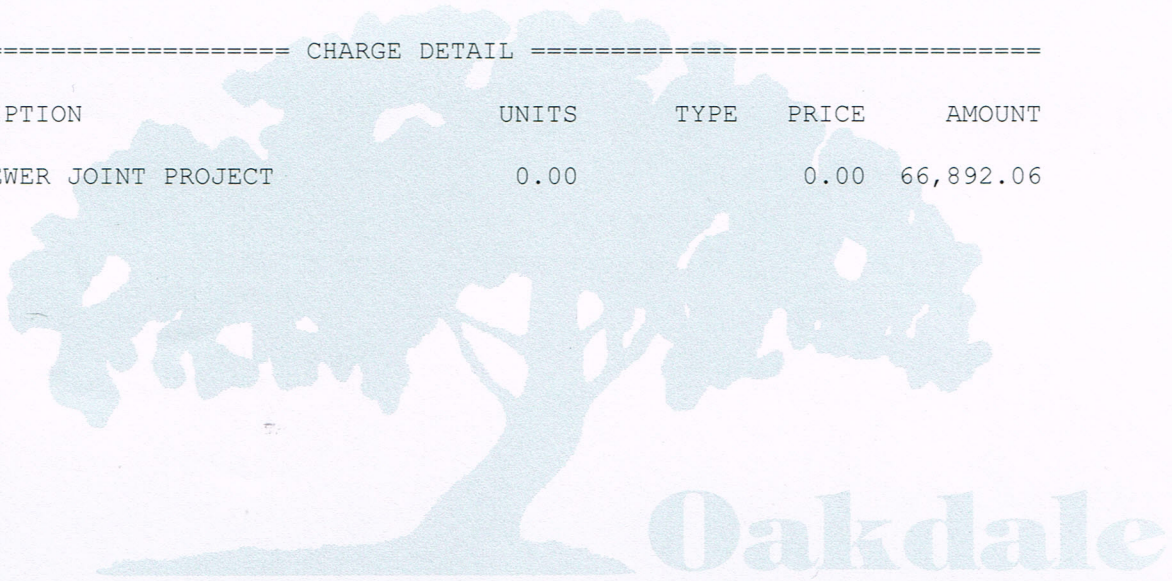
1584 HADLEY AVE N
OAKDALE, MN 55128-5407
PHONE (651) 730-2712

CHAD ISAKSON
CITY OF LAKE ELMO
3880 LAVERNE AVENUE NORTH
LAKE ELMO MN 55042

CUSTOMER#: 62-LAKELM
INVOICE#: 201803126020
INVOICE DATE: 3/12/2018
DUE DATE : 4/11/2018
P.O. # :

===== CHARGE DETAIL =====

ITEM DESCRIPTION	UNITS	TYPE	PRICE	AMOUNT
SANITARY SEWER JOINT PROJECT	0.00		0.00	66,892.06



CHAD ISAKSON

62-LAKELM

INVOICE#: 201803126020

TOTAL DUE : \$ 66,892.06

PLEASE REMIT BOTTOM PORTION WITH YOUR PAYMENT

THANK YOU

DATE	NAME/VENDOR	REF #	CONTRACTOR	ENGINEER/ ARCHITECT	LEGAL FISCAL	OTHER	YTD
1231/2016	Short Elliot	77199		\$ 4,560.00	\$ -		\$ 4,560.00
12/31/2016	Short Elliot	77199		\$ 6,080.00			\$ 10,640.00
6/19/2017	Minnesota Pump Works	78427				\$ 51,111.00	\$ 61,751.00
3/1/2017	Short Elliot	77624		\$ 3,800.00			\$ 65,551.00
5/5/2017	Short Elliot	78152		\$ 760.00			\$ 66,311.00
6/23/2017	Short Elliot	78635		\$ 4,771.31			\$ 71,082.31
7/21/2017	Short Elliot	78908		\$ 3,195.61			\$ 74,277.92
9/8/2017	Short Elliot	79371		\$ 8,697.24			\$ 82,975.16
9/8/2017	American Engineering	79268		\$ 2,983.50			\$ 85,958.66
9/22/2017	American Engineering	79425		\$ 551.60			\$ 86,510.26
10/20/2017	Short Elliot (337744, 339279)	79811		\$ 4,172.51			\$ 90,682.77
11/10/217	Short Elliot	79971		\$ 2,116.22			\$ 92,798.99
12/1/2017	Short Elliot			\$ 1,000.14			\$ 93,799.13
2/21/2018	Short Elliot			\$ 1,248.50			\$ 95,047.63
Yearly Totals							
2016				\$ 10,640.00			\$ 10,640.00
2017			\$ -	\$ 32,048.13	\$ -	\$ 51,111.00	\$ 83,159.13
2018				\$ 1,248.50			\$ 1,248.50
Cost Allocation							
	Project Totals			\$ 43,936.63	\$ -	\$ 51,111.00	\$ 95,047.63
	Oakdale Share	"(7/20)"		\$ 15,377.82	"(5/20)"	\$ 12,777.75	\$ 28,155.57
	Lake Elmo Share	"(13/20)"		\$ 28,558.81	"(15/20)"	\$ 38,333.25	\$ 66,892.06
						Total	\$ 95,047.63



STAFF REPORT

DATE: April 3, 2018

CONSENT

ITEM #: 7

AGENDA ITEM: 2018 Street Improvements – Resolution Approving Plans and Specifications and Ordering Advertisement for Bids

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Rob Weldon, Public Works Director
Chad Isakson, Project Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve the plans and specifications and order advertisement for bids for the 2018 Street Improvements?

BACKGROUND: On December 5, 2017 following a Public Improvement Hearing, the City Council ordered the improvements and preparation of the plans and specifications for the 2018 Street Improvements. The improvements include the rehabilitation of residential streets located in the southern Tri-Lakes area. The street improvements include approximately 2.0 miles of local streets consisting of Jane Road North, from Lake Jane Trail North to Jamaca Avenue North; Jane Court North, from Jane Road North to dead end; Jamaca Avenue North, from Jane Road North to Jamaca Avenue North; Jerome Avenue North, from 49th Street North to 53rd Street North; Jerome Avenue Court North, from Jerome Avenue North to dead end; and 53rd Street North, from Jamaca Boulevard North to 9480 53rd Street North.

The improvements for all streets include a full depth reclamation of the existing pavement and a new bituminous surface. Jane Road North and Jane Court North improvements include a new concrete ribbon curb. New concrete curb and gutter will be installed for Jamaca Avenue North, Jerome Avenue North, Jerome Avenue Court North, and 53rd Street North. Drainage improvements have been incorporated into the project to include storm sewer system replacement and drainage upgrades to prevent water from standing on or along the new street pavements. The scope of improvements remains consistent with the approved feasibility report which was adopted by the City Council on November 7, 2017.

PROPOSAL DETAILS/ANALYSIS: The plans and specifications have been completed for the improvements and are ready to be advertised for contractor bids. A bid date has been scheduled for May 3, 2018. Once received, bids will be reviewed by staff and if acceptable will be presented to council on May 15, 2018 to award a contract.

FISCAL IMPACT: The estimated total cost for the 2018 Street Improvements is \$1,229,000. The improvements are proposed to be partially assessed against the benefitting properties consistent with the City's Special Assessment Policy. The project is funded through the issuance of general obligation bonds and special assessments.

Approval of this motion does not commit the council to the project costs. Once contractor bids are received, the actual construction costs will be known and the council will be asked to consider entering into a contract to complete the work.

RECOMMENDATION: Staff is recommending that the City Council approve, *as part of the consent agenda*, Resolution 2018-032 approving the plans and specifications and ordering the advertisement for bids for the 2018 Street Improvements. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to approve Resolution No. 2018–032, approving the plans and specifications and ordering the advertisement for bids for the 2018 Street Improvements.”

ATTACHMENTS:

1. Resolution Approving the plans and specifications and ordering the advertisement for bids for the 2018 Street Improvements.
2. Location Map.
3. Project Schedule.
4. Project Plans and Specifications available for review at City Hall.

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

RESOLUTION NO. 2018-032

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
ORDERING ADVERTISEMENT FOR BIDS FOR THE
2018 STREET IMPROVEMENTS**

WHEREAS, pursuant to a resolution passed by the City Council on the 5th day of December 2017, the City Engineer, together with Bolton & Menk, Inc., has prepared plans and specifications for the 2018 Street Improvements and has presented such plans and specifications to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED,

1. Such plans and specifications, a copy of which is on file at Lake Elmo City Hall, and made a part hereof, are hereby approved.
2. The City Clerk shall prepare and cause to be inserted in the official paper and posted online with Quest Construction Data Network (QuestCDN.com) an advertisement for bids upon the making of such improvements under such approved plans and specifications. The advertisement shall be published for at least 21 days, shall specify the work to be done, and shall state that sealed bids provided to the City Clerk prior to the specified bid date and time and accompanied by a bid bond or cashier's check made payable to the City of Lake Elmo in an amount not less than 5% of the amount of such bid will be considered.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL, 2018.

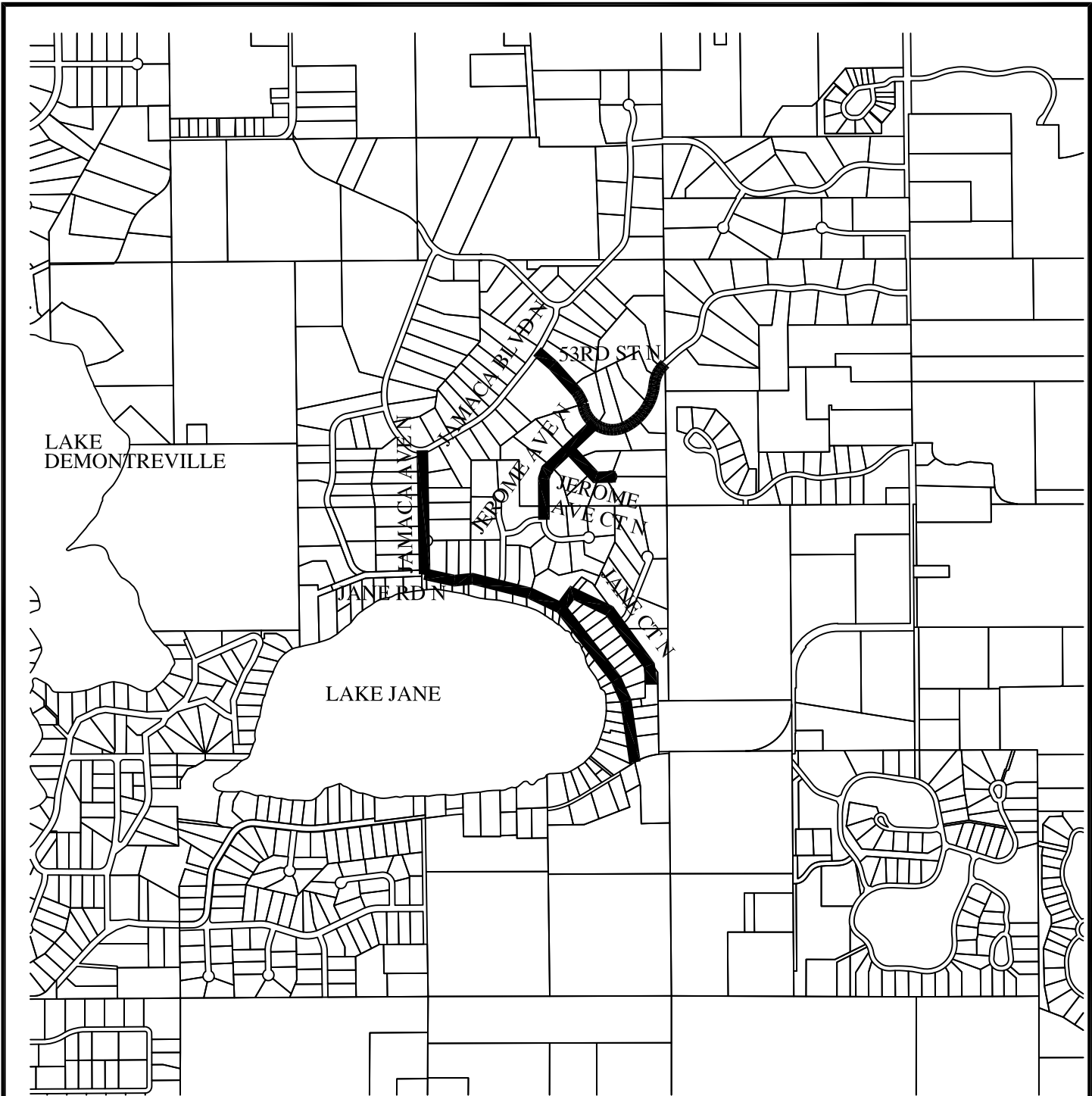
CITY OF LAKE ELMO

(Seal)
ATTEST:

—

Julie Johnson
City Clerk

By: _____
Mike Pearson
Mayor



LEGEND

 2018 STREET IMPROVEMENTS



FIGURE NO. 1

LOCATION MAP
SOUTH TRI LAKES AREA

FOCUS
ENGINEERING

2018 STREET IMPROVEMENTS
PROJECT NO. 2017.156
OCTOBER, 2017

PROJECT SCHEDULE
CITY OF LAKE ELMO

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. 651.300.4283

2018 STREET IMPROVEMENTS
PROJECT NO. 2017.156

MARCH 2018

- AUGUST 15, 2017 Council authorizes Feasibility Report.
- NOVEMBER 7, 2017 Presentation of Feasibility Report. Council accepts Report and calls Hearing.
- DECEMBER 5, 2017 Public Improvement Hearing. Council Orders the Improvement and orders the preparation of Plans and Specifications (Requires 4/5th vote).
- APRIL 3, 2018 Council approves Plans and Specifications and orders Advertisement for Bids.
- MAY 3, 2018 Receive Contractor Bids.
- MAY 15, 2018 Council accepts Bids and awards Contract.
- JUNE 5, 2018 Conduct Pre-Construction Meeting and issue Notice to Proceed.
- SEPTEMBER 21, 2018 Substantial Completion.
 - OCTOBER 26, 2018 Final Completion.



STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 8

AGENDA ITEM: 2298 Inwood Ave. N. Abatement

SUBMITTED BY: Brian A. Swanson – Finance Director

REVIEWED BY: City Administrator-Kristina Handt

BACKGROUND:

2298 Inwood Ave. N. had a special assessments certified in 2017 for Pay 2018 regarding the Inwood Avenue Trunk Water main improvements for a total of \$5,800.00 to be paid over 20 years.

ISSUE BEFORE COUNCIL:

Should the City Council remove the assessment from the 2017 certification for beginning in Pay 2018 over a period of 20 years?

PROPOSAL:

Council approved purchase of vacant land in 2015 per the attached agreement, and as such this special assessment would not be certified to this parcel. Therefore, the assessment for the Inwood Avenue Trunk Water main special assessment will need to be removed from the assessment roll.

FISCAL IMPACT:

\$5,800.00 which will be absorbed by the Water Fund.

RECOMMENDATION:

If removed from the consent agenda:

“Move to approve Resolution No. 2018-033”

ATTACHMENTS:

- Attachment #1 - Resolution No. 2018-033 – 2298 Inwood Ave. N.
- Attachment #2 – Application for Abatement – 2298 Inwood Ave. N.
- Attachment #3 – Vacant Land Purchase Agreement

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

RESOLUTION NO. 2018-033

**A RESOLUTION RELATED TO CERTIFIED 2017, PAY 2018 ASSESSMENT
TO WASHINGTON COUNTY**

WHEREAS, 2298 Inwood Ave. N., PID 21.029.21.32.0001, was assessed \$5,800.00 for watermain improvements as part of the Inwood Trunk Watermain improvements; and

WHEREAS, the City of Lake Elmo entered into an agreement to not assess the property; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, Minnesota, that the following parcel may be removed from the certified 2017, Pay 2018 assessment roll due per the attached Washington County abatement forms.

21.029.21.32.0001

APPROVED by the Lake Elmo City Council on this 3rd day of April, 2018.

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk

**WASHINGTON COUNTY ASSESSMENT DIVISION
APPLICATION FOR ABATEMENT - GENERAL FORM
CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS**

(M.S.) 375.192

Worksheet #:

Assessment Year:

2017

Payable Year:

2018

APPLICANT

Owner's Name (please print or type) Caroline M. Eberhard TRS			Soc. Sec. /Fed ID	Phone 651-488-6048	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Name			Soc. Sec. /Fed ID	Phone	Cell
Owner's Mailing Address 1320 Ryan Ave. W.			Property Address (if different from mailing address) 2298 Inwood Ave. N.		
City Roseville	State MN	Zip 55113	City Lake Elmo	State MN	Zip 55042

DESCRIPTION OF PROPERTY

Property ID Number 21.029.21.32.0001	MP Number		
Legal Description of Property The north 1/2 of the sw 1/4, section 21, township 29, range 21, Washington County except all that part of the north 75.00 feet of the east 150.00 feet of the north 1/2 of the sw 1/4 of section 21, township 29 north, range 21 west, Washington County, Minnesota, which lies westerly of the west line of parcel 3 of the Washington County highway right of way plat no 98 - CSAH 13 according to the recorded plat thereof.	City or Township Lake Elmo	School District # 834	TAG

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total \$1,535,700.00	Classification Ag. Non-Hstd.
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Revised:

Land EMV	Improvement EMV	Total	Classification
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Applicant's Statement of Facts:

Agreement was entered into with the City of Lake Elmo to not special assess for Inwood Trunk Watermain Improvements for \$5,800.00

Applicant's Request:

Remove the entire special assessment from the parcel and the tax statement.

Applicant's Signature:

Bria A. Swann - Finance Director

Date:

3/28/18

Note: Minnesota Statute's 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00 or both.

Note: Must include City/Township Resolution for reductions on assessments

Note: Must include Fire report for Local Option Disaster Credit

VACANT LAND PURCHASE AGREEMENT

THIS AGREEMENT is made as of _____, 2015, between Allan J. Eberhard, Trustee of the Caroline Mary Eberhard Living Trust, dated May 29, 1998 ("Seller"), and The City of Lake Elmo, a Minnesota municipal corporation ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property ("Property"):
 - 1.1 Real Property. The real property known as the Inwood Water Booster Station, located in the City of Lake Elmo, Washington County, Minnesota, (Parcel ID No. 2102921310001), as further shown on the map attached hereto as **Exhibit A** and as further legally described on the attached **Exhibit B**, together with all easements and rights benefiting or appurtenant to said real property. Said property shall be used by the City to construct and operate a water booster station.

2. Purchase Price and Manner of Payment. The total purchase price ("Purchase Price") to be paid for the Property is \$27,000.00. The Purchase Price shall be payable as follows:
 - 2.1 \$ 0 as earnest money ("Earnest Money"); and
 - 2.2 The balance by certified check or wire transfer of funds on the Closing Date.

3. Contingencies. The obligations of Buyer under this Agreement are contingent upon each of the following:
 - 3.1 Representations and Warranties. The representations and warranties of Seller contained in this Agreement must be true now and on the Closing Date as if made on the Closing Date.
 - 3.2 Title. Title shall have been found acceptable, or been made acceptable, in accordance with the requirements and terms of the Title Examination Section below.
 - 3.3 Access and Inspection. Seller shall allow Buyer, and Buyer's agents, access to the Property without charge and at all reasonable times for the purpose of Buyer's investigation and testing the same, including, without limitation, topographic surveys and soil tests to determine the adequacy of the soil

for Buyer's intended use of the Property. Within ten (10) days of the acceptance of this Agreement, Seller shall provide Buyer with copies of all blueprints, plans, specifications, soil tests and surveys of the Property which are presently in Seller's possession. Seller shall make available to Buyer and Buyer's agents, without charge, all plans and specifications, records, inventories, permits and correspondence.

- 3.4 Improvements. The City agrees to waive the proposed \$5,800 water lateral benefit assessment associated with the Inwood Trunk Watermain Improvements, passing the existing property located at 2298 Inwood Avenue North.

The Buyer will review draft site plans with the Seller and consider input from the Seller while developing the booster station site plan. Site plans will be prepared consistent with the concept plans provided by the Seller's representatives and presented to the City Council on July 7, 2015. However, the site plan will not be subject to the Seller's approval.

The first 15 feet from the County Right-of-Way shall be reserved for future County Right-of-Way dedication. The booster station shall be constructed on the remaining 75 x 75 foot parcel.

The Buyer shall provide landscaping on the site after the booster station is operational and upon completion of the project. Said landscaping shall be completed under a separate contract at the Buyer's discretion. If landscaping does not fit on the said parcel, it shall be planted within the first 15 feet to the south and west of the parcel, upon permission for right of entry by Seller.

- 3.5 Easements. The Seller shall provide, at no cost to Buyer, a temporary grading and construction easement, immediately adjacent to the 75 foot by 75 foot parcel, for a distance up to 15 feet to the west of the parcel and 15 feet to the south of the parcel.

If any contingency has not been satisfied on or before the date set forth above for satisfaction of that contingency, then this Agreement may be terminated by written notice from Buyer to Seller, which notice must be given no later than five (5) days after the applicable satisfaction date. If no such notice is given with respect to any contingency, such contingency shall be deemed waived. All the contingencies are specifically for the benefit of the Buyer and the Seller, and the Buyer and Seller shall have the right to waive any contingency by written notice to Buyer and Seller.

4. Closing. The closing of the purchase and sale contemplated by this Agreement

(the "Closing") shall occur on or before August 31, 2015 ("Closing Date at the office of Johnson/Turner Legal). Seller agrees to deliver possession of the Property to Buyer immediately after Closing.

- 4.1 Seller's Closing Documents. On the Closing Date, Seller shall execute and deliver to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:
 - 4.1.1 Deed. A Trustees Deed, along with a Certificate of Trust and Trustee's Affidavit conveying the Property to Buyer, free and clear of all encumbrances, except the Permitted Encumbrances hereafter defined.
 - 4.1.2 FIRPTA Affidavit. A non-foreign affidavit, properly executed, containing such information as is required by IRC Section 1445(b)(2) and its regulations.
 - 4.1.3 IRS Forms. A Designation Agreement designating the "reporting person" for purposes of completing Internal Revenue Form 1099 and, if applicable, Internal Revenue Form 8594.
 - 4.1.4 Well Certificate. A completed Minnesota Well Disclosure Certificate or a statement on the Warranty Deed that "The Seller certifies that the Seller does not know of any wells on the described real property."
 - 4.1.5 Storage Tanks. If the Property contains or contained a storage tank, an affidavit with respect thereto, as required by Minn. Stat. § 116.48.
 - 4.1.6 Seller's Affidavit. An affidavit in the form required by Title evidencing the absence of bankruptcies, judgments or tax liens involving Seller or parties with the same or similar names as Seller, and evidencing the absence of mechanic's lien rights affecting the Property, unrecorded interests affecting the Property, persons in possession of the Property, and known encroachments or boundary line questions affecting the Property.
 - 4.1.7 Other Documents. All other documents reasonably determined by Buyer or Title to be necessary to transfer the Property to Buyer free and clear of all encumbrances.
- 4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):

- 4.2.1 Purchase Price. Funds representing the Purchase Price and execution and delivery of any required financing documents.
 - 4.2.2 IRS Form. A Designation Agreement designating the "reporting person" for purposes of completing Internal Revenue Form 1099 and, if applicable, Internal Revenue Form 8594.
- 5. Prorations. Seller and Buyer agree to the following prorations and allocation of costs regarding this Agreement:
 - 5.1 Title Insurance and Closing Fee. Buyer will pay all costs of the Title Evidence, the cost of having a commitment for an ALTA Owner's Policy of Title Insurance for the Property (the "Title Policy") (in the amount of the Purchase Price) and the fees charged by the Title Company for any escrow required regarding Buyer's Objections. Buyer will pay the premium required for the issuance of the Title Policy Buyer will pay all costs for survey, legal description and recording fees charged by Title (as defined below) to conduct the Closing. Seller shall pay for any costs associated with representation to review documents.
 - 5.2 Deed Tax. Seller shall pay all State Deed Tax payable in connection with this transaction.
 - 5.3 Real Estate Taxes and Special Assessments. Real Estate Taxes payable in the year in which Closing occurs shall be pro-rated based upon a calendar year with Seller paying through the Date of Closing. Seller shall pay any installments of special assessments payable with said real estate taxes. Seller shall pay all other levied special assessments in full as of the Date of Closing, and shall pay all special assessments which are pending as of the Date of Closing. Seller's provision for payment of a pending assessment shall be made by payment into escrow with Title of one and one-half times the estimated amount of the assessment, with the right to a refund of any excess of the escrow.
 - 5.4 Other Costs. All other operating costs of the Property shall be allocated between Seller and Buyer as of the Closing Date, so that Seller pays that part of operating costs payable through the Closing Date, and Buyer pays that part of operating costs payable after the Closing Date.
 - 5.5 Attorney's Fees. Each of the parties will pay its own attorney's fees, except that a party defaulting under this Agreement or any Closing Documents will pay the reasonable attorneys' fees and court costs incurred by the non-defaulting party in enforcing its rights hereunder.

6. Title Examination. Title Examination will be conducted as follows:

6.1 Seller's Title Evidence. Seller shall, within twenty (20) days after the date of this Agreement, furnish the following (collectively, "Title Evidence") to Buyer: (a) a commitment ("Title Commitment") for an ALTA Owner's Policy of Title Insurance insuring title to the Property, deleting standard exceptions and including affirmative assurance regarding zoning, contiguity, appurtenant easements and such other matters as may be identified by Buyer, in the amount of the Purchase Price, issued by Johnson/Turner Legal, ("Title"); (b) a survey, paid for by Buyer, certified by a registered land surveyor and certified to Buyer, Title and such other parties as Buyer may designate, and showing the Property and location of all improvements and easements thereon and otherwise complying with the requirements set forth in the "Minimum Standard Requirements for ALTA/ACSM Land Title Surveys" jointly established by ALTA and ACSM in 1992, and containing such other information as Buyer or Buyer's lender shall reasonably request.

6.2 Buyer's Objections. Within twenty (20) days after receiving the last of the Title Evidence, Buyer will make written objections ("Objections") to the form and/or contents of the Title Evidence. Buyer's failure to make Objections within such time period will constitute waiver of Objections. Any matter shown on such Title Evidence and not objected to by Buyer shall be a "Permitted Encumbrance" hereunder. Seller will have thirty (30) days after receipt of the Objections to cure the Objections, during which period the Closing will be postponed, if necessary. Seller shall use its best efforts to cure any Objections. To the extent an Objection can be satisfied by the payment of money, Buyer shall have the right to apply a portion of the cash payable to Seller at the Closing to satisfaction of such Objection, and the amount so applied shall reduce the amount of cash payable to Seller at the Closing. If the Objections are not cured within such 30-day period, Buyer will have the option to do any of the following:

6.2.1 Extend the time period for Seller to cure the Objections by up to sixty (60) days, at the end of which time Buyer may exercise any of the remaining options set forth below.

6.2.2 Terminate this Agreement and receive a refund of the Earnest Money and the interest accrued thereon, if any.

6.2.3 Withhold from the Purchase Price an amount which, in the reasonable judgment of Title, is sufficient to assure cure of the Objections. Any amount so withheld will be placed in escrow with Title, pending such cure. If Seller does not cure such Objections

within sixty (60) days after such escrow is established, Buyer may then cure such Objections and charge the costs of cure against the escrowed amount. The parties agree to execute and deliver such documents as may be reasonably required by Title, and Seller agrees to pay the charges of Title, to create and administer the escrow.

6.2.4 Waive the Objections and proceed to close.

7. Subordination. This Purchase Agreement, and the rights of the Buyer in and to the real property which is the subject hereof, is specifically made subject and subordinate to the lien of any mortgage(s) or other encumbrance(s) ("Liens") made or given by Seller, whether prior to or after the date of this Purchase Agreement, and shall, prior to Closing and payment by Buyer of the Purchase Price, remain subordinate and junior to all such Liens as if the same had been duly executed and acknowledged by the Seller, and recorded, prior to the date of this Purchase Agreement. At Closing, Seller will be responsible, at its sole expense, for obtaining any release necessary to convey fee title to the Property to Buyer free and clear of any such Liens.
8. Operation Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date (the "Executory Period"), Seller shall operate and maintain the Property in the ordinary course of business in accordance with prudent, reasonable business standards, including the maintenance of adequate liability insurance and insurance against loss by fire, windstorm and other hazards, casualties and contingencies, including vandalism and malicious mischief. Seller shall execute no contracts, leases or other agreements regarding the Property during the Executory Period that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.
9. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:
 - 9.1 Existence; Authority. If Seller is a corporation, limited liability company or partnership, Seller is duly organized, qualified and in good standing, and has the requisite power and authority to enter into and perform this Agreement and the Seller's Closing Documents; such documents have been duly authorized by all necessary action; such documents are valid and binding obligations of Seller, and are enforceable in accordance with their terms.
 - 9.2 Environmental Laws. No toxic or hazardous substances or wastes, pollutants or contaminants (including, without limitation, asbestos, urea

formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in any state, local or federal law, regulation, rule, policy or order relating to the protection of the environment) (collectively, "Hazardous Substance") have been generated, treated, stored, transferred from, released or disposed of, or otherwise placed, deposited in or located on the Property, nor has any activity been undertaken on the Property that would cause or contribute to the Property becoming a treatment, storage or disposal facility within the meaning of, or otherwise bring the Property within the ambit of, any state, local or federal law, regulation, rule, policy or order relating to the protection of the environment. There has been no discharge, release or threatened release of Hazardous Substances from the Property. There are no Hazardous Substances or conditions in or on the Property that may support a claim or cause of action under any state, local or federal law, regulation, rule, policy or order relating to the protection of the environment. The Property is not now, and to the best knowledge of Seller never has been, listed on any list of sites contaminated with Hazardous Substances, nor used as landfill, dump, disposal or storage site for Hazardous Substances.

- 9.3 FIRPTA. Seller is not a "foreign person," "foreign partnership," "foreign trust" or "foreign estate" as those terms are defined in Section 1445 of the Internal Revenue Code.
- 9.4 Proceedings. There is no action, litigation, investigation, condemnation or proceeding of any kind pending or threatened against Seller or any portion of the Property.
- 9.5 Wells and Individual Sewage Treatment Systems. Seller does not know of any "Wells" on the Property within the meaning of Minn. Stat. § 103I or "Individual Sewage Treatment Systems" on the Property within the meaning of Minn. Stat. § 115.55. This representation is intended to satisfy the requirements of those statutes.
- 9.6 Storage Tanks. No above ground or underground tanks are located on or about the Property, or have been located on or about the Property and have subsequently been removed or filled.
- 9.7 Reports. Seller has no environmental reports or studies relating to the Property, except those which have been or will be delivered to Buyer as required under this Agreement.

Seller will indemnify Buyer, its successors and assigns, against, and will hold

Buyer, its successors and assigns, harmless from, any expenses or damages, including reasonable attorneys' fees, which Buyer incurs because of the breach of any of the above representations or warranties, whether such breach is discovered before or after Closing. Consummation of this Agreement by Buyer with knowledge of any such breach by Seller will not constitute a waiver or release by Buyer of any claims due to such breach.

10. Assignment. Either party may assign its rights under this Agreement with the prior written consent of the other party, before or after the Closing. Any such assignment will not relieve such assigning party of its obligations under this Agreement.
11. Survival. All of the terms of this Agreement and warranties and representations herein contained shall survive and be enforceable after the Closing.
12. Notice. Any notice to be given by a party hereto shall be personally delivered, sent by certified mail, or sent via a nationally recognized courier service that issues a receipt, to the other party at the address set forth for that party below (or to such other address as may be designated by notice to the other party), and shall be deemed given upon the earlier of personal delivery, two days after the date postmarked, two (2) days after depositing with such courier for delivery or upon the refusal to accept such service.

Address for Notice to Seller: _____

With a Copy to: _____

Address for Notice to Buyer: City of Lake Elmo
Attn: Clark Schroeder
City Administrator
3800 Laverne Avenue North
Lake Elmo, MN 55042

With a Copy to: David K. Snyder
Michele R. Loughrey
Johnson/Turner Legal
56 E. Broadway Avenue, Suite 206
Forest Lake, MN 55025

13. Miscellaneous. The paragraph headings or captions appearing in this Agreement

are for convenience only, are not a part of this Agreement. This Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns, and has been made under the laws of the State of Minnesota and such laws will control its interpretation.

14. Remedies. The following shall be the exclusive remedies available to the parties under this agreement:

14.1 If Buyer defaults under this Agreement due to no fault of Seller, then Seller may terminate this Agreement by providing at least thirty days' prior written notice to Buyer. If Buyer fails to cure Buyer's default within such thirty-day period, then at Seller's election (i) this Agreement shall thereupon be terminated, and Seller shall retain the Earnest Money as liquidated damages; or (ii) Seller may seek specific performance of this Agreement by Buyer.

14.2 If Seller defaults under this Agreement due to no fault of Buyer, then Buyer may terminate this Agreement by providing at least thirty (30) days' prior written notice to Seller. If Seller fails to cure Seller's default within such thirty-day period, then at Buyer's election (i) this Agreement shall thereupon be terminated, and Buyer shall be entitled to a refund of all Earnest Money, together with accrued interest thereon, if any; or (ii) Buyer may pursue such other actions or remedies as are available to it, including its right to damages against Seller for its failure to perform, or for misrepresentation or for specific performance of this Agreement by Seller.

14.3 Any suit by a party hereto which is described above and is based upon the other party's default must be commenced no later than one hundred twenty (120) days after the date of the occurrence of the default. The said 120-day limitation shall not apply to claims for indemnification otherwise provided for in this agreement.

15. Severability. In case any one or more of the provisions of this Agreement shall be held to be invalid, illegal or unenforceable, such holding shall not affect the other provisions of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

16. Business Days. In the event any deadline or performance date set forth in this Agreement falls on a Saturday, Sunday or legal holiday in the State of Minnesota,

EXHIBIT B

Legal Description

All that part of the North 75.00 feet of the East 150.00 feet of the North $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 98 – C.S.A.H. 13, according to the recorded plat thereof.

such deadline or performance date shall be deemed to be postponed to the next business day thereafter.

Seller and Buyer have executed this Agreement as of the date first written above.

SELLER:

Allan J. Eberhard, Trustee
Of the Caroline Mary Eberhard
Living Trust, dated May 29, 1998

By: Allan J. Eberhard

Its: Trustee

BUYER:

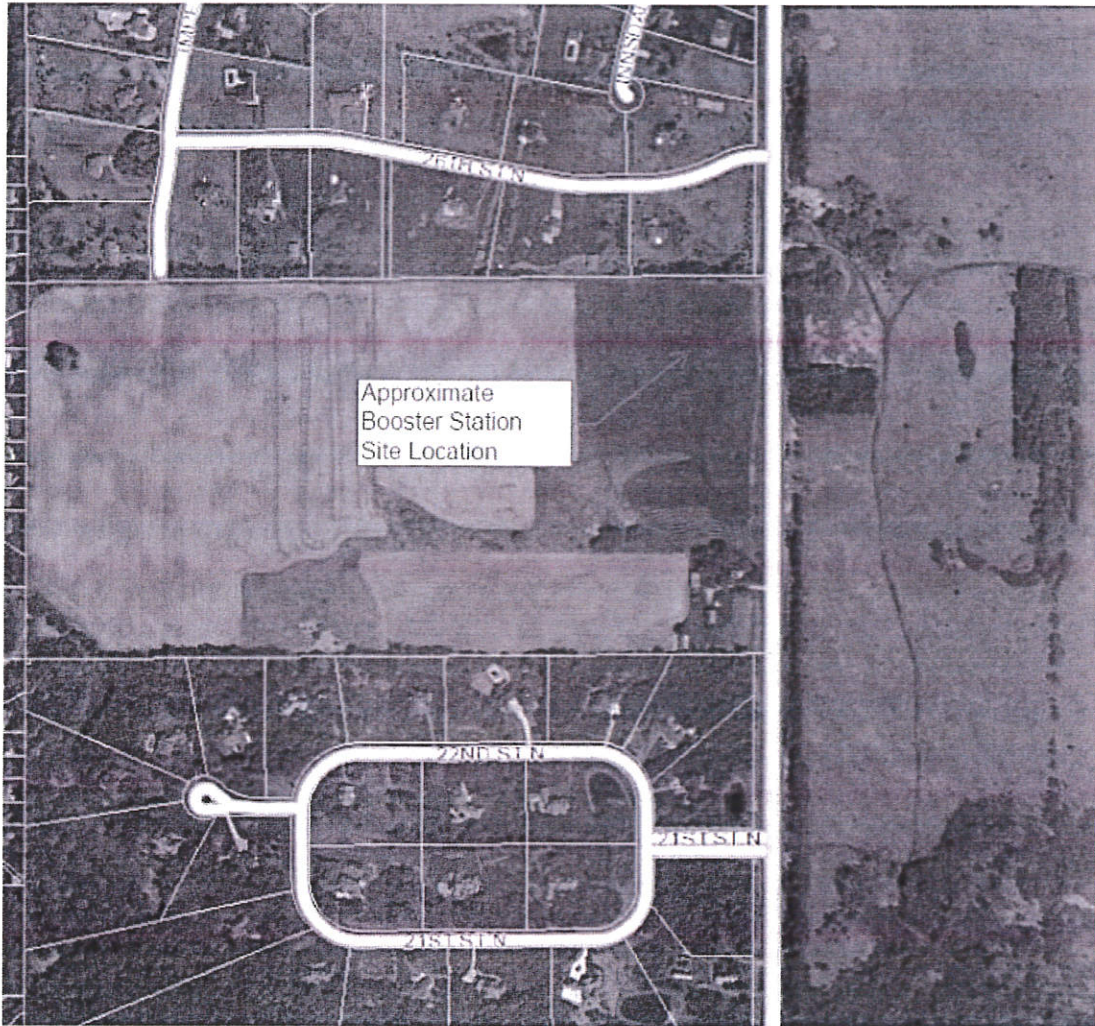
THE CITY OF LAKE ELMO

By: [Signature]

It: Mayor

EXHIBIT A

Map of Property



(Top 3 inches reserved for recording data)

**TRUSTEE'S DEED
by Individual Trustee**

**Minnesota Uniform Conveyancing Blanks
Form 10.4.1 (2013)**

eCRV number: _____

DEED TAX DUE: \$ _____

DATE: Septemeber 1, 2015
(month/day/year)

FOR VALUABLE CONSIDERATION, Allan J. Eberhard
(insert name of each Trustee)

_____, as Trustee
of The Caroline Mary Eberhard Living Trust Agreement dated May 29, 1998
(insert name of Trust)

("Grantor"), hereby conveys and quitclaims to The City of Lake Elmo, a Minnesota municipality
(insert name of each Grantee)

("Grantee"), real property in Washington County, Minnesota, legally described as follows:

See attached legal description

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor


(signature of Trustee) Allan J. Eberhard

(signature of Trustee)

State of Minnesota, County of Washington

This instrument was acknowledged before me on 9/14/15, by _____
(month/day/year) *(insert name of each Trustee)*

Allan J. Eberhard

as Trustee of The Caroline Mary Eberhard Living Trust Agreement dated May 29, 1998
(insert name of Trust)

(signature of notarial officer)

(Stamp)



Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Michele R. Loughrey
JOHNSON/TURNER LEGAL
56 E. Broadway Ave.
Suite 206
Forest Lake, MN 55025

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

The City of Lake Elmo

EXHIBIT B

Legal Description

All that part of the North 75.00 feet of the East 150.00 feet of the North $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 29 North, Range 21 West, Washington County, Minnesota, which lies westerly of the west line of Parcel 3 of the WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 98 – C.S.A.H. 13, according to the recorded plat thereof.



A. Settlement Statement (HUD-1)

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input type="checkbox"/> Conv. Unins.	6. File Number: 15-1040 CLE BOOSTER
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.		7. Loan Number:
			8. Mortgage Insurance Case Number:

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Borrower: The City of Lake Elmo	E. Name and Address of Seller: Allan J. Eberhard, Trustee of the Caroline Mary Eberhard Living Trust Agreement dated May 29, 1998	F. Name and Address of Lender: Cash Sale
---	--	---

G. Property Location: Booster Station Parcel 2298 Inwood Ave. Lake Elmo, MN Washington County, Minnesota	H. Settlement Agent: Johnson\Turner Legal 56 E Broadway Ave # 206 Forest Lake, MN 55025 Ph. (651)464-7292 Place of Settlement: 56 E Broadway Ave # 206 Forest Lake, MN 55025	I. Settlement Date: September 14, 2015
--	---	---

J. Summary of Borrower's transaction	
100. Gross Amount Due from Borrower:	27,000.00
101. Contract sales price	
102. Personal property	
103. Settlement Charges to Borrower (Line 1400)	1,236.00
104.	
105.	
Adjustments for items paid by Seller in advance	
106. City/Town Taxes	to
107. County Taxes	09/15/15 to 01/01/16 42.26
108. Assessments	to
109.	
110.	
111.	
112.	
120. Gross Amount Due from Borrower	28,278.26
200. Amounts Paid by or in Behalf of Borrower	
201. Deposit or earnest money	
202. Principal amount of new loan(s)	
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208.	
209.	
Adjustments for items unpaid by Seller	
210. City/Town Taxes	to
211. County Taxes	to
212. Assessments	to
213.	
214.	
215.	
216.	
217.	
218.	
219.	
220. Total Paid by/for Borrower	
300. Cash at Settlement from/to Borrower	
301. Gross amount due from Borrower (line 120)	28,278.26
302. Less amount paid by/for Borrower (line 220)	()
303. Cash <input checked="" type="checkbox"/> From <input type="checkbox"/> To Borrower	28,278.26

K. Summary of Seller's transaction	
400. Gross Amount Due to Seller:	27,000.00
401. Contract sales price	
402. Personal property	
403.	
404.	
405.	
Adjustments for items paid by Seller in advance	
406. City/Town Taxes	to
407. County Taxes	09/15/15 to 01/01/16 42.26
408. Assessments	to
409.	
410.	
411.	
412.	
420. Gross Amount Due to Seller	27,042.26
500. Reductions in Amount Due Seller:	
501. Excess deposit (see instructions)	
502. Settlement charges to Seller (Line 1400)	632.10
503. Existing loan(s) taken subject to	
504. Payoff First Mortgage	
505. Payoff Second Mortgage	
506.	
507.	
508.	
509.	
Adjustments for items unpaid by Seller	
510. City/Town Taxes	to
511. County Taxes	to
512. Assessments	to
513.	
514.	
515.	
516.	
517.	
518.	
519.	
520. Total Reduction Amount Due Seller	632.10
600. Cash at settlement to/from Seller	
601. Gross amount due to Seller (line 420)	27,042.26
602. Less reductions due Seller (line 520)	(632.10)
603. Cash <input checked="" type="checkbox"/> To <input type="checkbox"/> From Seller	26,410.16

* Paid outside of closing by borrower(B), seller(S), lender(L), or third-party(T)

L. Settlement Charges

700. Total Real Estate Broker Fees		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of commission (line 700) as follows:			
701. \$	to		
702. \$	to		
703. Commission paid at settlement			
704.			
705.			
800. Items Payable in Connection with Loan			
801. Our origination charge	\$	(from GFE #1)	
802. Your credit or charge (points) for the specific interest rate chosen	\$	(from GFE #2)	
803. Your adjusted origination charges to		(from GFE #A)	0.00
804. Appraisal fee	to	(from GFE #3)	
805. Credit Report	to	(from GFE #3)	
806. Tax service	to	(from GFE #3)	
807. Flood certification	to	(from GFE #3)	
808.		(from GFE #3)	
809.		(from GFE #3)	
810.		(from GFE #3)	
811.		(from GFE #3)	
900. Items Required by Lender to Be Paid in Advance			
901. Daily interest charges from	to	@ \$/day (from GFE #10)	
902. MIP Tot Ins. for Life of Loan	months to	(from GFE #3)	
903. Homeowner's insurance for	years to	(from GFE #11)	
904.		(from GFE #11)	
905.		(from GFE #11)	
1000. Reserves Deposited with Lender			
1001. Initial deposit for your escrow account		(from GFE #9)	
1002. Homeowner's insurance	months @ \$	per month \$	
1003. Mortgage insurance	months @ \$	per month \$	
1004. Property taxes		\$	
1005.		\$	
1006.	months @ \$	per month \$	
1007.	months @ \$	per month \$	
1008.		\$	
1009.		\$	
1100. Title Charges			
1101. Title services and lender's title insurance		(from GFE #4)	1,190.00
1102. Settlement or closing fee		\$	
1103. Owner's title insurance to Old Republic Title Insurance Company		(from GFE #5)	
1104. Lender's title insurance to Old Republic Title Insurance Company		\$ 200.00	
1105. Lender's title policy limit	\$ 27,000.00		
1106. Owner's title policy limit	\$		
1107. Agent's portion of the total title insurance premium		\$	
1108. Underwriter's portion of the total title insurance premium to Old Republic Title Insurance Company		\$ 200.00	
1109.		\$	
1110.		\$	
1111.		\$	
1112.		\$	
1113. Document prep/Closing fee	to Johnson\Turner Legal	\$	350.00
1200. Government Recording and Transfer Charges			
1201. Government recording charges	to Recorder's Office	(from GFE #7)	46.00
1202. Deed \$ 46.00	Mortgage \$	Releases \$ 138.00	Other \$ 138.00
1203. Transfer taxes		(from GFE #8)	
1204. City/County tax/stamps	\$	\$	
1205. State tax/stamps	\$	\$	
1206. Recording service fee	to Recorder's Office		50.00
1207. State Deed Tax	to Recorder's Office		94.10
1300. Additional Settlement Charges			
1301. Required services that you can shop for		(from GFE #6)	
1302.		\$	
1303.		\$	
1304.		\$	
1305.		\$	
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)			1,236.00 632.10

* Paid outside of closing by borrower(B), seller(S), lender(L), or third-party(T)

Certified to be a true copy.

ACKNOWLEDGMENT OF RECEIPT OF SETTLEMENT STATEMENT

Borrower: The City of Lake Elmo

Seller: Allan J. Eberhard, Trustee

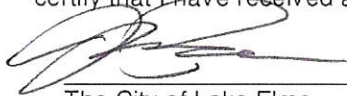
Settlement Agent: Johnson\Turner Legal
(651)464-7292

Place of Settlement: 56 E Broadway Ave # 206
Forest Lake, MN 55025

Settlement Date: September 14, 2015

Property Location: Booster Station Parcel
2298 Inwood Ave.
Lake Elmo, MN
Washington County, Minnesota

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.



The City of Lake Elmo



Allan J. Eberhard, Trustee



STAFF REPORT

DATE: April 3, 2018
CONSENT #09

AGENDA ITEM: Penalty for Delayed Sewer Connection

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

In 2016, the Council updated Chapter 51 of the city code to require any building used for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which the system extends, shall be connected to the municipal sanitary sewer system **within 2 years** from the date on which a connection is available to the building. Previously ordinance required connection within 1 year. The change was made to allow for the wastewater incentive credit for existing properties on septic.

We are at the two year mark for Old Village Phase 1 properties which received their notice of connection availability on 3/9/16. We have four properties (2 residential and 2 commercial) which have not yet connected. Staff sent them reminder letters in February 2018.

Council discussed this issue at their March 13, 2018 work session and directed staff to draft penalties that included charging the base residential sewer charge each quarter and limiting the ability of the property to be sold without having hooked up to sewer.

ISSUE BEFORE COUNCIL:

How should the city respond to those properties not hooking up to municipal sewer within the 2 year time frame?

PROPOSAL DETAILS/ANALYSIS:

Included in your packet is an ordinance update to charge the sewer base charge (currently \$53.03 for residential properties) each quarter. This would be the least burdensome to enforce and the least impact to property owners while still balancing the needs of the system (such as providing the funding necessary to maintain the sewer infrastructure that was put in place to extend municipal sewer) and protecting the financial investment.

For commercial properties (which currently don't have a base sewer charge) they would be charged the residential base charge multiplied by the number of REC (residential equivalent charge) as determined by the Engineering staff in the feasibility studies for the project. So for one commercial property their quarterly fee would be \$159.09 (3 RECs) and the other would be \$212.12 (4 RECs). The fee would be adjusted annually in the same proportion as the residential sewer base fee until such time as the property connects to municipal sewer.

The second paragraph added would prohibit the sale, transfer or conveyance of the property without it being connected to municipal sewer. This condition would be waived if a demolition permit was issued. This exception is provided in order to accommodate redevelopment of sites which is expected as municipal sewer was brought to the Old Village area.

FISCAL IMPACT:

By charging the base sewer fee, the sewer fund will be less impacted from the loss of revenue as projected in the utility studies. Long range financial plans assume that connections are made within 1-2 years of service being available. Since all of these properties already receive a water bill quarterly, there will not be any additional expense to the city to add this to the billing. Any unpaid charges will then be certified to the property tax levy in the fall in the same manner as any other unpaid utility charges.

OPTIONS:

- 1) Approve the Ordinance as presented
- 2) Amend and then Approve the Ordinance
- 3) Do not pass any ordinance changes

RECOMMENDATION:

If removed from the consent agenda:

“Motion to Approve Ordinance No 08-204”

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-204

AN ORDINANCE AMENDING CHAPTER 51: WASTEWATER TREATMENT SYSTEMS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title V, Chapter 51, Wastewater Treatment Systems, Section 51.022 of the Lake Elmo Code of Ordinances to read as follows:

§ 51.022 CONNECTIONS WITH SEWER REQUIRED.

(A) Any building used for human habitation or in which a toilet or other plumbing facility for the disposal of human waste is installed and located on property adjacent to a sewer main, or in a platted block through which the system extends, shall be connected to the municipal sanitary sewer system within 2 years from the date on which a connection is available to the building.

(1) Any owner of any residential property that has a building failing to meet the 2 year connection deadline set forth in paragraph (A) of this Section will be charged the City's residential sewer base charge as set forth in the City's fee schedule. The owner of a commercial or industrial property that has a building failing to meet the two year connection deadline set forth in paragraph (A) above will be charged the City's sewer base fee for each residential equivalent unit as determined by the project feasibility report, Metropolitan Council determination, or similar estimate.

(2) Properties with buildings failing to connect within 2 years to the municipal sanitary sewer system may not be sold, conveyed, or transferred until connection occurs. Properties that have buildings that will be demolished after sale, transfer, or conveyance are exempted from this provision provided that a demolition permit for the building has been issued by the city.

(B) All buildings subsequently constructed within the city on property adjacent to a sewer main or in a platted block through which the municipal sanitary sewer system extends, shall be provided with a connection to the sewer system for the disposal of human waste.

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

SECTION 3. Adoption Date. This Ordinance No. 08-204 was adopted on this ___ day of April, 2018 by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson
City Clerk

This Ordinance No. 08-204 was published on the ___ day of _____, 2018.



STAFF REPORT

DATE: April 3, 2018
CONSENT #10

AGENDA ITEM: Assessment of Service Charges and Nuisance Abatement Ordinance-
Summary Publication
SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

At the March 20, 2018 meeting, Council approved an ordinance relating to the Assessment of Service Charges and Nuisance Abatement. Only three members were present at the meeting so the summary resolution could not be approved since it requires a 4/5ths vote of the Council.

ISSUE BEFORE COUNCIL:

Should the Council approve the summary publication of the ordinance to allow the assessment of charges for services and nuisance abatements?

PROPOSAL:

No additional changes are being proposed to the ordinance as it was approved by Council on March 20, 2018. The resolution in your packet simply allows for the summary publication of it.

FISCAL IMPACT:

Summary publication can save the city the cost of publishing a long ordinance in the newspaper by referring people to the full text being available at city hall.

RECOMMENDATION:

If removed from the consent agenda:

“Motion to Approve Resolution No 2018-024 Authorizing Summary Publication of Ord No 08-203.”

ATTACHMENTS:

- Resolution No 2018-024

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

RESOLUTION NO. 2018-024

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-203 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-203, an ordinance adding section to the City Code regarding special assessments for services and charges for emergency services and amending Chapter 96 of the Lake Elmo Code regarding nuisance abatement; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-203 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-203, which makes the following changes to City Code:

- Adds section 11.02 to the City Code which allows the city to charges for services and assess them to the property if not paid.
- Adds section 11.03 to the City Code which allows the City to charge for emergency services.
- Amends Chapter 96 of the City Code to allow the Building Official to abate a nuisance after notice to the property owner.

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

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

Dated: March 20, 2018

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: 4/3/2018

CONSENT

ITEM #: 11

MOTION

TO: City Council

FROM: Rob Weldon, Public Works Director

AGENDA ITEM: Asphalt Roller Purchase

REVIEWED BY: Kristina Handt, City Administrator
Brian Swanson, Finance Director

BACKGROUND: In 2007 the City of Lake Elmo purchased a 1 ½ Ton Stone Asphalt Roller to utilize in its pothole/patching program to ensure proper compaction and a smooth finish is delivered during paving operations. This piece of equipment has been in service with the city for just over 10 years. In this time, numerous repairs have been made to the roller in terms of electrical repairs. Most recently, issues with the transmission and safety shut off have rendered the machine unsafe to use. Repair service and parts for this piece of equipment have been increasingly difficult to find since the manufacture no longer supports this product.

ISSUE BEFORE COUNCIL: Should the City Council approve the purchase of a 2 Ton Asphalt Roller and Trailer to replace the existing Asphalt Roller and Trailer as adopted in the 2018 General Budget?

PROPOSAL DETAILS/ANALYSIS: Approval of this purchase will allow Public Works to replace its aged asphalt roller that has presented numerous problems over its service life. Also, as part of this purchase package, replacement of the current tilt deck trailer used to transport the roller will take place. The current trailer used is over 25 years old and has issues with the brakes in which repair parts are difficult to acquire.

Public Works Staff has demoed and researched several different rollers in various sizes from several manufactures over the past year in anticipation of this replacement. Staff feels that upsizing to a CaseDV23 2 Ton Asphalt Roller will speed up productivity by increasing compaction and decreasing the amount of times a smaller roller needs to go over a patch to achieve proper compaction and finish. Additionally, Public Works operates several other pieces of Case equipment and feels they offer good product support and repair.

FISCAL IMPACT: Purchase of the Roller and Trailer shall be an amount not to exceed \$32,800 (which includes the trade in of current roller \$4,715). In the adopted 2018 General Budget, \$30,000 was included in the Capital Outlay as the purchase price for this equipment. Measures will be strictly followed to ensure other equipment purchased from Capital Outlay for the remainder of the year will not exceed the total adopted budgeted amount.

OPTIONS: Approve Purchase of Asphalt Roller and Trailer
Deny Purchase of Asphalt Roller and Trailer
Table Purchase of Asphalt Roller and Trailer

RECOMMENDATION: *If removed from Consent Agenda....*

“Motion to purchase a Case DV23 Asphalt Roller from Titan Machinery and a Felling Trailer from Oakdale Rental for an amount not to exceed \$32,800”

ATTACHMENTS:

- Titan Machinery Quote
- Ruffridge Johnson Quote (no 2 Ton option)
- Tri-State Bobcat Quote (no 2 Ton option)
- Felling Trailer Quote
- Towmaster Trailer Quote

TITAN MACHINERY

Titan Machinery-Rogers
 14375 James Road
 Rogers, Mn 55374
 Phone 763-428-5099
 Fax 763-428-5051

TO: City of Lake Elmo	DATE	March 21, 2018
	Equipment Sales	Terry Vanderwerf
Rob Weldon	Consultant	763-276-0049

Here is the quotation on the goods named, subject to the conditions noted below

	DESCRIPTION	PRICE
Quote based off MN CPV		
1	Base Case DV23 2.3 ton roller Rotating beacon Foldable ROPS 3 inch wide retractable seat belt Road lights 2 front 1 rear Right side drive lever 4 point lifting hook Standard operator seat lockable water tank cap	\$33,015
	Trade 2007 Stone 3100 roller s/n 512007003	(\$4,715)
1	Towmaster T-5DT 6000 lb capacity Tilt deck 12 foot deck	\$4,425
	Total	\$32,725
	Tax Rate	0.00%
	Tax Amount	\$0.00
	Total	\$32,725.00

Customer (signed)

Date

From: Scot Ender
To: [Rob Weldon](#)
Subject: RE: Ruffridge-Johnson Equipment Company, Inc "Asphalt Roller Purchase"
Date: Friday, March 23, 2018 9:14:03 AM
Attachments: [BW90AD-5 BW100ADM-5 2pg.pdf](#)
[BW900-50 2pg.pdf](#)

Rob, thanks for the enquiry regarding rollers. I have attached literature on a couple rollers that might be what you're looking for. The BW900 has a Honda gas engine and the BW90 has a Kubota diesel.

Both are vibratory. The 900 is in the \$17,500 range and the 90 around \$32,000.

I believe both are available through NJPA purchasing; and if you can buy off of that program the price will be better.

We currently have one new 900 in stock, and a new 90 will be arriving shortly. Let me know if there is anything else we can get for you.

Sincerely,

Scot Ender

612-378-9558

Ruffridge-Johnson Equip. Co

www.rjequip.com

Message Body:

Hello,

The City of Lake Elmo is actively pursuing the purchase of a new asphalt roller. Size range would be approx. 2 - 2.5 tons.

If you could please provide me with product information and pricing it would be greatly appreciated.

Feel free to contact me with any questions.

Thanks,

Rob Weldon

Public Works Director

City of lake Elmo

--

This e-mail was sent from a contact form on Ruffridge-Johnson Equipment Company, Inc

([https://urldefense.proofpoint.com/v2/url?u=http-](https://urldefense.proofpoint.com/v2/url?u=http-3A__rjequip.com&d=DwIGaQ&c=wZlZ6BR1yds6ABxMNYcTPKRj39yq004hegHRzkEIjMM&r=zoJR-4hBkKhAZT-sI_prRqHm_1Gwm_BFAsEEDWugbFA&m=xsH3Un0B5lJ8Z1kh33LZAAJeZgRfIL3SvγιαKjJPTKk&s=-q0H7yl-tkQa1IsYWI_-7GUfAPX3RUi8VvDuKgwTBEo&e=)

[3A__rjequip.com&d=DwIGaQ&c=wZlZ6BR1yds6ABxMNYcTPKRj39yq004hegHRzkEIjMM&r=zoJR-4hBkKhAZT-](https://urldefense.proofpoint.com/v2/url?u=http-3A__rjequip.com&d=DwIGaQ&c=wZlZ6BR1yds6ABxMNYcTPKRj39yq004hegHRzkEIjMM&r=zoJR-4hBkKhAZT-sI_prRqHm_1Gwm_BFAsEEDWugbFA&m=xsH3Un0B5lJ8Z1kh33LZAAJeZgRfIL3SvγιαKjJPTKk&s=-q0H7yl-tkQa1IsYWI_-7GUfAPX3RUi8VvDuKgwTBEo&e=)

[sI_prRqHm_1Gwm_BFAsEEDWugbFA&m=xsH3Un0B5lJ8Z1kh33LZAAJeZgRfIL3SvγιαKjJPTKk&s=-q0H7yl-tkQa1IsYWI_-7GUfAPX3RUi8VvDuKgwTBEo&e=\)](https://urldefense.proofpoint.com/v2/url?u=http-3A__rjequip.com&d=DwIGaQ&c=wZlZ6BR1yds6ABxMNYcTPKRj39yq004hegHRzkEIjMM&r=zoJR-4hBkKhAZT-sI_prRqHm_1Gwm_BFAsEEDWugbFA&m=xsH3Un0B5lJ8Z1kh33LZAAJeZgRfIL3SvγιαKjJPTKk&s=-q0H7yl-tkQa1IsYWI_-7GUfAPX3RUi8VvDuKgwTBEo&e=)

From: Patrick Schoen
To: [Rob Weldon](#)
Subject: Asphalt Roller
Date: Friday, March 23, 2018 1:54:36 PM
Attachments: [wn-rd16.pdf.pdf](#)
[wn-rd27.pdf.pdf](#)

Rob,

Thanks for the e-mail. We are a Wacker dealer who makes the following size rollers, 1 ton, 1.5 ton and 2.5 ton roller.

In the 1.5 ton class we offer two different model, one is 35.4" wide and the other is 39.4" wide. The 2.5 ton rollers are either 39.4" or 47.2" wide.

We currently only have the smaller 1-ton rollers on hand. I have asked our Wacker rep for pricing and availability on the 1.5 & 2.5-ton models. I will pass that info on as soon as it comes in. I have attached product sheet for the 1.5 & 2.5-ton models.

Please call or e-mail is if you have any questions.

Thanks,

Patrick Schoen
Tri-State Bobcat, Inc.
St Paul, MN
Direct – 651.407.7265
Office – 651.407.3727
Fax – 651.217.5770
Cell – 612.356.8890



FELLING TRAILERS, INC.

1525 Main Street South, Sauk Centre, MN 56378
Phone: 800-245-2809; FAX: 320-352-5230



2200-B

ATTENTION: Mary Schwarz

Ship To:

St. Paul Trailer Sales
3133 Hadley Ave. N,
Oakdale, MN 55128

ORDER

Reference No: 93284-LAE

Phone:
651-777-4825
FAX:

Bill To: Customer Unit/Stock:
St. Paul Trailer Sales
3133 Hadley Ave. N,
Oakdale, MN 55128

651-777-4825
FAX:

PO#		Sales Person	Laurie Engle	Addtl Discount	
Quote Date	10/17/2017	Appx Completion	6 Weeks Wk of 12/07/17	Other Charge	
Order Date	10/26/2017	Addtl Disc/Terms	FALL17-150	Territory	FT
Order Status	Order	Product ID	FT-6 T-1	VIN/Serial No.	

Notes:

Drawing No: OVL Length: 16.5

Copy No: Appx Wgt +/-: 1,650

Item Type	Description	Dealer Disc %	Terms %	Add Qty	Unit	Total Qty	Total Amt
Base Model	FT-6 T-1 Drop Deck Pan Tilt [E]			0.00	Each	1.00	3,985.00
Frame Type	Pan Style with 8" Sides			0.00	Std	1.00	0.00
Deck Length	Tilt Deck Length			0.00	Feet	12.00	0.00
Deck Type	Pressure Treated Wood			0.00	Std	1.00	0.00
Appx Deck Height	14" Loaded, 16" Unloaded			0.00	Inches	1.00	0.00
Width	96" OD, 74" ID			0.00	Inches	1.00	0.00
Tie Downs	Corner Ties			0.00	Each	2.00	0.00
Tie Downs	D-Rings, 5/8"			0.00	Std	6.00	0.00
Brakes	Electric, Dexter FSA (Fwd Self Adj) On All Axles			0.00	Std	1.00	0.00
Axles	6K Dexter, Drop			0.00	Std	1.00	0.00
Suspension	Dexter Spring			0.00	Std	1.00	0.00
Tires & Wheels	ST235/80R 16 E, 8 Bolt [16 x 6] White Mod			0.00	Std	2.00	0.00
Hitch Length	Center of Coupler to Headboard, Appx			0.00	Feet	4.50	0.00
Hitch Type	2 5/16" Ball Adjustable, [B] 20,000 lb Channel Mount			0.00	Std	1.00	0.00
Jack	7K Drop Leg ** Top Wind **			0.00	Std	1.00	0.00
Plug	7 Pole RV			0.00	Std	1.00	0.00
Lights	LED Lights (Peterson), Sealed Wiring Harness (Sealco)			0.00	Std	1.00	0.00
Trailer Color	Felling Black # CCA945378 (White Felling Decal)			0.00	Std	1.00	0.00
Stripe Color	White			0.00	Std	1.00	0.00
Standard	3/8" Safety Chains, Grade 70			0.00	Std	1.00	0.00
Standard	18" Approach Plate			0.00	Std	1.00	0.00
GVWR	7,000 lbs			0.00	Std	1.00	0.00



**MSO's are not released until
Payment Received**



**** FOB IF NO FREIGHT charged ****

**** FET Tax may apply on 26,000 lb GVWR and above ****

Please sign and date your acceptance of this quote:

Signature box

Standard List Price: \$3,985.00

Dealer Discount:

Addtl Disc (see TERMS)

Net Cost:

Freight:

Other Charge (see above):

TOTAL U.S.D.



Reference No.
QT 25608

QUOTATION

Ship To: CITY OF LAKE ELMO 0 0 0	Cust: 5	Phone: MN 55355 USA	Bill To: TOWMASTER TRAILERS, INC 61381 US HWY 12 LITCHFIELD	Phone: MN 55355 USA
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ATTN: ROB WELDON

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	JEREMY LARSON	NET 30 DAYS	3/26/18	3/26/18	0/00/00
Serial No.		Discounts:	15.00%	.00%	.00%
Qty	Feature	Description	List		
1	Base Model - T-5DT		\$4,995.00		
12	Deck Length - In Feet				
12	Decking Type - 2'' Nominal Oak Wood				
1	Width - 102" Overall with 77" Deck				
1	Axles - 7k E-Z lube Torflex				
1	Brakes - Electric				
1	Deck Height - 16.5''				
2	Tires - 235/85Rx16 (E)				
2	Wheels - White Mod				
1	Jack - 7K Drop Leg				
1	Lights - L.E.D.				
1	Plug - 7 Pole Rv				
1	Hitch/Neck - 2.5'' Pintle Ring				
1	Trailer Color - Equipment Black				
6	Tie Downs - D-Rings				
1	Option - Deck Cushion Cylinder		\$605.00		
--- Continued ---					

NOTE: If changes are made to an order after a P.O. has been issued, a fee may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

FET required on all trailers with a GVWR OF 26,000 lbs or more.

Price:

Total Discounts:

Net Cost:

Freight

Total:

Accepted by

Date



Reference No.
QT 25608

QUOTATION

Ship To:	Cust:	5	Phone:	Bill To:	Phone:
CITY OF LAKE ELMO				TOWMASTER TRAILERS, INC	
0				61381 US HWY 12	
0					
0		MN 55355	USA	LITCHFIELD	MN 55355 USA

ATTN: ROB WELDON

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	JEREMY LARSON	NET 30 DAYS	3/26/18	3/26/18	0/00/00
Serial No.		Discounts:	15.00%	.00%	.00%
Qty	Feature	Description	List		
1	*CUSTOM* - *		\$95.00		
	DOT BEFORE SHIPPING				
	Freight				
	\$180.00				

NOTE: If changes are made to an order after a P.O. has been issued, a fee may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

FET required on all trailers with a GVWR OF 26,000 lbs or more.

Price: \$5,695.00

Total Discounts: \$854.25

Net Cost: \$4,840.75

Freight \$180.00

Total: \$5,020.75

Accepted by _____ Date _____



STAFF REPORT

DATE: April 3, 2018
CONSENT
ITEM #: 12

AGENDA ITEM: Hiring Public Works Operator
SUBMITTED BY: Jake Foster, Assistant City Administrator

BACKGROUND:

The City advertised for applications for the Public Works Operator position from October 18th to November 2nd, 2017. On November 14th, staff interviewed seven applicants. The application materials for these applicants will be retained for one year. Eligible applicants were put into a hiring pool for future vacancies. Bob Wier is one such applicant.

ISSUE BEFORE COUNCIL:

Should Bob Wier be hired as the Public Works Operator at the terms described below?

PROPOSAL DETAILS/ANALYSIS:

Staff recommends hiring Bob Wier as the Public Works Operator contingent upon a satisfactory medical/physical evaluation. Staff is further recommending a starting wage of \$23.27/hour which is the pay rate offered for a probationary Public Works Operator III per the union contract.

Mr. Wier has experience with operating heavy equipment including snow plows, automobile maintenance and repair, and landscaping and mowing. Additionally he has a class A Commercial Driver's License with air break and tanker endorsements.

FISCAL IMPACT:

The total cost to the City for the hiring the Public Work Operator at this wage would be approximately \$75,000 including wages, taxes, and benefits. This cost has been budgeted for in 2018.

RECOMMENDATION:

If removed from the consent agenda:

“Move to hire Bob Wier as the Public Works Operator at a starting wage of \$23.27/hour.”

ATTACHMENTS: None



STAFF REPORT

DATE: April 3, 2018
CONSENT 13

AGENDA ITEM: Finance Committee Appointment

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As has been our practice, staff is presenting applications for committee appointments.

ISSUE BEFORE COUNCIL:

Should the Council appoint George Johnson to the Finance Committee?

PROPOSAL:

Council members were emailed a copy of the application materials from the following:
George Johnson

FISCAL IMPACT:

NA

OPTIONS:

If removed from consent agenda

- 1) Appoint George Johnson to the Finance Committee
- 2) Do not make an appointment to the Finance Committee

RECOMMENDATION:

“Motion to appoint George Johnson to the Finance Committee”

ATTACHMENTS:

- None



STAFF REPORT

DATE: April 3, 2018
CONSENT 14

AGENDA ITEM: Maintenance Advisory Committee Appointment

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As has been our practice, staff is presenting applications for committee appointments.

ISSUE BEFORE COUNCIL:

Should the Council appoint Dick Wier to the Maintenance Advisory Committee?

PROPOSAL:

Council members were emailed a copy of the application materials from the following:
Dick Wier

FISCAL IMPACT:

NA

OPTIONS:

If removed from consent agenda

- 1) Appoint Dick Wier to the Maintenance Advisory Committee
- 2) Do not make an appointment to the Maintenance Advisory Committee

RECOMMENDATION:

“Motion to appoint Dick Wier to the Maintenance Advisory Committee”

ATTACHMENTS:

- None



STAFF REPORT

DATE: April 3, 2018

CONSENT

ITEM #: 15

MOTION

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Driveway Ordinance and Fee Schedule Amendments
REVIEWED BY: Jack Griffin, City Engineer
Rob Weldon, Public Works Director

BACKGROUND:

An amendment to the driveway ordinance was an item on the 2018 Planning Department Work Plan. This was in response to Staff review of driveway permit application requesting a second curb cut. Public Works and Engineering Staff indicated that there is a general lack of support for second curb cuts, as there is more potential for damage to city streets and curbs and more cost involved during street work projects. Additionally, the language within the ordinance does not make it clear which conditions or situations in which the City should allow a second curb cut, and it leaves the decision up to the City Engineer without any specifying criteria.

PROPOSAL DETAILS/ANALYSIS:

Proposed Change. In order to make it clearer which properties may be exempt from the requirement that curb cuts are limited to one per residential properties, Staff is proposing the following changes:

- Clarifies that up to two curb cuts are allowed (as opposed to three or four).
- Clarifies “major street” by specifying that access cannot be on to a collector or arterial street.
- Requires there be a minimum of 40 feet of spacing between driveway curb radii.
- Requires that the total width of both driveways does not exceed 26 feet (i.e. there can be two 13 foot wide driveways).
- Requires Engineer review for collector or arterial streets. There is already the requirement that engineering review new driveways requested on a county or state highway. Engineering standards also require review of new driveways on collector and arterial streets, but this is not codified in the ordinance.

Proposed Additional Fees.

- **Driveway with No Curb Cut.** Currently, the flat cost for a residential driveway permit is \$70, and this includes replacing a driveway as-is or expanding a driveway without causing additional alterations to the curb cut, as well as driveways that require curb cuts. Staff recommends that there be a fee for a driveway with no curb cut of \$50. This includes plan review and inspections by both Planning and Public Works. Fees for driveways with curb cuts on residential streets are proposed to be amended to \$100.

- **Driveways with new curb cuts on collector or arterial street or county or state highway.** Because driveways on such streets are required to be reviewed by the City Engineer, there is additional cost to the City involved. The fee for this is proposed to be \$150 (additional \$50 for City Engineer review).
- **Additional Curb Cut Fee.** There is additional cost with having to restore a second driveway patch during street projects. The costs varies for each driveway and each project based on unit prices for each project. 2017 street project cost \$700 for each concrete driveway and \$250 for a bituminous driveway. Therefore, it makes sense to charge an additional fee to help cover those additional costs for street projects incurred by the additional driveway and possibly deter a second curb cut. The proposed additional cost for a second curb cut is \$100.
- **Security.** In order to ensure that curb cuts do not cause damage to city infrastructure, a \$1,000 security for each curb cut is being proposed. The City’s right-of-way ordinance already requires performance security to ensure the availability of sufficient funds to assure that right-of-way excavation and obstruction work is completed. The right-of-way ordinance states that if 36 months after completion of the restoration of the right-of-way the right-of-way has been properly restored, the security shall be released.
- **Additional Amendments to the Fee Schedule.** Staff saw the proposed amendment to the fee schedule to add additional driveway permit fees as an opportunity to add additional fees in order to cover Staff time:
 - **Final Plat Extension Fee.** The current Subdivision Regulations ordinance allows final plats to be extended as approved by Council. There is no fee to cover staff time to prepare reports and make presentations requesting this, and so Staff proposes a fee of \$100 to cover Staff time.
 - **Development Agreement Amendment Fee.** Staff has seen a number of requests lately to amend development agreements. These amendments are quite time consuming and require input from a number of City Staff, which may include but is not limited to the City Attorney, City Engineer, Administrator, Finance Director, and Building Official. Staff proposes a fee of \$500 for this request.

RECOMMENDATION:

Staff recommends, as part of tonight’s Consent Agenda, that Council adopt Ord. 08-206 making amendments to the City’s Driveway Ordinance and Ord. 08-207 making amendments to the City’s fee schedule. If removed from the Consent Agenda, the following recommended motions may be made:

“Move to adopt Ord. 08-206 amending the City’s Driveway Ordinance.”

“Move to adopt Ord. 08-207 amending the City’s fee schedule to decrease driveway permit fees with no curb cut; increase driveway fees with curb cuts; adding an additional fee for a second curb cut; adding a development agreement amendment fee; and adding a final plat extension fee.”

“Move to adopt Resolution 2018-039 authorizing summary publication of Ord. 08-207.”

ATTACHMENTS:

1. Ord. 08-206 amending City’s driveway ordinance
2. Ord. 08-207 amending the City’s fee schedule
3. Amended fee schedule
4. Summary publication of Ord. 08-207 Resolution 2018-039

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-206

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

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Section 93.26: Driveways, by amending the following:

(C) *Number of curb cuts.* In residential districts, each property shall be limited to 1 curb cut per dwelling unit. ~~Exceptions Up to two curb cuts~~ may be allowed when neither access is onto a ~~major collector or arterial~~ street, ~~and~~ when the lot exceeds 150 feet in width ~~or is a corner lot,~~ when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet. ~~All requests for a second curb cut shall be reviewed by the City Engineer.~~

(L) *Collector or arterial streets and State and county highway requirements.* Driveways constructed to access any non-residential (collector or arterial) street or street designated as a state or county highway shall meet all additional specifications of the appropriate jurisdiction. Access drives onto collector or arterial streets or state and county roads shall require a review by the road authority and the City Engineer. The state, county and City Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

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

SECTION 3. Adoption Date. This Ordinance 08-206 was adopted on this ___ day of April 2018 by a vote of ___ Ayes and ___ Nays

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-206 was published on the ____ day of _____, 2018.

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

ORDINANCE NO. 08-207

**AN ORDINANCE ADOPTING A 2018 FEE SCHEDULE FOR THE CITY OF LAKE
ELMO**

The City Council of the City of Lake Elmo ordains:

SECTION I. Schedule Adopted. The attached fee schedule is hereby adopted.

SECTION II. Not Codified. This ordinance is transitory in nature and shall not be codified in the City Code. This ordinance and the fee schedule established hereby shall be placed on file and available for public inspection at City Hall.

SECTION III. Effect. The fees set out in the attached fee schedule apply notwithstanding any other fees the City has established which may be inconsistent. Any other fees imposed by the City which do not appear on the attached fee schedule remain in full force and effect.

SECTION IV. Effective Date. This ordinance shall become effective for all billings rendered after adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION V. Adoption Date. This Ordinance No. 08-207 was adopted on this 3rd day of April, 2018, by a vote of ___Ayes and ___Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2018.



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Amateur Radio Antenna	\$875.00		Planning
Appeal (to Board of Adjustment and Appeals)	\$250.00		Administration
Bed and Breakfast Permit Fee	\$100.00		Planning
Bee Keeping Permit	\$25.00	Valid for 2 years from issuance	Administration
Building Regulations		* State Sur Charge Collected per MN Statute 326B.148 on all permits	Building
Building Permit Fee Schedule			
Total Valuation			
\$1.00 to \$500.00	\$29.50		Building
\$501.00 to \$2,000.00	\$28.00 for the first \$500.00 plus \$3.70 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.		Building
\$2,001.00 to \$25,000.00	\$83.50 for the first \$2,000.00 + \$16.55 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.		Building
\$25,001.00 to \$50,000.00	\$464.15 for the first \$25,000.00 + \$12.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.		Building
\$50,001.00 to \$100,000.00	\$764.15 for the first \$50,000.00 + \$8.45 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.		Building
\$100,001.00 to \$500,000.00	\$1,186.65 for the first \$100,000.00 + \$6.75 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.		Building
\$500,001.00 to \$1,000,000.00	\$3,886.65 for the first \$500,000.00 + \$5.50 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.		Building
\$1,000,001.00 and up	\$6,636.65 for the first \$1,000,000.00 + \$4.50 for each additional \$1,000.00, or fraction thereof.		Building
Planning and Zoning Compliance Review and Verification	\$100.00		Building
Plan Review Fee	65% of building permit fee		Building
Plan review for similar plans	25% of normal building permit fee (MN Rules 1300.0160 subp. 5)		Building
Single Family Decks	Fee based on Valuation		Building
Single Family Residential Basement Finish	Fee Based on Valuation		Building
Swimming Pool In-Ground	\$150.00		Building
Swimming Pool Above-Ground	\$75.00		Building
Reinspection Fee	\$75.00		Building
Inspection outside normal business hours	\$120.00 per hour - 2 hour minimum		Building
Investigation fee - work started without required permit	Equal to permit fee amount		Building
Replace Inspection Record Card	\$25.00		Building
Additional Plan Review required by changes, addendum or revisions to plans	\$75.00 per hour, one hour minimum		Building



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Building Demolition - Residential	\$200.00		Building
Building Demolition - Commercial	\$300.00		Building
Fuel Tank Removal (Underground)	\$250.00		Building
Fuel Tank Installation	2% Value of the work		Building
Roofing - Residential	Fee Based on Valuation		Building
Roofing - Commercial	Fee Based on Valuation		Building
Siding - Residential	Fee Based on Valuation		Building
Siding - Commercial	Fee Based on Valuation		Building
Retaining Walls over 4'	Fee Based on Valuation		Building
Commercial Plumbing	\$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential Plumbing	\$60.00 per Unit, max fee \$180.00		Building
Sewer Service Installation Inspection	\$60.00		Building
Water Service Installation Inspection	\$60.00		Building
Sewer & Water Service Installation Inspection when completed together	\$60.00		Building
Investigation fee - Plumbing work started without required permit	Equal to permit fee amount		Building
Commercial HVAC	\$60.00 per unit, Up to 3 Units or 1.5% Value of work, whichever is greater		Building
Residential HVAC	\$60.00 per Unit, max fee \$180.00		Building
Fireplace Installation	\$60 per unit		Building
Investigation fee - HVAC work started without required permit	Equal to permit fee amount		Building
Manufactured Home Move In	\$200.00		Building
Manufactured Home Move Out	\$200.00		Building
Moving House or Primary Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Moving Accessory Structure into the City	2% Value of the Work plus security amount determined by the Building Official		Building
Automatic Fire Extinguishing Systems	2% Value, \$100.00 minimum		Building
Investigation fee - Fire Suppression work started without required permit	Equal to permit fee amount		Building
Fire Alarm Systems	2% Value, \$100.00 minimum		Building
Investigation fee - Fire Alarm work started without required permit	Equal to permit fee amount		Building
Annual Retail Consumer Fireworks (retailers only selling fireworks)	\$350.00		Building
Annual Retail Consumer Fireworks (all other retailers)	\$100.00		Building
Outdoor Public Fireworks Display	\$150.00		Building



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Residential Day Care Inspections	\$50.00		Building
Residential Adult Care/Foster Care/Adoption Inspections	\$50.00		Building
Escrow Administration Fee	\$100.00		Building
New Single Family Dwelling Construction Escrow	\$2,000.00		Building
Two or more dwelling units per building Construction Escrow	\$1,000.00 per unit		Building
Commercial/Industrial and Other structures	\$5,000.00 or amount determined by the Building Official		Building
Burning Permit			Fire
Residential	\$45.00		Fire
Commercial	\$80.00		Fire
Illegal Burn	see notes →	Additional fees may be incurred based on Wash. Cty. Chief's fee schedule and # of responding units	Fire
Chicken Keeping Permit	\$25.00	Initial permit expires on 12/31 of 2nd year.	Administration
Comprehensive Plan Amendment	\$1,300.00	Land Use Escrow \$2500	Planning
Conditional Use Permit (CUP)			Planning
New	\$1,050.00	Wireless Communication Facilities Fee Escrow \$6,000.00. Flood Plain Ordinance Fee Escrow \$500.00 Land Use Escrow \$2500	Planning
Amended	\$500.00		Planning
Contractor License Fees			Licensing
Driveway	\$50.00		Licensing
Solid Waste Hauler	\$120.00		Licensing
Copy Services (Paper/Electronic)			Administration
Copies (B&W)	\$0.25 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color)	\$0.50 per page	100 pages or more are charged at actual cost of production	Administration
Copies (B&W) 11x17	\$1.00 per page	100 pages or more are charged at actual cost of production	Administration
Copies (Color) 11x17	\$2.00 per page	100 pages or more are charged at actual cost of production	Administration
Data DVD Fee	\$15.00		Administration
GIS Scaled Aerial	\$25.00		Administration
Existing Maps	\$5.00		Administration
Custom (Per Hour Rate)	\$70.00		Administration
Plan Size Maps (Larger than 11x17)	\$15.00		Administration
Development Standards Specs/Details	\$55.00		Administration
Video reproduction	\$10.00		Administration
Culverts in Developments with Rural Section	\$160.00		Administration
Dog License- altered	\$20.00		Licensing
Dog License- unaltered	\$25.00		Licensing
Dog License- late fee	\$2.50 per month	Maximum \$10	Licensing



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Service Dog License	No Charge		Licensing
Dog - duplicate license or tag	\$1.00		Licensing
Dog and Cat Impound fees			
First Impound- Unlicensed Dog	\$60.00	All Impound Fees plus \$20/day Boarding Fee	Licensing
First Impound- Licensed Dog	\$42.00		Licensing
First Impound- Cat	\$42.00		Licensing
Subsequent dog/ cat impound	\$85.00		Licensing
Driveway			Planning
Residential <u>- no curb cut on residential street</u>	<u>\$70-\$50</u>	<u>\$1,000 security</u>	<u>Planning</u>
<u>Residential - curb cut on residential street</u>	<u>\$100</u>	<u>\$1,000 security</u>	<u>Planning</u>
<u>Residential - curb cut on collector or arterial street</u>	<u>\$150</u>	<u>\$1,000 security</u>	<u>Planning</u>
<u>Residential - second curb cut</u>	<u>additional \$100</u>	<u>\$1,000 security (per curb cut)</u>	<u>Planning</u>
Commercial	\$160.00		Planning
Easement Encroachment	\$100.00	Staff & Recording Fee	Planning
Electronic Fund Withdrawal/Bill Payment	Fee + Trans. Charge		Administration
Environmental Review (EAW/EIS)	\$1,500.00	\$2,500 Land Use escrow	
Village Area AUAR Fee	\$230.00	Per REC Unit. To be charged to development applications that increase the number of REC units above existing conditions within the Village AUAR Area. The fee will be based on the difference between the proposed and existing REC units. Fee to be paid as part of a developer's agreement for larger projects or at the time a building permit is issued for smaller projects. Once paid, the same land will not be charged again.	Planning
Erosion Control			Building
Re-inspection Fee (portal to portal from City Hall: 1 Hr. min)	\$50.00 per hour	\$5,000.00 Security	Building
Excavating & Grading ≥ 50 cubic yards, up to 400 cubic yds	\$125.00	Security \$500.00	Building
Excavating & Grading ≥ 400 cubic yards/acre of site area	\$500.00	\$500.00 fee escrow. Plus Security as Determined by the Planning Department	Engineering
False Alarms (12 Month Period)* (*1-3 no charge)			Fire
Residential			Fire
4-6 False Alarms	\$110.00		Fire
In Excess of 6 False Alarms	\$185.00		Fire
Commercial			Fire
4-6 False Alarms	\$315.00		Fire
In Excess of 6 False Alarms	\$520.00		Fire
Flood Plain District Delineation	\$500.00		Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Interim Use Permit (IUP)			
Fee	\$1,050.00	\$2,500.00 Escrow	Planning
Renewal	\$300.00		Planning
Liquor License			
Club On-Sale Intoxicating	\$100.00		Licensing
On-Sale Intoxicating	\$1,500.00		Licensing
Off-Sale Intoxicating	\$200.00		Licensing
Off-Sale Non-Intoxicating	\$150.00		Licensing
On-Sale Intoxicating- 2nd Building	\$750.00		Licensing
On-Sale Non-Intoxicating	\$100.00		Licensing
Investigation	\$350.00		Licensing
On-Sale Sunday Intoxicating	\$200.00		Licensing
Temporary Intoxicating	\$25.00		Licensing
Wine	\$300.00		Licensing
Lot Line Adjustment	\$325.00	None	Planning
Massage Therapy Premises License			
Application Fee	\$100.00	Fee includes one Therapist	Licensing
Investigation Fee	\$100.00		Licensing
Massage Therapy Practitioner License			
Application Fee	\$50.00		Licensing
Investigation Fee	\$25.00		Licensing
Massage Therapy Premises License Renewal	\$50.00	Fee includes one Therapist	Licensing
Massage Therapy Practitioner License Renewal	\$25.00		Licensing
Massage Therapy License Amendment	\$25.00		Licensing
Minor Subdivision	\$525.00	\$1,000.00 escrow	Planning
Park Dedication			
Residential - Up to three lots	\$3,600.00 per lot	Four or more lots per §153.14	Planning
Commercial	\$4,500.00 per acre		Planning
Parking Lots			
Commercial	\$200.00	\$500 Fee Escrow. Plus Security as Determined by the Planning Department	Planning
Platting			
Sketch Plan Review (Subdivision)	\$500.00	\$3,500 Fee Escrow	Planning
Preliminary Plat (Subdivision)	\$1,850.00	\$10,000 Fee Escrow	Planning
Final Plat (Subdivision)	\$1,250.00	\$8,000 Fee Escrow	Planning
Final Plat (Extension Fee)	\$100.00		Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
<u>Development Agreement Amendment</u>	<u>\$500.00</u>		<u>Planning</u>
Planned Unit Development			Planning
General Concept Plan	\$1,250.00	\$7,500 Fee Escrow (Waive Subdivision Escrow)	Planning
Development Stage Plan	\$1,850.00	\$10,000 Fee Escrow (Waive Subdivision Escrow)	Planning
Final Plat	\$1,250.00	\$8,000 Fee Escrow (Waive Subdivision Escrow) and (City will retain escrows to reimburse review costs for each stage of Development)	Planning
Private Roads (Permitted only in AG zone)	\$150.00		Planning
Restrictive Soils and Wetland Restoration Protection and Preservation Permit	\$800.00		Planning
Returned Check (NSF)	\$25.00		Administration
Right-of-Way Permit			
Annual Registration	\$200.00	\$5,000 Security	Engineering
Excavation Permit	\$275.00 + \$.60/foot		Engineering
Joint Trench Permit (per lot per utility)	\$275.00 + \$.60/foot		Engineering
Obstruction Permit	\$275.00		Engineering
Small Wireless Permit Fee	\$275.00		Engineering
Permit Extension	\$100.00		Engineering
Delay Penalty (per calendar day)	\$25.00		Engineering
SAC Charge (City) (Sewer Availability Charge)	\$3,000.00	Per REC Unit: collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
SAC Charge (Met Council) (Sewer Availability Charge)	\$2,485.00	Per REC Unit: \$2,485 to Met Council at time of connection.	Engineering
Sewer Connection Charge	\$1,000.00	Per REC Unit collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Sewer Lateral Benefit Charge	\$11,300.00	Per REC Unit connecting to a Trunk Sewer Main and that has never been assessed	Engineering
Sewer Base Charge - Residential - Non 201 Off Site	\$53.03 per quarter	Allowance of 10,000 gallons (10 Units) per quarter	Administration
Sewer Rate	\$4.55/1,000 Gal		Administration
201 Off-Site Maintenance Fee	\$75.75/unit/quarter		Administration
Real Estate Searches	\$15.00/Search	For special assessment or utility search	Administration
Signs - Permanent	\$180.00		Planning
Signs - Temporary	\$75.00		Planning
Temporary Renewal	\$25.00		Planning
Re-inspection Fee	\$25.00		Planning
Special Event Permit	\$75.00	City must be listed as additional insured	Planning



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Surface Water			Administration
Residential	\$55.00		Administration
Non-Residential (Commercial etc.)	\$55.00	Utility rate factor per code	Administration
Review Fee	\$137.50	\$82.50 Review/\$55 Storm Water Fund	Administration
Vacations (Streets or Easements)			Planning
Easements	\$515.00	\$500 Fee Escrow	Planning
Streets	\$515.00	\$500 Fee Escrow	Planning
Variance	\$750.00	\$500 Fee Escrow	Planning
Shoreland Variance	\$1,500.00	\$500 Fee Escrow	Planning
Water Availability Charge (WAC)	\$3,000.00	Per REC Unit; collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Engineering
Water Connection Charge	\$1,000.00	Per REC Unit, collected at time of plat for new lot. This fee may be deferred through special assessment for parcels with existing structures.	Administration
Water Equipment/Set up			Administration
Meter (3/4" or less)	\$360.50	Additional fees apply to larger sized meters	Administration
Driveway Curb Stop Lid	\$103.00		Administration
Disconnect Service	\$82.40		Administration
Reconnect Service	\$82.40		Administration
Water Lateral Benefit Charge	\$5,800.00		Per REC Unit connecting to a Trunk Water Main and that has never been assessed
Water Usage			Administration
Residential - Quarterly Base Rate	\$20.60 Base		Administration
Residential - Plus Rate per 1,000 Gallons			Administration
Plus Rate for 0-15,000 Gallons	\$2.06		Administration
Plus Rate for 15,001-30,000 Gallons	\$2.47		Administration
Plus Rate for 30,001-50,000 Gallons	\$2.97		Administration
Plus Rate for 50,001-80,000 Gallons	\$3.56		Administration
Plus Rate for 80,001 + Gallons	\$4.27		Administration
Water Usage			Administration
Commercial - Quarterly Rate	\$25.75 Base		Administration
Commercial - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 - 15,000 Gallons	\$3.20		Administration
Plus Rate for 15,001 - 30,000 Gallons	\$3.36		Administration
Plus Rate for 30,001 - 50,000 Gallon	\$3.88		Administration
Plus Rate for 50,001 - 80,000 Gallons	\$5.15		Administration



City of Lake Elmo - 2018 Fee Schedule

APPLICATION/FEE/PERMIT TYPE	2018 FEE	ADDITIONAL CHARGE, ESCROW or NOTES	DEPARTMENT
Plus Rate for 80,001 + Gallons	\$6.83		Administration
Water Usage			Administration
Hotel / Motel - Quarterly Rate	\$25.75 Base	For metered non-irrigation (domestic) consumption	Administration
Hotel / Motel - Plus Rate Per 1,000 Gallons			Administration
Plus Rate for 0 -30,000 Gallons	\$3.20		Administration
Plus Rate for 30,001 - 50,000 Gallons	\$3.36		Administration
Plus Rate for 50,001 + Gallons	\$4.12		Administration
Water Usage Delinquent Accounts			Administration
Regular	6% per quarter	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Storm Water	10% per year	Plus \$25.00 or 8%, whichever is greater, if certified to County for collection with taxes	Administration
Bulk Water Purchase			Administration
Water from Hydrant	\$103.00 minimum	Plus \$3.36/additional 1,000 gallons	Administration
Wind Generator	\$850.00	\$2,000 Fee Escrow	Planning
Wireless Communication Permit	\$500.00	\$6,000 Fee Escrow	Planning
Zoning Amendment (Text or Map)	\$1,245.00	\$2,500 Escrow	Planning
Zoning Certification Letter	\$25.00		Planning
Zoning Permit - Certificate of Zoning Compliance			Planning
Accessory Structures < 200 SF	\$75.00		Planning
Fence (less than 6')	\$75.00		Planning
Other	\$75.00		
Definition of Terms			
<i>* Fee Escrow: City will maintain a fee escrow to cover all City review costs. Application fees include all professional fees and expenses incurred by the City.</i>			
<i>** Security: City will retain a security escrow to ensure completion of work as directed by the approved permit/application and compliance with the State Building Code and the City of Lake Elmo Municipal Code.</i>			
Adopted by City Council - 12-5-17			

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

RESOLUTION NO. 2018-039

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-207 BY TITLE
AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-207, an ordinance replacing the administrative provisions of the City's Zoning Code; and

WHEREAS, the ordinance is lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-207 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-207, which amends the City's 2018 Fee Schedule to decrease driveway permit fees with no curb cut; increase driveway permit fees with curb cuts; add an additional fee for a second driveway curb cut; add a development agreement amendment fee; and add a final plat extension fee.

The full text of Ordinance No. 08-207 is available for inspection at Lake Elmo city hall during regular business hours.

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

Dated: April 3, 2018

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

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

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: April 3, 2018

REGULAR

ITEM #: 16

MOTION

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Mountain Biking – Reid Park
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

Reid Park has expanded in size over the last few years due to development in the city. Previously Reid Park was 30 acres in size but with the park dedication lands from the Easton Village, Northport and North Star at Legacy developments the park has grown to over 45 acres. In addition, the City also owns land to the north of Reid Park that is partially used for an infiltration basin.

The topic of mountain biking at Reid Park has been brought up several times to the Parks Commission over the last few years.

June 2015

The parks commission started a preliminary discussion around Reid Park. During this discussion they created a wish list of items that they would like to see in the park, one such item was mountain bike trails "...mountain bike trail on the north side where the topography changes..." The commission then met at Reid Park for their July 20th meeting to further the development discussion.

April 2016

The parks commission had set goals for future discussion which included a connection from Easton Village, and the possibility for bike and walking trails.

May 2016

For the May meeting goals for future discussion were set to include:

Prepare for planning, use to-scale map method to look at land dedications, review notes from last public comments, and discuss access to Reid Park from Old Village and a connection from Easton Village, and the possibility for bike and walking trails.

June 2016

The parks commission had a discussion about the desired improvements to Reid Park. The first improvement listed was mountain biking trails.

"Motion by Weis, seconded by Nelson to recommend approval of PR-006 as amended. The Parks Commission voted and recommended that \$50,000 to construct mountain biking trails be procured from grants in 2018 and that \$134,250 be dedicated from the Parks Fund for other above-described improvements in 2019. A priority ranking of 3 (Important) was assigned to this project. Motion passed 6-0."

Also during the Parks Commission workshop a tentative cost to develop trails was presented.

June 2016

Finance Committee reviewed the 2017-2021 Capital Improvement Plan (CIP) which included the Parks Commissions June 8th recommendations regarding Reid Park.

August 2016

Finance Committee reviewed the 2017-2021 Capital Improvement Plan (CIP) which included the Parks Commissions June 8th recommendations regarding Reid Park.

November 2016

Planning Commission held public hearing on 2017-2021 CIP. No public comments were made. Some commissioners expressed concern about mountain biking at Reid Park and whether there was a need for it. Recommendation to Council included the Parks Commission recommendation for Reid with no amendments.

December 2016

City Council reviewed the 2017-2021 CIP at both December meetings. Council approved the 2017-2021 CIP as recommended by Finance Committee. This included the mountain biking proposal for Reid Park for 2018.

February 2017

Hank Grey, who at the time was secretary of Stillwater Area Scholastic Cycling Advocates came to speak about the riding team. Hank had requested that the city allow them to use the park for mountain biking, stating that they had used it last year (2016) but wanted permission for further use. The commission had requested staff to report back if mountain biking was allowed within the park.

May 2017

The presentation to the parks commission for the 2018-2022 CIP had indicated that \$50,000 could be received for donations to build mountain biking trails. Recommendation include modifications to PR-006, Reid Park Improvements due to concerns about park dedication funding levels. PR-006, Reid Park Improvements for \$50,000 in 2018 (this would be a grant or in-kind donation for mountain bike trails) and \$25,000 for widening the walking trails. In 2019 (tot lot, outdoor gym stations, bleachers), extending fencing, and elimination of basketball court (Phase II) for \$34,250

June, July and September 2017

Finance Committee reviewed the 2018-2022 CIP which included the revised PR-006 project description as recommended by the Parks Commission.

November 2017

The conversation continued about mountain bike trials at the Parks Commission. Staff had been directed to reach out to 3rd parties, requesting that they identify which of the Lake Elmo parks would be best suited for trials. Both of the organizations which were contacted said Reid and Sunfish.

The Planning Commission held the public hearing on the 2018-2022 CIP. No public comments. Planning Commission recommended approval of the 2018-2022 CIP with the Reid Park Improvements as recommended by the Parks Commission.

December 2017

City Council approved 2018-2022 CIP which included the Reid Park Improvements, PR-006.

January 2018

Presented SASCA proposal and MOU.

February 2018

The proposal and MOU was approved as is by the Parks Commission.

PROPOSAL:

Use:

As indicated in the attached proposal SASCA would like to install 2+ miles of mountain bike trails within Reid Park. Though the primary design for the trails would be focused around the use of mountain biking, other groups could use the trails as well. Such as hikers, walkers, trail runners, and winter users such as snow shoeing and fat tire biking.

Some things to keep in mind.

- They will not use machine equipment to build the trails. Only that which can be handheld will be used.
- They will be developing the trail with volunteer labor.
- No trees over 4 inches at the base will be cut.
- They will be using/following the International Mountain Bicycling Association (IMBA) guidelines when it comes to the design and building of the trails.
- The proposed map needs to be looked at with flexibility. The route may change due to trees (the trail will be routed around mature trees), low spots, or other features that may hinder rider and other user experience.
- As with all parks it is the responsibility of the Public Works Department to maintain all amenities within the parks system. However, in this case SASCA has agreed to specifically maintain the mountain bike trails.

Wetlands:

Reid Park has two bodies of water that reside within the park. Neither of the lakes are located in the table within the City's shoreland ordinance nor do they appear on the DNR's lake finder search. Though there is a wetland within the park that does not mean biking would be restricted.

In previous conversations flooding in the park was presented as a potential issue for the trail system. Based off what we know today Reid is a natural low area with no outlet, it is expected to hold water until the pond drains naturally. The runoff from the neighboring developments adjacent to Reid were designed to flow away from the park, not into it. Beyond that, it is unknown at this time how or if flooding will affect the proposed trails.

Impact on surrounding properties:

The park is predominately surrounded by residential properties except for the northern portion of the park. The majority of the trail is kept internal and within the tree line to avoid running along the neighboring property lines. This will also help mitigate any visual impacts. With that said staff does not anticipate bikers would cause more of a nuisance than other users within the park.

There is a pedestrian entrance from Easton Village which those residents more than likely would use as access to the park as opposed to the main entrance. There is an established entrance with a parking lot which we would ask the riding team to use when they are building the trail as well as practicing together. Staff does not anticipate users to fill the lot except on a few occasions when the park is reserved or an event is taking place.

Impact to other users:

With the added amenity it is anticipated that the number of users in the park will increase. With the user type expected to vary the majority of the proposed trail is designed to mitigate the number of times it will cross over

into another use (walking trails). The design of the trail is predominately located in areas which do not have an established use, thus not actively used. It is important that the park be a safe and useful amenity for all residents and visitors, though incidents may occur as with any use, staff feel that the proposed design is appropriate. Staff also spoke with Oak Park Heights who had trails built by SASCA and the City of Woodbury, who used other resources to build their trails. Neither municipality mentioned any notable issue with different users. Though Woodbury did say they had to rework some intersections to promote a better sightline.

Signage:

Where intersections occur trails would be marked displaying the direction of travel and expectations. SASCA has agreed to provide these intersection markers. The signs would be on both the walking trail as well as the bike trail. Furthermore, if the City would like to make an investment for the trail, signage may be placed at the entrance to further inform users of expectations as well as conditions of trails after rain events. Such as: “Riders must wait 2 hours after a rain event before trail use” and “Be good stewards remove all trash”. This type of sign is not being proposed by SASCA but instead may be an addition down the road.

Because SACA relies on donation they did not feel comfortable committing to any additional features (Signs or other) within the park.

Lighting:

There is no proposal of lighting and the regular hours of park use would still apply.

Liability:

After communication with the City insurance carrier, there would be no increase of cost by adding this amenity to the parks system. SASCA has provided proof of insurance and will include the City onto their policy.

FISCAL IMPACT:

Currently there would be no cost or increase in costs to the City. Funds would only be expended if the City would choose to make further investments into the park.

PARKS COMMISSION AND STAFF RECOMMENDATION:

Staff Comments: Given the current condition and manner in which the amenity will be added to the park, there appears to be minimal to no risk for the City financially or otherwise. The development would also provide a promising opportunity for community involvement and connection to the Stillwater School District. Also with its proximity to Easton Village and Northport it provides an opportunity for those children to have safe access to an active park. Both staff and public works, who would oversee the general maintenance and installment for the park, agree that over its lifetime this added use will not demand an increase on workload.

Though the motion passed with no amendments, comments made during the meeting led staff to include two additions to the MOU. The additions to the MOU include an annual audit which will be conducted by the City and the City will determine what the standards are for the trials. Also keep in mind the MOU which has been presented to you has been reviewed and improved by the City’s attorney.

The Parks Commission as well as Staff recommends approving SASCA’s proposal and MOU to develop mountain bike trails within Reid Park. After the presentation of the project at the February 21st meeting the Parks Commission voted to approve the proposal as is with no amendments to the plan or MOU.

Voting Outcome: 4 for yes, 2 for no, and 1 no vote.

“Motion to adopt Resolution 2018-036 approving the design and construction of mountain bike trails within Reid Park.”

OPTIONS:

- 1) Approval of trail development as proposed by SASCA as well as the MOU
- 2) Deny trail development as proposed by SASCA.
- 3) Amend the proposal and recommend approval of SASCA proposal and MOU.

ATTACHMENTS:

- Concept Map
- Memorandum of Understanding (MOU)
- Proof of insurance
- Costs
- Woodbury comments relating to their trail in Carver Park
- Letter(s) from the public
 - Stillwater Activities Director and Assistant Principal



MEMORANDUM OF UNDERSTANDING

BETWEEN THE

Stillwater Area Scholastic Cycling Advocates

AND THE

City of Lake Elmo

Reid Park – Lake Elmo, MN

This Memorandum of Understanding (“MOU”), dated as of this ____ day of _____, 2018 is entered into by and between the City of Lake Elmo, a Minnesota municipal corporation and Stillwater Area Scholastic Cycling Advocates, a Minnesota non-profit corporation (“SASCA”).

SECTION 1 - INTRODUCTION AND PURPOSE

SASCA and the City are interested in promoting mountain biking as an outdoor recreation and fitness activity and in developing and maintaining quality trails for beginner to intermediate ability levels within Reid Park which is owned and operated by the City.

This MOU identifies specific projects, including the design and construction of mountain bike park trails, features, maintenance, and patrol activities, which SASCA volunteers have agreed to provide as a volunteer service to the City in Reid Park. This MOU also establishes the responsibilities and conditions under which SASCA’s volunteer service will be provided and delineates the responsibilities of the City.

SECTION 2 – OWNERSHIP OF IMPROVEMENTS

All improvements constructed in Reid Park by the City or by SASCA shall be, and remain the property of the City. All plans and documents including records, data, and other information acquired, developed or documented under this MOU shall be the property of the originating party, unless otherwise mutually agreed upon by both parties.

SECTION 3 – TERM OF MOU

The term of this MOU shall commence on March 1, 2018, and end on February 28, 2020. The City and SASCA may agree to extend this MOU for additional one year terms upon the written approval of both parties.

SECTION 4 - SASCA VOLUNTEERS

Volunteers assigned to perform the work under this MOU at Reid Park will be considered volunteers of SASCA and will be covered under the policies and procedures of SASCA in relation to volunteer organization and management. SASCA volunteers are not employees or volunteers of the City, however, they will receive training by SASCA enabling them to represent the relationship between SASCA and the City.

SECTION 5 - SASCA RESPONSIBILITIES

SASCA shall be responsible for the following at no cost to the City:

- a. Assisting the City with mountain bike trail design, construction, and maintenance in Reid Park. Trail development must conform to International Mountain Bike Association (“IMBA”) guidelines and City approved designs. The standards for trail design, construction, and maintenance shall be ultimately determined by the City. SASCA shall be responsible for designing, constructing, and maintaining the approved trails. Trail construction and maintenance may include sculpting or removing dirt as needed throughout the mountain bike park. SASCA must obtain approval from the Public Works Director prior to using any chemical treatments in Reid Park.
- b. Providing technical support to the City in determining the location and design of technical features on the mountain bike trails. Technical features must conform to IMBA guidelines and City approved designs and must be approved by the City.
- c. Providing and supervising volunteers for mountain bike trail construction, maintenance, inspection, and construction of technical features. SASCA must train and supervise all volunteers in appropriate trail construction, inspection, and maintenance techniques in accordance with IMBA guidelines. SASCA volunteers must use Reid Park’s established main entrance and parking lot.
- d. Providing its volunteers with tools and equipment. SASCA will coordinate with Public Works to determine when it is acceptable to use power tools that may be heard by neighbors. The City may make hand tools available to SASCA and its volunteers upon request through the Public Works Director.
- e. Identifying a crew leader and providing that person’s name and contact information to the City Planner.
- f. Coordinating volunteer work schedules and on-site public notification, when needed, with the City Planner and Public Works Director. If mountain bike trail construction or maintenance work will be done on the weekends, SASCA must notify the Public Works Department at least 48 hours in advance. In the event that larger equipment is needed for the trail work, notice must be given to the Public Works Department at least three days in advance.
- g. Planning and testing of mountain bike trails and technical features. SASCA volunteers may use bikes in the on-site planning and testing of technical features and trails prior to opening features to the public.

- h. In the event that SASCA is unable to safely and promptly address an identified issue with a mountain bike trail that may create an unsafe situation, the SASCA volunteer must immediately notify the City Public Works Director.
- i. Submitting recommendations to the City for any significant mountain bike trail alignment changes that may be contemplated by SASCA in carrying out its volunteer duties as outlined in this MOU.
- j. Recommending to the City for consideration the types of mountain bike trails, the locations of the trails, and types of trail signs to be used (directional, cautionary, and informational signs).
- k. Installing trail signs (if requested by City).
- l. Making recommendations to the City Planner and Public Works Director as to when to close and re-open mountain bike trails due to poor conditions or other unforeseen circumstances observed during bike patrol or maintenance activities.
- m. Providing volunteers identified and trained by SASCA as trail stewards to ride, patrol, and monitor the mountain bike trails.
- n. Reporting emergencies and non-emergency situations that occur in the mountain bike park such as suspicious activities, uncooperative behaviors, and unauthorized mountain bike park use. SASCA representatives should call 911 for emergency assistance. SASCA should contact the Washington County Sheriff's Office at 651-439-9381 for non-emergency situations.

SECTION 6 - CITY RESPONSIBILITIES

The City shall be responsible for the following:

- a. Reviewing and approving mountain bike trail designs and implementation plans for all agreed to SASCA volunteer activities.
- b. Conducting an annual audit of the mountain bike trail facilities for trail quality. The City shall share the results of the audit with SASCA so that any necessary changes can be made to improve the quality of the mountain bike trails.
- c. Purchasing materials, if needed, to be used by SASCA for maintenance and upkeep of approved technical features and trail development.
- d. Loaning hand tools to SASCA for its mountain bike trail construction and maintenance activities in Reid Park, upon request and approval of the Public Works Director.

- e. Providing support for approved work on a schedule agreed to by the City Planner and Public Works Director.
- f. Removing and disposing of yard waste (i.e. large quantities of buckthorn) generated during the construction of the mountain bike trail in Reid Park. SASCA must coordinate, in advance, with the Parks Department where and when to leave the waste.
- g. Reviewing and approving recommended technical features, trail construction schedules, and trail maintenance schedules.
- h. Recognizing SASCA's contributions for mountain bike trail design, construction, and maintenance by placing appropriate signage at a location approved by the City Planner.
- i. Notifying SASCA of mountain bike park closures or events in Reid Park which affect the use of the mountain bike park so that SASCA may post this information on its web site.

SECTION 7 – INDEMNIFICATION AND INSURANCE

SASCA and the City each agree that they will be responsible for their own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party, therefor, agrees that it will assume all risk and liability to itself, its agents, officials, volunteers, and employees, for the injury to persons or property resulting in any manner from the conduct of its own operations and its accepted responsibilities found in this MOU.

The City does not provide any warranty or certification that Reid Park is best suited for the planned uses by SASCA.

SASCA shall provide the City with a certificate of commercial general liability insurance evidencing coverage of at least \$1,000,000 of combined single limits covering claims that might be brought against SASCA or the City that arise out of the uses authorized by this MOU. SASCA must name the City as an additional insured on its policy with respect to the commercial general liability insurance. The certificate of insurance must be provided to the City Administrator prior to any trail construction commencing and subsequently not later than April 1st of each calendar year.

SECTION 8 – COMPLIANCE WITH LAWS

SASCA and its activities under this MOU must not interfere with the public's enjoyment of Reid Park. SASCA agrees that it will abide by all applicable laws and regulations, including, but not limited to, City ordinances.

SECTION 9 – TERMINATION

This MOU may be terminated by either party upon delivery of 30 day written notice to the other party.

SECTION 10 – AMENDMENT OR ASSIGNMENT OF MOU

This MOU shall not be altered, changed, or amended except by written mutual agreement of the parties. This MOU shall not be assigned by either party without the written permission of the other party. All prior agreements, resolutions, understandings, representations, whether consistent or inconsistent, verbal or written, concerning this MOU or the recreational facilities subject to this MOU are merged into and superseded by this MOU.

SECTION 11 - NOTIFICATIONS

Except as otherwise expressly provided in this MOU, a notice or other communication required by this MOU shall be delivered to the contact persons at the email addresses and phone numbers listed below:

SASCA Contacts:

Calvin Jones
SASCA Board of Director
651-472-7187
StillwaterMTB@gmail.com

Matt Lehmann
SASCA Board Member
651-387-8508
mattlehmann218@gmail.com

City of Lake Elmo Contacts:

Ben Prchal
City Planner
651-747-3911
bprchal@lakeelmo.org

Rob Weldon
Public Works Director
651-747-3941
rweldon@lakeelmo.org

SECTION 12 – EMPLOYEES

Nothing herein is intended or should be construed in any manner as creating or establishing the relationship of co-partners or a joint venture between the parties hereto or as constituting one of the parties as an agent, representative or employee of the other party for any purpose or in any manner whatsoever. Personnel assigned to perform work on the recreational facilities subject to this MOU by one of the parties shall not be considered temporary or permanent employees of the other party for any purpose whatsoever or be entitled to any rights or benefits by way of workers’ compensation, unemployment insurance, medical and hospital care, sick and vacation leave, severance pay, PERA, or any other right or benefit of the other party.

SECTION 13 – SEVERABILITY

If any portion of this MOU is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the MOU.

**STILLWATER AREA SCHOLASTIC
CYCLING ADVOCATES**

By: _____

Its: _____

CITY OF LAKE ELMO

By: _____

Mike Pearson

Its: Mayor

By: _____

Julie Johnson

Its: City Clerk



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/12/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Pachner and Associates, LLC P.O. Box 140 Keene NY 12942	CONTACT NAME: Alyssa Granato PHONE (A/C, No, Ext): (518) 576-2100 FAX (A/C, No): (866) 406-9548 E-MAIL ADDRESS: alyssa@pachner.us
	INSURER(S) AFFORDING COVERAGE INSURER A: United States Fire Insurance Co. NAIC # 21113 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED SASCA DBA Stillwater Area Scholastic Cycling Advocate P.O. Box 815 Stillwater MN 55082	

COVERAGES CERTIFICATE NUMBER: CL1811209782 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y		USP251676	09/07/2017	09/07/2018	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000						
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate holder is added as additional insured, but only with respect to liability arising out of the operations of the named insured. Subject to all policy terms, conditions and exclusions.

CERTIFICATE HOLDER City of Oak Park Heights 14168 Oak Park Blvd N. Oak Park Heights MN 55082	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ATTACHMENT C – *Optional trail enhancements*

Option	Line item	Cost
Signage	Map at entrance	\$460
	Rules sign	\$460
	Support materials	\$150
Trail side work station	Tool stand	\$800
	Pump	\$400

All expenses shown are estimates. Options will be pursued with the Cities guidance provided funding is available either from fundraising, third party donations or directly from the City.

Below is a dialog of comments which came from Woodbury's Recreation Manager regarding Carver Lake Park, their only park with multi use trails (purpose built for mountain bikes)

Woodbury's Carver Lake Park has multiple amenities such as volleyball courts, beach, playground, and picnic areas. The park also contains 6 miles of multi-use trails which have been specifically designed for mountain bike use. With the trails being focused towards mountain bikers, all other trail users yield to them. With the trail being a one way single track, there needs to be a level of respect between riders and other trail and park users. The trails receive a wide range of cyclists from families with young kids to more mature riders. It was indicated that the majority of riders are mature professionals between the age of 30 and 40. Although there are more and more families and youth riding every year. It's also a hot spot for the HS league teams to practice and train.

It is to be understood that there could be some conflict between users especially when the trail crosses over a paved walking trail. After the trail construction they have gone back to rework the intersections to improve upon the safety and line of sight. Initially there were complaints and some are still received on occasion but they are shadowed by the amount of compliments which are received by users. Now that it has grown in popularity the park hosts youth and adult camps and clinics and one winter bike race each year.

One note (added by Woodbury staff)– This is simply and briefly explaining Woodbury's experience with our off-road cycling trail and park users. By no means are we recommending that Lake Elmo build a trail. It has to be a good fit for your community and we are not suggesting that you build or not build an off-road cycling trail.



3.16.18

Mayor Mike Pearson and City Council
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Stillwater/Lake Elmo Area Multi-Use Trail Development Support

To Whom It May Concern,

On behalf of the students, families, and activities hosted at Stillwater Area High School, we would like to offer our support regarding new trail development in the Stillwater area both by the County and City municipalities. The proposed multi-use trail system being considered for Reid Park located in Lake Elmo Minnesota as well as the Washington County trail connection planning that is currently being considered are all options that are exciting and meet needs specific to our students and families. Additionally with the advent of the highway 36 bridge, additional trail is being actualized, further making the Stillwater area a family destination, with trail access playing a large role. These trail development activities offer safe access to our students and provide greater opportunity for our school activities. Developing future citizens as a community school requires safe access to healthy lifestyle options which is partially answered in providing excellent access to parks and recreation areas.

What we know about healthy communities, is that more trail systems and access to parks is a priority. Specifically at Stillwater Area High School, these trail planning initiatives play a critical role in the safety and level of opportunities available to our students. Cross Country Running, Track and Field, Cross Country Skiing and the Mountain Bike Team all access and utilize trails to safely practice. All of these activities have a long standing reputation for excellence including multiple state championships over the span of 100 years. These activities serve hundreds of students annually, and increased trail and park access is viewed as a benefit to their continued vitality.

Specific to Lake Elmo, Reid Park potentially offers an additional safe venue for these teams, as well as the future development of the County trail system. Furthermore, the families (many are residents of Lake Elmo) of these students and the entire community profit through these activities as the trail maintenance in Reid Park would be completed by volunteer organizations that promote lifelong sports with little cost to the city.

It is our hope that continued development of trail systems is fully considered and embraced to foster safe, healthy communities and lifelong activities. In this light we support the development of additional trail opportunities in and around Stillwater Area High School as the benefits are cross generational.

Sincerely,

Mr. Ricky Michael
Stillwater Area High School
Activities Director

Dr. Aaron M. Drevlow Ed.D.
Stillwater Area High School
Assistant Principal



STAFF REPORT

DATE: April 3, 2018
REGULAR #17

AGENDA ITEM: Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements – Approve Resolution of Support

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Kristina Handt, City Administrator
Rob Weldon, Public Works Director
Chad Isakson, Assistance City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve a Resolution of Support for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North?

BACKGROUND AND PROPOSAL DETAILS/ANALYSIS: Washington County is requesting from the City of Lake Elmo a resolution of support for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North. The resolution of support expresses the City's support for the project, for the preliminary design layout as presented, and allows the County to proceed with the final project design and property acquisition with the intention to begin construction in 2018. Upon completion of the final design the County will request the City to enter into a Cooperative Cost Agreement for the Project.

The improvements include a full-depth reclaim pavement rehabilitation from I-94 to 20th Street, including the construction of new turn lanes at 5th Street North (Hunters Crossing & Southwind developments), at 24th Street North (new entrance for Royal Golf), and along CSAH 10 at the new Royal Golf entrance. Between 20th Street North and 30th Street North, the improvements will also include a full-depth reclaim pavement rehabilitation, however new concrete curb and gutter will be installed to replacement existing bituminous curb along the east side and to replace a rural section shoulder along the west side. Stormwater runoff will be captured and conveyed by the new concrete curb and gutter to various sump manholes to pretreat the storm water runoff prior to discharging to Lake Elmo.

FISCAL IMPACT: The County is requesting City cost participation in accordance with the County Cost Participation Policy, in the estimated amount of \$58,500 and \$83,000.

City cost participation includes a 50% cost share for the west side concrete curb and gutter between 20th Street and 30th Street, miscellaneous project overhead costs, and 55% cost share for right-of-way costs. In addition, the County will require cost reimbursement from the City in the estimated amount of \$525,000 for the turn lanes at 5th Street North (Hunters Crossing/Southwind), 24th Street North (Royal Golf), and along CSAH 10 (Royal Golf). The City has included language in the respective development agreements to obtain turn lane cost reimbursement.

The County has applied for a VBWD community grant to cover a portion of the costs to enhance water quality through pretreatment prior to discharging to Lake Elmo.

RECOMMENDATION: Staff is recommending that the City Council approve a Resolution supporting Washington County’s recommended layout for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North. The recommended motion for the action is as follows:

“Move to approve Resolution No. 2018-035 Supporting Washington County’s recommended layout for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements, from I-94 to 300 feet south of 30th Street North.”

ATTACHMENTS:

1. Resolution Supporting Washington County’s recommended layout for the Lake Elmo Avenue (CSAH 17) Phase 3 Pavement and Drainage Improvements.

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

RESOLUTION NO. 2018-035

**A RESOLUTION APPROVING MUNICIPAL SUPPORT FOR THE LAKE
ELMO AVENUE (CSAH 17) PHASE 3 PAVEMENT AND DRAINAGE
IMPROVEMENTS, FROM I-94 TO 300' SOUTH OF 30TH STREET
BY WASHINGTON COUNTY**

WHEREAS, Washington County's Capital Improvement Program includes a pavement and drainage improvement project for Lake Elmo Avenue (CSAH 17) from I-94 to 300' south of 30th Street ('Project'), planned for construction in 2018; and

WHEREAS, the City of Lake Elmo, in coordination with Washington County and Valley Branch Watershed District, has engaged in a preliminary design effort that started in April of 2017; and

WHEREAS, the preliminary design effort included a community engagement process to gather and consider public feedback for the proposed improvements; and

WHEREAS, the County recommended Lake Elmo Avenue (CSAH 17) Project Layout, dated October 31, 2017, showing proposed roadway and drainage improvements for the Project has been prepared and presented to the City; and

WHEREAS, a preliminary project cost estimate for the Project has been prepared and presented to the City.

NOW, THEREFORE, BE IT RESOLVED,

1. The City of Lake Elmo supports the Washington County recommended layout for the pavement and drainage improvements along Lake Elmo Avenue (CSAH 17), from I-94 to 300' south of 30th Street; and
2. The City of Lake Elmo supports the County continuing with the development of final plans necessary for the construction of the Project.

ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE THIRD DAY OF APRIL, 2018.

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson, City Clerk



STAFF REPORT

DATE: 4/17/2018

REGULAR

ITEM #: 18

TO: City Council
FROM: Emily Becker, Planning Director
AGENDA ITEM: Subdivisions Regulations Update
REVIEWED BY: Ben Prchal, City Planner

BACKGROUND:

An update to the City's Subdivision Regulations Ordinance is an item on the Planning Commission's 2018 Work Plan. Specific areas of focus as per the Work Plan include platting for minor subdivisions, updating subdivision submission requirements, and preparing an update to incorporate engineering standards. The Planning Commission reviewed and made various amendments to the ordinance at its February 26 and March 26, 2018 meetings.

ISSUE BEFORE COUNCIL:

The Council is being asked to review proposed amendments to the City's subdivision regulations and adopt an ordinance making those amendments.

PROPOSAL DETAILS/ANALYSIS:

The following provides explanation of the proposed amendments:

Scope. Minn. State Statute 462.352 Subd. 12 excepts the following separations from subdivision regulations. This has been added to the Section 153.02: Generally, Subd. B in order to align with State Statute.

(1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;

(2) creating cemetery lots;

(3) resulting from court orders.

Metes and Bounds. The purpose of this Section is to delineate properties that have been subdivided or platted in the past and those that may be subdivided in the future that did not receive or are not required to receive City approval. This means that if a property was subdivided prior to the time frames outlined below, the city could not go back now and say that because under the City's current regulations, the subdivision approval would have been required that it must be approved by the City. This does not mean that if the

property is further subdivided in the future (or now) that subdivision approval is not required, unless it met certain exceptions.

- **Current Subdivision Regulations.** The current subdivision regulations place the following restrictions on filing and recording conveyances of land which is described by metes and bounds:

“(A) No conveyance of lands to which the regulations contained in this chapter are applicable shall be made and no conveyance of land to which the regulations contained in this chapter are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 10-3-1968, or to an unapproved plat made after 10-3-1968.

(B) The foregoing provision does not apply to a conveyance if the land described:

- (1) Was a separate parcel of record 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was a separate parcel of record 6-4-1974;*
- (2) Was the subject of a written agreement to convey, entered into prior to the time;*
- (3) Has been divided in accordance with § 153.10(B); is a single parcel of land having not less than 5 acres and having a width of not less than 300 feet and its conveyance does not result in the division of a parcel into 2 or more lots or parcels any 1 of which is less than 5 acres in area or 300 feet in width; and/or*
- (4) Has been approved as an exception to platting pursuant to § 153.09.”*

- **Minnesota Statute Regulations.** State Statute 462.358 Subd. 4b. states the following:

Subd. 4b. Restrictions on filing and recording conveyances.

(a) In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective.

(b) The foregoing provision does not apply to a conveyance if the land described:

- (1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or*
- (2) was the subject of a written agreement to convey entered into prior to such time, or*
- (3) was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966, or*
- (4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or*
- (5) is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or*

(6) *is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.*

(c) *In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.*

(d) *Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed.*

(e) *A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.*

- **Staff Analysis.** Staff proposes the following:

- With respect to the conflict with the dates, the statute says that no conveyance that has not been approved by a city is allowed if the land described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat *made after such regulations became effective*. It appears from reading the City's ordinance (paragraph (A)), that its subdivision regulations must have been effective on October 3, 1968, and so this is why this date was used instead of April 21, 1961. Since the statute contemplates using the date that the City's regulations became effective if that date is later, the October 3, 1968 date should remain.
- This is also true with paragraph (B)(1) of the ordinance ("was a separate parcel of record 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was as separate parcel of record 6-4-1974") and this paragraph should remain as is.
- Paragraph (B)(2) of the ordinance is consistent with the statute, so it should remain.
- Paragraph (B)(3) should be broken into two paragraphs so that it is consistent with the statute (the statute has different exceptions applicable to commercial/industrial parcels and residential/agricultural parcels). The statute is actually stricter than the City's code.
- Paragraph (B) (4) should be removed because it technically states that no city approval is needed if the parcel qualifies as exception to platting under Section 153.09. Staff believes it was not the intention of the City to make properties that are not required to be platted not require any City approval, as Section 153.09 still requires minor subdivision or lot line adjustment approval by the City in those cases.

Building Permits. Because the City's development agreement template is amended from time and time, especially as it pertains to requirements required to be completed prior to the issuance of building permits and certificates of occupancy. Because of this, the proposed amendment refers the release of these items as set forth by the development agreement.

Consistency with the Comprehensive Plan and Zoning District. There is currently no language that explicitly requires that subdivisions be executed in accordance with the City's Comprehensive Plan and Zoning District. The proposed amendment specifies this requirement.

Preliminary and Final Plat Submission Requirements. There are a number of items that are required within the checklist of the City’s Preliminary and Final Plat applications that Staff require to thoroughly review applications that are proposed to be codified within this ordinance.

Exceptions to Platting. The current ordinance allows the following exceptions to platting:

- **Minor Subdivision.** The current ordinance exempts platting for minor subdivisions, which is the division of land which results in no more than 4 parcels that comply with minimum lot dimension and public frontage requirements.
 - *State Statute Requirements.* State Statute requires platting for subdivision of property in to five or more lots which are 2.5 acres in size or less. The current ordinance is stricter than State Statute in that it requires platting for subdivision of property in to four parcels or less.
 - *Platting vs. Metes and Bounds.* However, the County typically prefers platting, and platting may minimize property line disputes, as monuments/markers which are referred to in metes and bounds descriptions may move or disappear over time, and platting makes for a much clean property description.
 - *Proposed Amendment.* At its last meeting during which this topic was discussed, the Planning Commission recommended that Staff draft an ordinance which required platting for the subdivision of a property in to four parcels or less but that did not require as lengthy or costly of a process as subdivision of a parcel in to many more parcels would require. As presented during this last meeting, it is typical for cities to require platting of properties when a subdivision of a property in to more than two parcels occurs. The proposed amendment requires this, and also breaks sections down in to the following sections – minor subdivisions, major subdivisions – sketch plan review, major subdivisions – preliminary plat, and major subdivisions – final plat.
 - *Previous Requirement for Minor Subdivision.* Minor subdivisions previously only required the following:
 - Name, address, and telephone number of the property owner/applicant and evidence of title;
 - A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels;
 - A written description stating the reason for the request; and
 - A land survey prepared by and signed by a registered land surveyor describing the minor subdivision, and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.
 - *Proposed Requirements.* With the proposed amendment, an applicant for a minor subdivision would now be required to submit the following:
 - A preliminary plat prepared by a registered land surveyor.
 - Drainage, grading and erosion control plans.
 - Existing and proposed lowest floor elevations for each lot.
 - Wetland delineation report and map.
 - Soil testing for the installation of individual subsurface sewage treatment system.

- If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.
- A public hearing is also required, whereas it previously was not. Because of this, a certified list of property owners within 350 feet is required.
- Previously, there was no set deadline by which to record the minor subdivision. Now, there is a 120 day deadline, which is a requirement of platting in the existing ordinance.
- A minor subdivision still does not require a landscape plan.
- *Time Restriction for Recording of Minor Subdivision.* The proposed amendment sets forth the requirement that the minor subdivision be recorded within 120 days of approval. This is already a requirement for final plats, but there currently is no such requirement for a minor subdivision.

Lot Line Adjustment. The previous ordinance designated lot line adjustments as the division of land which results in no more than 4 parcels which do not comply with the city’s minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located.

- *Clarification of Language.* A lot line adjustment should be just that – an adjustment of a lot line, not a division of land. The proposed amendment amends language to specify this. The proposed amendment explicitly explains that lot line adjustments shall not create a new lot or outlot. Additionally, it is also clarified that lot consolidation also requires approval, as lot consolidation could ultimately decrease required density and pose issues with easements (the need to vacate and create new easements, etc.).
- *Re-location of Language.* The proposed amendment places the lot line adjustment/lot consolidation language before the minor subdivision language. Much of the previous language presented at the previous Planning Commission meeting during which the subdivision ordinance was discussed has been kept.

City Council Action for Preliminary Plat. There is added language that allows City Council to review a preliminary plat application 60 days after the first Planning Commission meeting at which the preliminary plat was considered, regardless of whether or not a recommendation by the Commission has been made. The previous language allowed the Council to consider a preliminary plat application 30 days after the close of the public hearing, but this could potentially cause delays if the Planning Commission fails to close the public hearing within a certain amount of time and potentially cause the City to not meet the 120 day deadline required for preliminary plat.

Design Standards, Required Improvements. The addition of language that the design of required improvements must meet plan sheet requirements set forth by the City Engineering Design and Construction Standards Manual will refer the applicant to those standards. Because those standards are constantly evolving, it would not make sense to codify the particular requirements. The only other change proposed for design standards is that lot remnants may be used as outlots for city, landscaping or trail purposes as approved by the City. The Commission may wish to make recommendation to changes to these standards.

Park Land Dedication Requirements. The two tables that outline park dedication requirements for specific zoning districts for residential subdivisions that result in 3 or more parcels and commercial development have been consolidated. Additionally, a policy regarding the dedication of trails for parkland dedication is outlined. The City has generally used this as a policy, but the proposed amendment outlines this policy.

The Commission had wished the Council to review the fees associated with required fees for subdivisions which result in subdivisions of less than three parcels and commercial subdivisions. The City requires such fees in order to create a sufficient supply of public recreational space to accommodate the reasonable needs of the public.

The current fee for residential subdivision resulting in 3 or fewer parcels is \$3600 per new lot created, and the current fee for commercial subdivisions is \$4500 per acre. The required dedication for residential subdivision of more than three lots is within the ordinance.

If the fees are to be amended, this can be done so through adoption of a separate Ordinance. Staff would recommend that the Parks Commission review these fees before they are amended if directed to do so by Council.

Security Reduction. Security reduction is as outlined per the development agreement. There was previous language that required that the City be issued a warranty bond be issued for a time period of two years after acceptance of improvements for 100% of the cost of the improvements within the subdivision. Currently, the development agreement outlines security reductions, and so the proposed amendment references the development agreement, as the template is usually ever-changing.

Planning Commission Review. As previously mentioned, the Planning Commission reviewed proposed amendments to the City's Subdivision Regulations ordinance at its February 26 and March 26 meetings. The Planning Commission's revisions are incorporated in to the Ordinance.

- *Metes and Bounds.* The only major outstanding concern that the Planning Commission voiced was defining either residential or agricultural land vs. commercial or industrial land that are described as exceptions to the standard that property cannot be conveyed that is described as metes and bounds. Their concern was that the lack of direction on how to define these types of properties (through the Land Use Map of the Comprehensive Plan, zoning districts, etc) and what to do in the case of a Mixed Use land use or zoning district could make it difficult to administratively allow conveyance of properties by metes and bounds if they met the exception. The City Attorney has been consulted regarding this.
- *Bond vs. Letter of Credit.* The City generally prefers letters of credit as opposed to bonds, as letters of credit are easier to draw upon. The Planning Commission was concerned about removing the option of providing a bond, but understood the City's concern, and so recommended that bonds be accepted as approved by Council.

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Adopt Ord. 08-205 approving proposed amendments to the City's Subdivision Regulations Ordinance.
- Specify desired amendments, deletions or additions to the proposed amendments to the City's Subdivision Regulations Ordinance and adopt Ord. 08-205 as amended.
- Do not adopt Ord. 08-205

RECOMMENDATION:

Staff and the Planning Commission recommend that Council adopt Ord. 08-205 approving amendments to the City's Subdivision Regulations.

“Move to adopt Ord. 08-205 approving amendments to the City's Subdivision Regulations.”

Additionally, Staff recommends that the Council adopt Resolution 2018- authorizing summary publication of Ord. 08-

“Move to adopt Resolution 2018-205 authorizing summary publication of Ord. 08-205.”

ATTACHMENTS:

- Draft Ord. 08-205
- Summary Publication Resolution 2018- 037

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

ORDINANCE NO. 08-205

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE SUBDIVISION REGULATIONS ORDINANCE**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 153: Subdivision Regulations by amending the following:

Section

- 153.01 Regulations established
- 153.02 Generally
- 153.03 Definitions
- 153.04 Registered land survey
- 153.05 Conveyance by metes and bounds and other unapproved descriptions
- 153.06 ~~Platting~~ Lot Consolidation/Lot Line Adjustment
- 153.07 ~~Preliminary plat~~ Minor Subdivisions
- 153.08 ~~Final plat~~ Major Subdivisions – Sketch Plan Review
- 153.09 ~~Exceptions to platting~~ Major Subdivisions – Preliminary Subdivision Approval
- 153.10 Major Subdivisions – Final Subdivision Approval
- 153.11 Variances; standards; platting
- 153.12 Variance procedures
- 153.13 Planned Unit Developments (P.U.D.)
- 153.14 Design standards; required improvements
- 153.15 Park land dedication requirements
- 153.16 Required improvements; financial arrangements
- 153.17 Fees
- 153.18 Violations

§ 153.01 REGULATIONS ESTABLISHED.

No land shall be subdivided, nor shall any land be platted, in the City except as provided by this chapter.

(1997 Code, § 400.02) Penalty, see § 10.99

§ 153.02 GENERALLY.

(A) *Purpose.* In order to provide for orderly, economic, and safe development of land, necessary urban services and facilities, and to promote the public health, safety, morals as to the urban services and facilities, the following subdivision regulations are adopted by the Council of the City. It is the intent of the City to protect the right of landowners to put their land to its highest and best use and protect each owner's right to full beneficial use of his or her land insofar as the use and enjoyment may be accomplished without detriment to the public interest and within the minimum standards established by this chapter.

(B) *Scope.* The provisions of this chapter apply to any division of a tract of land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or any other means by which a beneficial interest in land is transferred or any means by which a tract of land is divided into 2 or more parcels for tax assessment purposes, except those divisions:

(1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;

(2) creating cemetery lots; or

(3) resulting from court orders.

(C) *Approval necessary for acceptance of subdivision plats.* Before any plat or subdivision shall be recorded or be of any validity, it shall be referred to the Planning Commission and approved by the Council as having fulfilled the requirements of this chapter.

(D) *Building permits.* No building permits shall be issued for the construction of any building, structure, or improvement to any land or lot in a subdivision, as ~~defined~~ in this chapter, until all requirements of this chapter have been satisfied, with the following exceptions.

(1) Building permits may be issued for model homes after approval of the final plat by the council upon receipt of a signed developers agreement ~~which shall include security for improvements, both which shall be in a form approved by the City Attorney. The issuance of building permits for model homes shall be in accordance with the signed development agreement.~~

(2) Developer shall agree in writing to indemnify and hold harmless the City for damages that may occur as a result of the model home construction prior to the required improvements being completed.

(3) No certificate of occupancy shall be issued by the City ~~until the first lift of blacktop is completed. until all applicable requirements set forth by the development agreement have been met.~~

(4) Traffic and parking arrangements relating to model homes shall be subject to the City's review and approval.

(Am. Ord. 9707, passed 5-20-1997)

(E) *Conflicts.* Whenever there is a difference between minimum standards or dimensions required by this chapter or other ordinances of the City, the most restrictive standards of dimensions shall apply.

(F) *Flood plain management.*

(1) No land shall be subdivided which is held unsuitable by the Council for reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this chapter, and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation.

(2) In the general flood plain district, applicants shall provide the information required in § 152.140. The Council shall evaluate the subdivision in accordance with procedures established in this chapter and standards contained in § 152.07.

(G) Consistency with Comprehensive Plan and Zoning District. Subdivision of property shall be in compliance with the City's Comprehensive Plan and zoning district in which the property is located.

(1997 Code, § 400.03) Penalty, see § 10.99

§ 153.03 DEFINITIONS.

Unless specifically defined in this chapter, common definitions, words, and phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage throughout this code and are found in § 11.01.

(1997 Code, § 400.04)

§ 153.04 REGISTERED LAND SURVEY.

No registered land survey of lands in the City shall be recorded with the Registrar of Titles until the registered land survey ~~shall have~~ has been approved by the City. The approval shall be indicated by resolution endorsed on or attached to the registered land survey signed by the ~~chair of the Planning Commission~~, Mayor, and City ~~Clerk Administrator~~. No registered land survey shall be approved by the City or signed by the officers if the recording of the registered land survey will result in a subdivision in violation of any provision, regulation, or requirement of this chapter.

(1997 Code, § 400.05)

§ 153.05 CONVEYANCE BY METES AND BOUNDS AND OTHER UNAPPROVED

+>DESCRIPTIONS.

(A) No conveyance of lands to which the regulations contained in this chapter are applicable shall be made and no conveyance of land to which the regulations contained in this chapter are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after 10-3-1968, or to an unapproved plat made after 10-3-1968.

(B) The foregoing provision does not apply to a conveyance if the land described:

(1) Was a separate parcel of record prior to or on 10-3-1968, or as to lands within the jurisdictional boundaries of the Old Village prior to its consolidation with the Town of East Oakdale if the land was a separate parcel of record 6-4-1974;

(2) Was the subject of a written agreement to convey, entered into prior to ~~the time~~ 10-3-1968;

(3) ~~Has been divided in accordance with § 153.10(B);~~ is a single parcel of residential or agricultural land having not less than 5 20 acres and having a width of not less than 300 500 feet and its conveyance does not result in the division of a parcel into 2 or more lots or parcels any 1 of which is less than 5 20 acres in area or 300 500 feet in width; and/or

(4) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width;

~~(4) Has been approved as an exception to platting pursuant to § 153.09.~~

§ 153.06 LOT CONSOLIDATION/LOT LINE ADJUSTMENT.

(A) Purpose and Intent. The lot consolidation/lot line adjustment process provides a simple administrative procedure for the consolidation of 2 or more lots into 1 parcel, or to adjust a common lot line affecting existing parcels. In areas that are well defined and land descriptions are simple, the City may permit the conveyance of land using metes and bounds descriptions or without the preparation and recording of a plat. In areas which are not well defined, or where lots are irregular in shape and/or are included in more than one plat, the City may require that lot consolidation/lot line adjustment occur through the major or minor subdivision platting requirements of this chapter.

(B) Criteria for Lot Line Adjustment/Lot Consolidation. Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:

(1) Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;

(2) The lot line adjustment does not create additional lots.

(3) The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.

(4) All resultant parcels shall have frontage and access on an existing improved street or access to an existing improved street protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.

(5) The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.

(6) Any such lot line adjustment shall not require any public improvements.

(7) Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and City Council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.

(8) New easements shall be established as appropriate.

(C) *Subdivision of Property for Public Purpose.* Alternatively, the subdivision of property resulting from acquisition by governmental agencies for public improvements or uses may be processed in the same manner as a lot line adjustment or lot consolidation.

(D) *Submittal Requirements.* Requests for lot line adjustments or lot consolidation shall be filed with the Zoning Administrator on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

(1) A fee as set forth by the City's adopted fee schedule.

(2) Detailed written and graphic materials fully explaining the proposed lot line adjustment.

(3) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the adjusted or consolidated parcels;

(4) A written description stating the reason for the request; and

(5) A land survey prepared by and signed by a registered land surveyor describing the lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.

(6) A title search showing ownership of the property and any existing deed restrictions.

(7) Other information shall be provided as may be reasonably requested by the City staff.

- (E) Review of lot line adjustment or lot consolidation. A completed application shall be reviewed administratively by the Zoning Administrator who shall make a written finding in regard to the provisions of division (B) above. The Zoning Administrator's approval shall be conditioned upon recording of documents which effectuate the lot line adjustment or lot consolidation and any other conditions deemed necessary to ensure compliance with the Zoning Code. Unless a request for additional review time is requested by the Zoning Administrator, action on the application shall be taken within 60 days after a complete application is submitted. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment or lot consolidation. Failure to provide the required verifications within the required time shall invalidate the Zoning Administrator's approval.
- (F) Certification of Taxes Paid. Prior to approval of an application for a lot line adjustment or lot consolidation, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the lot line adjustment or lot consolidation application relates.

(1997 Code, § 400.06) Penalty, see § 10.99

§ 153.07 MINOR SUBDIVISIONS.

- (A) Purpose and Intent. The purpose of a minor subdivision process is to allow the City to waive certain procedures and requirements of a major subdivision. The purpose is to reduce the time and cost to the property owner for dividing land in locations and situations that are well defined and where no new public infrastructure is required. The minor subdivision process allows for concurrent review and approval of a Preliminary and Final Plat.
- (B) Criteria for Minor subdivision. A minor subdivision is a division of land which results in no more than 4 parcels wherein:
- (1) Each resultant parcel meets all applicable requirements of the Zoning Code, including but not limited to density, lot size, lot width, and minimum frontage on a public road, unless a variance has been approved according to the procedures set forth in 153.11.
 - (2) No new public rights-of-way or streets shall be necessary for or created by the subdivision.
 - (3) Streets, utility easements, drainage easements or public park land or cash in lieu of land shall be dedicated or fees paid in lieu of dedication as required by the City.
 - (4) All wetland areas and Minnesota Department of Natural Resources protected waters shall be protected with a conservation easement up to the 100-year flood level
 - (5) The minor subdivision complies with all applicable requirements of the road authority, including access spacing and location criteria for sight distances if located adjacent to a state or county highway, and/or of the watershed district(s) in which it is located.

(C) Submittal Requirements. Requests for minor subdivision shall be filed with the Zoning Administrator on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- (1) A fee as set forth by the City's adopted fee schedule
- (2) Detailed written and graphic materials fully explaining the proposed minor subdivision
- (3) List of property owners located within 350 feet of the subject property in a format prescribed by the Zoning Administrator
- (4) A preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor, which includes:
 - a. Graphical scale not more than 1 inch equals 100 feet.
 - b. North point indication.
 - c. Original and proposed lot boundaries.
 - d. Topographic data at 2 foot contours.
 - e. Existing and resulting parcel legal descriptions.
 - f. Buildable area on each lot and proposed building pad.
 - g. The location of existing structures on the site.
 - h. Existing and proposed driveway locations.
 - i. Existing easement locations.
 - j. Existing parks, streets and utility easements.
 - k. Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
 - l. Sewage treatment systems and/or well locations.
 - m. Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of-150 feet beyond the tract, the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;
- (5) Drainage, grading and erosion control plans, if applicable.
- (6) Existing and proposed lowest floor elevations for each lot.
- (7) Soil testing for the installation of subsurface sewage treatment system, if applicable.

- (8) If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.
- (9) Any additional information if deemed necessary and required by the Zoning Administrator. The Zoning Administrator may waive for good cause certain information requirements not pertinent to the particular minor subdivision request.

(D) *Review of Minor Subdivision.*

- (1) Review by staff and other commissions or jurisdictions. The City shall refer copies of the preliminary plat to the City Engineer, Planner, Attorney, the Parks Commission, and the appropriate county, state, or other public agencies for their review and comment. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.
- (2) Public Hearing Set. Upon receipt of a complete application, the Zoning Administrator shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendation to Council. Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
- (3) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter.
- (4) The City Council shall not approve a minor subdivision until it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered.
- (5) Approval of a minor subdivision shall require passage of a resolution by a majority vote of a quorum of the City Council.
- (6) Prior to certification by the City of the approval of the minor subdivision, the applicant shall submit the final plat for signature, supply the deed(s) granting the City any easements required by the City and pay any required fees.
- (7) Whenever an application for a minor subdivision has been considered and denied by the City Council, a similar application for a minor subdivision affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial

unless a decision to reconsider such matter is made by a majority vote of the entire City Council.

- (E) Recording of the Minor Subdivision. If the minor subdivision is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the minor subdivision shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall, immediately upon recording, furnish the Zoning Administrator with copies of the recorded documents which effectuate the minor subdivision. No building permits shall be issued for construction of any structure on any lot within the approved minor subdivision until the City has received evidence of the plat being recorded by the County.
- (F) Financial Guarantee. Following the approval of a minor subdivision as required by this Section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of any improvements as shown on the approved plans and as required as a condition of minor subdivision approval.
- (G) Certification of Taxes Paid. Prior to approval of an application for a minor subdivision, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the minor subdivision application relates.

§ 153.08 MAJOR SUBDIVISIONS-SKETCH PLAN REVIEW PLATTING.

~~–(A) Platting required. Except as provided in § 153.09, platting shall be required for the subdivision of a tract of land which is to be divided into 3 or more lots or parcels for the purpose of transfer of ownership, building development, or for tax assessment purposes.~~

~~–(B) Pre-application.~~

- (A) ~~(1) Sketch plan Purpose and Intent. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other City ordinances or plans, prior to the development of a preliminary plat, applicants are required to submit a sketch plan to the City for review. the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.~~
- (B) ~~(2) Submissionittal requirements. The owner shall prepare and submit a sketch plan, together with any necessary supplemental information. The plan shall contain the information set forth below. (C) General provision (pre-application) Requests for major subdivision shall be filed with the Zoning Administrator on an official application form.~~

The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- (1) A fee as set forth by the City's adopted fee schedule
- (2) Detailed written and graphic materials fully explaining the proposed major subdivision
- (3) List of property owners located within 350 feet of the subject property in a format prescribed by the Zoning Administrator
- (4) A scaled drawing which includes:
 - ~~(2)~~ ~~Names and addresses of all persons having property interest, the developer, the designer, and surveyor together with the interested person's registration number;~~
 - a. Locations of boundary lines in relation to a known section, quarter section, or quarter quarter section line comprising a legal description of the property;
 - b. Graphical scale not less than 1 inch equals 100 feet.
 - c. Data and north point.
 - d. ~~(D)~~ Existing conditions.
 - i. ~~(1)~~ Boundary line of proposed subdivision, clearly indicated;
 - ii. ~~(2)~~ Existing zoning classification for land within and abutting the subdivision;
 - iii. ~~(3)~~ A statement on the acreage and dimensions of the lots;
 - iv. ~~(4)~~ Location widths and names of existing or previously platted streets or other public ways, showing type, width, and conditions of improvements, if any, railroad and utility rights-of-way, parks and other open spaces, permanent buildings and structures, easements in section and corporate lines within the tract and to a distance of ~~350~~ 150 feet beyond the tract;
 - v. ~~(5)~~ Location and size of existing sewers, water mains, wells, culverts, or other underground utilities within the tract and to a distance of ~~350~~ 150 feet beyond the tract, the data as grades, invert elevations, and locations of catch basins, and manholes shall also be shown;
 - vi. ~~(6)~~ Boundary lines of adjoining unsubdivided or subdivided land, within ~~350-150~~ feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;

- vii. ~~(7)~~ Topographic data, including contours at vertical intervals of not more than 5 feet; water courses, marshes, rock outcrops, power transmission poles and lines and other significant features shall also be shown; National Geodetic Vertical Datum (N.G.V.D.) shall be used for all topographic mapping; and
- viii. ~~(8)~~ The subdivider may be required to file a report prepared by a registered civil engineer or soil scientist on the feasibility of ~~individual~~ on-site sewer and water systems on each lot; the report shall include a soil borings analysis and a percolation test to verify conclusions.
 - ix. Buildable area on each lot and proposed building pad.
 - x. Existing and proposed driveway locations.
 - xi. Existing parks, streets and easement locations.
 - xii. Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
- e. ~~(E)~~ *Proposed design features.*
 - i. ~~(1)~~ Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable City ordinances and policies; the name of any street used in the City or its environs shall not be used unless the proposed street is the logical extension of an already named street, in which event the same name shall be used. The names and number shall comply with the County Uniform Street Numbering System
 - ii. ~~(2)~~ Areas other than streets, pedestrian ways, utility easement, intended to be dedicated or reserved for public use, including the size of the areas in acres.
 - iii. ~~(3)~~~~(a)~~ Provision for surface water disposal, drainage, and flood control within the boundaries of the proposed property division consistent with § 150.273 of this code, storm water management and erosion and sediment control
- f. ~~(F)~~ *Supplementary information.*
 - i. ~~(1)~~ The supplementary information as shall reasonably be deemed necessary by the Planning Commission or the Council;
 - ii. ~~(2)~~ Proposed protective covenants;
 - iii. ~~(3)~~ Statement of the proposed use of lots stating type of residential buildings with number of proposed dwellings and type of business or industry, so as to review the effect of the development on traffic, fire hazards, and congestion of population;
 - iv. ~~(4)~~ If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. The proposed

zoning plans shall be for information only and not vest any rights in the application for use other than residential;

- v. A statement showing the proposed density with the method of calculating said density also shown.
- vi. ~~(5)~~ Where the subdivider owns property adjacent to that which is being proposed for division, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationship between the proposed division and a future subdivision. All subdivisions shall be reasonably consistent with the existing or potential adjacent subdivisions; and
- vii. ~~(6)~~ Where structures are to be placed on large or excessively deep lots, which are subject to replat, the development subdivision plans shall indicate placement of structures so that lots may be further subdivided, in addition to a sketch plan that illustrates a way in which the lots can possibly be resubdivided.

(C) Sketch Plan Review. The sketch plan shall be reviewed by Staff, the Planning Commission, and Council. The Zoning Administrator may refer the sketch plan to the Parks Commission to secure its recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails, open space or other public property. The City shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.

(1997 Code, § 400.07) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.079 PRELIMINARY PLAT MAJOR SUBDIVISIONS.

~~—(A) Filing. Twenty copies of the preliminary plat and certified list of property owners located within 350 feet of the subject property obtained from and certified by a licensed abstractor, shall be filed with the Administrator. The required filing fee as established by Council resolution shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the Planning Commission meeting no later than the second regularly scheduled meeting following the date of filing. No application shall be accepted by the Administrator for filing unless all application information required by this chapter is submitted with the application.~~

(A) Submission requirements. The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the following information. Requests for preliminary plat approval may be filed with the Zoning Administrator on an official application form after the applicant has received comments on the proposed sketch plan as outlined in Section 153.08 of this Chapter. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property,

the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

- (1) A fee as set forth by the City's adopted fee schedule
- (2) Detailed written and graphic materials fully explaining the proposed major subdivision.
- (3) List of property owners located within 350 feet of the subject property in a format prescribed by the Zoning Administrator
- (4) ~~(C) General provision (preliminary plat).~~ (1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions; in any case, the name must be approved by the County Recorder;
- (5) ~~(2)~~ Location of boundary lines in relation to a known section, quarter section, or quarter quarter section lines comprising a legal description of the property;
- (6) ~~(3)~~ Names and addresses of all persons having any interest in the property, the developer, designer, and surveyor together with the interested person's registration number;
- (7) ~~(4)~~ Graphic scale of preliminary plat prepared by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor not less than 1 inch to 100 feet;
- (8) ~~(5)~~ Data and north point; and
- (9) ~~(6)~~ Date of preparation.
- (10) ~~(D) Existing conditions.~~
 - a. ~~(1)~~ Boundary line of proposed subdivision, clearly indicated;
 - b. ~~(2)~~ Existing zoning classifications for land within and abutting the subdivision;
 - c. ~~(3)~~ A general statement on the approximate acreage and dimensions of the lots;
 - d. ~~(4)~~ Location, widths, and names of all existing or previously platted streets or other public ways, showing type, width, and condition of improvements if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of ~~350~~ 150 feet beyond the tract;
 - e. ~~(5)~~ Location and size of existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of ~~350~~ 150 feet

beyond the tract; the data as grades, invert elevations, and locations of catch basins, manholes, shall also be shown;

- f. ~~(6)~~ Boundary lines of adjoining unsubdivided or subdivided land, within ~~350~~ 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
- g. ~~(7)~~ Topographic data, including contours at vertical intervals of not more than 2 feet; water courses, marshes, rock outcrops, power transmission poles and lines, and other significant feature shall also be shown; National Geodetic Vertical Datum (N.G.V.D.) shall be used for all topographic mapping; and
- h. ~~(8)~~ In ~~plats~~ major subdivisions where public water and sewer are not available, the City Engineer may require the subdivider to file a report prepared by a soil scientist or a registered civil engineer on the feasibility of ~~individual~~ on-site sewer and water systems on each lot. The report shall include a soil boring analysis and percolation tests to verify conclusions.

(11) ~~(E)~~ *Proposed design features*

- a. Layout of proposed streets showing right-of-way widths, center line grade, typical cross-sections, and proposed names of streets in conformance with all applicable City ordinances and policies. The names and number shall comply with the County Uniform Street Naming and Property Numbering System, with the following exceptions:
 - i. Unless a newly proposed street directly extends from an existing street, no street name that already exists in the City or its environs shall be used, regardless if it is on the same grid as another street.
 - a. North-south avenues shall follow the grid system, increasing alphabetically from east to west, but must use different names.
 - b. East-west streets shall follow the grid numbering system as appropriate, but a different suffix such as Lane, Place, Way, etc. or a different prefix such as Upper or Lower shall be used.
 - ii. The names of deflecting streets shall not vary; names of continual streets shall not change, even if the street changes direction, unless an intersection exists.
 - iii. The names of deflecting streets shall be determined according to their relation to an Arterial or Collector Street if appropriate, otherwise such names shall be determined according to their main point of entry in to a development or as deemed appropriate by Council.
 - iv. If appropriate, names with the same theme (i.e. flowers, nature) are permitted for naming streets in an entire subdivision.
 - v. All street names shall end with the directional suffix of North.
- b. ~~(2)~~ Locations and widths of proposed alleys and pedestrian ways;

- c. ~~(3)~~ Locations and size of proposed sewer lines and water mains;
- d. ~~(4)~~ Layout, numbers, lot areas, and preliminary dimensions of lots and blocks;
- e. ~~(5)~~ Building pads shall be shown to demonstrate M minimum front and side street building setback lines;
- f. ~~(6)~~ When lots are located on a curve, the width of the lot at the building setback line shall be shown;
- g. ~~(7)~~ Areas, other than streets, alleys, pedestrian ways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres. This shall include areas planned for trails and parks within the City;
- h. ~~(8)~~ Area calculations of lots, right-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions;
- i. ~~(9)~~ Water mains shall be provided to serve the subdivision by extension of any existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City. In areas where public water supply is not available, well plans must comply with applicable state regulations and shall be submitted for the approval of the City Building Official;
- j. ~~(10)~~ Sanitary sewer mains and service connections shall be installed in accordance with the standards established by the City;
- k. ~~(11)~~ All private sewage treatment systems shall be installed in accordance with standards established by the City. Demonstration of two separate and distinct 10,000 square-foot contiguous land areas, suitable for septic drainfields, is required;
- l. ~~(12)~~ Surface water disposal, drainage, and flood control shall be provided within the boundaries of the proposed property division consistent with § 150.273 of this code, storm water management and erosion sediment control;
- m. ~~(13)~~ Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
- n. ~~(14)~~ A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- o. ~~(F)~~ *Supplementary information.* The following supplementary information shall be submitted when deemed necessary by the ~~Planning Commission~~ City:
 - i. ~~(1)~~ Written statement explaining changes or modifications to the sketch plan.
 - ii. Proposed protective covenants;
 - iii. ~~(2)~~ An accurate soil survey of the subdivision prepared by a qualified person. In areas of questionable soil conditions, percolation tests at the

rate of no fewer than two successful test results for each proposed septic disposal area (a total of four tests per proposed lot) may be required on a lot-by-lot basis to determine the suitability of any particular site for building.

- iv. ~~(3)~~ A statement prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing;
 - v. ~~(4)~~ Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and/or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;
 - vi. ~~(5)~~ If any zoning changes are contemplated, the proposed zoning plat for the areas, including dimensions, shall be shown;
 - vii. ~~(6)~~ Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. All subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;
 - viii. ~~(7)~~ Where structures are to be placed on large or excessively deep lots which are subject to potential replat, the subdivider shall provide in the preliminary plat, a sketch plan which indicates minimum building setback lines and future roadway alignments which would not interfere with structural placement at the time of future subdivision; and
 - ix. ~~(8)~~ A vegetation preservation and protection plan, consistent with Section 154.257 of the Zoning Code, that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted;
 - x. Developer shall provide a landscape plan, signed by a licensed landscape architect, which shows ~~how a subdivision will assume a rural character through~~ the placement of ponding, berms, trees, and tree seedlings, shrubs, and shrub seedlings and native grasses.
 - 1. Landscape plans shall adhere to all requirements of Section 154.258 of the Zoning Code and shall include the City's Landscape Standard Notes.
 - 2. Irrigation plans shall be submitted and be in compliance with Lake Elmo General Irrigation Standards.
- ~~—(d) Developer shall plant a minimum of 6 trees, 1 inch caliper deciduous, or coniferous trees; 3 feet in height per acre unless a lot within the subdivision is determined by the Zoning Administrator to be naturally~~

~~wooded which would, at a minimum, consist of the caliper and height of trees required by this chapter; and~~

~~—(c) Developer shall provide spaced or clustered plantings of 1 and 1/2 inch caliper deciduous trees at a rate of 2 per 100 lineal feet on both sides of the street, between 0 feet and 5 feet to the inside of the right-of-way for rural sections and between 5 feet and 10 feet to the inside of right-of-way for urban sections. Four foot conifers may be substituted.~~

- xi. 9) If the development is an Open Space Preservation development, architectural and performance standards shall be submitted. If applicable, developments within the I-94 corridor and Old Village shall submit architectural renderings in order to ensure compliance with City of Lake Elmo Design Guidelines & Standards.
- xii. (10) Any environmental review, such as an Environmental Assessment Worksheet, as required by State Statutes. If an environmental review is required, the Preliminary Plat application cannot proceed until the review or study is complete;
- p. ~~(G)~~ *Other information.* Other information shall be provided as may be reasonably requested by the City staff, Planning Commission, or Council.

(B) ~~(H)~~ *Preliminary Major Subdivision Review: by staff and other commissions or jurisdictions.*

(1) Review by staff and other commissions or jurisdictions. The City shall refer copies of the preliminary plat to the City Engineer, Planner, and Attorney, the Park Commission, and the appropriate county, state, or other public agencies, including but not limited the Minnesota Department of Transportation and/or Washington County if the application abuts a county road or highway or county state-aid highway, and/or the Department of Natural Resources (DNR) if the application is within a Shoreland Overlay District and/or Floodplain Management District, for their review and comment. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.

(2) Comment must be received within 30 days or it will be assumed there are no objections.

(C) ~~(I)~~ Public Hearing Set. ~~The Planning Commission, upon receipt of the application shall instruct Administrator to set a public hearing on the proposed preliminary plat no later than 45 days from the date of filing of the application. Upon receipt of a complete application, the Zoning Administrator shall set a public hearing following proper hearing notification.~~ The Planning Commission shall conduct the hearing and report its findings and recommendations to the Council. The Administrator shall give notice of the hearing. The notice shall consist of a property description and a description of the request. The notice shall be published in the official newspaper at

least 10 days prior to the date of the hearing and written notification of the hearing shall be mailed at least 10 days prior to all owners of land within 350 feet of the boundary of the property in question. The Planning Commission, at its discretion, may direct that notification be sent to property owners at distances of greater than 350 feet. ~~(2)~~ The failure of any property owner to receive notice shall not invalidate the proceedings set forth in this Chapter.

(5) (D) ~~(J)~~ *Planning Commission action.* ~~The Planning Commission shall make a recommendation to the Council within 30 days following the close of the public hearing. If the recommendations of the Planning Commission are not received within that time, the Council may act on the preliminary plat without the recommendations. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter. The Planning Commission and shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.~~

(1) ~~The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms to the City's Comprehensive Plan and Development Code. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:~~

- a. ~~That the proposed subdivision is in conflict with the City's Comprehensive Plan, Development Code, Capital Improvements Program, or other policy or regulation.~~
- b. ~~That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type or intensity of development or use contemplated.~~
- c. ~~That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.~~
- d. ~~That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.~~
- e. ~~That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.~~
- f. ~~That the subdivision is premature as determined by the standards of this Chapter.~~

(E) ~~(K)~~ *City Council Action.*

(6) (1) The Council shall act upon the preliminary plat ~~and may impose the conditions and restrictions as are deemed necessary by the Council in view of the purpose of this section and the recommendations of the Planning Commission~~

~~within 30 days after receiving the recommendations of the Planning Commission or within 60 days after the close of the public hearing on the preliminary plat should the Planning Commission fail to forward recommendations after it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered. The Council shall have the option of receiving additional testimony if it so chooses. An application for preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.~~

(2) If the preliminary plat is not approved by the Council, the reasons for the action shall be recorded in the proceedings of the council and transmitted to the applicant. If the preliminary plat is approved, the approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The Council may require revisions in the preliminary plat and final plat as it deems necessary for the public health, safety, general welfare, and convenience.

(F) ~~*Effect of Approval.* For one year following preliminary plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.~~

(G) ~~*Effect of Denial.* If a preliminary plat application is denied by the City Council, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial.~~

(H) ~~(L)~~ *Submission of final plat; request for extension.* If the preliminary plat is approved by the Council, the subdivider must submit the final plat within 180 days after the approval, or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the council. ~~Such request for an extension shall include the following: 1) an explanation for why a final plat has not been applied for, 2) what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Zoning Administrator may approve up to two such extensions of not more than one additional year per extension.~~

(1997 Code, § 400.08) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.0810 FINAL PLAT MAJOR SUBDIVISIONS.

~~—(A)— After the preliminary plat has been approved, the final plat shall be submitted for approval as follows.~~

(A) ~~(1) Submission requirements. The owner shall submit a final plat signed and acknowledged by each person owning a legal or equitable interest in the lands platted, including contract purchasers or those holding only a security interest such as a mortgagee. The final plat shall contain the following information: Requests for final plat approval may be filed with the Zoning Administrator on an official application form following approval of a preliminary plat. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.~~

(7) A fee as set forth by the City's adopted fee schedule.

(8) A written summary of how all conditions of preliminary plat approval have been met.

(9) Written statement explaining changes or modifications to the preliminary plat.

(10) Final plat including the following information:

- i. Name of the subdivision;
- ii. Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision;
- iii. The location of monuments shall be shown and described on the final plat;
- iv. Location and area calculations of lots, right-of-way, streets, public highways, alleys, parks and trails, wetland and wetland buffers and other features with accurate dimensions;
- v. Lots shall be numbered clearly; blocks are to be numbered, with numbers shown clearly in the center of the block;
- vi. The exact locations, widths, and names of all streets to be dedicated;
- vii. Location width and use of all easements to be dedicated;
- viii. Certification by a registered land surveyor in the form required by M.S. Ch. 505, as it may be amended from time to time, and the name, address, and registration number of the surveyor;
- ix. Scale of plat (the scale to be shown graphically on a bar scale), date, and north point;
- x. Statement dedicating all easements;
- xi. Statement dedicating all streets, utility easements, and other public areas not previously dedicated; and
- xii. Certificate for approval by the City Planning Commission and the Council. The certificate shall be prepared for the signatures of the Chair

and Secretary of the City Planning Commission, and the Mayor and Administrator.

- (11) Final grading and drainage plan, appropriately labeled, using a copy of the current certificate of survey as a base for the site in question and prepare and signed by a Minnesota licensed engineer, depicting the following information:
- i. North arrow and date of preparation.
 - ii. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet).
 - iii. For each lot, provide lot and block numbers, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab.
 - iv. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and/or applicable Watershed Standards.
 - v. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
 - vi. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed.
 - vii. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included.
 - viii. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed.
 - ix. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage.
 - x. Retaining Walls (wall heights and elevations).
 - xi. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract.
 - xii. Locations and elevations of all street high and low points.
 - xiii. Street grades shown.
 - xiv. Provide phasing plan for site grading.
 - xv. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo City standard details. Plan must meet the requirements of MPCA General Permit Construction Activity.

- xvi. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan.
 - xvii. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract.
 - xviii. Proposed grade elevations at two (2) foot intervals shown as solid lines.
 - xix. Other information as required and outlined in the City Plan Sheet Format Requirements.
- (12) Final utility plan, appropriately labeled, prepared and signed by a Minnesota licensed engineer, depicting the following:
- i. Easements locations, dimensions, and purposes.
 - ii. Underground and overhead facilities.
 - iii. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the City Engineer Design Standards Manual.
- (13) Final street and storm sewer plan, appropriately labeled, prepared and signed by a Minnesota licensed engineer, depicting the following information:
- i. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed street names, in accordance with the City's Street Naming Policy, as outlined in 153.09 (11) (a).
 - ii. Locations and widths of proposed streets, alleys and pedestrian-ways.
 - iii. Location, dimensions and purpose of all easements.
 - iv. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii.
 - v. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles.
 - vi. Typical cross section of proposed street improvements.
 - vii. Minimum front and side street building setback lines.
 - viii. When lots are located on a curve, the width of the lot at the building setback line.
 - ix. For any non-single family residential development, location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each.
 - x. Other information as required and outlined in the City Plan Sheet Format Requirements.
- (14) Final tree preservation and landscape plans.
- (15) Other written materials. The application form shall be accompanied by, or address, the following written materials:
- i. Lot size for all lots and outlots in tabular form.

- ii. Area calculations of lots, right-of-way, streets, public highways, alleys, parks and public trails, wetland and wetland buffers and other features with accurate dimensions;
- iii. Cost estimates for grading and all public improvements.
- iv. A copy of any proposed homeowners association documents, private covenants or deed restrictions.
- v. Commitment for Title Insurance.
- vi. If a common interest community (CIC) is created, the developer shall provide proof that a replacement reserve amount was created in accordance with Minnesota Statute 515(b)(3)-1141.

(B) ~~(2)~~ Review of Final Plat. Approval of the City Council.

- (1) The application shall be in substantial compliance with the approved preliminary plat, including any modifications required as a condition of preliminary plat approval. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a final plat shall be approved or denied within 60 days of the date from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.
- (2) Review by staff and other commissions or jurisdictions. The City shall refer copies of the preliminary plat to the City Engineer, Planner, Attorney, the Park Commission, and the appropriate county, state, or other public agencies, including but not limited the Minnesota Department of Transportation and/or Washington County if the application abuts a county road or highway or county state-aid highway, and/or the Department of Natural Resources (DNR) if the application is within a Shoreland Overlay District and/or Floodplain Management District, for their review and comment. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and Council.
- (3) ~~(a) Twenty copies of the final plat shall be submitted to the Administrator at least 10 days prior to the Planning Commission meeting at which consideration is requested.~~ Planning Commission action. After review of the final plat by the staff, the Planning Commission shall review the final plat for substantial compliance with the approved preliminary plat and make recommendation to Council.
- (4) City Council Action. ~~The~~ final plat shall be approved or disapproved within 60 days after the filing of the final plat by resolution and conditioned upon the execution of the development agreement for basic improvements, public dedication, bonding, and other requirements determined necessary or appropriate by the Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the applicant.
- (5) ~~(b)~~ The resolution approving the plat shall authorize the Mayor and Administrator to execute an endorsement of approval for the City. The Mayor and Administrator shall

not execute the endorsement until any development agreement or bonds required by the resolution of the approval have been approved in writing by the City Attorney.

(Am. Ord. 9705, passed 5-6-1997)

(3) *Special assessments.* When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the Engineer shall estimate the cost of preparing a revised assessment roll, filing the assessment roll with the County Auditor, and making the division and allocation. Upon approval by the Council of the cost, the cost shall be paid to the City Administrator.

(4) *Recording final plat.* If the final plat is approved by the Council, the subdivider shall record it with the County Recorder within 120 days after the approval. If not filed within 120 days, approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council. The subdivider shall, immediately upon recording, furnish Administrator with 2 paper prints and 1 reproducible film positive of the plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in the plat until the City has received evidence of the plat being recorded by the County.

~~(5) *Lot acreage.* The subdivider shall provide the City with a list of all lots, by block, indicating the lot acreage, to the nearest 1/100. The list shall be certified by the surveyor signing the plat.~~

(1997 Code, § 400.09) Penalty, see § 10.99

~~§ 153.09 EXCEPTIONS TO PLATTING.~~

~~(6) *Minor subdivision.* A minor subdivision is a division of land which results in no more than 4 parcels wherein each resultant parcel complies with the City's minimum lot dimension and size requirements and are more than 2.5 acres in size, and public road frontage requirements, and all other applicable requirements for the zoning district in which the land is located, and no new roads or other public infrastructure is needed.~~

~~(7) (B) *Lot line adjustment.* A lot line adjustment is a division of land which results in no more than 4 parcels wherein each resultant parcel does not comply with the City's minimum lot dimension and/or public road frontage requirements for the zoning district in which the land is located. The City Council hereby waives compliance with the City's platting regulations for lot line adjustments which satisfy 1 of the following conditions: Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:~~

~~(1) Each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;~~

~~—(2) In those cases where the City Administrator determines that it is not reasonably possible for each resultant parcel to comply with the provisions of division (B)(1) above, each resultant parcel, when combined with an abutting parcel through a Tax Parcel Consolidation Procedure approved by Washington County, is less non-conforming after the lot consolidation than it was before the lot consolidation; or~~

~~—(2) The lot line adjustment does not create additional lots.~~

~~—(3) The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.~~

~~—(4) All resultant parcels shall have frontage and access on an existing improved~~

~~street (3) In those cases where, in regard to property which is zoned agricultural or rural residential, the City Administrator determines that each resultant parcel will equal or exceed minimum lot dimensions for the zoning district in which the property is located, but that 1 of the resultant parcels cannot satisfy the minimum public road frontage requirements for the zoning district in which the property is located, or access to the noncomplying parcel to an existing improved street is protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.~~

~~—(5) The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.~~

~~—(6) Any such lot line adjustment shall not require any public improvements.~~

~~—(C) Subdivision of Property for Public Purpose. The subdivision of property resulting from acquisition by governmental agencies for public improvements or uses.~~

~~—(D) Application for minor subdivision or lot line adjustment. An application for a minor subdivision or a lot line adjustment shall be submitted on forms provided by the City Zoning Administrator. The applicant will be responsible for all expenses incurred in obtaining the required information, which includes the following:~~

~~—(1) Name, address, and telephone number of the property owner/applicant and evidence of title;~~

~~—(2) A legal description of the parcel which is being subdivided and legal descriptions for each of the resulting parcels; and, in regard to lot line adjustments, legal descriptions for the adjusted or consolidated parcels;~~

~~—(3) A written description stating the reason for the request; and~~

~~—(4) A land survey prepared by and signed by a registered land surveyor describing the minor subdivision, and/or lot line adjustment and showing all buildings, driveways, easements, setbacks, and other pertinent information including the legal descriptions herein required.~~

~~—(5) Other information. Other information shall be provided as may be reasonably requested by the City staff, Planning Commission, or Council.~~

~~—(E) Review of minor subdivision.~~

~~—(1) A completed application shall be submitted to the Planning Commission for its review and recommendation to the City Council.~~

~~(H) The City Council may attach reasonable conditions to its approval and shall require the conveyance of necessary street, utility, and drainage easements on forms approved by the City Attorney, and shall require the payment of a public use dedication fee.~~

~~—(F) *Review of lot line adjustment.* A completed application shall be reviewed administratively by the City Zoning Administrator who shall make a written finding in regard to the provisions of division (B) above. The City Zoning Administrator's approval shall be conditioned upon recording of documents which effectuate the lot line adjustment or tax parcel consolidation. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the City Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or with the verifications listed below. Failure to provide the required verifications shall invalidate the City Zoning Administrator's approval.:~~

~~—(1) Recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot line adjustment; and/or~~

~~(2) Proof that the Washington County Assessor has approved a Tax Parcel Consolidation and has assigned a new tax parcel number for the consolidated parcel or parcels.~~

~~—(G) *Review of Subdivision of Property for Public Purpose.* A completed application, accompanied by a fully executed deed that designates a governmental agency as a grantee, shall be reviewed administratively by the City Zoning Administrator who shall make a written finding in regard to the provisions of paragraph (C) above and if the conveyance falls within the definition of paragraph (C), the City Zoning Administrator shall approve the subdivision. The City Zoning Administrator's approval shall be conditioned upon receipt of a copy of the recorded deed. Failure to provide a copy of the recorded deed shall invalidate the City Zoning Administrator's approval.~~

~~_(1997 Code, § 400.10) (Am. Ord. 97-98, passed 12-18-2001)~~

§ 153.101 VARIANCES; STANDARDS; PLATTING.

(A) *Purpose.* A variance may be granted from the minimum standards required by this chapter as they apply to specific property where unusual hardship on the land exists, but variances may be granted only upon the specific ground set forth in this section. In granting any variance, the Planning Commission may recommend, and the Council shall prescribe, the conditions as it deems necessary and desirable to protect the public interests. In no case shall any of the procedural requirements of this chapter be waived nor shall a variance be deemed to permit any waiver or avoidance of the procedural requirements.

(B) *Planning Commission review.* No variance shall be granted until the matter has been considered by the Planning Commission. In making its recommendations, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of

land in the vicinity, number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

(C) *Findings.* A variance shall be granted only where the Council finds:

(1) That there are special circumstances or conditions affecting the applicant's land that the strict application of the minimum standards of this chapter would deprive the applicant of the reasonable use of that land;

(2) That the granting of the variance will not be detrimental to the public welfare or injurious to other property; and

(3) That the variance required by reason of unusual hardship relating to the physical characteristics of the land.

(1997 Code, § 400.11)

§ 153.142 VARIANCE PROCEDURES.

(A) *Application.* Requests for a variance or appeal shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a fee as established from time to time by resolution of the Council. The application shall also be accompanied by ~~20 copies of~~ detailed written and graphic materials necessary for the explanation of the request. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics.

(B) *Hearing.* The Planning Commission shall hold a public hearing on the variance request in accordance with the standards set forth in the zoning code.

(C) *Appearance of applicant before Planning Commission.* The applicant or a representative of applicant shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.

(D) *Findings.* The Planning Commission shall make its findings and recommend the actions or conditions relating to the request as they deem necessary to carry out the intent.

(E) *Approval/denial.* Upon receiving the report and recommendation of the Planning Commission, the Council shall decide whether to approve or deny the request for a variance. The Council shall not grant a variance until it has received the report and recommendation from the Planning Commission or until 30 days after the application was accepted by the City. The Council shall decide whether to approve or deny the request for a variance or an appeal no later than 60 days after the filing of the application.

(F) *Written findings and order.* The Council shall make written finding of fact and order in granting or denying any application for a variance or appeal. In granting any variance or making any order related to a variance or appeal, the Council shall impose any condition it considers necessary to protect the public health, safety, or welfare.

(G) *Notification of decision.* The Administrator shall notify the applicant of the Council's decision in writing.

(1997 Code, § 400.12)

§ 153.123 PLANNED UNIT DEVELOPMENTS (P.U.D.).

(A) Upon receiving a report from the Planning Commission, the Council may grant exceptions from the provisions of these regulations in the case of a Planned Unit Development, provided that the Council finds that the proposed development is fully consistent with the purpose and intent of these regulations and in compliance with the Planned Unit Development objectives ~~of~~ as identified in Article XVII of the zoning code.

(B) This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

(1997 Code, § 400.13) (Am. Ord. 08-072, passed 3-5-2013)

§ 153.134 ENGINEERING DESIGN STANDARDS; REQUIRED IMPROVEMENTS.

Submittals must meet plan sheet format requirements set forth by the City of Lake Elmo Engineering Design Standards.

(A) *Blocks.*

(1) In general, intersecting streets, determining block lengths, shall be provided at the intervals as to serve cross traffic adequately and to meet existing streets. Where no existing plats control the blocks in residential subdivisions, blocks shall not be less than 600 feet nor more than 1,800 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 900 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use may vary from the elements of design contained in this section if the nature of the use requires other treatment.

(2) The width of the block shall normally be sufficient to allow 2 tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of the width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(3) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In those cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.

(B) *Lots.*

(1) *Area.* The minimum lot area, width, and depth shall not be less than that established by the zoning code in effect at the time of adoption of the final plat.

(2) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning code.

(3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(4) *Frontage.* Every lot must have a minimum frontage on a public street accepted for maintenance purposes by the City (or to be accepted upon completion of construction by the applicant), other than an alley, as required in the zoning code. No subdivision shall be permitted which will result in a lot with less than the minimum frontage on a public street as required by the zoning code except where a variance is granted as provided by this chapter. In no case shall a variance to this frontage requirement be granted which would permit access to a lot by means of an easement or private road except as provided in § 153.101.

(5) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning code.

(6) *Water courses.* Lots abutting a water course, drainage way, channel, or stream shall have additional depth and width, as required under the provisions of the zoning code for the shoreland and wetland system districts.

(7) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(8) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or planned as outlots, rather than allowed to remain as unusable parcels.

(9) *Frontage on 2 streets.* Double frontage, or lots with frontage on 2 parallel streets, shall not be permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(10) *Turn-around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in a manner as to encourage turn-around access and egress on each lot.

(11) *Minimum lot line.* No lot shall have a total width at the front or rear lot line of less than 30 feet.

(12) *Large lot planning.* In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the minimum building setback line, a preliminary resubdivision plan may be required showing a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land, the placement of buildings or structures upon the lots shall allow for potential resubdivision.

(13) *Shoreland.*

(a) *Land suitability.* No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe

limitation for development, severe erosion potential, inadequate water supply or sewage disposal capabilities.

(b) ~~Inconsistent plats reviewed~~ Review by Commissioner of Natural Resources. All plats ~~which are inconsistent with~~ in a shoreland district the Municipal Shoreland Ordinance shall be reviewed by the Commissioner before approval by the City may be granted. Review shall require that the proposed plats be received by the Commissioner at least 10 days before a hearing is called by the City for consideration of approval of a ~~final~~ preliminary plat.

(c) *Copies of plats supplied to Commissioner.* Copies of all plats within shoreland areas shall be submitted to the Commissioner within 10 days of final approval by the City.

(C) *Easements.*

(1) *Width and location.* An easement for utilities at least 10 feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. See § 150.277(A)(2)(e) of this code for other applicable easement regulations.

(2) *Continuous utility easement locations.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not subsequently be changed without the approval of the Council after a public hearing.

(3) *Provisions for drainage.* Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a width sufficient in the judgment of the Council to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers. They shall be dedicated to the City by appropriate language in the owner's certificate. See § 150.277(A)(2)(e) of this code for other applicable easement regulations.

(D) *Erosion and sediment control.* Erosion and sediment control plans shall be provided in accordance with § 150.277(B) of this code.

(E) *Drainage.* A complete and adequate drainage system design, in accordance with the Watershed District, § 150.277(A) of this code, and Local Storm Water Management Plan, approved by the City Engineer, shall be required for the subdivision.

(F) *Monuments for plats.*

(1) Official monuments, as designated or adopted by the County Surveyor's Office or approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat must be fully dimensioned, all angles of the boundary excepting the closing angle to be indicated, all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Twenty-four inch long pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, state, county, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.

(3) A second monumentation shall be required following the final grading and completion of streets, curbs and utility improvements for a plat in order to ensure that all irons and monuments are correctly in place.

(4) (a) Proof of the final monumentation shall be in the form of a surveyor's affidavit that the monumentations complete. The surveyor's affidavit shall be submitted to the county; and

(b) Surveyor's office and to the City within 1 year from the date of recording the plat ~~or prior to the issuance of building permits, whichever event occurs first.~~

(G) *Sanitary sewer and water distribution and public utilities.*

(1) Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as provided for in the City's Comprehensive Sewer Plan and Water Supply and Distribution Report, and other City plans, and shall be subject to the review and approval of the City Engineer.

(2) Where City water facilities are not available for extension into the proposed subdivision, the Council may, by ordinance, grant a franchise for the water facilities, to serve all properties within a subdivision where a complete and adequate neighborhood water distribution system is designed in conjunction with the subdivision, and complete plans for the system are submitted for the approval of the Council.

(3) Where City sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of ~~individual~~-water and sewer systems in accordance with all appropriate state and local regulations.

(4) Telephone, electric, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinances and standards. Exceptions to this requirement may be granted by action of the Council.

(H) *Streets, alleys, and curbs.* The design of streets, alleys, and curbs shall conform to the City of Lake Elmo Engineering Design Standards.

(1) *Streets, continuous.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

(2) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Temporary and permanent cCul-de-sacs shall be designed in conformance with the City of Lake Elmo Engineering Design Standards. ~~include a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than 60 feet.~~

~~(a) Temporary cul-de-sacs shall comply with the following standards.~~

~~1. The plat shall be reviewed after 3 years, by the City Planner, in order to determine if the cul de sac shall remain temporary. The City Planner shall review the status of the temporary cul de sac every 3 years.~~

~~2. The street shall not exceed 1,000 feet in length in subdivisions in which lots are less than 2.5 acres in size.~~

~~3. The street shall not exceed 2,640 feet in length in subdivisions in which lots are 2.5 acres or greater.~~

~~4. The cul de sac shall be designated as "temporary" on the final plat, with an easement shown on the final plat identifying where the road will extend.~~

~~5. The cul de sac shall not have landscaped or natural islands within it.~~

~~6. The street shall not serve more than 20 home sites.~~

~~(b) Permanent cul de sacs shall comply with the following standards.~~

~~1. The street shall not exceed 600 feet in length in subdivisions in which lots are less than 2.5 acres in size.~~

~~2. The street shall not exceed 1,320 feet in length in subdivisions in which lots are 2.5 acres or greater in size.~~

~~3. The cul de sac may have landscaped islands or natural open space areas. Maintenance responsibilities of these areas shall be defined and recorded in the covenants, on the deeds, and in developers agreements.~~

~~(c) Temporary, platted cul de sacs which abut land proposed for development shall be removed by the developer.~~

(3) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan for a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(4) *Provisions for resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, the lots or parcel shall be arranged to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for the resubdivision.

~~(5) *Street intersections.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be 60 degrees, with 90 degree intersections preferred. Street intersection jogs with an offset of less than 125 feet 150 shall be avoided.~~

(5) *Subdivisions abutting collector or minor arterial streets.* Wherever a proposed subdivision abuts or contains an existing or planned collector or minor arterial street as designated on the City's thoroughfare plan, the lots shall access onto local streets wherever possible. Local streets may be existing or provided with the subdivision.

~~(7) (6) *Alleys.* Except in the case of a planned unit development, either a public or private alley may be required in a block where commercially zoned property abuts a major thoroughfare~~

or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

~~(8) (7) Half streets.~~ Dedication of half streets shall not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

~~(9) Street grades.~~ Except upon the recommendation of the engineer that the topography warrants a greater maximum, street grades shall not exceed the following.

Minor Arterials	5%
Collector Streets	6%
Local, Marginal Access, and Cul-de-Sac Streets	8%
Minimum Grade of Not Less Than	0.5%

~~(10) Curb radius.~~ The minimum curb radii for arterials, collector streets, local streets, and alleys shall be as follows.

Arterial Streets	25 feet
Collector Streets	20 feet
Local Streets	15 feet
Alleys	6 feet

~~(11) Reverse curves.~~ Tangents of at least 50 feet in length shall be introduced between reverse curves on collector streets.

~~(12) Reserve strips.~~ Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the Council.

~~(13) Minimum right-of-way widths.~~

Street	Width
Principal Arterial	150 feet to 300 feet
Intermediate Arterial	100 feet to 300 feet
Minor Arterial	80 feet to 120 feet
Collector Street	80 feet
Commercial or Industrial Service Street	80 feet

Local Street	60 feet
Marginal Access Street	50 feet
Cul-de-Sac	60 feet; turn-around radius of 60 feet

—(14) (8) *Adding width to existing streets.* Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet ~~the above standards~~ standards set forth in the City of Lake Elmo Engineering Design Standards and/or other applicable standards.

—(15) (9) *Additional right-of-way and roadway widths.* Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

—(16) (10) *Street improvements for plats.*

(a) The City Engineer shall determine when the full width of the right-of-way shall be graded, including the subgrade in accordance with the provisions for construction as outlined in the City of Lake Elmo Engineering Design Standards ~~design standards.~~

(b) All streets shall be improved in accordance with the standards and specifications for street construction established by the Council.

—(17) (11) *Curb and gutter.* Curb and gutter shall be provided when required in accordance with the *City of Lake Elmo Engineering Design Standards.*

(12) Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed.

(I) *General improvements.* The following shall be installed in accordance with the City of Lake Elmo Engineering Design Standards Manual and all other applicable City standards:

(1) Trees and boulevard sodding ~~shall be planted in accordance with City standards.~~

(2) Streets signs shall be installed at each intersection ~~in accordance with City standards.~~

(3) Driveway approaches, sidewalks, or pedestrian pathways ~~shall be installed in accordance with City standards.~~

(4) Street lighting fixtures ~~shall be installed in accordance with City standards.~~

(5) Sidewalks are required on one side of all streets. The Council may require sidewalks along both sides of all streets in areas where the residential density equals or exceeds 3 dwelling units per ~~net~~ acre of land or in any commercial, industrial, or other business areas if the Council determines that sidewalks are required for public safety.

(1997 Code, § 400.14) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.145 PARK LAND DEDICATION REQUIREMENTS.

(A) *Dedication of land for park and open space use.* In all new residential subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds, trails, public open space, or other public recreational use. For non-residential developments, the City requires a payment in lieu of land dedication as established by resolution of the City

Council. Such percentage or fee shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public use pursuant to this chapter. The following schedule describes the required dedication by zoning district. This schedule is based upon density of the development allowed in each district and is intended to equalize the amount and value of land dedicated for parks per dwelling unit in the various districts.

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
R1, R2, R3, and R4	10%
RS, <u>V-LDR, GCC</u> , LDR, MDR, HDR	10%
RE <u>and OP Development</u>	7%
RR and AG	4%
<u>C, CC, LC, GP, BP, VMX</u>	<u>Fees as set by Council resolution</u>

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
GB, LB, HB, BP, CB,	Fee as set by Council resolution
C, CC, LC, GB, BP, VMX	Fee as set by Council resolution
RR and AG with OP Conditional Use Permit <u>OP Development</u>	7%
RR and AG with OP A Conditional Use Permit	10%

(B) *Land title.* Public land dedications, which are not dedicated to the City on a plat, shall be conveyed to the City by warranty deed free and clear of all liens or encumbrances. The subdivider shall provide proof of title, in a form acceptable to the City, prior to the conveyance of the property.

(C) *Land acceptability.* The City must approve the location and configuration of any park land which is proposed for dedication and shall take into consideration the suitability of the land and for its intended purpose; the future needs of the City for parks, playgrounds, trails, or open space; and the recommendations of the City’s Parks Commission. The following properties shall not be accepted for park land dedications:

- (1) Land dedicated or obtained as easements for streets, sewer, electrical, gas, storm water drainage and retention areas, or other similar utilities and improvements;
- (2) Land which is unusable or of limited use; and/or
- (3) Land within a protected wetland or within a flood plain area unless the Council determines that all of the following criteria are satisfied:
 - (a) Would be in the best interests of the general public;

(b) Would be valuable resource for environmental preservation, educational, or habitat preservation purposes;

(c) Has an exceptional aesthetic value; and

(d) Would not become financially burdensome to the City as a result of maintenance or preservation requirements.

(D) Trails. Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total dedication.

(E) *Cash contribution in lieu of land dedication - residential subdivisions larger than three lots.*

In lieu of the land dedication for ~~residential subdivisions larger than three lots~~ major subdivisions, the City may elect to require the subdivider to contribute a cash equivalent payment to the City's Park and Open Space Fund, or may require the developer to satisfy the park land dedication requirement by a combination of land and cash contribution. For all ~~residential subdivisions of three or more parcels~~ major subdivisions, the required cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located. The City shall determine the fair market value of the land by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser; the subdivider shall pay for the cost of the appraisal. The fair market value determination of the appraiser shall be conclusive.

(F) *Cash contribution in lieu of land dedication - minor residential subdivisions and commercial development.* Required cash equivalent payments for ~~residential subdivisions resulting in 3 or fewer parcels~~ minor subdivisions or for commercial development projects shall be as determined from time to time by Council resolution.

(G) *Payment of cash contribution.* Cash contribution payments shall be made to the City prior to final plat approval for commercial developments or ~~residential subdivision of more than 3 parcels~~ major subdivisions, or prior to the City's approval of the deeds of conveyance in those cases where a residential subdivision will result in 3 or fewer lots.

(H) Previously subdivided property from which a park dedication or cash in lieu contribution has been received, upon resubdivision with the same number of lots, is exempt from park dedication requirements. If, as a result of the resubdivision of the property, the number of lots is increased, the park dedication or cash in lieu contribution shall be applied only to the net increase in the number of lots.

(F) (1) Any cash contribution so paid to the City shall be placed in a special fund. The money shall be used only for:

(a) The acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan;

(b) Redevelopment or rehabilitation of existing park facilities or sites; or

(c) Debt service in connection with land previously acquired or improvements thereto previously constructed.

(2) No funds shall be used for ongoing operation or maintenance of existing parks, ~~or~~ recreational facilities or sites or City vehicles.

~~—(f) *Lands designated for public use on Comprehensive Plan or official maps.* Where all or a portion of the area included in a proposed subdivision has been designated as a park, playground, recreational area, proposed school site, or other public ground in the City's Comprehensive Plan or in an official map adopted pursuant to the Comprehensive Plan, the subdivider shall notify the appropriate governmental unit of the proposed subdivision of the property. The notice shall be given prior to submittal of the development application to the City. Prior to the City's review of the preliminary plat, the subdivider shall advise the City in writing of the status of the negotiations regarding the designated area.~~

(1997 Code, § 400.15) (Am. Ord. 08-072, passed 3-5-2013) Penalty, see § 10.99

§ 153.156 REQUIRED IMPROVEMENTS; FINANCIAL ARRANGEMENTS.

(A) *Improvements.* All sanitary sewer, water main and storm sewer facilities, streets, concrete curb, gutters, sidewalks, sodding, drainage swales, and other public utilities ("improvements") shall be made and constructed on or within the subdivided lands or where otherwise required and dedicated to the City and shall be designed in compliance with City standards by a registered professional engineer.

(B) *Plans and specifications approval.* Plans and specifications shall be submitted to the City Engineer for approval prior to construction. All of the improvements shall be completed by the developer and acceptable to the City Engineer and shall be free and clear of any lien, claim, charge, or encumbrance, including any for work, labor, or services rendered in connection therewith or material or equipment supplied therefor.

(C) *Improvement warranties and guarantees.* Developer shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of 2 years following completion and acceptance. In the event of the discovery of any defect in materials or workmanship within the 2-year period, the defect shall be promptly repaired or corrected, and the warranty and guarantee for the entire project shall be extended for 1 additional year beyond the original 2-year period, for a period of 3 years following the completion and acceptance. Defects in material or workmanship shall be determined by the City Engineer.

(D) *Required inspections of improvements.* Improvements that are to be installed shall be inspected during the course of construction by the City Engineer, at the developer's expense. Notice shall be given to the City Engineer a minimum of 24 hours prior to the required inspection. Failure to provide City Engineer with required notice shall result in a stop-order issued to the project. If developer proceeds with work within the development without required inspection, City Engineer shall have the discretion to accept or reject all or part of the improvement, by giving appropriate written notice to the developer.

(E) *Acceptance of improvements.* Acceptance of improvements by the City Engineer may be subject to the reasonable conditions as Engineer may impose at the time of acceptance. Developer, through his or her engineer, shall provide for competent daily inspection during the construction of all improvements. As-built drawing, Whitehall include service and valve ties, on reproducible mylar shall be delivered to the Engineer within 60 days of completion of the improvements together with a written certification from a registered engineer that all improvements have been completed, inspected, and tested in accordance with City-approved plans and specifications.

(F) *Changes to construction plans and specifications.* All changes to the construction plans and specifications must be approved by the City Engineer.

(G) *Clean-up obligations; street signs.*

(1) Developer shall remove all soil and debris from and clean all streets within the lands developed in accordance with § 150.277(B)(2)(d) of this code.

(2) In the event there are or will be constructed on the property, 2 or more streets, and if permanent street signs have not been installed, developer shall install temporary street signs in accordance with recommendations of the Maintenance Department, prior to the issuance of any permit to build upon the property.

(H) *Erosion control.* Erosion control shall be provided with the installation of utilities and street curbs in accordance with the *City of Lake Elmo Engineering Design Standards*.

(I) *Developers agreement/security.* Subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval, developer shall:

(1) Enter into a developer's agreement whereby developer shall undertake performance of the obligations imposed by this chapter, or by Council condition, and containing the other terms and provisions and in the form as shall be acceptable to the City Attorney, including, but not limited to, provisions for default including fines and penalties; and

(2) Submit a ~~bond~~, letter of credit, or cash deposit ("security") which guarantees completion of all improvements within the times specified by the City Engineer. A bond to guarantee completion of all improvements may be accepted in lieu of a letter of credit or cash deposit with Council approval. The amount of the security shall be 125% of the estimated construction cost of the improvements, subject to reduction ~~thereof to an amount equal to 25% of the cost of the improvements as outlined by the development agreement~~ after acceptance thereof by the City Engineer, and receipt of as-built drawings. The security shall be in the form and contain the other provisions and terms as may be required by the City Engineer and/or City Attorney. The developer's registered engineer shall make and submit for approval to the City Engineer, a written estimate of the costs of the improvements. Reduction of security shall be as outlined per the development agreement.

(J) *Petitions for improvements by City.* With the approval of the Council, and instead of the obligations imposed by divisions (A) through (I) above, developer may enter into an agreement

signed by 100% of all owners of the land to be developed, requesting the City to install some or all of the improvements, request all of the costs be assessed against the property, and waiving the rights to appeal from the levied special assessments. Upon approval by the Council, the City may cause the improvements to be made and special assessments for all costs of the improvements to be levied on the land, except any land that is or shall be dedicated to the public. The special assessment shall be payable over a term of 5 years unless otherwise authorized by the Council. Prior to the award of any contract by the City for the construction of any improvement, developer shall have entered into a contract for rough grading of streets included in the improvement to a finished subgrade elevation, and including the other terms as required by Council. Developer's obligation with respect to the rough grading work shall be secured by a bond, letter of credit, or the deposit which shall guarantee completion, and payment for all labor and materials expended in connection with the rough grading. The amount of the security shall be 125% of the cost of the rough grading and shall be in the form and contain the further terms as may be required by the City Engineer and/or City Attorney.

(K) *City Attorney approval.* No final plat shall be approved by the Council without first receiving a report signed by the City Attorney certifying that the agreements and documents required under this chapter meet the requirements of the City. The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.

~~—(L) *Warranty bond.* The City shall require a developer to submit a warranty bond or equivalent in the amount equal to the original cost of the improvements, which shall be in force a minimum of 2 years following final acceptance of any required improvements and shall guarantee satisfactory performance of the improvements, unless waived by the Council.~~

(1997 Code, § 400.16) (Am. Ord. 08-024, passed 4-20-2010) Penalty, see § 10.99

§ 153.167 FEES.

(A) The Council shall by ordinance, adopted from time to time, establish fees to be paid by the applicant to defray the administrative costs and expenses incurred by the City in processing development applications, applications for variance or appeals under the provisions of this chapter.

(B) Fees to be paid by the applicant shall include all administrative, engineering, legal, and consulting fees and materials costs reasonably incurred in the review of the proposed subdivision and the processing of the applications or appeals.

(1997 Code, § 400.17)

§ 153.178 VIOLATIONS.

(A) *Sale of lots from unrecorded plats.* It shall be a violation of this chapter to sell, trade, offer to sell, trade, or otherwise convey a lot or parcel of land as part of, or in conformity with any plan, plat, or replat of any subdivision or area located within the City unless the plan, plat, or

replat shall first have been approved by the City in writing as provided by this chapter and in the case of a plat, replat, or registered land survey unless the survey is recorded in the office of the County Recorder or Registrar of Titles.

(B) *Misrepresentation as to construction, supervision, or inspection of improvements.* It shall be unlawful for any person to represent that any improvement upon any of the streets, alleys, or avenue of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the Council, or has been supervised or inspected by the City, when the improvements have not been so constructed, supervised, or inspected.

(1997 Code, § 400.18) Penalty, see § 10.99

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

SECTION 3. Adoption Date. This Ordinance 08-205 was adopted on this _____ day of April 2018, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2018.

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

RESOLUTION NO. 2018-037

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

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-205, an ordinance amending the City Code of Ordinances by amending the City's provisions related to the City Council; and

WHEREAS, the Ordinances are lengthy; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-205 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-205, which amends Chapter 153: Subdivision Regulations of the Lake Elmo City Code of Ordinances by:

- Clarifying language regarding lot line adjustment and lot consolidation.
- Amending language regarding metes and bounds to align with State Statute.
- Clarifying that release of building permits is as set forth by the development agreement.
- Adding additional application submittal requirements for Sketch Plan Review, Preliminary Major Subdivision Review, and Final Major Subdivisions Review.
- Additional requirements for Minor Subdivisions, including preparation of a preliminary plat prepared by a registered land surveyor in accordance with M.S. Ch. 505, drainage, grading and erosion control plans, existing and proposed low floor elevations, wetland delineation report and map, soil testing, public hearing, and a time restriction for recording of a minor subdivision.
- Removing certain design standards and instead referring to those outlined in the City Engineering Design and Construction Standards Manual.

The full text of Ordinance No. 08-205 and Ordinance No. 08-205 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: April 3, 2018.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.



STAFF REPORT

DATE: 4/3/18

**REGULAR #19
MOTION**

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Variance Requests for 8728 DeMontreville Trl (Side Yard Setback)
REVIEWED BY: Emily Becker, Planning Director

SUMMARY AND ACTION REQUIRED:

The City has received a request from owner(s)/applicant Brooks Moening, of 8728 DeMontreville Trl, to allow reconstruction and expansion of an existing detached garage. The home was constructed in 1972 and garage the garage in 1974. The owner is in need of a variance because Article VI Non-Conforming Uses, Buildings and Structures indicates that all additions or expansions to the outside dimensions of an existing nonconforming structure must meet all requirements of the Zoning Code unless a variance is granted. The current structure is 7.3 feet away from the side yard lot line when it should be 10 feet to comply with today's code.

The City Council is being asked to hold a public hearing, review and make recommendation on the above mentioned requests.

GENERAL INFORMATION:

Legal SUBDIVISIONNAME BERGMANN ADD LOT 5 BLOCK 2
SUBDIVISIONCD 37085
PID# 04.029.21.12.0017

Existing Land Use/Zoning: Single-family detached residential home/detached garage guided for RR - Rural Residential Family / Rural Area Development.

*Surrounding Land Use/
Zoning:* Surrounded by single family homes and guided for Rural Single (RS) to the south and Rural Residential (RR) to the north.

History: Further information relating to the properties subdivision or zoning could not be found. However, it is known that the building permit for the home was issued in 1972 and the building permit for the garage was issued in 1974. The principal use for the property has been a single family dwelling, and is made up of .44 acres.

Deadline for Action: Application Complete – 2/23/2018
60 Day Deadline – 4/24/2018
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations:

- Article VI – Non-conforming uses, buildings and structures
- Article XI – Rural districts
- Article V - Zoning Administration and Enforcement

REQUEST DETAILS

The applicant is requesting to remove and reconstruct the existing garage on the property. The following information provides a more detailed explanation of the proposal. In summary, the

existing garage does not meet the required setbacks for the RR zoning district of 10'. Buildings or structures lawfully existed prior to current zoning standards are not be altered or improved beyond normal maintenance, except that any lawful dimensional substandard residential building, accessory building, or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed the 10% of the minimum setback requirements. The applicant is proposing to re-build the garage entirely and expand the garage length, which goes beyond normal maintenance. Additionally, the garage requires a variance of 2.7 feet (required 10 foot setback – proposed 7.3 foot setback), which exceeds 10% of the minimum setback requirement.

Article XI: Rural Residential

	RR
Maximum Impervious Coverage	-
Minimum Accessory Building Setbacks (feet)	
Front Yard	30
Interior Side Yard	10
Corner Side Yard ^g	25
Rear Yard	40

Reason for Variance Requests. The variance request is due to the lot width of the property; the lot being established prior to current zoning criteria; and construction of the garage prior to current zoning standards. The parcel is 100.13 feet in width, which is much narrower than the required lot width of 300 feet within the Rural Residential zoning district. Had the home and garage been constructed with the current standards in mind, it is likely the garage would not have been built to be non-conforming. The garage is located between the northern property line and the home and is 32 inches from the home's concrete steps, so there isn't space to move the new garage location further from the northern property line. The larger garage is desired for additional storage space and to allow the applicant to resume with woodworking as a hobby. Additionally, the current garage is bowed and sagging, and studs are rotted as a result of being built directly on the concrete slab and not elevated on block. The stucco is crumbling and breaking away from the wall board.

Size and Number. The maximum allowed size and number for accessory structures within rural district is one 1,200 square foot structure for lots under 1 acre in size. The proposed garage is 1200 square feet in size and is the only accessory structure on the property, and so this requirement is met.

Maximum Impervious Surface. The subject property is unique in that it is zoned RR. Normally properties which are zoned RR should have a minimum lot size of 10 acres. There is no record as to why this property was allowed to be divided down past the 10 acre minimum to .44 acres except for that the lot was likely created prior to current standards. Older zoning maps were reviewed and it had shown the parcel being zoned RR as well. There is no impervious surface requirements for lots zoned RR, and so this standard does not apply.



Accessory Structure Standards. Below is an analysis of how the proposed garage meets required accessory structure standards.

- C. *Structure Height, Rural Districts.* No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.
- *Staff Comment:* The applicant has stated that the home is 15 feet 10 inches in height and the garage is to be 15 feet in height. As the code is currently written this is allowed and under normal circumstances would be considered a conforming height. This standard is met.
- D. *Structure Location, Rural Districts.* No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot.
- *Staff Comment:* The garage will not be built any closer to the front lot line than it is now, the expansion will go off the back of the structure. The garage is 60.3 feet off the front property line and the home is 49.9 feet off the front line. This standard is met.
- E. *Exterior Design and Color.* The exterior building materials, design and color of all accessory building or structures shall be similar to or compatible with the principal building, with the exception of the following accessory building or structures:
- *Staff Comment:* The garage design and color scheme will need to follow what is expressed above. Plans have not been submitted, condition of approval.
- F. *Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.
- *Staff Comment:* The door height/design will need to follow what is expressed above. Plans have not been submitted, condition of approval.

RECOMMENDED FINDINGS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

***FINDINGS:** The property had been platted and built on prior to the establishment of the current zoning code. Because of this the parcel is significantly smaller than others of its kind. Though the garage is currently non-conforming, this appears to be a reasonable request as everything besides the side yard setback would be conforming to current code. Staff believes this standard is met.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

***FINDINGS:** The property was platted prior to current zoning standards and does not meet the current minimum lot width requirements, which makes it difficult to fit a detached garage on the property meeting required side yard setback requirements. The existing garage was built prior to current zoning standards and does not meet minimum setback requirements, and the Applicant would like to re-build and expand the length of the existing garage in the same location. Staff believes this standard is met.*

- 3) **Character of Locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

***FINDINGS:** The property is wooded on all sides. Also there are other residencies in the area which have attached or detached garages with some lots also having accessory structures. There is a heavy woodline on the northern property edge and the nearest dwelling unit to the north is over 400 ft away. From an aerial perspective it would not seem reasonable to think anyone could perceivably notice that the garage had been rebuilt and expanded off the rear. Staff believes this standard is met.*



- 4) Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.

***FINDINGS:** A variance from the required side yard setback to expand the structure will not impair an adequate supply of light and air to adjacent properties. Congestion of public streets or diminishment or impairment of property values will also not be affected. Staff believes this standard is met.*

Results of Planning Commission and Public Hearing

The planning commission held a public hearing on the night of March 26th, 2018. There were no written comments submitted to staff and no one spoke on the request beyond the applicant. One commission member stated that they felt the property to the north would not be easy to develop due to the wetlands, this further supported the idea that this request would not impose a burden/nuisance to future neighbor(s). Also future lots would need to conform to the zoning code (size and width) and buildings would need to meet the zoning code setback requirements.

The variance passed with no amendments 6-0. The Planning Commission as well as staff is recommending approval of the proposed variance request based on the findings noted in 1, 2, 3, and 4 with the following conditions.

1. That the Applicant obtain all applicable permits including but not limited to a City building permit including a grading and erosion control, and by the City Engineer.
2. The structure complies with section 154.406 Accessory Structures, Rural Districts Sub. (C,D,E, and F)
3. The exterior building materials, design and color shall be compatible with the principal building.
4. The garage door height not exceed fourteen (14) feet.

FISCAL IMPACT:

The proposed variance is not expected to have fiscal impact to the City.

OPTIONS:

The City Council may:

- Recommend approval of the proposed variance, subject to recommended findings and conditions of approval.
- Amend recommended findings and conditions of approval and recommend approval of the variances, subject to amended findings and conditions of approval.
- Move to recommend denial of all variances, citing findings for denial.

RECOMMENDATION:

Staff recommends and the Planning Commission recommend approval of the request from Brooks Moening for the requested variances:

“Move to adopt resolution 2018-038 approving the request from Brooks Moening for variances from the following standard; minimum side yard setback, subject to recommended findings and conditions of approval identified in the staff report.”

ATTACHMENTS:

- 1) Variance Application and narrative
- 2) Survey
- 3) Resolution 2018-038

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



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

LAND USE APPLICATION

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

Applicant: Brooks Moening
Address: 8728 DeMontreville Tr N
Phone # 651-261-2154
Email Address: brooks.moening@gmail.com

Fee Owner: Brooks Moening
Address: 8728 DeMontreville Tr N
Phone # 651-261-2154
Email Address: brooks.moening@gmail.com

Property Location (Address): 8728 DeMontreville Tr N
(Complete (long) Legal Description: Bermann Add Lot 5 Block 2, SubdivisionCd 37085
PID#: 04.029.21.12.0017

Detailed Reason for Request: Reason for request is to request a variance from code 154.402, setback requirements for accessory building. I would like to remove my existing garage, which is in rough shape with sagging roof trusses and rotting studs and wall board due to being built directly on the slab, and rebuild with a larger footprint. However, my current garage and slab are located 7.3 feet from the side property line, as opposed to the required offset of 10 feet, as required by code. My request is to rebuild a larger garage while maintaining the current 7.3 foot property line offset.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
The existing locations of the home and garage do not allow a replacement garage to be moved further away from the property line than where the current garage is located. The size of the home is less than 2000 square feet with a 3/4 crawl-space basement, so existing storage and utility area is very limited. Replacing the existing garage with a larger footprint while maintaining the existing offset will provide the homeowner with needed storage and utility space without affecting the character of the surrounding area.

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

Signature of applicant: _____ Date: _____

Signature of fee owner: _____ Date: _____

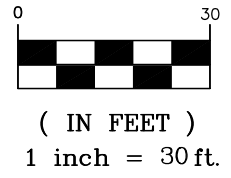
- A. Current Property Owner: Brooks Moening
- B. Site Data
 - a. Legal Description: Bergman Addition Lot 5, Block 2
 - b. Parcel Number: 04.029.21.12.0017
 - c. Parcel Size: 0.437 acres, 19,036 sq. ft.
 - d. Existing Use of Land: Residential
 - e. Current Zoning: RR
- C. Section 154.402 Lot Dimensions and Building Bulk Requirements – Setback Requirements, Minimum Accessory Building Setbacks, Interior Side Yard
- D. This proposal is to seek a variance from the Interior Side Yard setback requirement of 10 feet. The current garage is currently 7.3 feet from the north side property line and is in a state of disrepair. I would like to tear down the existing garage and rebuild on the existing concrete slab, but expand the footprint of the garage further to the west, maintaining the existing set-back of 7.3 feet. The current garage footprint is 24' x 30' (720 square feet), and the proposed garage footprint would be 24' x 50' (1200 square feet).
- E. Discussions were held between Ben Prchal and Brooks Moening regarding the proposed project and applicable city requirements. Based on existing situation and property limitations, decision was made to move forward to request a variance.
- F. The strict enforcement of this chapter would cause practical difficulties because of the lot size and locations of existing buildings relative to property lines. The current garage is located between the northern property line and the home. It is offset 7.3' from the property line and 32" from the home's side concrete steps, so there isn't space to move the new garage location further from the northern property line. A larger garage is desired for additional storage space and to allow me to resume my woodworking hobby. My home is under 2000 square feet and 75% of my basement is crawl space, which limits functional area and storage inside the home
- G. The plight of the landowner is due to how and where the home and garage were built prior to my purchase of the property, as well as the limitations due to the width of the lot. The current condition of the garage is due to how the garage was originally built; roof is bowed and sagging due to the use of non-engineered trusses and the wall board and studs are rotting as a result of being built directly on the concrete slab and not elevated on block. As a result, the stucco is crumbling and breaking away from the wall board and creating both an eyesore and intrusion issues.
- H. Granting of this variance would not alter the essential character of the neighborhood for several reasons. One, expanding the garage size would not change the current setback from the existing garage, only extending an existing setback. In addition, the nearest building to the north of the garage is over 450 feet away, separated by heavy woods, so it would have no impact on a neighboring property. Finally, given the heavily wooded nature of surrounding properties in sparsely populated neighborhood, the expansion of the garage would be difficult to notice from the roadside and largely unseen from all adjacent neighbor's homes.

CERTIFICATE OF SURVEY

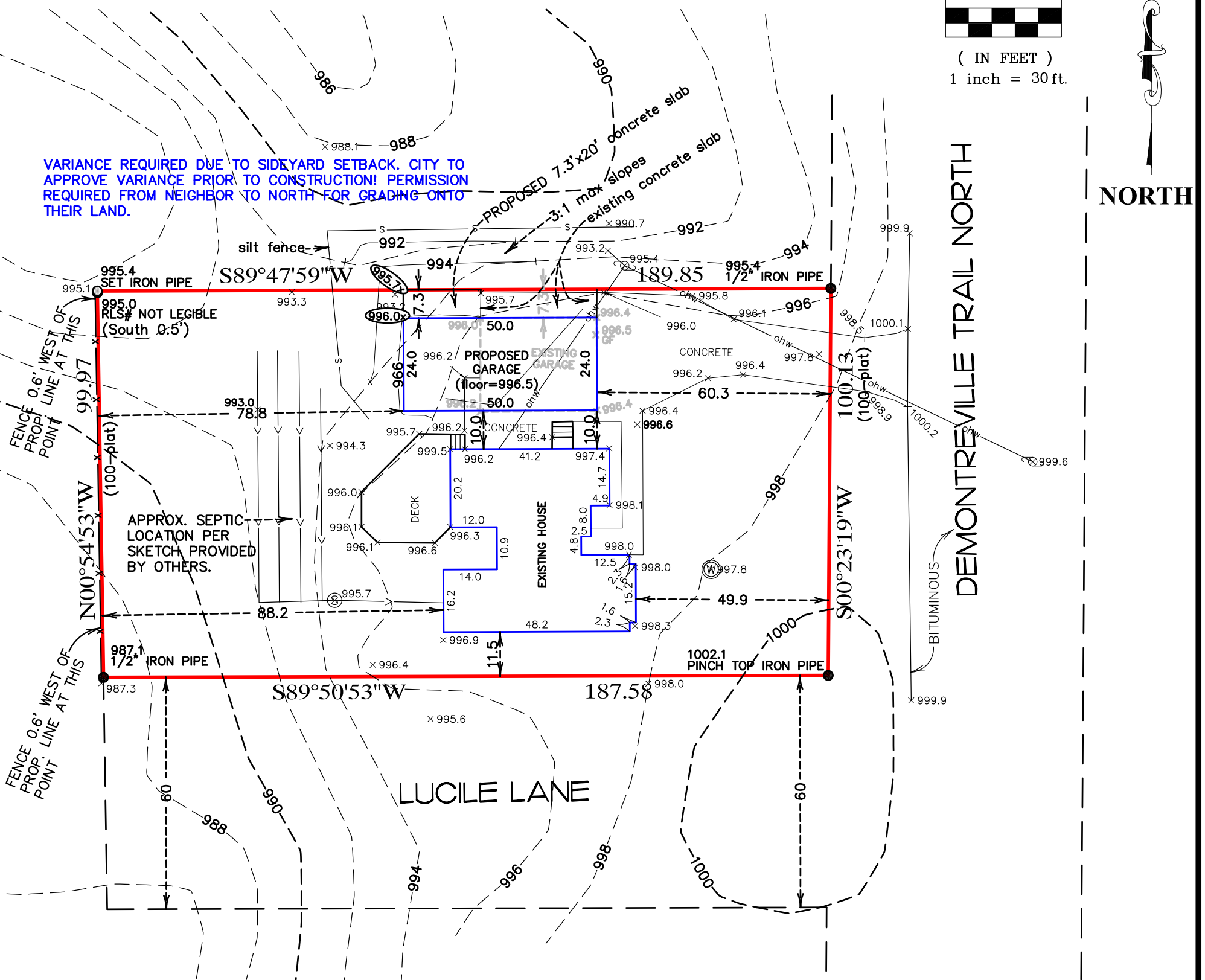
PROPERTY ADDRESS: #8728 DEMONTREVILLE TRAIL NO., LAKE ELMO, MN
P.I.D.# 04.029.21.12.0017

FOR: BROOKS J. MOENING

~(Showing Proposed Grage)~



VARIANCE REQUIRED DUE TO SIDYARD SETBACK. CITY TO APPROVE VARIANCE PRIOR TO CONSTRUCTION! PERMISSION REQUIRED FROM NEIGHBOR TO NORTH FOR GRADING ONTO THEIR LAND.



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊙ DENOTES WELL
- - - DENOTES EXISTING CONTOUR
- ohw DENOTES OVERHEAD WIRE
- x DENOTES EXISTING FENCE
- x1011.2 DENOTES EXISTING ELEVATION.
- ⊙ DENOTES SEPTIC PIPE
- ⊕ DENOTES UTILITY POLE
- 4444.0 DENOTES PROPOSED ELEVATION.

AREAS:

- TOTAL LOT AREA = 18,880± sq.ft. (0.43 acres)
- EXISTING HOUSE = 1,899± sq.ft.
- EXISTING GARAGE = 722± sq.ft.
- PROPOSED GARAGE = 1,200± sq.ft.

BENCHMARK

BASIS FOR ELEVATION: NAVD 88 (VIA REAL TIME GPS MEASUREMENTS UTILIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK)

BASIS FOR BEARINGS: NAD83 (1996) (VIA REAL TIME GPS MEASUREMENTS UTILITIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK).

- Rev. 02/28/18, update conc. slab by gar.
- Rev. 02/27/18, add septic, grading
- Rev. 02/23/18, add zoning

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Eric R. Vickaryous
ERIC R. VICKARYOUS

Date: Feb. 12th, 2018 Reg. No. 44125

EXISTING PROPERTY DESCRIPTION

Lot 5, Block 2, BERGMANN ADDITION, Washington County, Minnesota.

ZONING:

- PROPERTY ZONED RURAL RESIDENTIAL (RR)

NOTES

- CITY TO VERIFY ALL BUILDINGS ELEVATIONS AND SETBACKS.
- Bearing's shown are on assumed datum.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.
- This survey was completed Feb. 1st, 2018, in the middle of the Minnesota snow/ winter season. There may be improvements/features in addition to those shown hereon that were not located due to snow/ice cover.

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2997 acrelandsurvey@gmail.com

JOB #18007ms

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

RESOLUTION NO 2018-038

A RESOLUTION APPROVING A VARIANCE TO ALLOWING THE EXPANSION OF A NON-CONFORMING STRUCTURE NOT MEETING SIDE YARD SETBACK OF THE CITY'S ACCESSORY STRUCTURE REQUIREMENTS AT 8728 DEMONTREVILLE TRLN.

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

WHEREAS, Brooks Moening, 8728 DeMontreville Trl N, Lake Elmo MN 55042 (Applicant/Owner), has submitted an application to the City of Lake Elmo (the "City") for variance to allow the expansion of a non-conforming structure not meeting the minimum side yard setback requirement for accessory structures. The proposed addition does not encroach further into the side yard. The garage will not exceed the maximum allowed size for the property which is 1,200 square feet.

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 26, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 26, 2018; and

WHEREAS, the City Council considered said matter at its April 3, 2018 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance includes the following components:
 - a) A variance to allow for the expansion and renovation of a currently existing accessory structure which does not meet the minimum side yard lot line setback.
- 4) That the Variance will be located on property legally described as follows:
SUBDIVISIONNAME BERGMANN ADD LOT 5 BLOCK 2 SUBDIVISIONCD
37085, 8980 Hudson Boulevard North, Washington County, Minnesota with the following PID: 04.029.21.12.0017.

- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. ***Specific Finding: The property had been platted and built on prior to the establishment of the current zoning code. Because of this the parcel is significantly smaller than others of its kind. Though the garage is currently non-conforming, this appears to be a reasonable request as everything besides the side yard setback would be conforming to current code.***
- 6) The plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific Findings: The property was platted prior to current zoning standards and does not meet the current minimum lot width requirements, which makes it difficult to fit a detached garage on the property meeting required side yard setback requirements. The existing garage was built prior to current zoning standards and does not meet minimum setback requirements, and the Applicant would like to re-build and expand the length of the existing garage in the same location.***
- 7) The proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific Findings: The property is wooded on all sides. Also there are other residencies in the area which have attached or detached garages with some lots also having accessory structures. There is a heavy woodline on the northern property edge and the nearest dwelling unit to the north is over 400 ft away. From an aerial perspective it would not seem reasonable to think anyone could perceivably notice that the garage had been rebuilt and expanded off the rear.***
- 8) The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. ***Specific Findings: A variance from the required side yard setback to expand the structure will not impair an adequate supply of light and air to adjacent properties. Congestion of public streets or diminishment or impairment of property values will also not be affected.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, subject to the following conditions.

1. That the Applicant obtain all applicable permits including but not limited to a City building permit including a grading and erosion control, and by the City Engineer.
2. The structure complies with section 154.406 Accessory Structures, Rural Districts Sub. (C,D,E, and F)
3. The exterior building materials, design and color shall be compatible with the principal building.
4. The garage door height not exceed fourteen (14) feet.

Passed and duly adopted this 3rd day of April, 2018 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk